

**Executive Summary – Enforcement Matter – Case No. 48267**  
**Pasadena Refining System, Inc**  
**RN100716661**  
**Docket No. 2014-0228-MLM-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events.

**Media:**

MLM – AIR / WQ

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Pasadena Refining System, 111 Red Bluff Road, Pasadena, Harris 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:** February 9, 2018

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$907,191

**Total Paid to General Revenue:** \$453,596

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$250,000

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

**SEP Conditional Offset:** \$146,595

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

**SEP Conditional Offset:** \$57,000

Name of SEP: Gulf Coast Waste Disposal Authority (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major/Minor Source:** Major

**Statutory Limit Adjustment:** \$56,250

**Applicable Penalty Policy:** September 2002 and 2011

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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 30, 2011 through November 9, 2011, May 14, 2011 through November 9, 2011, May 24, 2011 through November 29, 2011, October 25, 2011 through November 9, 2011, December 13, 2011, December 27, 2011 through February 3, 2012, February 7, 2012 through February 27, 2012, April 26, 2012 through May 10, 2012, May 12, 2012, September 10, 2012 through September 24, 2012, October 16, 2012, November 26, 2012, January 22, 2013 through February 5, 2013, October 23, 2013 through November 15, 2013, and November 19, 2013 through December 3, 2013

**Date(s) of NOE(s):** December 15, 2011, March 20, 2012, May 22, 2012, May 31, 2012, July 13, 2012, July 20, 2012, December 7, 2012, January 17, 2013, February 4, 2013, September 3, 2013, December 30, 2013, and January 14, 2014

***Violation Information***

1. Failed to demonstrate initial compliance with the vent gas control requirements by no later than 60 days after being brought into Highly Reactive Volatile Organic Compounds ("HRVOC") service for the SZORB Heater [Emissions Point Number ("EPN") HTLSG001], the Crude Heater 4 (EPN HTCRU004), the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), and Hydrotreater RH1 and RH2 Heaters (EPNs HTREFO01 and HTREFO02) [30 TEX. ADMIN. CODE § 115.729(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit written notification to the Houston Regional Office at least 45 days prior to conducting vent gas stream testing [30 TEX. ADMIN. CODE § 115.726(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to submit an application for a revision to Federal Operating Permit ("FOP") No. O1544 to add the applicable requirements for each emissions unit [30 TEX. ADMIN. CODE §§ 122.132(e)(2)(A) and 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the permitted emissions rate [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1544, Special Terms and Conditions ("STC") Nos. 17 and 22.A.(i)2, and New Source Review ("NSR") Permit No. 22039, Special Conditions ("SC") No. 1].
5. Failed to demonstrate initial compliance for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and sulfur dioxide ("SO<sub>2</sub>") before the deadline for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S) [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 29.C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to demonstrate initial compliance for NOx for Hydrotreater RH1 and RH2 Heaters (EPNs HTREFO01 and HTREFO02) [30 TEX. ADMIN. CODE §§ 117.335(a) and 117.9020(2)(A)(ii)(I) and (2)(C)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b)].



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7. Failed to comply with the permitted emissions rate [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(14), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
8. Failed to submit a stack test report within 60 days after conducting a stack test [30 TEX. ADMIN. CODE § 117.345(c)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
9. Failed to comply with the permitted emissions rates [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
10. Failed to limit the CO concentration to 100 parts per million by volume (“ppmv”) corrected to 3% oxygen [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
11. Failed to comply with the permitted emissions rates [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
12. Failed to comply with the permitted emissions rate [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
13. Failed to comply with the emissions limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC Nos. 20 and 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
14. Failed to comply with the established fuel gas flow rates [30 TEX. ADMIN. CODE §§ 115.725(a)(1)(C) and 122.143(4), FOP No. O1544, STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
15. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(a), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
16. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 101.20(1), 101.221(a), 116.115(c), and 122.143(4), FOP No. O1544, STC No. 17, 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 60.18(c)(2), NSR Permit No. 56389, SC Nos. 1 and 6.B, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
17. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 101.20(1), 101.221(a), 116.115(c), and 122.143(4), FOP No. O1544, STC No. 17,

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40 CFR § 60.18(c)(2), NSR Permit No. 56389, SC Nos. 1 and 6.B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

22. Failed to prevent unauthorized emissions. Since the 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 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

23. Failed to prevent unauthorized emissions. This emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

24. Failed to submit a Permit Compliance Certification (“PCC”) within 30 days after the end of the certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O1544, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

25. Failed to comply with the permitted emissions rates, emissions limit, and concentration limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 22039, SC Nos. 1 and 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].



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26. Failed to comply with the permitted emissions rates [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
27. Failed to comply with the established fuel gas flow rates [30 TEX. ADMIN. CODE §§ 115.725(a)(1)(C) and 122.143(4), FOP No. O1544, STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
28. Failed to comply with the minimum net heating value requirements for flares [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(3)(ii), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 65389, SC No. 6.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
29. Failed to submit an accurate final report for Incident No. 172318 [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
30. Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0000574000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following:

- a. On April 20, 2006, conducted a stack test to demonstrate compliance with the vent gas control requirements for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
- b. On April 26, 2006, conducted a stack test to demonstrate compliance with the vent gas control requirements for the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002);
- c. On December 20, 2007, conducted a stack test to demonstrate compliance with the NOx emissions limit for the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002);
- d. On October 31, 2008, conducted a stack test to demonstrate compliance with the permitted NOx, CO, and SO2 emissions rates for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
- e. On December 18, 2008, conducted a stack test to demonstrate compliance with the vent gas control requirements for the Crude Heater 4 (EPN HTCRU004);
- f. On December 23, 2009, conducted a stack test to demonstrate compliance with the vent gas control requirements for the SZORB Heater (EPN HTLSG001);
- g. On January 1, 2011, obtained a Permits by Rule to authorize the additional NOx emissions from the Hydrotreater RH2 Heater (EPN HTREF002);



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- h. On March 24, 2011, implemented measures to comply with the CO concentration limit for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
- i. By May 2, 2011, made operational changes to comply with the permitted NOx hourly emissions rate for the Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001);
- j. By December 31, 2011, shut down Coker Heater No. 1 (EPN HTCRK001) and Coker Heater No. 2 (EPN HTCRK002);
- k. By January 21, 2012, implemented the Corrective Action Plan to prevent recurrence of emissions events due to the same or similar causes as Incident No. 163889;
- l. On January 24, 2012, conducted training to ensure timely submittal of testing notifications and stack test reports;
- m. On January 26, 2012, implemented measures to comply with the permitted SO<sub>2</sub>, particulate matter (“PM”), NO<sub>x</sub>, and CO emissions rates for the CO Boiler (EPN HTBLR010);
- n. On May 31, 2012, conducted an evaluation of the wastewater treatment system to determine the cause of non-compliance and implemented corrective actions including repairing of the piping near Tanks 332 and 825 and remediation of the impacted soil;
- o. On July 31, 2012, implemented measures to comply with the minimum net heating value requirements for the East and West Flares (EPNs FLRFNEAST and FLRFNWEST);
- p. By September 24, 2012, made operational adjustments and repaired a leaking line in order to comply with the permitted NO<sub>x</sub> emissions limit and hourly emissions rate and the permitted CO concentration limit and hourly emissions rate for Boiler 6 (EPN HTBLR006);
- q. By September 30, 2012, made operational adjustments to comply with the permitted SO<sub>2</sub> hourly emissions rate for Alky Heater No. 1 (EPN HTALK001); the permitted SO<sub>2</sub>, volatile organic compound (“VOC”), and PM hourly emissions rates for Alky Heater No. 2 (EPN HTALK002); and the permitted NO<sub>x</sub>, SO<sub>2</sub>, VOC, and PM hourly emissions rates for Coker Heater No. 1 (EPN HTCRK001);
- r. On September 30, 2012, implemented measures to ensure that accurate quantities of emissions are reported in the final report for emissions events;
- s. On October 19, 2012, adjusted the pressure balance in the Fluid Catalytic Cracking Cracking Unit (“FCCU”) to force the catalyst flow and replaced all of the catalyst in the FCCU to prevent recurrence of emissions events due to the same or similar causes as Incident Nos. 174176, 174196, 174240, and 174281;
- t. By December 4, 2012, cleaned the breaker cabinets and revised procedures for flare operations during start-up to prevent the recurrence of emissions events due to same or similar causes as Incident No. 166814;



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- u. On December 4, 2012, revised the flare procedures to add pilot gas pressure settings and inspect the flare igniter on every shift to prevent water build up to prevent the recurrence of emissions events due to same or similar causes as Incident No. 172318;
- v. On January 22, 2013, submitted the PCC for the October 1, 2011 through September 30, 2012 certification period;
- w. On March 12, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Heater H-3701 (EPN HTLSG001);
- x. On March 13, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001);
- y. On March 14, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Crude Tower Heater (EPN HTCRU004);
- z. On March 15, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Boiler 4 (EPN HTBLR004);
- aa. On March 18, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Fluid Catalytic Cracking Charge Heater (EPN HTFCC002);
- bb. On April 18, 2013, performed a stack to demonstrate compliance with the established fuel gas flow rate for Hydrotreater RH2 Heater (EPN HTREF002);
- cc. On October 8, 2013, conducted a stack test to demonstrate compliance with the permitted PM10 hourly emissions rate for Boiler 6 (EPN HTBLR006);
- dd. On October 10, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rates for Alky Heater No. 1 (EPN HTALK001) and Alky Heater No. 2 (EPN HTALK002);
- ee. On October 15, 2013, obtained a revision for FOP No. O1544 to include the HRVOC requirements for Crude Heater 4 (EPN HTCRU004), Boiler 6 (EPN HTBLR006), Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002), and SZORB Heater (EPN HTLSG001);
- ff. On November 5, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for CO Boiler (EPN HTBLR010);
- gg. By November 12, 2013, revised the catalyst sampling procedures, revised parameters to ensure proper catalyst flow, and established a catalyst loading reliability program in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 190028;
- hh. On April 30, 2014, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);

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- ii. On August 7, 2014, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Reformer No. 3 Combined Heaters (EPN HTREF2631);
- jj. On September 3, 2014, implemented engineering improvements to prevent blockage in order to prevent recurrence of emissions events due to same or similar causes as Incident No. 162661;
- kk. By January 31, 2015, replaced DHT Compressor Engines A and B with electric motors; and
- ll. On March 20, 2017, conducted a stack test on the FCCU to determine a more accurate PM emissions factor for the Seal Pot Stack (EPN VTFCC003) and the Electrostatic Precipitator Stack for the CO Boiler (EPN HTBLR010) in lieu of applying a mass balance equation for these emission sources that resulted in an overestimation of PM emissions during normal operations and emissions events.

**Technical Requirements:**

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Raime Hayes-Falero, Enforcement Division, Enforcement Team 5, MC R12, (713) 767-3567; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**Respondent:** Jim Wallwork, Environmental Manager, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506

Rodrigo Abramof, CEO, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506

**Respondent's Attorney:** Matthew Kuryla, Partner, Baker Botts LLP, One Shell Plaza, 910 Louisiana, Houston, Texas 77002





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

**DATES** Assigned  Screening  EPA Due   
 PCW

## RESPONDENT/FACILITY INFORMATION

Respondent   
 Reg. Ent. Ref. No.   
 Facility/Site Region  Major/Minor Source

## CASE INFORMATION

Enf./Case ID No.  No. of Violations   
 Docket No.  Order Type   
 Media Program(s)  Government/Non-Profit   
 Multi-Media  Enf. Coordinator   
 EC's Team   
 Admin. Penalty \$ Limit Minimum  Maximum

## 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**  Enhancement Subtotals 2, 3, & 7

Notes

**Culpability**   Enhancement Subtotal 4

Notes

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

**Economic Benefit**  Enhancement\* Subtotal 6

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

**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

**PAYABLE PENALTY**

Screening Date 29-Mar-2012

Docket No. 2014-0228-MLM-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 48267

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

### 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> )	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements 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> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and one order without denial of liability. Reduction for three Notices of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

*Policy Revision 2 (September 2007)  
 PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 115.729(b) and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to demonstrate initial compliance with the vent gas control requirements by no later than 60 days after being brought into Highly Reactive Volatile Organic Compound ("HRVOC") service for the SZORB Heater [Emissions Point Number ("EPN") HTLSG001], the Crude Heater 4 (EPN HTRCU004), the Atmospheric and Vacuum Tower Heaters (EPN HTRCU001-S), and Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002). Specifically, initial compliance testing for vent gas control requirements was required to be conducted by July 14, 2007 for the SZORB Heater (EPN HTLSG001), but was not conducted until December 23, 2009; by June 10, 2008 for the Crude Heater 4 (EPN HTRCU004), but was not conducted until December 18, 2008; by December 31, 2005 for the Atmospheric and Vacuum Tower Heaters (EPN HTRCU001-S), but was not conducted until April 20, 2006; and by December 31, 2005 for the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002), but was not conducted until April 26, 2006.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**

Human health or the environment will or could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

**Number of Violation Events** 5 **Number of violation days** 1009

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

**Violation Base Penalty** \$5,000

Five single events are recommended, one initial compliance stack test for each heater.

