

**Facilities (13) in Harris County, Texas, with SO<sub>2</sub> Emission Units  
Affected by TNRCC's Agreed Orders <sup>a</sup>**

| Company Name                      | Account No. | Total No. of<br>Units <sup>b</sup> |
|-----------------------------------|-------------|------------------------------------|
| Anchor Glass Container            | HG0028R     | 2                                  |
| Atochem North America Inc.        | HG0558G     | 1                                  |
| Crown Central Petroleum Corp.     | HG0175D     | 19                                 |
| Exxon Company, USA                | HG0232Q     | 65                                 |
| ISK Biosciences Corporation       | HG0195U     | 1                                  |
| Lyondell Petrochemical Company    | HG0033B     | 8                                  |
| Lyondell-Citgo Refining Co., Ltd. | HG0048L     | 55                                 |
| Merichem Company                  | HG0486G     | 6                                  |
| Mobil Mining and Minerals Company | HG0534U     | 4                                  |
| Phibro Refining, Incorporated     | HG0130C     | 11                                 |
| Shell Chemical and Shell Oil      | HG0659W     | 35                                 |
| Shell Oil Company                 | HG0656F     | 9                                  |
| Simpson Paper Company             | HG0129K     | 7                                  |
| <b>TOTAL</b>                      |             | <b>223</b>                         |

<sup>a</sup> The information on the facilities was obtained primarily from the HRM Database: Sulfur Dioxide Emissions, Harris County, Texas, June 1994. It is based on the most current available information and is liable to change.

<sup>b</sup> These units are currently affected by the TNRCC Agreed Order. Some units may obtain federally enforceable emission rates through permits and/or standard exemptions and will then no longer be affected by the Agreed Order.

0

0

0

THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of the original of which is filed in the permanent records of the Commission.

Given under my hand and the seal of office on  
JUL 11 1994



IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
ELF ATOCHEM NORTH  
AMERICA, INC.,  
ACCOUNT NO. HG-0558-G

§  
§  
§  
§  
§

BEFORE THE  
Gloria A. Vasquez, Chief Clerk  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-12

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Elf Atochem North America, Inc. (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a chemical plant (the plant), located at 2231 Haden Road, Houston, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC

AGREED ORDER NO. 157  
ELF ATOCHEM NORTH AMERICA, INC.  
PAGE 2

Regulation VI. Either action must be accompanied by an air quality analysis, approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Elf Atochem North America, Inc. must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas

Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Elf Atochem North America, Inc. elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TA 112.2 (concerning Compliance,

Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Elf Atochem North America, Inc. shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Elf Atochem North America, Inc., its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Elf Atochem North America, Inc. is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 2231 Haden Road, Houston, Harris County, Texas and within 10 (ten) days of any

AGREED ORDER NO.  
ELF ATOCHEM NORTH AMERICA, INC.  
PAGE 5

such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

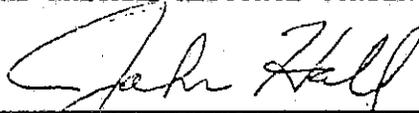
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
ELF ATOCHEM NORTH AMERICA, INC.  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1994.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



---

John Hall, Chairman

ATTEST:



---

Gloria A. Vasquez, Chief Clerk

AGREED ORDER NO.  
ELF ATOCHEM NORTH AMERICA, INC.  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

*for* William R. Grigsby  
ANTHONY C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

A. Donny Wilkins  
Authorized Representative of  
Elf Atochem North America, Inc.

5/1/94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Elf Atochem North America Incorporated and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Elf Atochem North America Incorporated  
Account No: HGO558G

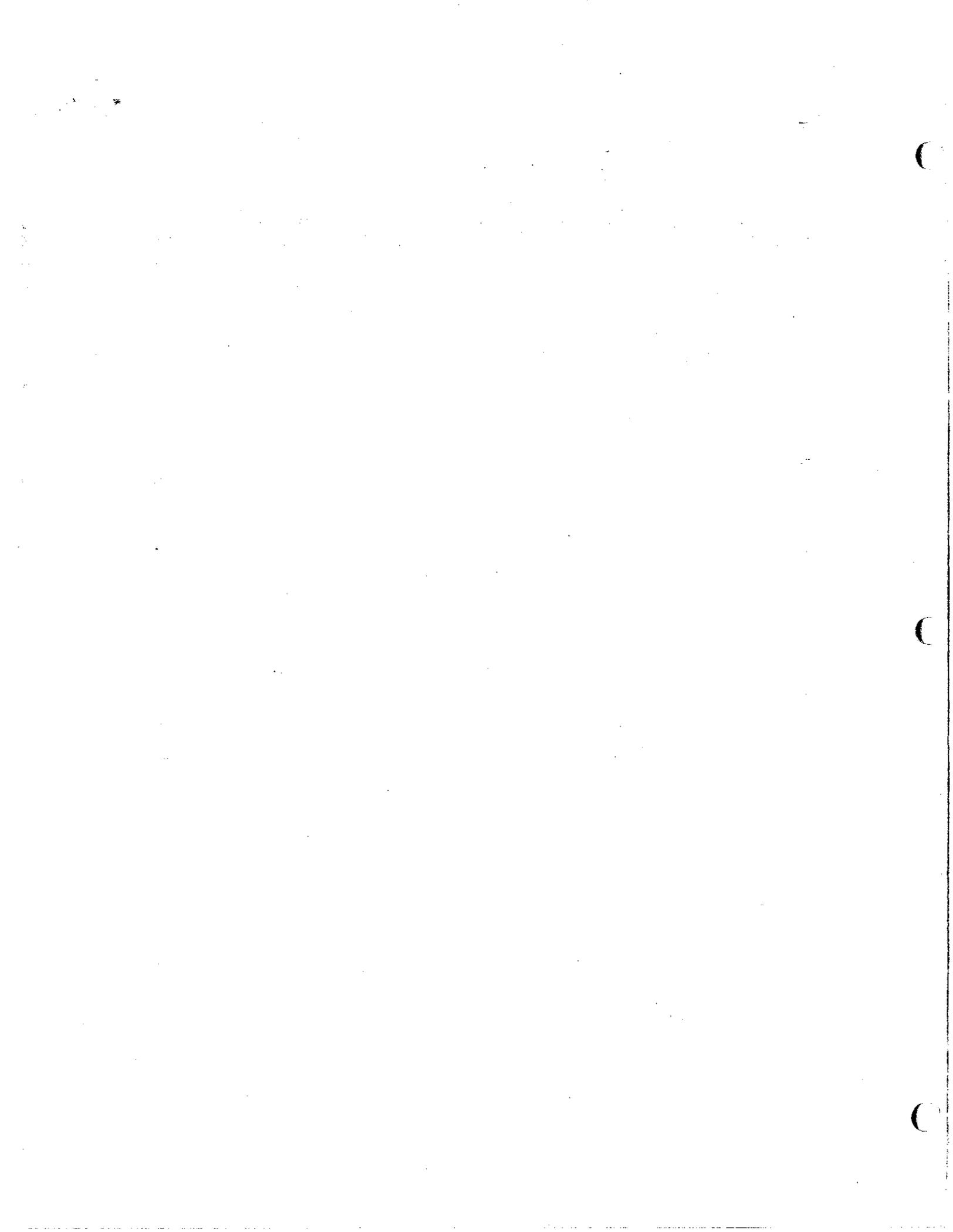
| Emission No.<br>(1) | Source Name<br>(2) | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------|--------------------|------------------------|-------------------------------------|
| FL-20               | Flare              | Sulfur Dioxide         | 600.01                              |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

NO COVER LETTER OR OTHER DOCUMENTATION WAS SUBMITTED BY  
ELF ATOCHEM (OTHER THAN THE AGREED ORDER)



THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of  
the original of which is filed in the permanent records of the  
Commission.

