

Executive Summary – Enforcement Matter – Case No. 51852
Motiva Enterprises LLC
RN100209451
Docket No. 2016-0210-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 17, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$12,500

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$25,000

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 51852
Motiva Enterprises LLC
RN100209451
Docket No. 2016-0210-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 28, 2015
Date(s) of NOE(s): January 29, 2016

Violation Information

Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O3387, Special Terms and Conditions No. 18, and New Source Review Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

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, implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 222911; and
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Litigation Information

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

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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: Gregory Lucchesi, General Manager, Motiva Enterprises LLC, P.O. Box
712, Port Arthur, Texas 77641

Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0210-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

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

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. 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

TCEQ

DATES	Assigned	1-Feb-2016	Screening	5-Feb-2016	EPA Due	
	PCW	5-Feb-2016				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	51852	No. of Violations	1	
Docket No.	2016-0210-AIR-E	Order Type	Findings	
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes Enhancement for two NOVs with same/similar violations, five NOVs with dissimilar violations, 12 orders with a denial of liability, and five orders without a denial of liability. Reduction for six Notices of Intent to conduct an audit and four disclosures of violations.

Culpability Enhancement **Subtotal 4**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Estimated Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 5-Feb-2016

Docket No. 2016-0210-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 51852

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

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>)	2	10%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	12	240%
	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	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
<i>Please Enter Yes or No</i>			
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) 371%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, five NOVs with dissimilar violations, 12 orders with a denial of liability, and five orders without a denial of liability. Reduction for six Notices of Intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 371%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 5-Feb-2016
Respondent Motiva Enterprises LLC
Case ID No. 51852

Docket No. 2016-0210-AIR-E

PCW

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

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O3387, Special Terms and Conditions No. 18, and New Source Review Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 85,750.26 pounds ("lbs") of sulfur dioxide, 929.70 lbs of hydrogen sulfide, 451.79 lbs of nitrogen oxides, 3,263.44 lbs of carbon monoxide, and 5,420.36 lbs of volatile organic compounds from the Delayed Coking Unit 2 Flare, Emissions Point Number EDCU2, during an emissions event (Incident No. 222911) that occurred on November 11, 2015 and lasted three hours and 39 minutes. This event occurred due to an unplanned shutdown of the wet gas compressor. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual		x			100.0%
Potential					

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to 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 \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$375

Violation Final Penalty Total \$50,000

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

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 51852
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	11-Nov-2015	11-Aug-2016	0.75	\$375	n/a	\$375

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 222911. Date Required is the date of the emissions event. Final Date is the estimated compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$375

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600124051, RN100209451, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600124051, Motiva Enterprises LLC **Classification:** SATISFACTORY **Rating:** 7.71
Regulated Entity: RN100209451, PORT ARTHUR REFINERY **Classification:** SATISFACTORY **Rating:** 22.07
Complexity Points: 54 **Repeat Violator:** NO
CH Group: 02 - Oil and Petroleum Refineries
Location: 2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0095D
AIR OPERATING PERMITS PERMIT 3387

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30121

WASTEWATER PERMIT WQ0000414000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1230079

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

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

WASTEWATER EPA ID TX0005835
AIR NEW SOURCE PERMITS REGISTRATION 48503

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

AIR NEW SOURCE PERMITS REGISTRATION 13313
AIR NEW SOURCE PERMITS REGISTRATION 13534

AIR NEW SOURCE PERMITS REGISTRATION 13358
AIR NEW SOURCE PERMITS REGISTRATION 13693

AIR NEW SOURCE PERMITS REGISTRATION 14363
AIR NEW SOURCE PERMITS REGISTRATION 14493
AIR NEW SOURCE PERMITS REGISTRATION 15717
AIR NEW SOURCE PERMITS REGISTRATION 16221
AIR NEW SOURCE PERMITS REGISTRATION 54322
AIR NEW SOURCE PERMITS AFS NUM 4824500020
AIR NEW SOURCE PERMITS REGISTRATION 109665
AIR NEW SOURCE PERMITS REGISTRATION 52468
AIR NEW SOURCE PERMITS REGISTRATION 77681
AIR NEW SOURCE PERMITS PERMIT 78358
AIR NEW SOURCE PERMITS REGISTRATION 79866L
AIR NEW SOURCE PERMITS REGISTRATION 86268
AIR NEW SOURCE PERMITS REGISTRATION 93407
AIR NEW SOURCE PERMITS REGISTRATION 121606
AIR NEW SOURCE PERMITS REGISTRATION 136746
AIR NEW SOURCE PERMITS REGISTRATION 112351
AIR NEW SOURCE PERMITS REGISTRATION 109691
AIR NEW SOURCE PERMITS REGISTRATION 105523
AIR NEW SOURCE PERMITS REGISTRATION 132678
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1404
AIR NEW SOURCE PERMITS REGISTRATION 136013
AIR NEW SOURCE PERMITS REGISTRATION 105518
AIR NEW SOURCE PERMITS REGISTRATION 122993
AIR NEW SOURCE PERMITS REGISTRATION 118612
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX121
AIR NEW SOURCE PERMITS REGISTRATION 112608
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M2
AIR NEW SOURCE PERMITS REGISTRATION 112366
AIR NEW SOURCE PERMITS REGISTRATION 124651
AIR NEW SOURCE PERMITS REGISTRATION 105504
AIR NEW SOURCE PERMITS REGISTRATION 134852
AIR NEW SOURCE PERMITS REGISTRATION 122914
AIR NEW SOURCE PERMITS REGISTRATION 122343
PETROLEUM STORAGE TANK STAGE II REGISTRATION
57808
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D