**Good Faith Efforts to Comply**

25.0% Reduction

\$1,250

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

**Notes**

The Respondent completed the corrective actions on December 23, 2009, prior to the Notice of Enforcement ("NOE") dated January 14, 2014.

**Violation Subtotal** \$3,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$977

**Violation Final Penalty Total** \$9,350

**This violation Final Assessed Penalty (adjusted for limits)** \$9,350

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System			0.00	\$0	n/a	\$0	
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			0.00	\$0	n/a	\$0	
Other (as needed)	\$5,000	14-Jul-2007	23-Dec-2009	2.45	\$612	n/a	\$612
Other (as needed)	\$5,000	10-Jun-2008	18-Dec-2008	0.52	\$131	n/a	\$131
Other (as needed)	\$5,000	31-Dec-2005	20-Apr-2006	0.30	\$75	n/a	\$75
Other (as needed)	\$10,000	31-Dec-2005	26-Apr-2006	0.32	\$159	n/a	\$159

Notes for DELAYED costs  
 Estimated cost to conduct stack tests to demonstrate compliance with the vent gas control requirements for the SZORB Heater, Crude Heater 4, Atmospheric and Vacuum Tower Heaters, and Hydrotreater RH1 and RH2 Heaters (\$5,000 per test). The Dates Required are the dates the compliance tests were due. The Final Dates are the dates of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

**TOTAL** \$977



Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Ralme Hayes-Falero

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.726(a)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit written notification to the Houston Regional Office at least 45 days prior to conducting vent gas stream testing. Specifically, the testing notification for Crude Heater 4 (EPN HTRCU004) was submitted seven days before the test.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 38

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

Violation Base Penalty \$2,500

One single event is recommended for the late test notification.

Good Faith Efforts to Comply

10.0% Reduction \$250

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

Notes The Respondent completed the corrective actions on January 24, 2012, after the NOE dated December 15, 2011.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$242

Statutory Limit Test

Violation Final Penalty Total \$5,050

This violation Final Assessed Penalty (adjusted for limits) \$5,050



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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	\$1,500	3-Nov-2008	24-Jan-2012	3.22	\$242	n/a	\$242
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct training to ensure timely submittal of testing notifications and stack test reports. The Date Required is the date the notification was due. The Final Date is the date of compliance.

**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      **\$1,500**

**TOTAL**      **\$242**

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

*Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100716661  
**Media [Statute]** Air  
**Enf. Coordinator** Raime Hayes-Falero

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.132(e)(2)(A) and 122.210(a) and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to submit an application for a revision to Federal Operating Permit ("FOP") No. O1544 to add the applicable requirements for each emissions unit. Specifically, the Respondent did not submit an application to revise FOP No. O1544 to add the HRVOC requirements for Crude Heater 4 (EPN HTRCU004), Boiler 6 (EPN HTBLR006), Atmospheric and Vacuum Tower Heaters (EPN HTRCU001-S), Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002), and SZORB Heater (EPN HTLSG001).

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

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

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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	\$5,000	1-Jun-2011	15-Oct-2013	2.38	\$594	n/a	\$594
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a revision for FOP No. O1544 to include the HRVOC requirements. The Date Required is the first date of non-compliance. Final Date is the date of compliance.

**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 \$5,000

**TOTAL** \$594

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

*Policy Revision 2 (September, 2002)  
 PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 4  
**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1544, Special Terms and Conditions ("STC") Nos. 17 and 22.A.(1)2, and New Source Review ("NSR") Permit No. 22039, Special Conditions ("SC") No. 1

**Violation Description**

Failed to comply with the permitted emissions rate. Specifically, during a reference method stack test conducted on December 4, 2008, the particulate matter equal to or less than 10 microns in diameter ("PM10") emissions rate exceeded the permitted emissions rate of 2.45 pounds per hour ("lbs/hr") for Boiler 6 (EPN HTBLR006) by 1.95 lbs/hr. Also, the firing rate for Boiler 6 (EPN HTBLR006) was reduced immediately subsequent to the December 4, 2008 stack test, but the PM10 emissions rate exceeded the permitted emissions rate of 2.45 lbs/hr by an average of 0.25 lb/hr from December 4, 2008 to April 18, 2009, July 19, 2010 to September 24, 2010, January 27, 2011 to June 11, 2011, and December 10, 2011 to February 13, 2012, resulting in approximately 623.9 lbs of PM10 emissions.

**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**

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

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 6 Number of violation days 240

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$15,000

Six quarterly events are recommended for the periods of non-compliance from December 4, 2008 to April 18, 2009, July 19, 2010 to September 24, 2010, January 27, 2011 to June 11, 2011, and December 10, 2011 to February 13, 2012.

**Good Faith Efforts to Comply**

10.0% Reduction \$1,500

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

**Notes** The Respondent completed the corrective actions on October 8, 2013, after the NOE dated December 15, 2011.

**Violation Subtotal** \$13,500

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$1,212

**Statutory Limit Test**

**Violation Final Penalty Total** \$30,300

**This violation Final Assessed Penalty (adjusted for limits)** \$30,300



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 4

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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)	\$5,000	4-Dec-2008	8-Oct-2013	4.85	\$1,212	n/a	\$1,212

**Notes for DELAYED costs**  
 Estimated cost to conduct a stack test to demonstrate compliance with the permitted PM10 hourly emissions rate for Boiler 6. The Date Required is the date of the failed test. The Final Date is the date of compliance.

**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**  
 (Empty box for notes)

**Approx. Cost of Compliance**      \$5,000      **TOTAL**      \$1,212

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

*Policy Revision 2 (September 2007)  
 PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 5

**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 29.C, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to demonstrate initial compliance for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and sulfur dioxide ("SO2") before the deadline for the Atmospheric and Vacuum Tower Heaters (EPN HTRCU001-S). Specifically, the initial compliance tests for NOx, CO, and SO2 were required to be conducted by June 9, 2008 for the Atmospheric and Vacuum Tower Heaters (EPN HTRCU001-S), but were not completed until October 31, 2008.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

		1	144	Number of violation days
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

**Violation Base Penalty** \$1,000

One single event is recommended for the one stack test.

**Good Faith Efforts to Comply**

	25.0%	Reduction	\$250
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary	x		
N/A		(mark with x)	

Notes: The Respondent completed the corrective actions on October 31, 2008, prior to the NOE dated December 15, 2011.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$99

**Statutory Limit Test**

**Violation Final Penalty Total** \$1,870

**This violation Final Assessed Penalty (adjusted for limits)** \$1,870



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 5

**Percent Interest** 5.0  
**Years of Depreciation** 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	9-Jun-2008	31-Oct-2008	0.39	\$99	n/a	\$99

Notes for DELAYED costs

Estimated cost to conduct a stack test to demonstrate compliance with the permitted NOx, CO, and SO2 emissions rates for the Atmospheric and Vacuum Tower Heaters. The Date Required is the date testing was required. The Final Date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

**TOTAL** \$99

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 117.335(a) and 117.9020(2)(A)(II)(I) and (2)(C)(I) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to demonstrate initial compliance for NOx for Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002). Specifically, the initial compliance test for NOx was required to be conducted by March 31, 2007 and then another by November 6, 2007 after the installation of low NOx burners for Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002), but the tests were not completed until December 20, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

		4	264	Number of violation days	
mark only one with an x	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			Violation Base Penalty \$4,000

Four single events are recommended for the two stack tests for the two EPNs.

Good Faith Efforts to Comply

	25.0%	Reduction	\$1,000
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary			
Ordinary	x		
N/A		(mark with x)	
Notes	The Respondent completed the corrective actions on December 20, 2007, prior to the NOE dated December 15, 2011.		

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$362

Statutory Limit Test

Violation Final Penalty Total \$7,480

This violation Final Assessed Penalty (adjusted for limits) \$7,480



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 6

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2007	20-Dec-2007	0.72	\$362	n/a	\$362

**Notes for DELAYED costs**  
 Estimated cost to conduct a stack test to demonstrate compliance with the NOx emissions limit for the Hydrotreater RH1 and RH2 Heaters, EPNs HTREF001 and HTREF002. The Date Required is the date the tests were due. The Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$362

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 1 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Ralme Hayes-Falero

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(14), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted emissions rate. Specifically, during a reference method stack test conducted on September 17, 2009, the NOx emissions rate exceeded the permitted emissions rate of 1.2 lbs/hr for Hydrotreater RH2 Heater (EPN HTREF002) by 0.08 lb/hr, resulting in 114.99 lbs of unauthorized NOx emissions.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				x
Potential				

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 5

312 Number of violation days

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

Violation Base Penalty \$12,500

Five quarterly events are recommended for the instances of non-compliance that occurred on September 17, 2009 and from February 24, 2010 to January 1, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$3,125

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

Notes: The Respondent completed the corrective actions on January 1, 2011, prior to the NOE dated December 15, 2011.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Estimated EB Amount \$29

Statutory Limit Test

Violation Final Penalty Total \$23,375

This violation Final Assessed Penalty (adjusted for limits) \$23,375



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 7

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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	\$450	17-Sep-2009	1-Jan-2011	1.29	\$29	n/a	\$29
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a Permits by Rule to authorize the additional NOx emissions from the Hydrotreater RH2 Heater. The Date Required is the date of the failed stack test. Final Date is the date of compliance.

**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 \$450

**TOTAL** \$29

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 1 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Ralme Hayes-Falero

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 117.345(c)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a stack test report within 60 days after conducting a stack test. Specifically, the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002) were tested on September 17, 2009, and the stack test report was submitted 43 days late on December 29, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

43 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended for the late stack test report.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes The Respondent completed the corrective actions on January 24, 2012, after the NOE dated December 15, 2011.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$5,050

This violation Final Assessed Penalty (adjusted for limits) \$5,050



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 8

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 2

**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 \$0

**TOTAL** \$0

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 2 (September 2007)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661  
 Media [Statute] Air  
 Enf. Coordinator Raime Hayes-Falero

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC Nos. 1, 20, and 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the permitted emissions rates and emissions limits. Specifically, from October 1, 2010 to September 30, 2011, the Distillate Hydrotreater ("DHT") Compressor Engine A (EPN ENDHT001) exceeded the CO annual emissions rate of 1.30 tons per year ("tpy") by 17.24 tons and the particulate matter ("PM") annual emissions rate of 0.01 tpy by 0.1 ton and exceeded the CO hourly emissions rate of 0.60 lb/hr for a total of 7,619 hours by an average of 3.36 lbs/hr and the PM hourly emissions rate of 0.01 lb/hr for a total of 7,554 hours by an average of 0.02 lb/hr, resulting in the unauthorized release of approximately 25,599.84 lbs of CO and 151.08 lbs of PM. Also, on April 1, 2011 and August 31, 2011, the DHT Compressor Engine A (EPN ENDHT001) exceeded the NOx limit of 5 grams per horsepower-hour ("g/hp-hr") and the CO limit of 1.5 g/hp-hr.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		<input type="text" value="50%"/>
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				<input type="text" value="0%"/>

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

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended for the period of non-compliance from October 1, 2010 to September 30, 2011.

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent completed the corrective actions by January 31, 2015, after the NOE dated May 31, 2012.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 9

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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	1-Oct-2010	31-Jan-2015	4.34	\$2,168	n/a	\$2,168

Notes for DELAYED costs

Estimated cost to replace DHT Compressor Engines A and B with electric motors. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

**Avoided Costs**

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

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**

\$2,168

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

*(Policy Revision 2 (September 2002))  
 PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100716661  
**Media [Statute]** Air  
**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 10

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the permitted emissions rates. Specifically, from October 1, 2010 to September 30, 2011, the DHT Compressor Engine B (EPN ENDHT002) exceeded the NOx hourly emissions rate of 2.70 lbs/hr for a total of 269 hours by an average of 4.77 lbs/hr and the PM hourly emissions rate of 0.01 lb/hr for a total of 206 hours by an average of 0.03 lb/hr, resulting in the unauthorized release of approximately 1,283.13 lbs of NOx and 6.18 lbs of PM.

**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

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

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 4 364 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

**Violation Base Penalty** \$10,000

Four quarterly events are recommended for the period of non-compliance from October 1, 2010 to September 30, 2011.