Given under my hand and the seal of office on

JUL 11 1994



IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
LYONDELL PETROCHEMICAL  
COMPANY,  
ACCOUNT NO. HG-0033-B

§  
§  
§  
§  
§

BEFORE THE Gloria A. Vasquez  
Gloria A. Vasquez, Chief Clerk  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-16

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Lyondell Petrochemical Company (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a chemical plant (the plant), located at 8280 Sheldon Road, Channelview, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC



up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Lyondell Petrochemical Company elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance,

Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Lyondell Petrochemical Company shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Lyondell Petrochemical Company, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Lyondell Petrochemical Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 8280 Sheldon Road, Channelview, Harris County, Texas and within 10 (ten) days

AGREED ORDER NO.  
LYONDELL PETROCHEMICAL COMPANY  
PAGE 5

of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
LYONDELL PETROCHEMICAL COMPANY  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1964.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



---

John Hall, Chairman

ATTEST:



---

Gloria A. Vasquez, Chief Clerk

S E A L

AGREED ORDER NO.  
LYONDELL PETROCHEMICAL COMPANY  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

William D. Grigsby  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

W. N. Phillips, V.P., CHINA VIEW OPERATIONS  
Authorized representative of  
Lyondell Petrochemical Company

6/3/94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Lyondell Petrochemical Company and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Lyondell Petrochemical Company  
 Account No: HG0033B

| Emission Point No.<br>(1) | Source Name<br>(2) | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|--------------------|------------------------|-------------------------------------|
| 1E01                      | Boiler 1           | Sulfur Dioxide         | 0.134                               |
| 1E02                      | Boiler 2           | Sulfur Dioxide         | 0.134                               |
| 1E03                      | Boiler 3           | Sulfur Dioxide         | 0.134                               |
| 1E04                      | Boiler 4           | Sulfur Dioxide         | 0.134                               |
| 6E07                      | Alky Flare         | Sulfur Dioxide         | 0.004                               |
| 25E01                     | IPOH Flare         | Sulfur Dioxide         | 0.002                               |
| 28E01                     | SMA Heater A       | Sulfur Dioxide         | 0.001                               |
| 28E02                     | SMA Heater B       | Sulfur Dioxide         | 0.001                               |

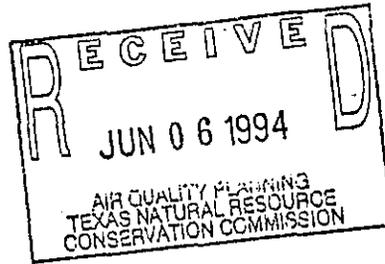
(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

8280 Dredon Road  
Post Office Box 777  
Channelview, Texas 77530-0777  
Telephone 713 452 8742

W. Norman Phillips  
Site Manager  
Channelview Complex



**FEDERAL EXPRESS**

June 2, 1994

Texas Natural Resource Conservation Commission  
Regulation Development Section  
P.O. Box 13087  
12124 Park 35 Circle  
Austin, Texas 78711-3087  
Attn: Mr. John Jolly

RE: Agreed Order  
Lyondell Petrochemical Company  
HG-0033B

Dear Mr. Jolly:

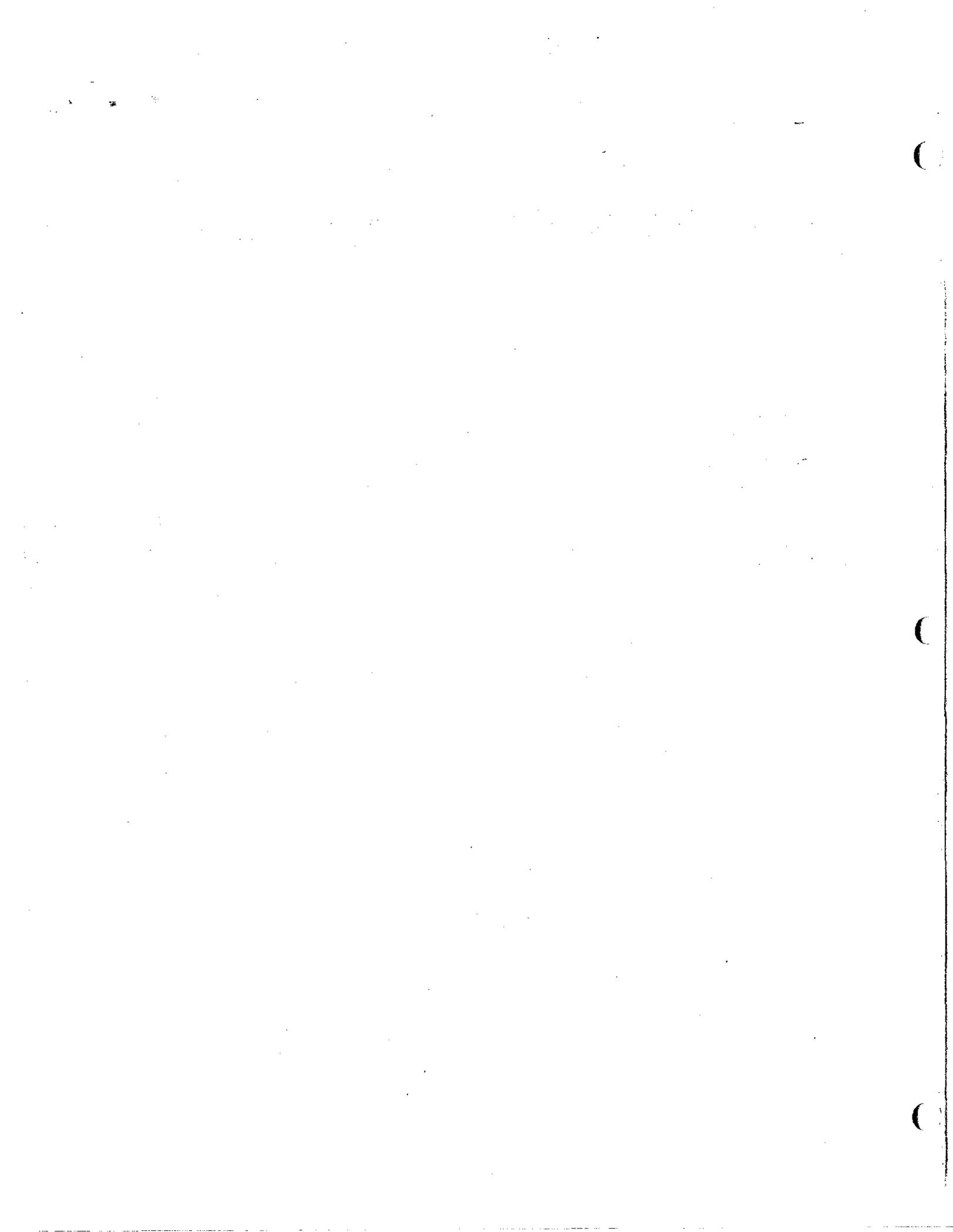
Please find enclosed the signed original agreed order for Lyondell's Channelview Complex, which is part of the Harris County SO<sub>2</sub> project. Emission Point Number 6E01 has been changed to 6E07 on Attachment A to this document, the Maximum Allowable Emission Rate table. The number was incorrect on correspondence provided to Radian regarding the flare, and has thus been corrected herein. Please make the necessary change in your files.