AIR NEW SOURCE PERMITS REGISTRATION 14273
AIR NEW SOURCE PERMITS REGISTRATION 15403
AIR NEW SOURCE PERMITS REGISTRATION 16025
AIR NEW SOURCE PERMITS PERMIT 17522
AIR NEW SOURCE PERMITS REGISTRATION 75653
AIR NEW SOURCE PERMITS PERMIT 56287
AIR NEW SOURCE PERMITS REGISTRATION 52429
AIR NEW SOURCE PERMITS REGISTRATION 75103
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062
AIR NEW SOURCE PERMITS REGISTRATION 26297
AIR NEW SOURCE PERMITS REGISTRATION 87900
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1
AIR NEW SOURCE PERMITS REGISTRATION 95508
AIR NEW SOURCE PERMITS REGISTRATION 105516
AIR NEW SOURCE PERMITS REGISTRATION 109655
AIR NEW SOURCE PERMITS REGISTRATION 122913
AIR NEW SOURCE PERMITS REGISTRATION 113586
AIR NEW SOURCE PERMITS REGISTRATION 122893
AIR NEW SOURCE PERMITS REGISTRATION 111502
AIR NEW SOURCE PERMITS REGISTRATION 134792
AIR NEW SOURCE PERMITS REGISTRATION 105517
AIR NEW SOURCE PERMITS REGISTRATION 105519
AIR NEW SOURCE PERMITS REGISTRATION 122902
AIR NEW SOURCE PERMITS REGISTRATION 107320
AIR NEW SOURCE PERMITS REGISTRATION 121860
AIR NEW SOURCE PERMITS REGISTRATION 112950
AIR NEW SOURCE PERMITS REGISTRATION 105515
AIR NEW SOURCE PERMITS REGISTRATION 122909
AIR NEW SOURCE PERMITS REGISTRATION 109653
AIR NEW SOURCE PERMITS REGISTRATION 105522
AIR NEW SOURCE PERMITS REGISTRATION 134885
AIR NEW SOURCE PERMITS REGISTRATION 131349
STORMWATER PERMIT TXRNEY448
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30121
POLLUTION PREVENTION PLANNING ID NUMBER
P06462

POLLUTION PREVENTION PLANNING ID NUMBER
P00651

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: February 03, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 03, 2011 to February 03, 2016

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? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 05/08/2011 ADMINORDER 2010-1514-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16 OP
Description: Failure to maintain the VOC emission rate below the allowable emission limit at the West API Separator TO,
EPN: APISEP FE, as represented in the PI-7 CERT. A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Condition OP
FOP 1386, Special Condition 16A OP
Description: Failure to maintain the NOx and CO emission rates below the allowable emission limit at the VPS4 Combined
Heater Stack (EPN: SVPS4-7). EIC A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to maintain the CO emissions rate below the allowable emission limit at the CRU4 Combined Heater
Stack (EPN: SCR4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to maintain the CO emission rate below the allowable emission limit at the VPS2 Combined Heater
Stack (EPN: SVPS2-1). A8(c)(2)(A)(ii) MOD(2)(D)
- 2 Effective Date: 01/27/2012 ADMINORDER 2011-0688-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better
operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30
TEX. ADMIN. CODE § 101.222.

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

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

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

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

Classification: Moderate

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

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

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

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

5 Effective Date: 06/03/2013 ADMINORDER 2011-1461-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 31B PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the VOC emissions rate below the allowable emission limit at the DCU1 Cooling Tower (EPN: FKDCU1). EIC A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 40 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

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

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

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

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

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

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

Rqmt Prov: Permit Conditions No. 2.g PERMIT

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

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

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

Description: Failed to comply with the permitted effluent limitations.