**Good Faith Efforts to Comply**

10.0% Reduction \$1,000

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

**Notes** The Respondent completed the corrective actions by January 31, 2015, after the NOE dated May 31, 2012.

**Violation Subtotal** \$9,000

**Economic Benefit (EB) for this violation**

Estimated EB Amount \$0

**Statutory Limit Test**

**Violation Final Penalty Total** \$20,200

**This violation Final Assessed Penalty (adjusted for limits)** \$20,200



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 10

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit on Violation No. 9 of PCW Revision 2.

**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 \$0

**TOTAL** \$0

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661  
 Media [Statute] Air  
 Enf. Coordinator Raime Hayes-Falero

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the CO concentration to 100 parts per million by volume ("ppmv") corrected to 3% oxygen. Specifically, the Atmospheric and Vacuum Tower Heaters (EPN HTC001-S) operated at CO concentration levels above the 100 ppmv limit for a total of 592 hours by an average of 461 ppmv from October 1, 2010 through March 24, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				x
Potential				

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

174 Number of violation days

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

Violation Base Penalty \$5,000

Two quarterly events are recommended for the period of non-compliance from October 1, 2010 to March 24, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed the corrective actions on March 24, 2011, prior to the NOE dated May 31, 2012.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$238

Violation Final Penalty Total \$9,350

This violation Final Assessed Penalty (adjusted for limits) \$9,350



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 11

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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	1-Oct-2010	24-Mar-2011	0.48	\$238	n/a	\$238

Notes for DELAYED costs

Estimated cost to implement measures to comply with the CO concentration limit for the Atmospheric and Vacuum Tower Heaters. The Date Required is the first date of non-compliance. The Final Date is the date of compliance.

**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**

\$238

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 2 (September 2011)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661  
 Media [Statute] Air  
 Enf. Coordinator Raimé Hayes-Falero

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the permitted emissions rates. Specifically, from October 1, 2010 through March 31, 2011, the CO Boiler (EPN HTBLR010) exceeded the NOx emissions rate of 201.86 lbs/hr for a total of 66 hours by an average of 140.76 lbs/hr, the CO emissions rate of 141.60 lbs/hr for a total of 19 hours by an average of 84.04 lbs/hr, the SO2 emissions rate of 290.45 lbs/hr for a total of 530 hours by an average of 26.77 lbs/hr, and the PM emissions rate of 34.80 lbs/hr for a total of 413 hours by an average of 1.3 lbs/hr, resulting in the unauthorized release of approximately 9,290.16 lbs of NOx, 1,596.76 lbs of CO, 14,188.1 lbs of SO2, and 536.9 lbs of PM.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events   Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended for the period of non-compliance from October 1, 2010 to March 31, 2011.

Good Faith Efforts to Comply

	<input type="text" value="25.0%"/>	Reduction	<input type="text" value="\$2,500"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A		(mark with x)	

Notes The Respondent completed the corrective actions on January 26, 2012, prior to the NOE dated May 31, 2012.

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 12

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**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	1-Oct-2010	26-Jan-2012	1.32	\$660	n/a	\$660

Notes for DELAYED costs

Estimated cost to implement measures to comply with the permitted SO2, PM, NOx, and CO emissions rates for the CO Boiler. The Date Required is the first date of non-compliance. The Final Date is the date of compliance.

**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** \$660

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

*Policy Revision 2 (September 2002)*

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 13

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the permitted emissions rate. Specifically, from February 5, 2011 to May 1, 2011, the Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001) exceeded the NOx emissions rate of 1.40 lbs/hr for a total of seven hours by an average of 0.06 lb/hr, resulting in the release of approximately 0.43 lb of NOx.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

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

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty** \$2,500

One quarterly event is recommended for the two instances of non-compliance that occurred from February 5, 2011 to May 1, 2011.

**Good Faith Efforts to Comply**

Reduction

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

**Notes** The Respondent completed the corrective actions by May 2, 2011, prior to the NOE dated February 4, 2013.

**Violation Subtotal** \$1,875

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$118

**Violation Final Penalty Total** \$4,675

**This violation Final Assessed Penalty (adjusted for limits)** \$4,675

## Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 13

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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	5-Feb-2011	2-May-2011	0.24	\$118	n/a	\$118

Notes for DELAYED costs

Estimated cost to make operational changes to comply with the permitted NOx hourly emissions rate for the Diesel Hydrotreater Charge Heater No. 1. The Date Required is the first date of non-compliance. The Final Date is the date of compliance.

### 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**

\$118



Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661  
 Media [Statute] Air  
 Enf. Coordinator Ralme Hayes-Falero

Violation Number   
 Rule Cite(s) 30 Tex. Admin. Code §§ 115.725(a)(1)(C) and 122.143(4), FOP No. O1544, STC No. 1.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the established fuel gas flow rates. Specifically, the established fuel gas flow rates were exceeded for the Alky Heater No. 1 (EPN HTALK001) from January 1, 2011 to March 31, 2011; for the Alky Heater No. 2 (EPN HTALK002) from October 1, 2010 to December 31, 2010 and April 1, 2011 to June 30, 2011; for the Coker Heater No. 2 (EPN HTPCRK002) from October 1, 2010 to June 30, 2011; and for the Coker Heater No. 1 (EPN HTPCRK001), Atmospheric and Vacuum Tower Heaters (EPN HTPCRU001-S), Crude Tower Heater (EPN HTPCRU004), Fluid Catalytic Cracking Charge Heater (EPN HTFCC002), Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001), Heater H-3701 (EPN HTLSG001), Reformer No. 3 Combined Heaters (EPN HTREF2631), and CO Boiler (EPN HTBLR010) from October 1, 2010 to September 30, 2011.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

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

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Thirty-eight quarterly events are recommended for the instances of non-compliance that occurred from October 1, 2010 to September 30, 2011 (one quarter for EPN HTALK001, two quarters for EPN HTALK002, three quarters for EPN HTPCRK002, and four quarters for EPNs HTPCRK001, HTPCRU001-S, HTPCRU004, HTFCC002, HTREF001, HTLSG001, HTREF2631, and HTBLR010).

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent completed the corrective actions by August 7, 2014, after the NOE dated February 4, 2013.

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 14

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	19-Mar-2011	10-Oct-2013	2.56	\$641	n/a	\$641
Other (as needed)	\$5,000	1-Oct-2010	10-Oct-2013	3.03	\$757	n/a	\$757
Other (as needed)	\$5,000	1-Oct-2010	31-Dec-2011	1.25	\$312	n/a	\$312
Other (as needed)	\$5,000	1-Oct-2010	31-Dec-2011	1.25	\$312	n/a	\$312
Other (as needed)	\$5,000	1-Oct-2010	30-Apr-2014	3.58	\$895	n/a	\$895
Other (as needed)	\$5,000	5-Oct-2010	14-Mar-2013	2.44	\$610	n/a	\$610
Other (as needed)	\$5,000	1-Oct-2010	18-Mar-2013	2.46	\$616	n/a	\$616
Other (as needed)	\$5,000	1-Oct-2010	13-Mar-2013	2.45	\$612	n/a	\$612
Other (as needed)	\$5,000	1-Oct-2010	12-Mar-2013	2.45	\$612	n/a	\$612
Other (as needed)	\$5,000	15-Apr-2011	7-Aug-2014	3.32	\$829	n/a	\$829
Other (as needed)	\$5,000	7-Oct-2010	5-Nov-2013	3.08	\$771	n/a	\$771

Notes for DELAYED costs

Estimated costs to perform a stack test to demonstrate compliance with the established fuel gas flow rates and to shut down Coker Heater Nos. 1 and 2. The Dates Required are the first dates of non-compliance. The Final Dates are the dates of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$55,000

**TOTAL**

\$6,967





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	26-Mar-2012	<b>Screening</b>	29-Mar-2012	<b>EPA Due</b>	25-Feb-2013
	<b>PCW</b>	20-Jun-2017				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Pasadena Refining System, Inc		
<b>Reg. Ent. Ref. No.</b>	RN100716661		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48267	<b>No. of Violations</b>	15
<b>Docket No.</b>	2014-0228-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Raime Hayes-Falero
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$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**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
 Approx. 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**

**PAYABLE PENALTY**



**Screening Date** 29-Mar-2012

**Docket No.** 2014-0228-MLM-E

**PCW**

**Respondent** Pasadena Refining System, Inc

Policy Revision 3 (September 2011)

**Case ID No.** 48267

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

### 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> )	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements 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> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
<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)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and one order without denial of liability. Reduction for three Notices of Audit and one Disclosure of Violations.

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

>> **Final Compliance History Adjustment**

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

Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661  
 Media [Statute] Air  
 Enf. Coordinator Raime Hayes-Falero

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(a), Federal Operating Permit ("FOP") No. O1544, Special Terms and Conditions ("STC") No. 17, New Source Review ("NSR") Permit No. 56389, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,235.69 pounds ("lbs") of volatile organic compounds ("VOC") and 2,185.48 lbs of sulfur dioxide ("SO2") from Coker Unit Fugitives [Emission Point Number ("EPN") FUCOK001] and 91.02 lbs of carbon monoxide ("CO"), 12.60 lbs of nitrogen oxides ("NOx"), and 239.82 lbs of VOC from the West Flare (EPN FLRFNWEST) during an emissions event (Incident No. 162661) that began on December 10, 2011 and lasted 24 hours. The event occurred when an eight-inch plug valve that controls the feed to Drum B in the Coker Unit failed. Since the 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.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events  Number of violation days

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

Violation Base Penalty

One quarterly event is recommended.

Good Faith Efforts to Comply

Reduction  
 Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>
N/A	(mark with x)

Notes The Respondent completed the corrective actions on September 3, 2014, after the NOE dated March 20, 2012.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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	10-Dec-2011	3-Sep-2014	2.73	\$1,367	n/a	\$1,367

Notes for DELAYED costs

Estimated cost to implement engineering improvements to prevent blockage in order to prevent recurrence of emissions events due to same or similar causes as Incident No. 162661. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

**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** \$1,367



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Ralme Hayes-Falero

**Violation Number** 2

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(1), 101.221(a), 116.115(c), and 122.143(4), FOP No. O1544, STC No. 17, 40 Code of Federal Regulations ("CFR") § 60.18(c)(2), NSR Permit No. 56389, SC Nos. 1 and 6.B, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,589.8 lbs of VOC, 33.97 lbs of CO, 1.1 lbs of hydrogen sulfide, 4.7 lbs of NOx, and 2.6 lbs of SO2 from the West Flare (EPN FLRFNWEST), 2,630 lbs of particulate matter ("PM") from the CO Boiler (EPN HTBLR010), and 2,630 lbs of PM from Seal Pot Stack (EPN VTFCC003) during an emissions event (Incident No. 166814) that began on April 3, 2012 and lasted 10 hours. The event occurred due to a loss of power caused by operator error which inadvertently caused the West Flare (EPN FLRFNWEST) pilot flame to be extinguished. Since the 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.

**Base Penalty** \$25,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended.

**Good Faith Efforts to Comply**

	10.0% Reduction Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

\$375

**Notes** The Respondent completed the corrective actions by December 4, 2012, after the NOE dated July 13, 2012.

**Violation Subtotal** \$3,375

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$17

**Violation Final Penalty Total** \$7,125

**This violation Final Assessed Penalty (adjusted for limits)** \$7,125

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 2

**Percent Interest** 5.0 | **Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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	\$500	3-Apr-2012	4-Dec-2012	0.67	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	3-Apr-2012	3-Apr-2012	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean breaker cabinets and to revise procedures for flare operations during start-up to prevent the recurrence of emissions events due to same or similar causes as Incident No. 166814. The Dates Required are the date of the emissions event and the Final Dates are the dates of compliance.

**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

\$1,000

**TOTAL**

\$17



Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Ralme Hayes-Falero

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 101.221(a), 116.115(c), and 122.143(4), FOP No. O1544, STC No. 17, 40 CFR § 60.18(c)(2), NSR Permit No. 56389, SC Nos. 1 and 6.B, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 28,393.21 lbs of VOC from the West Flare (EPN FLRFNWEST) during an emissions event (Incident No. 172318) that began on August 14, 2012 and lasted one hour and 20 minutes. The event occurred when heavy steaming extinguished the West Flare's pilot flame. Since the 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.

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

25.0% Reduction

\$6,250

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

Notes The Respondent completed the corrective actions on December 4, 2012, prior to the NOE dated December 7, 2012.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$43,750

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



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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)	\$1,000	14-Aug-2012	4-Dec-2012	0.31	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to revise the flare procedures to add pilot gas pressure settings and inspect the flare igniter on every shift to prevent water build up to prevent the recurrence of emissions events due to same or similar causes as Incident No. 172318. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

**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 \$1,000

**TOTAL** \$15

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 4

**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 01544, STC No. 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,826 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174176) that began on September 29, 2012 and lasted four hours and 18 minutes. The event occurred due to a build-up of metals on the catalyst in the Regenerator of the Electrostatic Precipitator ("ESP") Stack in the Fluid Catalytic Cracking Unit ("FCCU"). Since the 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.