If there are any further questions or correspondence, please contact Ramona Singleton at the letterhead address or telephone number (713) 452-8443.

Sincerely,

W.N. Phillips  
Vice President, Channelview Operations

cc: Karen Kilpatrick, Regional Air Program Manager, Region XII  
John Hepola, Chief, Air Enforcement, EPA Region VI  
Jodena Henneke, Director, Air Quality Planning Division



THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document, the original of which is filed in the permanent records of the Commission.

Given under my hand and the seal of office on

JUL 11 1994



*Blaine A. Vasquez*  
Blaine A. Vasquez, Chief Clerk

BEFORE THE  
Texas Natural Resource  
CONSERVATION COMMISSION  
CONSERVATION COMMISSION

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
SIMPSON PASADENA PAPER  
COMPANY,  
ACCOUNT NO. HG-0129-K

§  
§  
§  
§  
§

AGREED ORDER NO. 94-22

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Simpson Pasadena Paper Company (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a paper mill (the plant), located at North Shaver at Washburn Tunnel, Pasadena, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC

AGREED ORDER NO. 88-00000000  
SIMPSON PASADENA PAPER COMPANY  
PAGE 2

Regulation VI. Further action must be accompanied by an air quality analysis, approved by the TNRCC Modeling Section (using United States Environmental Protection Agency (EPA) - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Simpson Pasadena Paper Company must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas Audit may be performed in lieu of the annual relative accuracy test audit (RATA)]

up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Simpson Pasadena Paper Company elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance,

Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Simpson Pasadena Paper Company shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Simpson Pasadena Paper Company, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Simpson Pasadena Paper Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at North Shaver St. at Washburn Tunnel, Pasadena, Harris County, Texas and within

AGREED ORDER NO.  
SIMPSON PASADENA PAPER COMPANY  
PAGE 5

10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

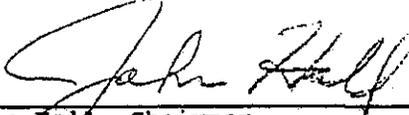
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

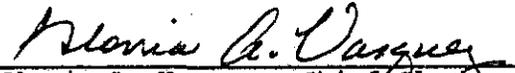
\*AGREED ORDER NO.  
SIMPSON PASADENA PAPER COMPANY  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1994.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

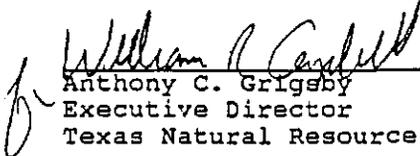
ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

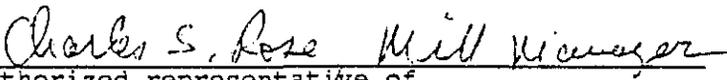
S E A L

AGREED ORDER NO.  
SIMPSON PASADENA PAPER COMPANY  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

  
\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

  
\_\_\_\_\_  
Authorized representative of  
Simpson Pasadena Paper Company

27 May/94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Simpson Pasadena Paper Company and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Simpson Pasadena Paper Company  
 Account No: HG0129K

| Emission Point No.<br>(1) | Source Name<br>(2)   | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|----------------------|------------------------|-------------------------------------|
| SN15                      | #6 Kraft Rec. Boiler | Sulfur Dioxide         | 400.00                              |
| SN27                      | Thermal Oxid. Plant  | Sulfur Dioxide         | 10.00                               |
| SN47                      | Gas Fired Boiler     | Sulfur Dioxide         | 0.45                                |
| SN48                      | Gas Fired Boiler     | Sulfur Dioxide         | 0.58                                |
| SN49                      | Gas Fired Boiler     | Sulfur Dioxide         | 0.39                                |
| SN50                      | Gas Fired Boiler     | Sulfur Dioxide         | 0.32                                |
| SN6                       | Gas Fired Boiler     | Sulfur Dioxide         | 0.21                                |

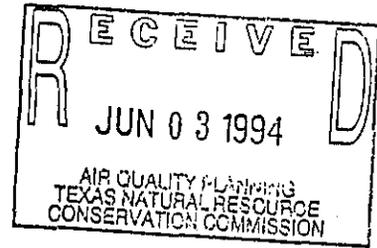
(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

# Simpson

Simpson Pasadena Paper Company  
San Jacinto Mill POST OFFICE BOX 872  
PASADENA, TEXAS 77501 (713) 475-6200



June 2, 1994

Mr. John Jolly  
Regulation Development  
Texas Natural Resource Conservation  
Commission  
P. O. Box 13087  
Austin, TX 78711-3087

Dear Mr. Jolly:

Enclosed is the signed Agreed Order limiting the level of sulfur dioxide emissions from grandfathered sources located at Simpson Pasadena Paper Company (Simpson), Account No. HG-0129K. The Agreed Order is part of the effort to avoid EPA designation of Harris County, Texas, as a non-attainment area for sulfur dioxide.

Simpson agrees to comply with the terms of the order but wishes to object to the requirement to meet Performance Specification 6 of 40 CFR 60, Appendix B.