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

Rqmt Prov: Operational Reqs. No. 1 PERMIT

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

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

Rqmt Prov: Operational Reqs. No. 1 PERMIT

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

7 Effective Date: 09/30/2013 ADMINORDER 2012-1628-AIR-E (1660 Order-Agreed Order With Denial)

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

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

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

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

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)
Classification: Moderate

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

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

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

8 Effective Date: 11/01/2013 ADMINORDER 2013-0304-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062M1 Special Condition 1 PERMIT
O-03387 Special Condition 18 OP

Description: Failed to comply with the permitted NOx emissions rate of 5.22 lbs/hr for EPNs STGTU6-1 and STGTU7-1. Specifically, during stack testing conducted on July 24 through July 27, 2012, it was determined that the NOx emissions rate from EPN STGTU6-1 was 7.095 lbs/hr, resulting in the release of approximately 495 lbs of unauthorized NOx emissions. In addition, the NOx emissions rate from EPN STGTU7-1 was determined to be 5.364 lbs/hr, resulting in the release of approximately 680.83 lbs of unauthori

9 Effective Date: 11/11/2013 ADMINORDER 2013-0551-AIR-E (1660 Order-Agreed Order With Denial)

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

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 16A OP
SC 1A OP

Description: Failure to comply with the 2011 annual emissions rates for five storage tanks.

10 Effective Date: 12/19/2013 ADMINORDER 2012-0735-AIR-E (Findings Order-Agreed Order Without Denial)

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

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

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

Classification: Moderate

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

Rqmt Prov: 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT
6056/PSD-TX-1062-M1, Special Condition 5 PERMIT
8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 3387, General Terms and Conditions OP
FOP 3387, Special Condition 18 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

- 11 Effective Date: 07/11/2014 ADMINORDER 2013-2189-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
Special Condition 2F OP
Description: Failure to submit an initial notification for an emissions event within 24 hours of discovery.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 16 OP
Description: Failure to prevent unatuhorized emissions for Incident 188699.
- 12 Effective Date: 08/15/2014 ADMINORDER 2013-0885-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 18 OP
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 18 OP
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 1A OP
SC 5 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1A OP
Description: Failure to submit an initial notification for Incident No. 182149.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

SC 1 PERMIT
SC 1A OP
SC 5 PERMIT

Description: Failure to prevent unauthorized emissions.

13 Effective Date: 10/17/2014 ADMINORDER 2012-0331-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP 3387, GTC, STC No. 18.A OP
NSR 6056 and PSDTX1062M1, SC No. 18 OP

Description: Failed to install leakless valves with a nominal diameter less than or equal to two inches in the Naphtha Hydrotreating Complex and with less than or equal to one inch in the Delayed Coking Unit No. 2, Hydrocracking Unit No. 2, and Vacuum Pipe Still No. 5.

14 Effective Date: 10/17/2014 ADMINORDER 2014-0336-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

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

Description: Failed to limit the concentration of H2S in refinery fuel gas to 160 ppmv on a rolling three-hour basis and 120 ppmv on a rolling 24-hour basis.

Classification: Moderate

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

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 38A PERMIT

Description: Failed to limit the annual concentration of NOx to 42.8 ppmv on a rolling 365-day basis at EPN SFCCU3-2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 1B PERMIT
SC 4 PERMIT

Description: Failed to limit NOx emissions to 0.20 lb/MMBtu when firing gaseous fossil fuel at Boiler 34.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

SC 16A OP
SC 1A OP
SC 1B PERMIT
SC 6 PERMIT

Description: Failed to limit opacity to 20% at Boilers 34 and 35.

15 Effective Date: 04/09/2015 ADMINORDER 2014-1514-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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

Rqmt Prov: General Terms and Conditions OP
SC 1 PERMIT
SC 18 OP

Description: Failed to prevent unauthorized emissions.

Classification: Major

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

Rqmt Prov: General Terms and Conditions OP
SC 1 PERMIT
Special Terms and Conditions No. 20 OP

Description: Failed to prevent unauthorized emissions.

16 Effective Date: 10/01/2015 ADMINORDER 2014-0837-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition 18 OP
Special Conditions No. 7 PERMIT

Description: Failure to comply with annual emissions limits.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP
SC 18 OP
SC 29 PERMIT

Description: Failure to conduct daily monitoring.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report all instances of deviations within 30 days after the end of the reporting period.