**Base Penalty** \$25,000

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

OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1

1 Number of violation days

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

**Violation Base Penalty** \$3,750

One quarterly event is recommended.

**Good Faith Efforts to Comply**

**25.0%** Reduction \$937

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

**Notes**

The Respondent completed the corrective action on October 19, 2012, prior to the NOE dated January 17, 2013.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$1,370

**Statutory Limit Test**

**Violation Final Penalty Total** \$6,563

**This violation Final Assessed Penalty (adjusted for limits)** \$6,563

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 4

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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)	\$500,000	29-Sep-2012	19-Oct-2012	0.05	\$1,370	n/a	\$1,370

Notes for DELAYED costs

Estimated cost to adjust the pressure balance in the FCCU to force the catalyst flow and to replace all of the catalyst in the FCCU to prevent recurrence of emissions events due to same or similar causes as Incident Nos. 174176, 174196, 174240, and 174281. The Date Required is the date of the first emissions event and the Final Date is the date of compliance.

**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

\$500,000

TOTAL

\$1,370



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661  
**Media [Statute]** Air  
**Enf. Coordinator** Ralme Hayes-Falero

**Violation Number** 5

**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 01544, STC No. 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,860.80 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174196) that began on September 30, 2012 and lasted three hours and nine minutes. The event occurred due to a build-up of metals on the catalyst in the Regenerator of the ESP Stack in the FCCU. Since the 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.

**Base Penalty** \$25,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1

1 Number of violation days

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

**Violation Base Penalty** \$3,750

One quarterly event is recommended.

**Good Faith Efforts to Comply**

25.0% Reduction

\$937

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

**Notes** The Respondent completed the corrective action on October 19, 2012, prior to the NOE dated January 17, 2013.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$6,563

**This violation Final Assessed Penalty (adjusted for limits)** \$6,563

## Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 4.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 6

**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,965.20 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174240) that began on September 30, 2012 and lasted 10 minutes. The event occurred due to a build-up of metals on the catalyst in the Regenerator of the ESP Stack in the FCCU. Since the 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.

**Base Penalty** \$25,000

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

		1	1	Number of violation days	
mark only one with an x	daily				Violation Base Penalty \$3,750
	weekly				
	monthly				
	quarterly		x		
	semiannual				
	annual				
	single event				

One quarterly event is recommended.

**Good Faith Efforts to Comply**

	25.0% Reduction	\$937
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A	(mark with x)	
Notes	The Respondent completed the corrective action on October 19, 2012, prior to the NOE dated January 17, 2013.	

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$0

**Statutory Limit Test**

**Violation Final Penalty Total** \$6,563

**This violation Final Assessed Penalty (adjusted for limits)** \$6,563



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 6

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 4.

**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

\$0

**TOTAL**

\$0

Screening Date 29-Mar-2012

Docket No. 2014-0228-MLM-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 3 (September 2011)

Case ID No. 48267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,965.20 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174281) that began on October 1, 2012 and lasted six minutes. The event occurred due to build-up of metals on the catalyst in the Regenerator of the ESP Stack in the FCCU. Since the 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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

		1	1	Number of violation days
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly		x	
	semiannual			
	annual			
	single event			

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

	25.0%	Reduction	\$937
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary			
Ordinary	x		
N/A		(mark with x)	

Notes The Respondent completed the corrective action on October 19, 2012, prior to the NOE dated January 17, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 7

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 4.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 8

**Rule Cite(s)**

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 01544, STC No. 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 28,661 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 190028) that began on October 27, 2013, and lasted four hours and 25 minutes. The event occurred due to a failure to prevent a unit upset in the FCCU. Since the 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.

**Base Penalty** \$25,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

**Percent** 100.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Human health or the environment has been exposed to 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

1 Number of violation days

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**

25.0% Reduction

\$6,250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

**Notes**

The Respondent completed corrective actions by November 12, 2013, prior to the NOE dated December 30, 2013.

**Violation Subtotal** \$18,750

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$22

**Statutory Limit Test**

**Violation Final Penalty Total** \$43,750

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

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** B

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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	27-Oct-2013	12-Nov-2013	0.04	\$22	n/a	\$22

Notes for DELAYED costs

Estimated cost to revise the catalyst sampling procedures, revise parameters to ensure proper catalyst flow, and establish a catalyst loading reliability program in order to prevent recurrence of emissions events due to same or similar causes as Incident No. 190028. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

**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**

\$22



Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Ralme Hayes-Falero

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100% opacity and released 76,000 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 163889) that began on January 20, 2012 and lasted 45 minutes. The emissions event resulted from the failure to maintain the correct target pressure in the Regenerator, which resulted in an excess amount of catalyst and a release of catalyst from the CO Boiler (EPN HTBLR010). This emissions event was determined to be an excessive emissions event.

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

25.0% Reduction \$6,250

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

Notes The Respondent completed corrective actions by January 21, 2012, prior to the NOE dated July 20, 2012.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$43,750

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



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 9

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description 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)	\$200	20-Jan-2012	21-Jan-2012	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to implement the Corrective Action Plan to prevent recurrence of emissions events due to the same or similar causes as Incident No. 163889. The Date Required is the date of the emissions event. The Final Date is the date of compliance.

**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

\$200

**TOTAL**

\$0

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**V12** 10

**Rule Cite(s)**

30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. 01544, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to submit a Permit Compliance Certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the October 1, 2011 through September 30, 2012 certification period was due on October 30, 2012, but was not submitted until January 22, 2013.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty** \$3,750

One single event is recommended for the late PCC.

**Good Faith Efforts to Comply**

Reduction

\$937

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

Notes: The Respondent completed corrective actions on January 22, 2013, prior to the NOE dated September 3, 2013.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

Estimated EB Amount \$3

**Statutory Limit Test**

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 10

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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)	\$250	30-Oct-2012	22-Jan-2013	0.23	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to submit the PCC for the October 1, 2011 through September 30, 2012 certification period. The Date Required is the date the PCC was due. The Final Date is the date of compliance.

**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

\$250

**TOTAL**

\$3



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 11

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 22039, SC Nos. 1 and 6, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the permitted emissions rates, emissions limit, and concentration limit. Specifically, between November 2011 and August 2012, Boiler 6 (EPN HTBLR006) exceeded the NOx emissions rate of 3.5 lbs/hr by an average of 3.81 lbs/hr for 68 hours over a period of 12 days, and the CO emissions rate of 11.20 lbs/hr by an average of 12.53 lbs/hr for 242 hours over a period of 34 days. Also, Boiler 6 (EPN HTBLR006) exceeded the NOx emissions limit of 0.01 pound per million British thermal units ("lb/MMBtu") by an average of 0.033 lb/MMBtu for 4 hours from May 2012 through July 2012, and the CO concentration limit of 50 parts per million, volumetric dry ("ppmvd") by an average of 184.91 ppmvd for a total of 1,006 hours from April 2012 through September 2012.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification				0.0%

Matrix Notes

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 4 334 Number of violation days

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

**Violation Base Penalty** \$15,000

Four quarterly events are recommended for the period of non-compliance from November 1, 2011 to September 30, 2012.

**Good Faith Efforts to Comply**

25.0% Reduction \$3,750

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

Notes The Respondent completed corrective actions by September 24, 2012, prior to the NOE dated September 3, 2013.

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation**

Estimated EB Amount \$4,942

**Statutory Limit Test**

Violation Final Penalty Total \$26,250

**This violation Final Assessed Penalty (adjusted for limits)** \$26,250

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 11

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$110,000	1-Nov-2011	24-Sep-2012	0.90	\$4,942	n/a	\$4,942

Notes for DELAYED costs

Actual cost to make operational adjustments and to repair a leaking line in order to comply with the permitted NOx emissions limit and hourly emissions rate and the permitted CO concentration limit and hourly emissions rate for Boiler 6. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

**Avoided Costs**

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

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

\$110,000

**TOTAL**

\$4,942



Screening Date 29-Mar-2012

Docket No. 2014-0228-MLM-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 3 (September 2011)

Case ID No. 48267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 12

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the permitted emissions rates. Specifically, Alky Heater No. 1 (EPN HTALK001) exceeded the SO2 emissions rate of 2.60 lbs/hr for a total of 29 hours by an average of 0.62 lb/hr in November 2011 and June 2012, resulting in the unauthorized release of approximately 18 lbs of SO2. Alky Heater No. 2 (EPN HTALK002) exceeded the SO2 emissions rate of 2.60 lbs/hr for a total of 34 hours by an average of 0.63 lb/hr in November 2011 and June 2012, the VOC emissions rate of 0.4 lb/hr for a total of 159 hours by an average of 0.21 lb/hr in September 2012, and the PM emissions rate of 0.06 lb/hr for a total of 20 hours by an average of 0.02 lb/hr in September 2012, resulting in the unauthorized release of approximately 21.4 lbs of SO2, 33.4 lbs of VOC, and 0.4 lb of PM. Coker Heater No. 1 (EPN HTCRK001) exceeded the NOx emissions rate of 5.7 lbs/hr for a total of nine hours by an average of 0.23 lb/hr in November 2011, the SO2 emissions rate of 3.0 lbs/hr for a total of 39 hours by an average of 0.98 lb/hr in October 2011 and November 2011, the VOC emissions rate of 0.50 lb/hr for a total of 29 hours by an average of 0.04 lb/hr in November 2011, and the PM emissions rate of 0.70 lb/hr for a total of 28 hours by an average of 0.05 lb/hr in November 2011, resulting in the unauthorized release of approximately 2.1 lbs of NOx, 38.23 lbs of SO2, 1.2 lbs of VOC, and 1.4 lbs of PM.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5 Number of violation days 365

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

Violation Base Penalty \$18,750

Five semiannual events are recommended for the instances of non-compliance that occurred between October 1, 2011 to September 30, 2012 (two semiannual events for EPNs HTALK001 and HTALK002 and one semiannual event for EPN HTCRK001).

Good Faith Efforts to Comply

25.0% Reduction

\$4,687

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

Notes The Respondent completed corrective actions by September 30, 2012, prior to the NOE dated September 3, 2013.

Violation Subtotal \$14,063

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,500

Violation Final Penalty Total \$32,813

This violation Final Assessed Penalty (adjusted for limits) \$32,813



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 12

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$30,000	1-Oct-2011	30-Sep-2012	1.00	\$1,500	n/a	\$1,500

**Notes for DELAYED costs**

Estimated cost to make operational adjustments to comply with the permitted SO2 hourly emissions rate for Alky Heater No. 1; the permitted SO2, VOC, and PM hourly emissions rates for Alky Heater No. 2; and the permitted NOx, SO2, VOC, and PM hourly emissions rates for Coker Heater No. 1. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$30,000

**TOTAL**

\$1,500

**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 13

**Rule Cite(s)**

30 Tex. Admin. Code §§ 115.725(a)(1)(C) and 122.143(4), FOP No. O1544, STC No. 1.A, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the established fuel gas flow rates. Specifically, from October 1, 2011 through September 30, 2012, the gas flow rates were exceeded at EPN HTREF002 for 345 hours, EPN HTBLR004 for 2,136 hours, EPN HTBLR010 for 1,063 hours, EPN HTALK001 for 1,906 hours, EPN HTALK002 for 16 hours, EPN HTCRK001 for 138 hours, EPN HTCRK002 for 3 hours, EPN HTCRU001-S for 6,830 hours, EPN HTCRU004 for 2,678 hours, EPN HTFCC002 for 6,020 hours, EPN HTREF001 for 79 hours, EPN HTLSG001 for 4,741 hours, and EPN HTREF2631 for 7,650 hours.

**Base Penalty** \$25,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

**Percent** 15.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 42

365 Number of violation days

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

**Violation Base Penalty** \$157,500

Forty-two quarterly events are recommended for the instances of non-compliance that occurred from October 1, 2011 to September 30, 2012 (one quarter for EPNs HTALK002, HTCRK001, and HTCRK002; three quarters for EPN HTREF002; and four quarters for EPNs HTALK001, HTCRU001-S, HTCRU004, HTFCC002, HTREF001, HTLSG001, HTREF2631, HTBLR010, and HTBLR004).

**Good Faith Efforts to Comply**

10.0% Reduction

\$15,750

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

Notes The Respondent completed corrective actions by August 7, 2014, after the NOE dated September 3, 2013.