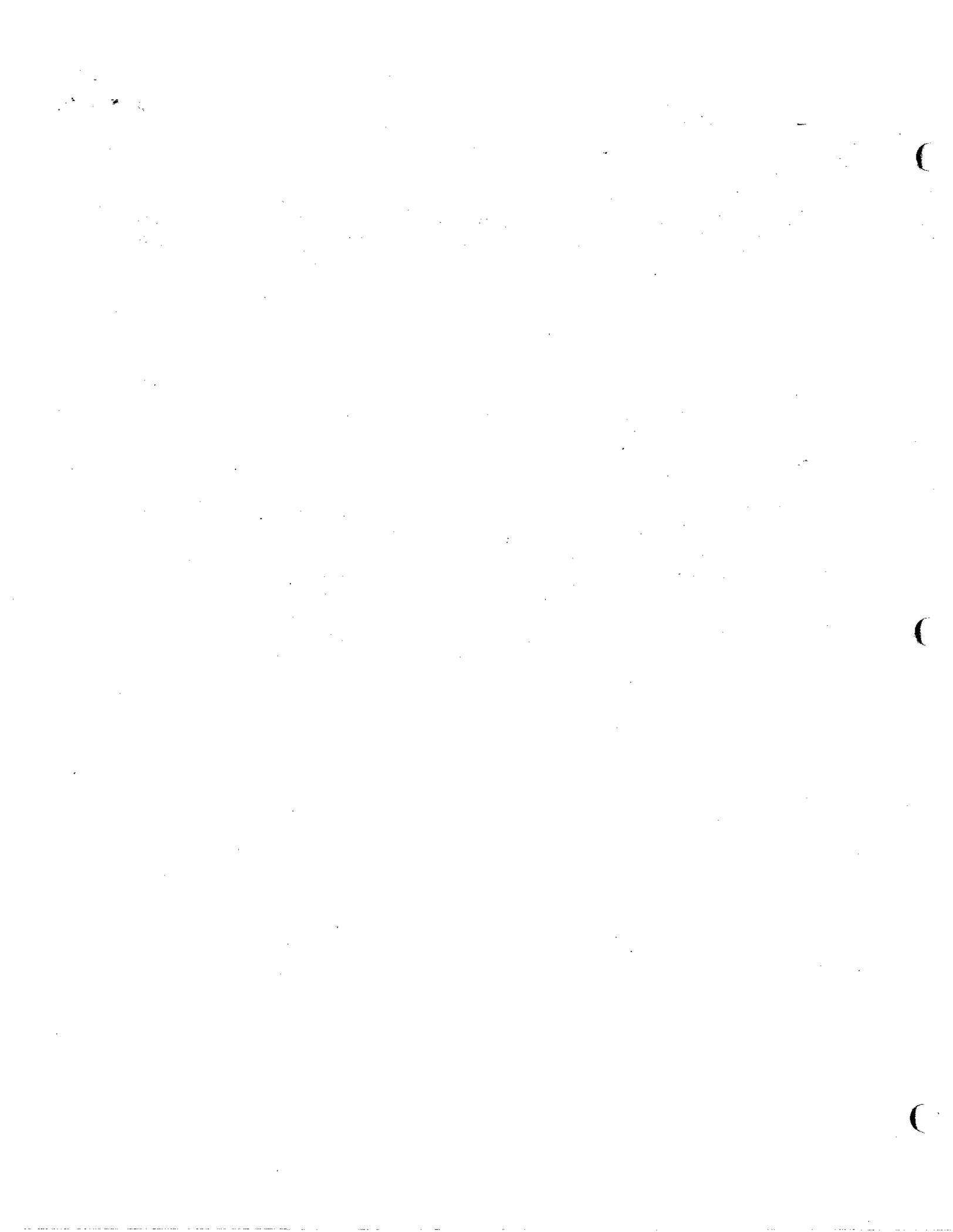
If there are any questions, please advise me at (713)/475-6257.

Sincerely,

A handwritten signature in cursive script that reads "Don Padfield".

Don Padfield  
Environmental Manager

lp



THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of  
Texas Natural Resource Conservation Commission document  
the original of which is filed in the permanent records of th  
Commission.



Given under my hand and the seal of office on

JUL 11 1992

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
ISK BIOSCIENCES  
CORPORATION,  
ACCOUNT NO. HG-0195-U

S  
S  
S  
S  
S

BEFORE Gloria A. Vasquez  
Gloria A. Vasquez, Chief Clerk  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-14

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders ISK Biosciences Corporation (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a chemical plant (the plant), located at 2239 Haden Road, Houston, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.

2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.

3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.

4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.

5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC Regulation VI. Either action must be accompanied by an air quality analysis,



be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should ISK Biosciences Corporation elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that ISK Biosciences Corporation shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

- (a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;
- (b) Submit to the Commission the information required in paragraph 6; and
- (c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon ISK Biosciences Corporation, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. ISK Biosciences Corporation is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 2239 Haden Road, Houston, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

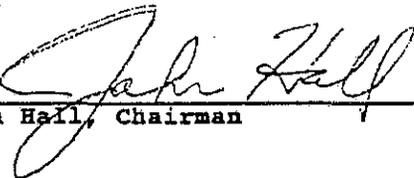
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
ISK BIOSCIENCES CORPORATION  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on         JUN 24 1994        .

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

AGREED ORDER NO.  
ISK BIOSCIENCES CORPORATION  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

William R. Campbell  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

Howard Peter  
Authorized representative of  
ISK Biosciences Corporation

5/25/94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by ISK Biosciences Corporation and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: ISK Biosciences Corporation  
Account No: HG0195U

| Emission Point No.<br>(1) | Source Name<br>(2) | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|--------------------|------------------------|-------------------------------------|
| GBD035                    | Mobiltherm Heater  | Sulfur Dioxide         | 0.29                                |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

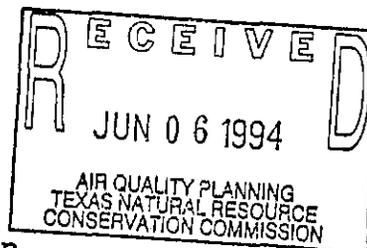
(3) SO<sub>2</sub>--sulfur dioxide.

# ISK BIOSCIENCES™

Return receipt requested P 850 993 964

May 31, 1994

Mr. John Jolly  
Regulation Development Section  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, TX 78711-3087



Reference: SO<sub>2</sub> Agreed Order  
ISK Biosciences Corporation  
Greens Bayou Plant  
Harris County, Texas  
Account ID No. HG-0195-U

Dear Mr. Jolly:

I have enclosed the signed Agreed Order which will limit the SO<sub>2</sub> emissions from grandfathered sources in Harris County. ISK Biosciences Corporation has one source of SO<sub>2</sub> emissions included in this order.

Very Truly Yours;

A handwritten signature in dark ink, appearing to read "Mark A. Vela".