17 Effective Date: 10/11/2015 ADMINORDER 2015-0630-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits during Incident 207911.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 14, 2011	(909084)
Item 2	February 15, 2011	(894736)
Item 3	February 21, 2011	(899503)
Item 4	February 23, 2011	(899893)
Item 5	March 18, 2011	(916343)
Item 6	March 22, 2011	(901784)
Item 7	April 18, 2011	(924807)
Item 8	May 12, 2011	(906804)
Item 9	May 13, 2011	(938025)
Item 10	June 13, 2011	(945348)
Item 11	July 01, 2011	(936394)
Item 12	July 19, 2011	(952622)
Item 13	August 09, 2011	(959303)
Item 14	August 15, 2011	(948878)
Item 15	August 24, 2011	(948863)
Item 16	August 30, 2011	(951060)
Item 17	September 14, 2011	(965336)
Item 18	October 12, 2011	(951037)
Item 19	October 17, 2011	(971376)
Item 20	November 16, 2011	(977535)
Item 21	December 19, 2011	(984303)
Item 22	January 09, 2012	(976534)
Item 23	January 11, 2012	(976876)
Item 24	February 20, 2012	(997965)
Item 25	February 27, 2012	(989102)
Item 26	February 28, 2012	(989101)
Item 27	February 29, 2012	(989539)
Item 28	March 20, 2012	(1003489)
Item 29	April 21, 2012	(1010053)
Item 30	May 24, 2012	(1007755)
Item 31	May 29, 2012	(1007168)
Item 32	May 30, 2012	(1007271)
Item 33	June 08, 2012	(1009200)
Item 34	June 20, 2012	(1013221)
Item 35	June 23, 2012	(1009928)
Item 36	July 10, 2012	(1015329)
Item 37	July 16, 2012	(1015617)
Item 38	July 17, 2012	(1015681)
Item 39	July 19, 2012	(1015036)
Item 40	August 07, 2012	(1021223)
Item 41	August 17, 2012	(1037939)
Item 42	August 21, 2012	(1024044)
Item 43	August 28, 2012	(1027085)
Item 44	August 29, 2012	(1029494)
Item 45	September 17, 2012	(1029492)
Item 46	September 18, 2012	(1031350)
Item 47	September 26, 2012	(1034545)
Item 48	September 28, 2012	(1031002)
Item 49	October 01, 2012	(1024020)

Item 50	October 09, 2012	(1036486)
Item 51	October 10, 2012	(1036175)
Item 52	October 13, 2012	(1027759)
Item 53	October 15, 2012	(1029690)
Item 54	October 19, 2012	(1046671)
Item 55	October 26, 2012	(1030074)

Item 56	November 15, 2012	(1043432)
Item 57	November 19, 2012	(1060871)
Item 58	November 20, 2012	(1042530)
Item 59	December 19, 2012	(1060872)
Item 60	December 27, 2012	(1046511)
Item 61	January 21, 2013	(1078962)
Item 62	January 24, 2013	(1053845)
Item 63	February 05, 2013	(1051301)
Item 64	February 17, 2013	(1078961)
Item 65	February 20, 2013	(1051441)
Item 66	February 21, 2013	(1056295)
Item 67	March 20, 2013	(1059332)
Item 68	March 25, 2013	(1073967)
Item 69	April 04, 2013	(1077185)
Item 70	April 17, 2013	(1095699)
Item 71	May 16, 2013	(1087950)
Item 72	May 20, 2013	(1106624)
Item 73	June 17, 2013	(1110300)
Item 74	July 01, 2013	(1100091)
Item 75	July 12, 2013	(1117184)
Item 76	August 13, 2013	(1103447)
Item 77	August 19, 2013	(1124940)
Item 78	August 23, 2013	(1106435)
Item 79	August 29, 2013	(1113788)
Item 80	September 17, 2013	(1129540)
Item 81	October 03, 2013	(1122073)
Item 82	October 16, 2013	(1135270)
Item 83	October 21, 2013	(1124319)
Item 84	November 14, 2013	(1124564)
Item 85	November 18, 2013	(1140669)
Item 86	November 19, 2013	(1133062)
Item 87	December 19, 2013	(1147128)
Item 88	December 30, 2013	(1139488)
Item 89	January 06, 2014	(1139684)
Item 90	January 10, 2014	(1143535)
Item 91	January 16, 2014	(1144280)
Item 92	January 17, 2014	(1143636)
Item 93	February 07, 2014	(1145955)
Item 94	February 13, 2014	(1150182)
Item 95	February 17, 2014	(1160532)
Item 96	March 04, 2014	(1152038)
Item 97	March 18, 2014	(1167177)
Item 98	April 15, 2014	(1174310)
Item 99	May 15, 2014	(1166327)
Item 100	May 19, 2014	(1180498)
Item 101	May 21, 2014	(1166746)
Item 102	May 27, 2014	(1166430)
Item 103	May 28, 2014	(1171130)
Item 104	May 29, 2014	(1170500)
Item 105	June 04, 2014	(1172133)
Item 106	June 18, 2014	(1187396)
Item 107	July 08, 2014	(1177731)
Item 108	July 16, 2014	(1198541)