**Violation Subtotal** \$141,750

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$723

**Statutory Limit Test**

**Violation Final Penalty Total** \$299,250

**This violation Final Assessed Penalty (adjusted for limits)** \$299,250

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 13

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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
Other (as needed)	\$5,000	8-Nov-2011	18-Apr-2013	1.44	\$361	n/a	\$361
Other (as needed)	\$5,000	4-Oct-2011	15-Mar-2013	1.45	\$362	n/a	\$362

**Notes for DELAYED costs**

See Economic Benefit in PCW Revision No. 2 Violation No. 14 for EPNs HTALK001, HTALK02, HTCKR001, HTCKR002, HTRCU001-S, HTRCU004, HTFCC002, HTREF001, HTLSG001, HTREF2631, and HTBLR010. Estimated costs to perform a stack test to demonstrate compliance with the established fuel gas flow rates for EPNs HTREF002 and HTBLR004. The Dates Required are the first dates of non-compliance. The Final Dates are the dates of compliance.

**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**

\$723



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661

**Media [Statute]** Air

**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 14

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(3)(ii), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 65389, SC No. 6.A, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with the minimum net heating value requirements for flares. Specifically, the East Flare (EPN FLRFNEAST) operated below the required minimum net heating value of 300 million British thermal units per standard cubic foot ("MMBtu/scf") for a total of 121 hours over a period of 18 days between October 2011 and July 2012 and the West Flare (EPN FLRFNWEST) operated below the required net heating value of 300 MMBtu/scf for a total of 386 hours over a period of 35 days between October 6, 2011 and January 25, 2012.

**Base Penalty** \$25,000

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 6 304 Number of violation days

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

**Violation Base Penalty** \$22,500

Six quarterly events are recommended for the instances of non-compliance that occurred from October 1, 2011 to July 31, 2012 (four quarters for the East Flare and two quarters for the West Flare).

**Good Faith Efforts to Comply**

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$5,625

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective actions by July 31, 2012, prior to the NOE dated September 3, 2013.

**Violation Subtotal** \$16,875

**Economic Benefit (EB) for this violation**

Estimated EB Amount \$208

**Statutory Limit Test**

**Violation Final Penalty Total** \$39,375

**This violation Final Assessed Penalty (adjusted for limits)** \$39,375

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 14

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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)	\$5,000	1-Oct-2011	31-Jul-2012	0.83	\$208	n/a	\$208

Notes for DELAYED costs

Estimated cost to implement measures to ensure compliance with the minimum net heating value requirements for the East and West Flares. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

**Avoided Costs**

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

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

\$5,000

**TOTAL**

\$208



Screening Date 29-Mar-2012  
 Respondent Pasadena Refining System, Inc  
 Case ID No. 48267

Docket No. 2014-0228-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661  
 Media [Statute] Air  
 Enf. Coordinator Raime Hayes-Falero

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an accurate final report for Incident No. 172318. Specifically, the final report for Incident No. 172318 did not contain accurate quantities of the compounds emitted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 33 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction	
Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	
Ordinary	x
N/A	(mark with x)

\$62

Notes The Respondent completed corrective actions on September 30, 2012, prior to the NOE dated December 7, 2012.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Estimated EB Amount \$7

Statutory Limit Test

Violation Final Penalty Total \$438

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



# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 15

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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	\$1,500	28-Aug-2012	30-Sep-2012	0.09	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures to ensure that accurate quantities of emissions are reported in the final report for emissions events. The Date Required is the date the final report was due and the Final Date is the date of compliance.

**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

\$1,500

**TOTAL**

\$7



# Penalty Calculation Worksheet (PCW)

## TCEQ

DATES	Assigned	26-Mar-2012	Screening	29-Mar-2012	EPA Due	5-Sep-2012
	PCW	20-Jun-2017				

### RESPONDENT/FACILITY INFORMATION

Respondent	Pasadena Refining System, Inc		
Reg. Ent. Ref. No.	RN100716661		
Facility/Site Region	12-Houston	Major/Minor Source	Major

### CASE INFORMATION

Enf./Case ID No.	48267	No. of Violations	1
Docket No.	2014-0228-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Raime Hayes-Falero
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and one order without denial of liability. Reduction for three Notices of Audit and one Disclosure 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	\$1,199	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$34,163	

**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 29-Mar-2012

Docket No. 2014-0228-MLM-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 3 (September 2011)

Case ID No. 48267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100716661

Media [Statute] Water Quality

Enf. Coordinator Raime Hayes-Falero

### 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> )	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, three orders with denial of liability, and one order without denial of liability. Reduction for three Notices of Audit and one Disclosure of Violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%



**Screening Date** 29-Mar-2012  
**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267

**Docket No.** 2014-0228-MLM-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100716661  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 1

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000574000 Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002

**Violation Description** Failed to comply with the permitted effluent limitations, as documented during a record review on May 12, 2012, and shown in the attached violation table.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Benzene, Ethylbenzene, Toluene, and Xylene combination was considered to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 2 90 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$7,500

Two quarterly events are recommended.

**Good Faith Efforts to Comply**

10.0% Reduction \$750

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

Notes The Respondent completed the corrective actions on May 31, 2012, after the May 22, 2012 NOE.

**Violation Subtotal** \$6,750

**Economic Benefit (EB) for this violation**

Estimated EB Amount \$1,199

**Statutory Limit Test**

Violation Final Penalty Total \$14,250

**This violation Final Assessed Penalty (adjusted for limits)** \$14,250

# Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 48267  
**Reg. Ent. Reference No.** RN100716661  
**Media** Water Quality  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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)	\$34,163	30-Nov-2011	31-May-2012	0.50	\$57	\$1,142	\$1,199
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to conduct an evaluation of the wastewater treatment system to determine the cause of noncompliance and to implement corrective actions including repair of piping near Tanks 332 and 825 and remediation of the impacted soil. The Date Required is the initial month of noncompliance. The Final Date is the date of compliance.

**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

\$34,163

TOTAL

\$1,199



EFFLUENT VIOLATION TABLE		
Pasadena Refining System, Inc		
TPDES Permit No. WQ0000574000		
Docket No. 2014-0228-MLM-E		
	Benzene, Ethylbenzene, Toluene, and Xylene Combination Daily Max. Conc.	Total Organic Carbon Daily Max. Conc.
Months	Limit = 0.5 mg/L	Limit = 70 mg/L
November 2011	c	89.2
February 2012	0.82	c
March 2012	1.17	c
Max. = Maximum Conc. = Concentration mg/L = milligrams per liter c = compliant		



# Compliance History Report

Compliance History Report for CN603137605, RN100716661, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603137605, Pasadena Refining System, Inc	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	16.47
<b>Regulated Entity:</b>	RN100716661, PASADENA REFINING SYSTEM	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	16.47
<b>Complexity Points:</b>	33	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	02 - Oil and Petroleum Refineries				
<b>Location:</b>	111 RED BLUFF RD PASADENA, TX 77506-1530, HARRIS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

**ID Number(s):**

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER HG0175D	<b>AIR OPERATING PERMITS</b> PERMIT 1544
<b>AIR OPERATING PERMITS</b> PERMIT 3711	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> PERMIT 50112
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD008091290	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30311
<b>WASTEWATER</b> PERMIT WQ0000574000	<b>WASTEWATER</b> EPA ID TX0004626
<b>AIR NEW SOURCE PERMITS</b> PERMIT 3776	<b>AIR NEW SOURCE PERMITS</b> PERMIT 5639
<b>AIR NEW SOURCE PERMITS</b> PERMIT 5953	<b>AIR NEW SOURCE PERMITS</b> PERMIT 6059
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12244	<b>AIR NEW SOURCE PERMITS</b> PERMIT 20246
<b>AIR NEW SOURCE PERMITS</b> PERMIT 22039	<b>AIR NEW SOURCE PERMITS</b> PERMIT 26891
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER HG0175D	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 76022
<b>AIR NEW SOURCE PERMITS</b> PERMIT 76192	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4820100006
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 15114	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 37366
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 42375	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 42719
<b>AIR NEW SOURCE PERMITS</b> PERMIT 80804	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 81553
<b>AIR NEW SOURCE PERMITS</b> PERMIT 56389	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 87919
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 89587	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 84630
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 92237	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 93259
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 95578	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 101327
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 101932	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 112571
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 139796	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 124279
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 113020	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX816
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 136490	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 131579
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 118791	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 109065
<b>AIR QUALITY NON PERMITTED</b> ACCOUNT NUMBER HG0175D	<b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30311
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER HG0175D	<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00159

**Compliance History Period:** September 01, 2010 to August 31, 2015      **Rating Year:** 2015      **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** July 28, 2016

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 28, 2011 to July 28, 2016

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

**Name:** Raime Hayes-Falero

**Phone:** (713) 767-3567

**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  |



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

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

- 1 Effective Date: 02/10/2013 ADMINORDER 2010-2073-AIR-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 12 PERMIT  
Special Condition 4 PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP
- Description: Failure to comply with the 1 hour limit of 162 ppm H2S in fuel gas for a total of 107 hourly incidents. (Category A.12.i.6 Violation)
- Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition 12 PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP
- Description: Failure of the SRU Incinerator (UNIT ID SRUIN001), to comply with the SO2 250 parts per million (ppm) limit for 977 hourly incidents. (Category B18 Violation)
- 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)
- Rqmt Prov: Special Condition 5 PERMIT  
Special Term & Condition 17 OP
- Description: Failure to operate the SRU Incinerator (UNIT ID SRUIN001), with the required minimum temperature of 2300 degrees Fahrenheit (F). (Category B18 Violation)
- 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)
- Rqmt Prov: Special Condition 6 PERMIT  
Special Term & Condition 17 OP
- Description: Failure to maintain the scrubbing solution pH level in the Sorbent Regeneration System Caustic Scrubber. The pH level dipped below the required pH level of 7.5 during recirculation. (Category B18 Violation)
- 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)
- Rqmt Prov: Special Condition 6 PERMIT  
Special Term & Condition 17 OP
- Description: Failure to maintain CO emissions, for Unit ID BLRHT006, to the required 50 ppm limit. (Category A.12.i.6 Violation)
- 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)
- Rqmt Prov: Special Condition 4 PERMIT  
Special Term & Condition 17 OP
- Description: Failure to maintain the O2 level at or above the required 3% in the SRU Incinerator stack (UNIT ID SRUIN001). (Category B18 Violation)
- Violation Track No 410217 was combined with 410218
- Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)  
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 6E PERMIT

Special Term & Condition 1A OP

Description: Failure to limit analyzer downtime of the HRVOC analyzers monitoring the East and West Flare (Unit IDs RNFLEAST and RFNFLWEST) to less than 5 percent. (Category B18 Violation)

Violation Track No 410226 was combined with 410227, violation track no. 410227 was deleted from the CCEDS window.

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: Special Condition 1 PERMIT

Special Term & Condition 17 OP

Description: Failure to comply with the VOC annual tons per year limit for five sources across the refinery. (Category A.12.i.6 Violation)

Violation Track No 410257 was combined with 410260, violation track no. 410257 was deleted from the CCEDS window.

Classification: Moderate

Citation: 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: Special Term & Condition 2F OP

Description: Failure to file an initial report of an emission event within 24 hours of discovering the event for EPN VTFCC001 on November 12, 2008. (Category A.12.i.8 Violation)

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: Special Condition 14 PERMIT

Special Condition 4 PERMIT

Special Term & Condition 17 OP

Description: Failure to monitor and maintain tank loading rates for 39 tanks. (Category A.12.i.6 Violation)

2 Effective Date: 08/22/2014 ADMINORDER 2014-0763-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

30 TAC Chapter 122, SubChapter B 122.133(2)

30 TAC Chapter 122, SubChapter C 122.241(b)

5C THSC Chapter 382 382.054

5C THSC Chapter 382 382.085(b)

Description: Failed to submit a permit renewal application at least six months prior to the expiration of a FOP. Specifically, on May 27, 2014, the Respondent voluntarily disclosed that FOP No. O1544 expired on May 26, 2014 and the Plant continues to operate.