Mark A. Vela  
Principal Engineer

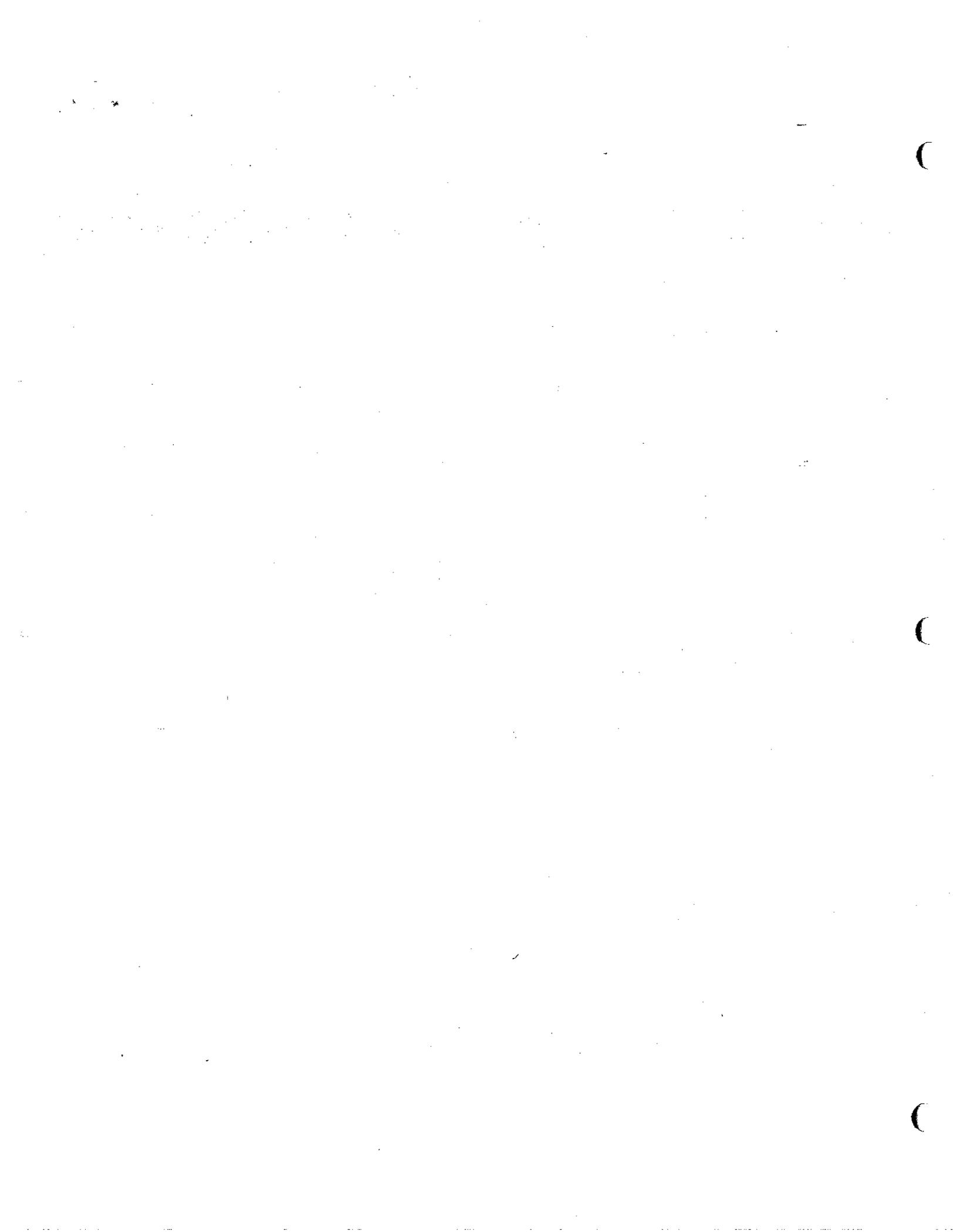
attachments

Copies without attachments:

Mr. John Hepola  
Chief, Air Enforcement  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 75202-2733

Ms. Karen Kilpatrick  
Regional Air Program Manager  
Texas Natural Resource Conservation Commission  
4150 Westheimer  
Houston, TX 77027-4417

ISK Biosciences Corporation  
2239 Haden Road, Houston, Texas 77015, U.S.A.  
P.O. Box 9637, Houston, Texas 77213, U.S.A.  
713/453-7281 · FAX: 713/450-6339



THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of the original of which is filed in the permanent records of the Commission



Given under my hand and the seal of office on

JUL 11 1994

*Gloria A. Vasquez*  
Gloria A. Vasquez, Chief Clerk

BEFORE THE  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
MERICHEM COMPANY,  
ACCOUNT NO. HG-0486-G

§  
§  
§  
§  
§

AGREED ORDER NO. 94-17

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Merichem Company (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a chemical plant (the plant), located at 1914 Haden Road, Houston, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC Regulation VI. Either action must be accompanied by an air quality analysis,

approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Merichem Company must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also

be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Merichem Company elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant

monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Merichem Company shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

- (a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;
- (b) Submit to the Commission the information required in paragraph 6; and
- (c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Merichem Company, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Merichem Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 1914 Haden Road, Houston, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after

AGREED ORDER NO.  
MERICHEM COMPANY  
PAGE 5

the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

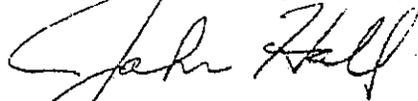
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
MERICHEM COMPANY  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1984.

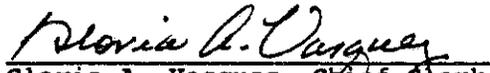
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

---

John Hall, Chairman

ATTEST:

---

Gloria A. Vasquez, Chief Clerk

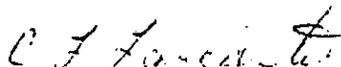
S E A L

AGREED ORDER NO.  
MERICHEM COMPANY  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

  
\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

  
\_\_\_\_\_  
Authorized representative of  
Merichem Company

5-31-94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Merichem Company and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Merichem Company  
 Account No.: HGO486G

| Emission Point No.<br>(1) | Source Name<br>(2)          | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|-----------------------------|------------------------|-------------------------------------|
| FEEVFL02                  | Evaporator Flare (Emerg.)   | Sulfur Dioxide         | 13.60                               |
| HE2BOIL02                 | No. 2 Boiler                | Sulfur Dioxide         | 0.04                                |
| HEC09DU02                 | H-1 Exhaust (Dist. Heater)  | Sulfur Dioxide         | 0.01                                |
| HEC21DU02                 | H-21 Exhaust (Dist. Heater) | Sulfur Dioxide         | 0.01                                |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.



## MERICHEM COMPANY

1914 HADEN ROAD • HOUSTON, TEXAS 77015-6498

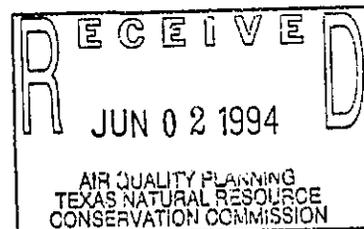
(713) 455-1311 • FAX (713) 455-0276

TRANS. & TERML. FAX (713) 455-3959

TELEX EASYLINK 62126457 OR 62126458

May 31, 1994

Mr. John Jolly  
Texas Natural Resource Conservation Commission  
Regulation Development  
P. O. Box 13087  
Austin, Texas 78711-3087



**SUBJECT: Agreed Order  
Merichem Company  
Account No. HG-0486-G**

Dear Mr. Jolly:

Enclosed is the signed Agreed Order which limits the level of sulfur dioxide (SO<sub>2</sub>) emissions from grandfathered sources at Merichem Company's Houston plant.