Item 109	July 22, 2014	(1172869)
Item 110	July 23, 2014	(1172827)
Item 111	July 25, 2014	(1183475)
Item 112	August 18, 2014	(1198542)
Item 113	August 22, 2014	(1190397)
Item 114	September 02, 2014	(1183493)
Item 115	September 09, 2014	(1186143)
Item 116	September 15, 2014	(1186881)
Item 117	September 18, 2014	(1205801)
Item 118	September 26, 2014	(1191067)
Item 119	September 29, 2014	(1197189)
Item 120	October 03, 2014	(1187032)
Item 121	October 09, 2014	(1197886)
Item 122	October 16, 2014	(1192278)
Item 123	October 20, 2014	(1202670)
Item 124	October 21, 2014	(1202586)
Item 125	November 13, 2014	(1204970)
Item 126	November 19, 2014	(1218465)
Item 127	November 25, 2014	(1170942)
Item 128	December 08, 2014	(1208788)
Item 129	December 18, 2014	(1216021)
Item 130	December 19, 2014	(1224244)
Item 131	January 08, 2015	(1216964)
Item 132	January 09, 2015	(1215994)
Item 133	January 13, 2015	(1209470)
Item 134	January 16, 2015	(1230771)
Item 135	January 29, 2015	(1222052)
Item 136	February 17, 2015	(1242281)
Item 137	March 14, 2015	(1248610)
Item 138	March 25, 2015	(1227863)
Item 139	April 20, 2015	(1255510)
Item 140	May 18, 2015	(1251844)
Item 141	June 05, 2015	(1246100)
Item 142	June 17, 2015	(1259052)
Item 143	June 19, 2015	(1269389)
Item 144	July 08, 2015	(1253313)
Item 145	July 09, 2015	(1259153)
Item 146	July 10, 2015	(1261786)
Item 147	July 17, 2015	(1276935)
Item 148	July 30, 2015	(1266381)
Item 149	August 12, 2015	(1266361)
Item 150	August 13, 2015	(1269158)
Item 151	August 17, 2015	(1283112)
Item 152	September 09, 2015	(1265749)
Item 153	September 17, 2015	(1290251)
Item 154	September 29, 2015	(1268903)
Item 155	October 13, 2015	(1281993)
Item 156	October 15, 2015	(1280452)
Item 157	October 19, 2015	(1296455)
Item 158	November 09, 2015	(1289494)
Item 159	November 12, 2015	(1287259)
Item 160	November 19, 2015	(1301908)
Item 161	November 24, 2015	(1294259)
Item 162	November 30, 2015	(1294053)
Item 163	December 03, 2015	(1294908)
Item 164	December 21, 2015	(1296335)
Item 165	December 29, 2015	(1293612)
Item 166	January 19, 2016	(1282556)
Item 167	January 21, 2016	(1306273)
Item 168	January 25, 2016	(1305404)

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: 03/09/2015 (1253696) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: 5A THSC Chapter 341, SubChapter A 341.031(a)
TCR MCL Violation 03/2015 - System exceeded a maximum contaminant level.
- 2 Date: 03/20/2015 (1229053) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 16 OP
Description: Failure to incorporate Standard Permit 54322 into a New Source Review Permit at the time of permit amendment or renewal.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
Description: Failure to report a deviation in a Semiannual Deviation Report.
- 3 Date: 04/21/2015 (1253696) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: TCR MCL Violation 04/2015 - System exceeded a maximum contaminant level.
- 4 Date: 04/30/2015 (1262220) CN600124051
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 05/12/2015 (1253696) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: TCR MCL Violation 05/2015 - System exceeded a maximum contaminant level.
- 6 Date: 06/04/2015 (1246931) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)
5C THSC Chapter 382 382.085(b)
SC 18 OP
SC 1A OP
SC 62 PERMIT
Description: Failure to conduct weekly chlorine sampling.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
SC 10F PERMIT
SC 18 OP

Description: SC 62 PERMIT
 Failure to conduct a first attempt to repair a leaking component within 5 days of discovering the leak.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP

Description: SC 7 PERMIT
 Failure to maintain hourly nitrogen oxide emission limits at Coker Heater No. 1 (EPN SDCU2-1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT

Description: Failure to maintain carbon monoxide emission limits at Coker Heater No. 1 (EPN SDCU2-1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT

Description: Failure to maintain hourly nitrogen oxide emission limits at Coker Heater No. 2 (EPN SDCU2-2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT

Description: Failure to maintain carbon monoxide emission limits at Coker Heater No. 2 (EPN SDCU2-2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT

Description: Failure to maintain hourly nitrogen oxide emission limits at Coker Heater No. 3 (EPN SDCU2-3).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT

Description: Failure to maintain carbon monoxide emission limits at Coker Heater No. 3 (EPN SDCU2-3).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 SC 18 OP
 SC 40 PERMIT