3 Effective Date: 05/23/2015 ADMINORDER 2014-1376-AIR-E (1660 Order-Agreed Order With Denial)

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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent a boiler trip and instability in the FCC Regenerator which resulted in unauthorized emissions. (Category A8c2Aii)

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: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent solids from plugging the intake screen on the FCCU charge pump which resulted in unauthorized emissions. (Category A12i6)

4 Effective Date: 11/08/2015 ADMINORDER 2015-0740-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate



Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 2,050.38 pounds of particulate matter from Carbon Monoxide ("CO") Boiler, Emission Point Number ("EPN") HTBLR010, during an emissions event (Incident No. 208095) that occurred on January 5, 2015 and lasted 39 minutes. The event occurred when catalyst carried over from the Fluidized Catalytic Cracking Unit and was vented out the CO Boiler, EPN HTBLR010. Since it could not be determined that this event could not ha

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	August 12, 2011	(959280)
Item 2	September 06, 2011	(965313)
Item 3	October 13, 2011	(971353)
Item 4	November 10, 2011	(964269)
Item 5	November 22, 2011	(977513)
Item 6	January 05, 2012	(965182)
Item 7	January 10, 2012	(990581)
Item 8	February 07, 2012	(997942)
Item 9	May 11, 2012	(1016424)
Item 10	May 23, 2012	(1006401)
Item 11	July 09, 2012	(1031540)
Item 12	August 16, 2012	(1037916)
Item 13	September 04, 2012	(1046644)
Item 14	September 11, 2012	(1019527)
Item 15	October 01, 2012	(1024045)
Item 16	October 02, 2012	(1060794)
Item 17	November 05, 2012	(1030088)
Item 18	November 12, 2012	(1060795)
Item 19	December 07, 2012	(1060796)
Item 20	December 19, 2012	(1036091)
Item 21	January 07, 2013	(1035210)
Item 22	January 09, 2013	(1078917)
Item 23	February 06, 2013	(1078916)
Item 24	March 07, 2013	(1089282)
Item 25	April 08, 2013	(1095676)
Item 26	April 12, 2013	(1075621)
Item 27	May 07, 2013	(1106600)
Item 28	June 07, 2013	(1110277)
Item 29	July 09, 2013	(1117161)
Item 30	August 08, 2013	(1124917)
Item 31	August 13, 2013	(1100738)
Item 32	September 12, 2013	(1129517)
Item 33	October 03, 2013	(1135247)
Item 34	November 18, 2013	(1120785)
Item 35	November 22, 2013	(1140647)
Item 36	December 17, 2013	(1147104)
Item 37	January 08, 2014	(1153174)
Item 38	January 17, 2014	(1139866)
Item 39	February 05, 2014	(1160509)
Item 40	March 14, 2014	(1167154)
Item 41	April 10, 2014	(1174287)
Item 42	May 15, 2014	(1180475)
Item 43	May 30, 2014	(1159088)
Item 44	June 18, 2014	(1187373)

Item 45	July 11, 2014	(1198495)
Item 46	August 19, 2014	(1198496)
Item 47	September 04, 2014	(1171606)
Item 48	September 17, 2014	(1205778)
Item 49	October 13, 2014	(1212190)
Item 50	November 13, 2014	(1218442)
Item 51	December 08, 2014	(1224221)
Item 52	January 07, 2015	(1196025)
Item 53	January 08, 2015	(1202924)
Item 54	January 14, 2015	(1198096)
Item 55	January 30, 2015	(1216183)
Item 56	February 09, 2015	(1242258)
Item 57	March 06, 2015	(1248587)
Item 58	April 02, 2015	(1255487)
Item 59	May 15, 2015	(1262197)
Item 60	June 16, 2015	(1269366)
Item 61	July 08, 2015	(1276912)
Item 62	July 24, 2015	(1253436)
Item 63	August 10, 2015	(1283089)
Item 64	September 16, 2015	(1290229)
Item 65	October 14, 2015	(1296432)
Item 66	November 12, 2015	(1301885)
Item 67	December 08, 2015	(1287355)
Item 68	December 09, 2015	(1308813)
Item 69	January 05, 2016	(1221809)
Item 70	February 04, 2016	(1324989)
Item 71	March 03, 2016	(1331718)
Item 72	March 04, 2016	(1308110)
Item 73	March 16, 2016	(1308668)
Item 74	April 04, 2016	(1314371)
Item 75	April 07, 2016	(1338881)
Item 76	April 22, 2016	(1308639)
Item 77	April 29, 2016	(1319079)
Item 78	May 03, 2016	(1345681)
Item 79	May 13, 2016	(1314972)
Item 80	May 26, 2016	(1322284)
Item 81	June 01, 2016	(1331625)

**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:      09/25/2015      (1265936)  
Self Report?    NO      Classification:      Moderate  
Citation:      30 TAC Chapter 101, SubChapter F 101.211(b)  
5C THSC Chapter 382 382.085(b)  
Description:    Failure to submit the Final Report for a reportable shutdown activity within two weeks following the end of the activity.
  
- 2      Date:      10/05/2015      (1265883)  
Self Report?    NO      Classification:      Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description:    Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent the landing of the internal floating roof in Tank 353 which resulted in unauthorized emissions.
  
- 3      Date:      10/27/2015      (1273085)  
Self Report?    NO      Classification:      Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
MAERT PERMIT  
Description:    Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent a

leak from a drain line in the Reformer 3 Unit which resulted in unauthorized emissions.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit the Initial Notification within 24 hours of discovery.

4 Date: 02/26/2016 (1305282)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent a leak from a heat exchanger which resulted in unauthorized emissions from the cooling tower. (Category B13 Violation).

5 Date: 02/26/2016 (1300155)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent a heat exchanger leak which resulted in unauthorized emissions from the Alky Cooling Water Tower. (Category B13)

6 Date: 02/29/2016 (1282647)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8 (B) PERMIT  
Special Term and Condition 17 OP  
Description: Failure to conduct a Relative Accuracy Test Audit (RATA) at least once every four calendar quarters. Category B1.

7 Date: 07/08/2016 (1322759)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Specifically, PRSI failed to prevent a pipe leak in the Distillate Hydrotreater Unit which resulted in a fire and subsequent unauthorized emissions. (Category B13)

#### F. Environmental audits:

Notice of Intent Date: 07/29/2011 (944910)

Disclosure Date: 10/24/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(A)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)  
40 CFR Part 60, Subpart QQQ 60.693-2(a)(2)

Description: Failed to have gaskets on the flip top gauge hatches at the top of the guidepoles for Tanks 065, 301, 328, 342, 343, 348, 353, 400, 814, 815, 822, 825, 827, 830, and 831.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(A)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)

Description: Failed to have gaskets for the gauge float wells for Tanks 810 and 813, and the gasket on the guidepole gauge hatch on Tank 811 was no long sealing properly and needs repair. In addition, the guidepole wiper on Tank 830 was saturated with oil, probably indicating a bad gasket.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(B)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(i)  
40 CFR Part 60, Subpart QQQ 60.693-2(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)(3)

Description: Failed to have the vacuum breaker closed on Tanks 400, 812, 818, 822, 825, and 830 even though the tank roofs are not landed or floating off.

Viol. Classification: Minor



Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(G)

Description: Failed to equip the guidepoles with emission control devices for Tanks 810, 815, and 825.

Notice of Intent Date: 10/17/2012 (1041087)

No DOV Associated

Notice of Intent Date: 03/26/2015 (1241033)

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  
PASADENA REFINING  
SYSTEM, INC  
RN100716661

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2014-0228-MLM-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 Pasadena Refining System, Inc ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Matthew Kuryla with the law firm of Baker Botts LLP, 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 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 Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this 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 111 Red Bluff Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the State under TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During record reviews conducted from May 14, 2011 through November 9, 2011, May 24, 2011 through November 29, 2011, March 30, 2011 through November 9, 2011, October 25, 2011 through November 9, 2011, and October 23, 2013 through November 15, 2013, TCEQ staff documented that initial compliance testing for vent gas control requirements was required to be conducted by July 14, 2007 for the SZORB Heater [Emissions Point Number ("EPN") HTLSG001], but was not conducted until December 23, 2009; by June 10, 2008 for the Crude Heater 4 (EPN HTCRU004), but was not conducted until December 18, 2008; by December 31, 2005 for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), but was not conducted until April 20, 2006; and by December 31, 2005 for the Hydrotreater RH1 and RH2 Heaters (EPNs HTREFO01 and HTREFO02), but was not conducted until April 26, 2006.
4. During a record review conducted from October 25, 2011 through November 9, 2011, TCEQ staff documented that the testing notification for Crude Heater 4 (EPN HTCRU004) was submitted seven days before the test.
5. During record reviews conducted from March 30, 2011 through November 9, 2011, May 14, 2011 through November 9, 2011, May 24, 2011 through November 29, 2011, October 25, 2011 through November 9, 2011, and October 23, 2013 through November 15, 2013, TCEQ staff documented that the Respondent did not submit an application to revise Federal Operating Permit ("FOP") No. O1544 to add the Highly Reactive Volatile Organic Compounds ("HRVOC") requirements for Crude Heater 4 (EPN HTCRU004), Boiler 6 (EPN HTBLR006), Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), Hydrotreater RH1 and RH2 Heaters (EPNs HTREFO01 and HTREFO02), and SZORB Heater (EPN HTLSG001).
6. During a record review conducted from May 24, 2011 through November 29, 2011, TCEQ staff documented that during a reference method stack test conducted on December 4, 2008, the particulate matter equal to or less than 10 microns in diameter ("PM10") emissions rate exceeded the permitted emissions rate of 2.45 pounds per hour ("lbs/hr") for Boiler 6 (EPN HTBLR006) by 1.95 lbs/hr. Also, the firing rate for Boiler 6 (EPN HTBLR006) was reduced immediately subsequent to the December 4, 2008 stack test, but the PM10 emissions rate exceeded the permitted emissions rate of 2.45 lbs/hr by an average of 0.25 lb/hr from December 4, 2008 to April 18, 2009, July 19, 2010 to September 24, 2010, January 27, 2011 to June 11, 2011, and December 10, 2011 to February 13, 2012, resulting in approximately 623.9 lbs of PM10 emissions.



7. During a record review conducted on May 30, 2011 through November 9, 2011, TCEQ staff documented that the initial compliance tests for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and sulfur dioxide ("SO2") were required to be conducted by June 9, 2008 for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), but were not completed until October 31, 2008.
8. During record reviews conducted from May 14, 2011 through November 9, 2011 and May 24, 2011 through November 29, 2011, TCEQ staff documented that the initial compliance test for NOx was required to be completed by March 31, 2007 and then another by November 6, 2007 after the installation of low NOx burners for Hydroheater RH1 and RH2 Heaters (EPN HTREF001 and HTREF002), but the tests were not completed until December 20, 2007.
9. During a record review conducted from May 14, 2011 through November 9, 2011, TCEQ staff documented that during a reference method stack test conducted on September 17, 2009, the NOx emissions rate exceeded the permitted emissions rate of 1.2 lbs/hr for the Hydrotreater RH2 Heater (EPN HTREF002) by 0.08 lb/hr, resulting in 114.99 lbs of unauthorized NOx emissions.
10. During a record review conducted from May 14, 2011 through November 9, 2011, TCEQ staff documented that the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002) were tested on September 17, 2009, and the stack test report was submitted 43 days late on December 29, 2009.
11. During a record review conducted from December 27, 2011 through February 3, 2012, TCEQ staff documented that from October 1, 2010 to September 30, 2011, the Distillate Hydrotreater ("DHT") Compressor Engine A (EPN ENDHT001) exceeded the CO annual emissions rate of 1.30 tons per year ("tpy") by 17.24 tons and the particulate matter ("PM") annual emissions rate of 0.01 tpy by 0.1 ton and exceeded the CO hourly emissions rate of 0.60 lb/hr for a total of 7,619 hours by an average of 3.36 lbs/hr and the PM hourly emissions rate of 0.01 lb/hr for a total of 7,554 hours by an average of 0.02 lb/hr, resulting in the unauthorized release of approximately 25,599.84 lbs of CO and 151.08 lbs of PM. Also, from October 1, 2010 to September 30, 2011, the DHT Compressor Engine B (EPN ENDHT002) exceeded the NOx hourly emissions rate of 2.70 lbs/hr for a total of 269 hours by an average of 4.77 lbs/hr and the PM hourly emissions rate of 0.01 lb/hr for a total of 206 hours by an average of 0.03 lb/hr, resulting in the unauthorized release of approximately 1,283.13 lbs of NOx and 6.18 lbs of PM.
12. During a record review conducted from December 27, 2011 through February 3, 2012, TCEQ staff documented that the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S) operated at CO concentration levels above the 100 parts per million by volume ("ppmv") limit for a total of 592 hours by an average of 461 ppmv from October 1, 2010 through March 24, 2011.
13. During a record review conducted from December 27, 2011 through February 3, 2012, TCEQ staff documented that from October 1, 2010 through March 31, 2011, the CO Boiler (EPN HTBLR010) exceeded the NOx emissions rate of 201.86 lbs/hr for a total of 66 hours by an average of 140.60 lbs/hr, the CO emissions rate of 141.60 lbs/hr for a

total of 19 hours by an average of 84.04, the SO<sub>2</sub> emissions rate of 290.45 lbs/hr for a total of 530 hours by an average of 26.77 lbs/hr, and the PM emissions rate of 34.80 lbs/hr for a total of 413 hours by an average of 1.3 lbs/hr, resulting in the unauthorized release of approximately 9,290.16 lbs of NO<sub>x</sub>, 1,596.76 lbs of CO, 14,188.1 lbs of SO<sub>2</sub>, and 536.9 lbs of PM.