You should note that I have removed the two diesel fire water pumps from Attachment A. Enclosed you will find PI-8 forms for these pumps which establish enforceable allowable emission rates (same as previous Attachment A). These forms will be retained in Merichem's file at its Greens Bayou plant.

If I can be of any further assistance, please let me know.

Sincerely,

Kenneth P. Morgan  
Manager  
Environmental Department

KPM:jbe

Enclosures

cc: Mr. William G. Gill  
Texas Natural Resource Conservation Commission  
Emissions Inventory Section  
P. O. Box 13087  
Austin, Texas 78711-3087

Mr. Nikhil Shenoi  
Radian Corporation  
P. O. Box 201088  
Austin, Texas 78759

Ms. Jodena Henneke  
Director  
Air Quality Planning Division  
Texas Natural Resource Conservation Commission  
12100 Park 35 Circle  
Austin, TX 78753

Mr. Cyril Durrenberger  
Executive Assistant  
Air Quality Planning Division  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, TX 78711-3087

THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of Texas Natural Resource Conservation Commission document the original of which is filed in the permanent records of the Commission.



Given under my hand and the seal of office on

JUL 11 1994

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
ANCHOR GLASS CONTAINER,  
ACCOUNT NO. HG-0028-R

§  
§  
§  
§  
§

BEFORE THE Gloria A. Vasquez  
Gloria A. Vasquez, Chief Clerk  
TEXAS NATURAL RESOURCE  
Conservation Commission  
Conservation Commission

AGREED ORDER NO. 94-10

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Anchor Glass Container (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a glass container manufacturing plant (the plant), located at 4202 Fidelity Street, Houston, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC Regulation VI. Either action must be accompanied by an air quality analysis,



be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Anchor Glass Container elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Anchor Glass Container shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Anchor Glass Container, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Anchor Glass Container is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 4202 Fidelity Street, Houston, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

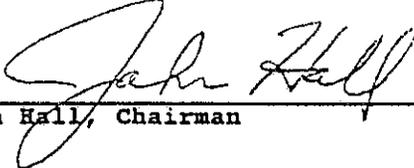
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
ANCHOR GLASS CONTAINER  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1994.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

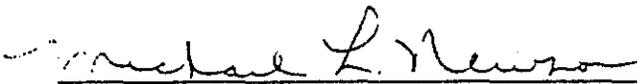
AGREED ORDER NO.  
ANCHOR GLASS CONTAINER  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

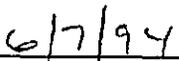


\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

  
\_\_\_\_\_  
Date



\_\_\_\_\_  
Authorized representative of  
Anchor Glass Container

  
\_\_\_\_\_  
Date

Agreement is contingent upon the acceptable modification of paragraph 8(b) 

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Anchor Glass Container and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Anchor Glass Container  
 Account No: HG0028R

| Emission Point No.<br>(1) | Source Name<br>(2) | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|--------------------|------------------------|-------------------------------------|
| E-1                       | Furnace            | Sulfur Dioxide         | 37.2                                |
| E-2                       | Furnace            | Sulfur Dioxide         | 33.0                                |

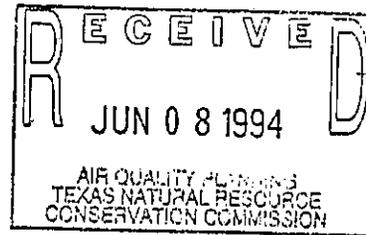
(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.



One Anchor Plaza  
4343 Anchor Plaza Pkwy.  
Tampa, FL 33634



OVERNIGHT MAIL - #2834856732

June 7, 1994

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Harris County Sulfur Dioxide Agreed Order

Dear Mr. Jolly:

On behalf of Anchor Glass Container Corporation, I am submitting our signed copy of the Sulfur Dioxide Agreed Order. Please be advised that this order has been signed contingent upon the agency's approval of a modification of paragraph 8(b) to reflect the insertion of language similar to that faxed to the TNRCC on May 25, 1994 (a copy is attached).

If there are any questions, please call me at (813) 884-0000 ext. 230.

Sincerely,

Michael L. Newsom  
Director of Environmental Affairs

MLN/IsI

cc: R.W. Smith - MP14  
E.K. Pool - MP71  
R.A. Metzger - MP14



One Anchor Plaza  
4343 Anchor Plaza Pkwy.  
Tampa, FL 33634

VIA OVERNIGHT MAIL & FAX

June 23, 1994

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Harris County Sulfur Dioxide Agreed Order

Dear Mr. Jolly:

On behalf of Anchor Glass Container Corporation, I hereby authorize the Texas Natural Resources Conservation Commission (TNRCC) to substitute new language in Paragraph 8(a) of the above referenced Agreed Order that would allow the Executive Director of the TNRCC and the EPA Region 6 to approve alternate continuous emissions monitoring systems for measuring SO<sub>2</sub> emissions. I also withdraw the contingency stated in my cover letter to the TNRCC dated June 7, 1994, and I withdraw the note typed by Anchor under my signature on page 7 of the Order [regarding the contingency of acceptable modification of paragraph 8(b).] This is being done as a result of your advising Anchor that there is an exception clause in the Agreed Order exempting users of "sweet gas" from having to install continuous emissions monitoring equipment.

If there are any questions, please call me at (813) 884-0000 ext. 230.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. L. Newsom', is written over a horizontal line.

Michael L. Newsom  
Director of Environmental Affairs

cc: R.W. Smith - MP14  
E.K. Pool - MP71  
R.A. Metzger - MP14

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of the original of which is filed in the permanent records of the Commission.