Description: Failure to maintain coke moisture at 8 percent or greater.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT
 Description: Failure to maintain nitrogen oxide emission limits at the Naphtha Hydrotreater
 CHG Heater (EPN SNHTU2-1).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT
 Description: Failure to maintain nitrogen oxide emission limits at #5 Catalytic Reforming Unit
 Platform Heater/#5 Catalytic Reforming Unit Platform No. 1 Intermediate Heater
 (both units share a nitrogen oxide monitor and EPN SCR5-1).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7 PERMIT
 Description: Failure to maintain nitrogen oxide and carbon monoxide emission limits at Lube
 Hydrocracking Unit No. 2 Fractionator Heater (EPN SHCU2-5).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 PERMIT
 SC 1A OP
 SC 7 PERMIT
 Description: Failure to maintain nitrogen oxide emission limits at Vacuum Pipe Still No. 5, Nos.
 3 and 4 Atmospheric Heater (units share EPN SVPS5-1) and Vacuum Pipe Stills
 No. 5, No. 1 Vacuum Heater and Vacuum Pipe Stills No. 5, No. 2 Vacuum Heater
 (units share EPN SVPS5-2).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 62 PERMIT
 Description: Failure to maintain a 98% reduction of Hazardous Air Pollutants or 20 ppm limit
 on several occasions at a coke drum.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 7A PERMIT
 SC 7B PERMIT
 Description: Failure to maintain an hourly rate of 50 and 250 parts per million of carbon
 monoxide emission limit at Power Boiler 46 (EPN SPS4-6).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A OP
 SC 5 PERMIT

Description: SC 60 PERMIT
 Failure to maintain hydrogen sulfide emission limits on a 3- and 24-hour basis of 160 and 120 parts per million, respectively.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A PERMIT

Description: SC 7 PERMIT
 Failure to maintain the proper firing rate at Vacuum Pipe Stills No. 5, Nos. 1 and 2 Atmospheric Heater (units share EPN SVPS5-1).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 4B PERMIT

Description: Failure to continuously monitor the pilot flame at Delayed Coking Unit No. 2 Flare Stack (EPN EDCU2).

Self Report? NO Classification: Moderate
 Citation: 30 TAC 106.472 PERMIT
 30 TAC Chapter 106, SubChapter U 106.472
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP

Description: Failure to contain emissions at Rich Amine Tanks 1942 and 2141.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 9 PERMIT

Description: Failure to control fugitive emissions from Catalytic Reforming Unit 5 (EPN FCRU5).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 7 PERMIT

Description: Failure to maintain annual nitrogen oxide emission limits at 13 heaters.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 10E PERMIT
 SC 18 OP
 SC 62 PERMIT

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
 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 60.13(d)(1)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP

SC 6 PERMIT
 Description: Failure to maintain an opacity limit at Power Boiler 46 (EPN SPS 4-6).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 4C PERMIT
 Description: Failure to maintain Vacuum Pipe Stills No. 5 Flare (EPN EVSP5) without visible emissions.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.46
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 60 PERMIT
 Description: Failure to conduct a daily calibration of the opacity monitor at Boiler 46 (EPN SPS4-6).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
 SC 18 OP
 SC 60 PERMIT
 SC 9 PERMIT
 Description: Failure to conduct several monthly drain and sump inspections at Vacuum Pipe Stills 5 and Delayed Coking Unit 2.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 18 OP
 Description: Failure to maintain nitrogen oxide emission limits at Vacuum Pipe Stills No. 5, No 1 Vacuum Heater and Vacuum Pipe Stills No. 5, No 2 Vacuum Heater (units share EPN SVPS5-2).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 47(C) PERMIT
 Description: Failure to conduct weekly sampling at Vacuum Pipe Stills No. 5, Nos. 1, 2, 3 and 4 Atmospheric Heaters (EPN SVPS5-1) and Vacuum Pipe Stills No. 5, No 1 Vacuum Heater and Vacuum Pipe Stills No. 5, No 2 Vacuum Heater (EPN SVPS5-2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(g)(3)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 SC 1A PERMIT
 SC 4 PERMIT
 Description: Failure to maintain 1- and 3-hour rolling average lb/MMBtu limits at Boiler 35 (EPN SPS3-5) at Power Station No. 3.