14. During a record review conducted on November 26, 2012, TCEQ staff documented that from February 5, 2011 to May 1, 2011, the Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001) exceeded the NO<sub>x</sub> emissions rate of 1.40 lbs/hr for a total of seven hours by an average of 0.06 lb/hr, resulting in the release of approximately 0.43 lb of NO<sub>x</sub>.
15. During a record review conducted on November 26, 2012, TCEQ staff documented that on April 1, 2011 and August 31, 2011, the DHT Compressor Engine A (EPN ENDHT001) exceeded the NO<sub>x</sub> limit of 5 grams per horsepower-hour ("g/hp-hr") and the CO limit of 1.5 g/hp-hr.
16. During a record review conducted on November 26, 2012, TCEQ staff documented that the established fuel gas flow rates were exceeded for the Alky Heater No. 1 (EPN HTALK001) from January 1, 2011 to March 31, 2011; for the Alkyl Heater No. 2 (EPN HTALK002) from October 1, 2010 to December 31, 2010 and April 1, 2011 to June 30, 2011; for the Coker Heater No. 2 (EPN HTCRK002) from October 1, 2010 to June 30, 2011; and for the Coker Heater No. 1 (EPN HTCRK001), Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), Crude Tower Heater (EPN HTCRU004), Fluid Catalytic Cracking Charge Heater (EPN HTFCC002), Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001), Heater H-3701 (EPN HTLSG001), Reformer No. 3 Combined Heaters (EPN HTREF2631), and CO Boiler (EPN HTBLR010) from October 1, 2010 to September 30, 2011.
17. During an investigation conducted on December 13, 2011, TCEQ staff documented that the Respondent released 2,235.69 lbs of volatile organic compounds ("VOC") and 2,185.48 lbs of SO<sub>2</sub> from Coker Unit Fugitives (EPN FUCOK001) and 91.02 lbs of CO, 12.60 lbs of NO<sub>x</sub>, and 239.82 lbs of VOC from the West Flare (EPN FLRFNWEST) during an emissions event (Incident No. 162661) that began on December 10, 2011 and lasted 24 hours. The event occurred when an eight-inch plug valve that controls the feed to Drum B in the Coker Unit failed. TCEQ staff determined that the emissions event could have been avoided through better operational practices.
18. During a record review conducted from April 26, 2012 through May 10, 2012, TCEQ staff documented that the Respondent released 4,589.8 lbs of VOC, 33.97 lbs of CO, 1.1 lbs of hydrogen sulfide, 4.7 lbs of NO<sub>x</sub>, and 2.6 lbs of SO<sub>2</sub> from the West Flare (EPN FLRFNWEST), 2,630 lbs of PM from the CO Boiler (EPN HTBLR010), and 2,630 lbs of PM from Seal Pot Stack (EPN VTFCC003) during an emissions event (Incident No. 166814) that began on April 3, 2012 and lasted 10 hours. The event occurred due to a loss of power caused by operator error which inadvertently caused the West Flare (EPN FLRFNWEST) pilot flame to be extinguished. TCEQ staff determined that the emissions event could have been avoided through better operational practices.

19. During a record review conducted from September 10, 2012 through September 24, 2012, TCEQ staff documented that the Respondent released 28,393.21 lbs of VOC from the West Flare (EPN FLRFNWEST) during an emissions event (Incident No. 172318) that began on August 14, 2012 and lasted one hour and 20 minutes. The event occurred when heavy steaming extinguished the West Flare's pilot flame. TCEQ staff determined that the emissions event could have been avoided through better operational practices.
20. During an investigation conducted on October 16, 2012, TCEQ staff documented that the Respondent released 9,826 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174176) that began on September 29, 2012 and lasted four hours and 18 minutes. The event occurred due to a build-up of metals on the catalyst in the Regenerator of the Electrostatic Precipitator ("ESP") Stack in the Fluid Catalytic Cracking Unit ("FCCU"). TCEQ staff determined that the emissions event could have been avoided through better operational practices.
21. During an investigation conducted on October 16, 2012, TCEQ staff documented that the Respondent released 2,860.80 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174196) that began on September 30, 2012 and lasted three hours and nine minutes. The event occurred due to a build-up of metals on the catalyst in the Regenerator of the ESP Stack in the FCCU. TCEQ staff determined that the emissions event could have been avoided through better operational practices.
22. During an investigation conducted on October 16, 2012, TCEQ staff documented that the Respondent released 2,965.20 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174240) that began on September 30, 2012 and lasted 10 minutes. The event occurred due to a build-up of metals on the catalyst in the Regenerator of the ESP Stack in the FCCU. TCEQ staff determined that the emissions event could have been avoided through better operational practices.
23. During an investigation conducted on October 16, 2012, TCEQ staff documented that the Respondent released 2,965.20 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 174281) that began on October 1, 2012 and lasted six minutes. The event occurred due to build-up of metals on the catalyst in the Regenerator of the ESP Stack in the FCCU. TCEQ staff determined that the emissions event could have been avoided through better operational practices.
24. During a record review conducted from November 19, 2013 through December 3, 2013, TCEQ staff documented that the Respondent released 28,661 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 190028) that began on October 27, 2013, and lasted four hours and 25 minutes. The event occurred due to a failure to prevent a unit upset in the FCCU. TCEQ staff determined that the emissions event could have been avoided through better operational practices.
25. During a record review conducted from February 7, 2012 through February 27, 2012, TCEQ staff documented that the Respondent experienced 100% opacity and released 76,000 lbs of PM from the CO Boiler (EPN HTBLR010) during an emissions event (Incident No. 163889) that began on January 20, 2012 and lasted 45 minutes. The emissions event resulted from the failure to maintain the correct target pressure in the



Regenerator, which resulted in an excess amount of catalyst and a release of catalyst from the CO Boiler (EPN HTBLR010). TCEQ staff determined that this event was an excessive emissions event.

26. During a record review conducted from January 22, 2013 through February 5, 2013, TCEQ staff documented that the Permit Compliance Certification ("PCC") for the October 1, 2011 through September 30, 2012 certification period was due on October 30, 2012, but was not submitted until January 22, 2013.
27. During a record review conducted from January 22, 2013 through February 5, 2013, TCEQ staff documented that between November 2011 and August 2012, Boiler 6 (EPN HTBLR006) exceeded the NOx emissions rate of 3.5 lbs/hr by an average of 3.81 lbs/hr for 68 hours over a period of 12 days, and the CO emissions rate of 11.20 lbs/hr by an average of 12.53 lbs/hr for 242 hours over a period of 34 days. Also, Boiler 6 exceeded the NOx emissions limit of 0.01 pound per million British thermal units ("lb/MMBtu") by an average of 0.033 lb/MMBtu for 4 hours from May 2012 through July 2012, and the CO concentration limit of 50 parts per million, volumetric dry ("ppmvd") by an average of 184.91 ppmvd for a total of 1,006 hours from April 2012 through September 2012.
28. During a record review conducted from January 22, 2013 through February 5, 2013, TCEQ staff documented that Alky Heater No. 1 (EPN HTALK001) exceeded the SO2 emissions rate of 2.60 lbs/hr for a total of 29 hours by an average of 0.62 lb/hr in November 2011 and June 2012, resulting in the unauthorized release of approximately 18 lbs of SO2. Alky Heater No. 2 (EPN HTALK002) exceeded the SO2 emissions rate of 2.60 lbs/hr for a total of 34 hours by an average of 0.63 lb/hr in November 2011 and June 2012, the VOC emissions rate of 0.4 lb/hr for a total of 159 hours by an average of 0.21 lb/hr in September 2012, and the PM emissions rate of 0.06 lb/hr for a total of 20 hours by an average of 0.02 lb/hr in September 2012, resulting in the unauthorized release of approximately 21.4 lbs of SO2, 33.4 lbs of VOC, and 0.4 lb of PM. Coker Heater No. 1 (EPN HTCKR001) exceeded the NOx emissions rate of 5.7 lbs/hr for a total of nine hours by an average of 0.23 lb/hr in November 2011, the SO2 emissions rate of 3.0 lbs/hr for a total of 39 hours by an average of 0.98 lb/hr in October 2011 and November 2011, the VOC emissions rate of 0.50 lb/hr for a total of 29 hours by an average of 0.04 lb/hr in November 2011, and the PM emissions rate of 0.70 lb/hr for a total of 28 hours by an average of 0.05 lb/hr in November 2011, resulting in the unauthorized release of approximately 2.1 lbs of NOx, 38.23 lbs of SO2, 1.2 lbs of VOC, and 1.4 lbs of PM.
29. During a record review conducted from January 22, 2013 through February 5, 2013, TCEQ staff documented that from October 1, 2011 through September 30, 2012, the gas flow rates were exceeded at EPN HTREF002 for 345 hours, EPN HTBLR004 for 2,136 hours, EPN HTBLR010 for 1,063 hours, EPN HTALK001 for 1,906 hours, EPN HTALK002 for 16 hours, EPN HTCKR001 for 138 hours, EPN HTCKR002 for 3 hours, EPN HTRCU001-S for 6,830 hours, EPN HTRCU004 for 2,678 hours, EPN HTFCC002 for 6,020 hours, EPN HTREF001 for 79 hours, EPN HTLSG001 for 4,741 hours, and EPN HTREF2631 for 7,650 hours.
30. During a record review conducted from January 22, 2013 through February 5, 2013, TCEQ staff documented that the East Flare (EPN FLRFNEAST) operated below the

required minimum net heating value of 300 million British thermal units per standard cubic foot ("MMBtu/scf") for a total of 121 hours over a period of 18 days between October 2011 and July 2012 and the West Flare (EPN FLRFNWEST) operated below the required net heating value of 300 MMBtu/scf for a total of 386 hours over a period of 35 days between October 6, 2011 and January 25, 2012.

31. During a record review conducted from September 10, 2012 through September 24, 2012, TCEQ staff documented that the final report for Incident No. 172318 did not contain accurate quantities of the compounds emitted.
32. During a record review conducted on May 12, 2012, TCEQ staff documented that the Respondent failed to comply with the permitted effluent limitations shown in the violation table below:

EFFLUENT VIOLATION TABLE		
Months	Benzene, Ethylbenzene, Toluene, and Xylene Combination Daily Max. Conc. Limit = 0.5 mg/L	Total Organic Carbon Daily Max. Conc. Limit = 70 mg/L
November 2011	c	89.2
February 2012	0.82	c
March 2012	1.17	c
Max. = Maximum Conc. = Concentration mg/L = milligrams per liter c = compliant		

33. The Respondent received notices of the violations on or about December 20, 2011, March 21, 2012, May 27, 2012, June 1, 2012, July 16, 2012, July 23, 2012, December 12, 2012, January 22, 2013, February 6, 2013, September 5, 2013, December 31, 2013, and January 15, 2014.
34. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On April 20, 2006, conducted a stack test to demonstrate compliance with the vent gas control requirements for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
  - b. On April 26, 2006, conducted a stack test to demonstrate compliance with the vent gas control requirements for the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002);

- c. On December 20, 2007, conducted a stack test to demonstrate compliance with the NO<sub>x</sub> emissions limit for the Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002);
- d. On October 31, 2008, conducted a stack test to demonstrate compliance with the permitted NO<sub>x</sub>, CO, and SO<sub>2</sub> emissions rates for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
- e. On December 18, 2008, conducted a stack test to demonstrate compliance with the vent gas control requirements for the Crude Heater 4 (EPN HTCRU004);
- f. On December 23, 2009, conducted a stack test to demonstrate compliance with the vent gas control requirements for the SZORB Heater (EPN HTLSG001);
- g. On January 1, 2011, obtained a Permits by Rule to authorize the additional NO<sub>x</sub> emissions from the Hydrotreater RH2 Heater (EPN HTREF002);
- h. On March 24, 2011, implemented measures to comply with the CO concentration limit for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
- i. By May 2, 2011, made operational changes to comply with the permitted NO<sub>x</sub> hourly emissions rate for the Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001);
- j. By December 31, 2011, shut down Coker Heater No. 1 (EPN HTCRK001) and Coker Heater No. 2 (EPN HTCRK002);
- k. By January 21, 2012, implemented the Corrective Action Plan to prevent recurrence of emissions events due to the same or similar causes as Incident No. 163889;
- l. On January 24, 2012, conducted training to ensure timely submittal of testing notifications and stack test reports;
- m. On January 26, 2012, implemented measures to comply with the permitted SO<sub>2</sub>, PM, NO<sub>x</sub>, and CO emissions rates for the CO Boiler (EPN HTBLR010);
- n. On May 31, 2012, conducted an evaluation of the wastewater treatment system to determine the cause of non-compliance and implemented corrective actions including repairing of the piping near Tanks 332 and 825 and remediation of the impacted soil;
- o. On July 31, 2012, implemented measures to comply with the minimum net heating value requirements for the East and West Flares (EPNs FLRFNEAST and FLRFNWEST);
- p. By September 24, 2012, made operational adjustments and repaired a leaking line in order to comply with the permitted NO<sub>x</sub> emissions limit and hourly