Given under my hand and the seal of office on

JUL 11 1994

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
CROWN CENTRAL PETROLEUM,  
CORPORATION,  
ACCOUNT NO. HG-0175-D

§  
§  
§  
§  
§

BEFORE THE  
*Gloria A. Vasquez*  
Gloria A. Vasquez, Chief Clerk  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-11

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Crown Central Petroleum Corporation (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a refinery (the plant), located at 111 Red Bluff Road, Pasadena, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC

Regulation VI. Either action must be accompanied by an air quality analysis, approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Crown Central Petroleum Corporation must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas

Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period); SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Crown Central Petroleum Corporation elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance,

Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Crown Central Petroleum Corporation shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Crown Central Petroleum Corporation, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Crown Central Petroleum Corporation is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 111 Red Bluff Road, Houston, Harris County, Texas and within

10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

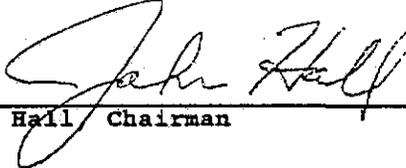
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

A ID ORDER NO.  
C I CENTRAL PETROLEUM CORPORATION  
P 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1964.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

*William C. Campbell*  
\_\_\_\_\_  
for Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

*4/28/94*  
\_\_\_\_\_  
Date

*R/N Tremblay*  
\_\_\_\_\_  
Authorized representative of  
Crown Central Petroleum Corporation

*5/27/94*  
\_\_\_\_\_  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Crown Central Petroleum Corporation and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Crown Central Petroleum Corporation  
 Account No: HG0175D

| Emission Point No.<br>(1) | Source Name<br>(2)   | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|----------------------|------------------------|-------------------------------------|
| AH-1                      | Alky Heater          | Sulfur Dioxide         | 2.18                                |
| AH-2                      | Alky Heater          | Sulfur Dioxide         | 2.04                                |
| B-1                       | #1 Boiler            | Sulfur Dioxide         | 5.00                                |
| B-11                      | #11 Boiler           | Sulfur Dioxide         | 8.80                                |
| B-3                       | #3 Boiler            | Sulfur Dioxide         | 5.00                                |
| CH-1                      | Crude Atm. Heater    | Sulfur Dioxide         | 232.00                              |
| CH-2                      | Crude Vac. Heater    | Sulfur Dioxide         | 7.28                                |
| CH-3                      | Crude Reboil. Heater | Sulfur Dioxide         | 2.02                                |
| FLARE-E                   | East Flare           | Sulfur Dioxide         | 0.10                                |
| FLARE-W                   | West Flare           | Sulfur Dioxide         | 77.00                               |
| KH-1                      | Coker Heater         | Sulfur Dioxide         | 4.60                                |
| KH-2                      | Aux. Coker Heater    | Sulfur Dioxide         | 1.61                                |
| RH-1                      | Reformer Heater      | Sulfur Dioxide         | 1.00                                |
| RH-2                      | Reformer Heater      | Sulfur Dioxide         | 0.95                                |
| RH-3456                   | Reformer Heater      | Sulfur Dioxide         | 3.52                                |
| RH-7                      | Reformer Heater      | Sulfur Dioxide         | 0.71                                |
| IH-1                      | ISOM Heater          | Sulfur Dioxide         | 0.30                                |
| IFP-1A                    | ISOM Heater          | Sulfur Dioxide         | 0.71                                |
| IFB-IB                    | ISOM Heater          | Sulfur Dioxide         | 0.71                                |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

# CROWN CENTRAL PETROLEUM CORPORATION



PRODUCERS · REFINERS · MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS  
P. O. BOX 1759 · HOUSTON, TEXAS 77251 · (713) 472-2461

RANDALL M. TREMBLY  
VICE PRESIDENT - REFINING

May 27, 1994



Mr. John Jolly  
Regulation Development Section  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Agreed Order - Crown Central Petroleum Corporation  
Account No. HG-0175-D

Dear Mr. Jolly:

The attached Agreed Order has been executed contingent on Texas Natural Resource Conservation Commission (TNRCC) and United States Environmental Protection Agency (EPA) approval of the May 27, 1994 joint request by Norman D. Radford, Jr. to the TNRCC and EPA Region 6 for approval of an equivalent method of monitoring sulfur fuel and determining compliance with the sulfur dioxide emission limits for combustion units. The execution of the Attached Order is also contingent on the TNRCC providing the written confirmation requested in Mr. Radford's May 27, 1994 letter to Mr. Walter Ehresman of the TNRCC concerning the applicability of 30 T.A.C. § 101.11(a) and (b) to the attached Agreed Order.

Your assistance in this matter is appreciated. Please contact Mr. David M. Hays at our Houston Refinery-telephone number (713) 9920-3929 for any other information you may require.