7

Date: 10/30/2015 (1282804) CN600124051
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP

SC 23 PERMIT
 Description: Failure to conduct daily checks for hydrocarbons at Tanks 2076, 2077, and 2078.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to report several deviations in a timely manner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 11E PERMIT
 SC 16 OP
 SC 1A OP
 SC 41 PERMIT

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 12B OP
 SC 16 OP
 SC 39 PERMIT
 SC 6 PERMIT

Description: Failure to maintain a hydrogen sulfide 3-hour rolling average and 24-hour rolling basis for several units at Catalytic Reforming Unit 4 and the Lube Catalytic Dewaxing Unit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart QQQ 60.692-2(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 12B OP
 SC 16 OP
 SC 39 PERMIT
 SC 9 PERMIT

Description: Failure to replace a cover on a sump at the South Regional Sump.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 1A OP
 SC 1B PERMIT
 SC 6 PERMIT

Description: Failure to maintain an opacity limit at Boiler 34 (EPN SPS3-4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 1A OP
 SC 1B PERMIT

SC 4 OP
 Description: Failure to maintain nitrogen oxide limits at Boiler 34 (EPN SPS3-4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 26 PERMIT

Description: Failure to maintain a 3-day retention time for sour water storage at Tank 2078.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 38 PERMIT

Description: Failure to maintain a continuous pilot flame at Vacuum Pipe Stills 4 Flare (EPN EVPS4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP

Description: Failure to maintain firing rates at Coker Heater Nos. 1 (EPN SDCU1-1) and 2 (EPN SDCU1-2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 16 OP

Description: Failure to maintain emission limits at Coker Heater Nos. 1 (EPN SDCU1-1) and 2 (EPN SDCU1-2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart QQQ 60.692-2(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 12B OP
 SC 16 OP
 SC 39 PERMIT

Description: Failure to conduct monthly drain inspections at several units.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 1A OP
 SC 39 PERMIT
 SC 6 PERMIT

Description: Failure to maintain a hydrogen sulfide 3-hour rolling average for several units.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(b)(2)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 39 PERMIT

Description: Failure to cover a bucket used to purge sampling fluids.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 35B(2) PERMIT
 Description: Failure to conduct daily calibrations on the nitrogen oxide, carbon monoxide, and hydrogen sulfide continuous emission monitors.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 16 OP

Description: Failure to maintain emission rates at Delayed Coking Unit 1 Flare (EPN EDCU1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 16 OP

Description: Failure to maintain emission rates at Vacuum Pipe Stills 2 Flare (EPN VPS4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 17 PERMIT

Description: Failure to collect and incinerate sour gas emissions at Sulfur Recovery Unit 4.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 16 OP

Description: Failure to maintain emission rates at Hydrotreater Unit No. 4 Flare (EPN EHTU).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 23 PERMIT

Description: Failure to conduct daily analysis of the caustic at the Caustic Scrubber System Solution.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16 OP
 SC 21 PERMIT

Description: Failure to route all emissions to a vapor recovery system.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to obtain a permit or meet the conditions of a permit by rule for a Temporary Pump at Catalytic Reforming Unit No. 4.

F. Environmental audits:

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

Disclosure Date: 02/14/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)
 30 TAC Chapter 122, SubChapter B 122.132(e)(3)
 30 TAC Chapter 122, SubChapter B 122.134(b)
 30 TAC Chapter 122, SubChapter C 122.210(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.420(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.420(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428
40 CFR Part 63, Subpart R 63.428(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(j)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9

Description: Failed to maintain records of PBR authorizations for some tanks.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(c)

Description: Failed to include the unit attribute representations in the Title V permit application for Permit O-1386. Also

the representations as to applicability for certain tanks was not included.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failed to report correct emissions for the 2010 Emissions Inventory Report for the plant, as they were under reported for Tank TK-1672. This was due to incorrect control representation. In addition, tanks TK 14410 and TK 1415 over reported emissions as the result of incorrect control representations.

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

Disclosure Date: 06/07/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.110(b)

40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.21(r)

Description: Failure to maintain emissions due to installation of process product lines, HTU3, HCU2, FCCU, DCU2, tank 1893, and Tank 1939, prior to authorization in Permit 6056.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to include hydrogen sulfide limits in fugitive emission authorization for FGP and DCU2 in Permit 6056

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to include tank emission limits for Tank 1937 in Permit 6056.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to shutdown of three natural gas fired compressors at the WSGP.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to perform ammonia sampling or startup of SCR until May 24, 2012 after Vacuum Pipe Still No. 5 went feed forward.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain SO2 emission limits below the permitted limits in the MAERT tables.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain firing rate for Boiler 46 as listed in Special Condition 8 of Permit 6056

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to Maintain limits below the values in the permit and to calculate emissions as specified in Attachment 3. Due to the prolonged startup of the CEP sources in Permit 6056 various fired source units have and continue to periodically exceed permit limits. The following units and limits have been exceeded: PS4 HRSG41, HRSG42, HRSG43 & HRSG44 - NOx lbs/hr & NOx lbs/MMBtu; SRU7 INC7, MMBtu/hr & NOx lbs/hr; NHTU CHG HTR NOx lbs/MMBtu CO ppm; NHTU STRIPPER HTR CO lbs/hr, NOx lbs/MMBtu & CO ppm;