- emissions rate and the permitted CO concentration limit and hourly emissions rate for Boiler 6 (EPN HTBLR006);
- q. By September 30, 2012, made operational adjustments to comply with the permitted SO<sub>2</sub> hourly emissions rate for Alky Heater No. 1 (EPN HTALK001); the permitted SO<sub>2</sub>, VOC, and PM hourly emissions rates for Alky Heater No. 2 (EPN HTALK002); and the permitted NO<sub>x</sub>, SO<sub>2</sub>, VOC, and PM hourly emissions rates for Coker Heater No. 1 (EPN HTCRK001);
  - r. On September 30, 2012, implemented measures to ensure that accurate quantities of emissions are reported in the final report for emissions events;
  - s. On October 19, 2012, adjusted the pressure balance in the FCCU to force the catalyst flow and replaced all of the catalyst in the FCCU to prevent recurrence of emissions events due to the same or similar causes as Incident Nos. 174176, 174196, 174240, and 174281;
  - t. By December 4, 2012, cleaned the breaker cabinets and revised procedures for flare operations during start-up to prevent the recurrence of emissions events due to same or similar causes as Incident No. 166814;
  - u. On December 4, 2012, revised the flare procedures to add pilot gas pressure settings and inspect the flare igniter on every shift to prevent water build up to prevent the recurrence of emissions events due to same or similar causes as Incident No. 172318;
  - v. On January 22, 2013, submitted the PCC for the October 1, 2011 through September 30, 2012 certification period;
  - w. On March 12, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Heater H-3701 (EPN HTLSG001);
  - x. On March 13, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Diesel Hydrotreater Charge Heater No. 1 (EPN HTREF001);
  - y. On March 14, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Crude Tower Heater (EPN HTCRU004);
  - z. On March 15, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Boiler 4 (EPN HTBLR004);
  - aa. On March 18, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Fluid Catalytic Cracking Charge Heater (EPN HTFCC002);
  - bb. On April 18, 2013, performed a stack to demonstrate compliance with the established fuel gas flow rate for Hydrotreater RH2 Heater (EPN HTREF002);

- cc. On October 8, 2013, conducted a stack test to demonstrate compliance with the permitted PM<sub>10</sub> hourly emissions rate for Boiler 6 (EPN HTBLR006);
- dd. On October 10, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rates for Alky Heater No. 1 (EPN HTALK001) and Alky Heater No. 2 (EPN HTALK002);
- ee. On October 15, 2013, obtained a revision for FOP No. O1544 to include the HRVOC requirements for Crude Heater 4 (EPN HTCRU004), Boiler 6 (EPN HTBLR006), Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), Hydrotreater RH1 and RH2 Heaters (EPNs HTREF001 and HTREF002), and SZORB Heater (EPN HTLSG001);
- ff. On November 5, 2013, performed a stack test to demonstrate compliance with the established fuel gas flow rate for CO Boiler (EPN HTBLR010);
- gg. By November 12, 2013, revised the catalyst sampling procedures, revised parameters to ensure proper catalyst flow, and established a catalyst loading reliability program in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 190028;
- hh. On April 30, 2014, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S);
- ii. On August 7, 2014, performed a stack test to demonstrate compliance with the established fuel gas flow rate for Reformer No. 3 Combined Heaters (EPN HTREF2631);
- jj. On September 3, 2014, implemented engineering improvements to prevent blockage in order to prevent recurrence of emissions events due to same or similar causes as Incident No. 162661;
- kk. By January 31, 2015, replaced DHT Compressor Engines A and B with electric motors; and
- ll. On March 20, 2017, conducted a stack test on the FCCU to determine a more accurate PM emissions factor for the Seal Pot Stack (EPN VTFCC003) and the Electrostatic Precipitator Stack for the CO Boiler (EPN HTBLR010) in lieu of applying a mass balance equation for these emission sources that resulted in an overestimation of PM emissions during normal operations and emissions events.

## 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 chs. 7 and 26, and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to demonstrate initial compliance with the vent gas control requirements by no later than 60 days after being brought into HRVOC service for the SZORB Heater (EPN HTLSG001), the Crude Heater 4 (EPN HTCRU004), the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), and Hydrotreater RH1 and RH2 Heaters (EPNs HTREFO01 and HTREFO02), in violation of 30 TEX. ADMIN. CODE § 115.729(b) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit written notification to the Houston Regional Office at least 45 days prior to conducting vent gas stream testing, in violation of 30 TEX. ADMIN. CODE § 115.726(a)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit an application for a revision to FOP No. O1544 to add the applicable requirements for each emissions unit, in violation of 30 TEX. ADMIN. CODE §§ 122.132(e)(2)(A) and 122.210(a) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with the permitted emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1544, Special Terms and Conditions ("STC") Nos. 17 and 22.A.(i)2, and New Source Review ("NSR") Permit No. 22039, Special Conditions ("SC") No. 1.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to demonstrate initial compliance for NO<sub>x</sub>, CO, and SO<sub>2</sub> before the deadline for the Atmospheric and Vacuum Tower Heaters (EPN HTCRU001-S), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 29.C, and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to demonstrate initial compliance for NO<sub>x</sub> for Hydrotreater RH1 and RH2 Heaters (EPNs HTREFO01 and HTREFO02), in violation of 30 TEX. ADMIN. CODE §§ 117.335(a) and 117.9020(2)(A)(ii)(I) and (2)(C)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to comply with the permitted emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(14), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. As evidenced by Findings of Fact No. 10, the Respondent failed to submit a stack test report within 60 days after conducting a stack test, in violation of 30 TEX. ADMIN. CODE § 117.345(c)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
10. As evidenced by Findings of Fact No. 11, the Respondent failed to comply with the permitted emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).



11. As evidenced by Findings of Fact No. 12, the Respondent failed to limit the CO concentration to 100 ppmv corrected to 3% oxygen, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b).
12. As evidenced by Findings of Fact No. 13, the Respondent failed to comply with the permitted emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
13. As evidenced by Findings of Fact No. 14, the Respondent failed to comply with the permitted emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
14. As evidenced by Findings of Fact No. 15, the Respondent failed to comply with the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC Nos. 20 and 21, and TEX. HEALTH & SAFETY CODE § 382.085(b).
15. As evidenced by Findings of Fact No. 16, the Respondent failed to comply with the established fuel gas flow rates, in violation of 30 TEX. ADMIN. CODE §§ 115.725(a)(1)(C) and 122.143(4), FOP No. O1544, STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
16. As evidenced by Findings of Fact No. 17, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(a), FOP No. O1544, STC No. 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
17. As evidenced by Findings of Fact No. 18, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 101.221(a), 116.115(c), and 122.143(4), FOP No. O1544, STC No. 17, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(2), NSR Permit No. 56389, SC Nos. 1 and 6.B, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
18. As evidenced by Findings of Fact No. 19, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 101.221(a), 116.115(c), and 122.143(4), FOP No. O1544, STC No. 17, 40 CFR § 60.18(c)(2), NSR Permit No. 56389, SC Nos. 1 and 6.B, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.

19. As evidenced by Findings of Fact No. 20, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
20. As evidenced by Findings of Fact No. 21, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
21. As evidenced by Findings of Fact No. 22, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
22. As evidenced by Findings of Fact No. 23, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
23. As evidenced by Findings of Fact No. 24, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the 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.
24. As evidenced by Findings of Fact No. 25, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 20246, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). This emissions event was determined to be an excessive emissions event.
25. As evidenced by Findings of Fact No. 26, the Respondent failed to submit a PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O1544, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b).
26. As evidenced by Findings of Fact No. 27, the Respondent failed to comply with the permitted emissions rates, emissions limit, and concentration limit, in violation of 30

TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC No. 17, NSR Permit No. 22039, SC Nos. 1 and 6, and TEX. HEALTH & SAFETY CODE § 382.085(b).

27. As evidenced by Findings of Fact No. 28, the Respondent failed to comply with the permitted emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 56389, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
28. As evidenced by Findings of Fact No. 29, the Respondent failed to comply with the established fuel gas flow rates, in violation of 30 TEX. ADMIN. CODE §§ 115.725(a)(1)(C) and 122.143(4), FOP No. O1544, STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
29. As evidenced by Findings of Fact No. 30, the Respondent failed to comply with the minimum net heating value requirements for flares, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(3)(ii), FOP No. O1544, STC Nos. 1.A and 17, NSR Permit No. 65389, SC No. 6.A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
30. As evidenced by Findings of Fact No. 31, the Respondent failed to submit an accurate final report for Incident No. 172318, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b).
31. As evidenced by Findings of Fact No. 32, the Respondent failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0000574000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 002.
32. 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.
33. An administrative penalty in the amount of \$907,191 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$453,596 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$453,595 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 attached SEP Agreements ("Attachments A, B, and C", 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 and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreements, 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 \$907,191 as set forth in Section II, Paragraph 33 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 Order completely resolve the violations set forth by this 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: Pasadena Refining System, Inc, Docket No. 2014-0228-MLM-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 I, Paragraph 33. The amount of \$453,595 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreements, as defined in Attachments A, B, and C. 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 provisions of this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this 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 Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

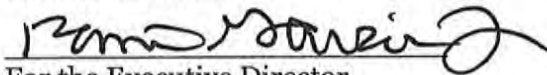
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The 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



6/25/18

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order in the matter of Pasadena Refining System, Inc. I am authorized to agree to the attached Order on behalf of Pasadena Refining System, Inc, 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 Order, Pasadena Refining System, Inc waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Order in lieu of an evidentiary hearing. This Order constitutes full and final adjudication by the Commission of the violations set forth in this Order.

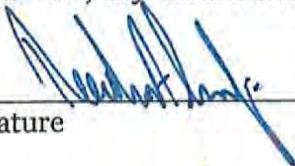
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- 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

Date



09/19/2017

Rodrigo Abramof  
Name (Printed or typed)

CEO Pasadena Refining System Inc  
Title

Authorized Representative of  
Pasadena Refining System, Inc

**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: 2014-0228-MLM-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>Pasadena Refining System, Inc</b>
<b>Payable Penalty Amount:</b>	<b>\$907,191</b>
<b>SEP Offset Amount:</b>	<b>\$250,000</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston-Galveston Area Council-AERCO</b>
<b>Project Name:</b>	<b><i>Clean Vehicles Partnership Project</i></b>
<b>Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties</b>	

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 **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership 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 replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO  
Attn: Air Quality Program Manager  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, 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:

Pasadena Refining System, Inc  
Agreed Order - Attachment A

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.

**Attachment B**  
**Docket Number: 2014-0228-MLM-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Pasadena Refining System, Inc</b>
<b>Payable Penalty Amount:</b>	<b>\$907,191</b>
<b>SEP Offset Amount:</b>	<b>\$146,595</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Armand Bayou Nature Center, Inc.</b>
<b>Project Name:</b>	<b><i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 B.

**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 **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.



Pasadena Refining System, Inc  
Agreed Order - Attachment B

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

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

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

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 **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.  
Attention: Stewardship Coordinator  
P.O. Box 58828  
Houston, Texas 77258

## **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 B, 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:

Pasadena Refining System, Inc  
Agreed Order - Attachment B

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 B 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.



**Attachment C**  
**Docket Number: 2014-0228-MLM-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Pasadena Refining System, Inc</b>
<b>Payable Penalty Amount:</b>	<b>\$907,191</b>
<b>SEP Offset Amount:</b>	<b>\$57,000</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Gulf Coast Waste Disposal Authority</b>
<b>Project Name:</b>	<b><i>Rivers, Lakes, Bays 'N Bayous Trash Bash</i></b>
<b>Location of SEP:</b>	<b>Galveston and Harris Counties</b>

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 C.

**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 **Gulf Coast Waste Disposal Authority** ("GCWDA") for the *Rivers, Lakes, Bays 'N Bayous Trash Bash*. 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 pay for materials, supplies, disposal, transportation, and advertising, as well as costs directly associated with the cleanup of trash and pollutants from Galveston Bay and waterways in the San Jacinto watershed. GCWDA shall not use SEP funds to pay for food, drinks, or t-shirts. GCWDA shall use SEP funds only to clean up property owned by a local government entity, as defined in TEXAS WATER CODE § 7.067, or privately owned property that is not subject to a TCEQ enforcement action at the time of cleanup. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will directly benefit water quality by removing pollutants from Galveston Bay and waterways in the San Jacinto watershed. This SEP will educate volunteers about non-point source pollution and steps the volunteers can take to help keep the environment clean.

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 **Gulf Coast Waste Disposal Authority SEP** and shall mail the contribution with a copy of the Agreed Order to:

Gulf Coast Waste Disposal Authority  
Attention: Lori Traweek  
910 Bay Area Boulevard  
Houston, Texas 77058

**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 C, 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. 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 C 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.