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2343(b)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9

Description: Failed to submit notice of compliance status for 40 CFR 63, Subpart EEEE.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.110(b)

40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.21(r)

Description: Failure to meet the nitrogen oxide lbs/hr and MM/Btu/hr limits during initial stack testing for TGTU6 and TGTU7.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.21(r)

Description: Failure to have authorization for emission impacts due to jumpover from Tanks 2120 and 2121 at DCU to import feedstock for DCU2. Additional fugitive piping components were installed, and upstream and downstream impacts should be calculated for emission increases and permitted if required.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 8

Description: Failed to adhere to the NOx emission limits for the DCU2 in lbs/hr and lbs/MM/Btu due to prolonged startup of the CEP sources.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart J 60.104

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Rqmt Prov: PERMIT SC 55

Description: Failed to perform a RATA within 180 days of start of operations for the Fuel Gas Plant H2S CEMS.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 1

Description: Failed to have authorization for material stored in Tank 1718, and also exceeded the lbs/hr VOC limit for the tank.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

30 TAC Chapter 122, SubChapter B 122.146(5)

Description: Failed to report violation on Title V Deviation report.

Notice of Intent Date: 10/11/2012 (1051293)

No DOV Associated

Notice of Intent Date: 11/13/2012 (1058513)

Disclosure Date: 02/21/2013

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(4)

Description: Failed to make proper notification of a flare modification under NSPS Subpart Ja.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.1(c)

Description: Failed to update the Title V permit to include flares applicability to NSPS Ja.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145

Description: Failed to report the deviations in the Title V semi-annual and annual compliance report.

Notice of Intent Date: 07/08/2013 (1102689)

Disclosure Date: 09/05/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145

30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to report various Title V deviations discovered during the audit.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

Description: Failed to install water seal controls in six process water sewers located within the West API individual drain system.

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter W 106.512(1)

30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to obtain authorization for stationary engines located at the facility's South Weir. Specifically, temporary engines associated with the facility's South Weir remained onsite for more than 12 months. As such, emission sources no longer qualify as mobile sources.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(2)(i)

Rqmt Prov: PERMIT NSR Permit 8404, SC 39

Description: Failed to set the range span of the CO Continuous Emissions Monitoring System analyzer on the FCCU Regenerator to the required 1,000 ppm (it was instead set to 500 ppm).

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT NSR Permit 8404, Special Condition 35

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

Notice of Intent Date: 06/02/2014 (1190426)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2016-0210-AIR-E**

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

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

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

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

I. FINDINGS OF FACT

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

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on December 28, 2015, TCEQ staff documented that the Respondent released 85,750.26 pounds ("lbs") of sulfur dioxide, 929.70 lbs of hydrogen sulfide, 451.79 lbs of nitrogen oxides, 3,263.44 lbs of carbon monoxide, and 5,420.36 lbs of volatile organic compounds from the Delayed Coking Unit 2 Flare, Emissions Point Number EDCU2, during an emissions event (Incident No. 222911) that occurred on November 11, 2015 and lasted three hours and 39 minutes. This event occurred due to an unplanned shutdown of the wet gas compressor. TCEQ staff determined that the emissions event could have been avoided by better operational practices.
4. The Respondent received notice of the violations on February 3, 2016.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O3387, Special Terms and Conditions No. 18, and New Source Review Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$25,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.051. The Respondent paid \$12,500 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$12,500 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms of this Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of \$25,000 as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2016-0210-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 an SEP as set forth in Section II, Paragraph 4. The amount of \$12,500 of the assessed penalty is conditionally offset based on the Respondent's completion of the SEP pursuant to the terms of the SEP Agreement. The Respondent's obligation to pay the conditionally offset portion of the assessed penalty shall be discharged upon completion of all provisions of the SEP Agreement, as determined by the Executive Director. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 222911; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

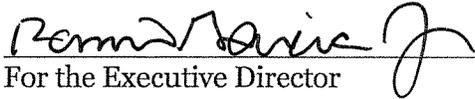
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless 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.
10. 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.
11. 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

8/19/16

Date

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

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

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

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

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



Signature

5/12/16

Date

Gregory P Lucchesi

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

Motiva Port Arthur Refining - GM

Title

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

Attachment A

Docket Number: 2016-0210-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Penalty Amount:	Twenty-Five Thousand Dollars (\$25,000)
SEP Offset Amount:	Twelve Thousand Five Hundred Dollars (\$12,500)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

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

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

Motiva Enterprises LLC
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

Motiva Enterprises LLC
Agreed Order - Attachment A

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.