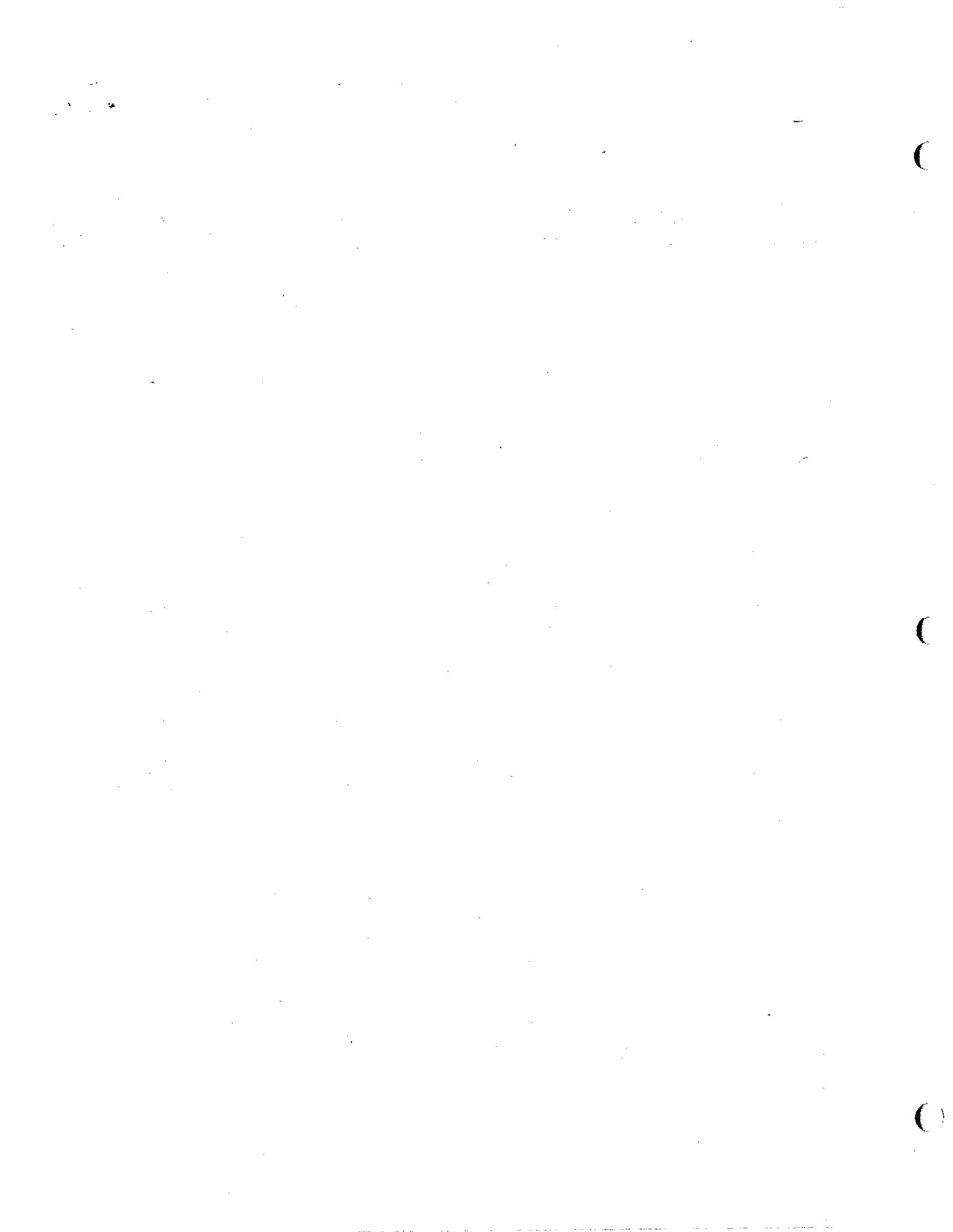
Sincerely,

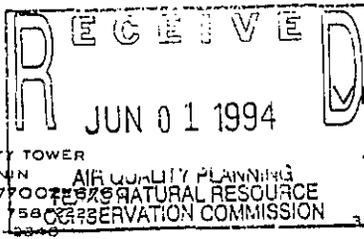
R. M. Trembly  
Vice President Refining

RMT:ar

Env:0527942

cc: Ms. Karen Kilpatrick TNRCC, Regional Air Program Manager, Houston  
Mr. John Hepola EPA, Chief Air Enforcement  
Mr. Jodena Henneke TNRCC, Director Air Quality Planning Division  
Mr. Cyril Durenburger TNRCC, Executive Assistant Air Quality Planning Division  
Mr. Norman D. Radford Vinson & Elkins





INSON & ELKINS  
L.L.P.  
ATTORNEYS AT LAW

2500 FIRST CITY TOWER  
1001 FANNIN  
HOUSTON, TEXAS 77002  
TELEPHONE (713) 758-3300  
FAX (713) 758-3300

3300 TRAMMELL CROW CENTER  
2001 ROSS AVENUE  
DALLAS, TEXAS 75201-2975  
TELEPHONE (214) 220-7700  
FAX (214) 220-7716

THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVE., N.W.  
WASHINGTON, D.C. 20004-1008  
TELEPHONE (202) 639-6500  
FAX (202) 639-6604

HUNGARIAN EXPORT BUILDING  
UL. POVARSKAYA (FORMERLY VOROVSKOGO), 21  
121069 MOSCOW, RUSSIAN FEDERATION  
TELEPHONE 011 (70-95) 202-8416  
FAX 011 (70-95) 202-0295

ONE AMERICAN CENTER  
600 CONGRESS AVENUE  
AUSTIN, TEXAS 78701-3200  
TELEPHONE (512) 495-8400  
FAX (512) 495-8612

WRITER'S DIRECT DIAL

47 CHARLES ST., BERKELEY SQUARE  
LONDON W1X 7PB, ENGLAND  
TELEPHONE 011 (44-71) 491-7236  
FAX 011 (44-71) 499-5320

(214) 220-7722

May 27, 1994

By Fax: 512/239-1500

By Fax: 214/655-2164

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource  
Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

Mr. Raymond Magyar  
Air, Pesticides and Toxics Division  
Region 6  
United States Environmental  
Protection Agency  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Re: Harris County Sulfur Dioxide Agreed Orders - Joint Request for Approval of Equivalent Method of Monitoring Sulfur in Fuel and Method of Determining Compliance

Dear Mr. Jolly and Mr. Magyar:

Pursuant to recent telephone conversations with Mr. Jolly and Walter Ehresman of the Texas Natural Resource Conservation Commission (TNRCC) and Paragraph 8(b) of the proposed Agreed Orders to limit sulfur dioxide emissions in Harris County, Crown Central Petroleum Corporation; Exxon Company, USA; Lyondell-Citgo Refining Co., Ltd; Phibro Energy USA, Inc.; and Shell Oil Company (the "Companies") hereby jointly request that the Executive Director of the TNRCC and United States Environmental Protection Agency (EPA) Region 6 approve the use of continuous hydrogen sulfide monitors that meet the requirements of 40 C.F.R. § 60.105(a)(4)(1993) to determine the sulfur content of the fuel gas they burn. This joint request should be approved for the following reasons:

1. The EPA Method 19 (40 C.F.R. Part 60, Appendix A) specified in Paragraph 8(b) of the proposed Agreed Orders is not applicable for determining the sulfur content of gaseous fuels.
2. The requested equivalent method is specified in the EPA New Source Performance Standards for Petroleum Refineries as an acceptable alternative to using continuous sulfur dioxide monitors and the Companies have already installed the continuous hydrogen sulfide monitors.

Mr. John Jolly  
Mr. Raymond Magyar  
May 27, 1994  
Page 2

3. Timely comments were submitted to the TNRCC asking that the requested method be specified as an alternative monitoring method in the proposed Agreed Orders and the TNRCC responded by adding the approval procedure for equivalent test methods rather than specifying the requested method.
4. Because the proposed Agreed Orders do not provide for a compliance schedule, the Companies must have approval of the use of the requested equivalent test method prior to the scheduled entry of the proposed Agreed Orders on June 29, 1994.

The timely approval of the Executive Director of the TNRCC and EPA Region 6 for the use of continuous hydrogen sulfide monitors meeting the requirements of 40 C.F.R. § 60.105(a)(4)(1993) as an equivalent method for determining the sulfur content of fuel gas is necessary for the Companies to accept the proposed Agreed Orders to limit sulfur dioxide emissions in Harris County.

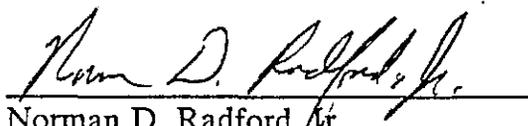
The Companies also request the approval of the Executive Director of the TNRCC and EPA Region 6 to use the maximum fuel capacity of the combustion units listed in Attachment A of their Agreed Orders as part of the calculations to demonstrate compliance with the sulfur dioxide emission limits in Attachment A in the event a fuel feed meter is not on a combustion unit or in the event the fuel feed meter is out of operation or malfunctioning. Several of the Companies do not have fuel feed meters on each of the affected combustion units and those with meters are concerned about the continuous proper functioning of their fuel feed meters. The purpose of the Agreed Orders is to impose maximum hourly sulfur dioxide emissions limits on the combustion units. The continuous hydrogen sulfide monitoring data for the fuel in combination with the maximum fuel feed capacity of the combustion units would give the worst case sulfur dioxide emissions for each combustion unit and thus it should be an acceptable means of demonstrating compliance.

Mr. John Jolly  
Mr. Raymond Magyar  
May 27, 1994  
Page 3

Please provide me with the necessary written approvals for the Companies as soon as possible. A single letter from the TNRCC and a single letter from EPA Region 6 is satisfactory so long as each of the Companies is named in the letters.

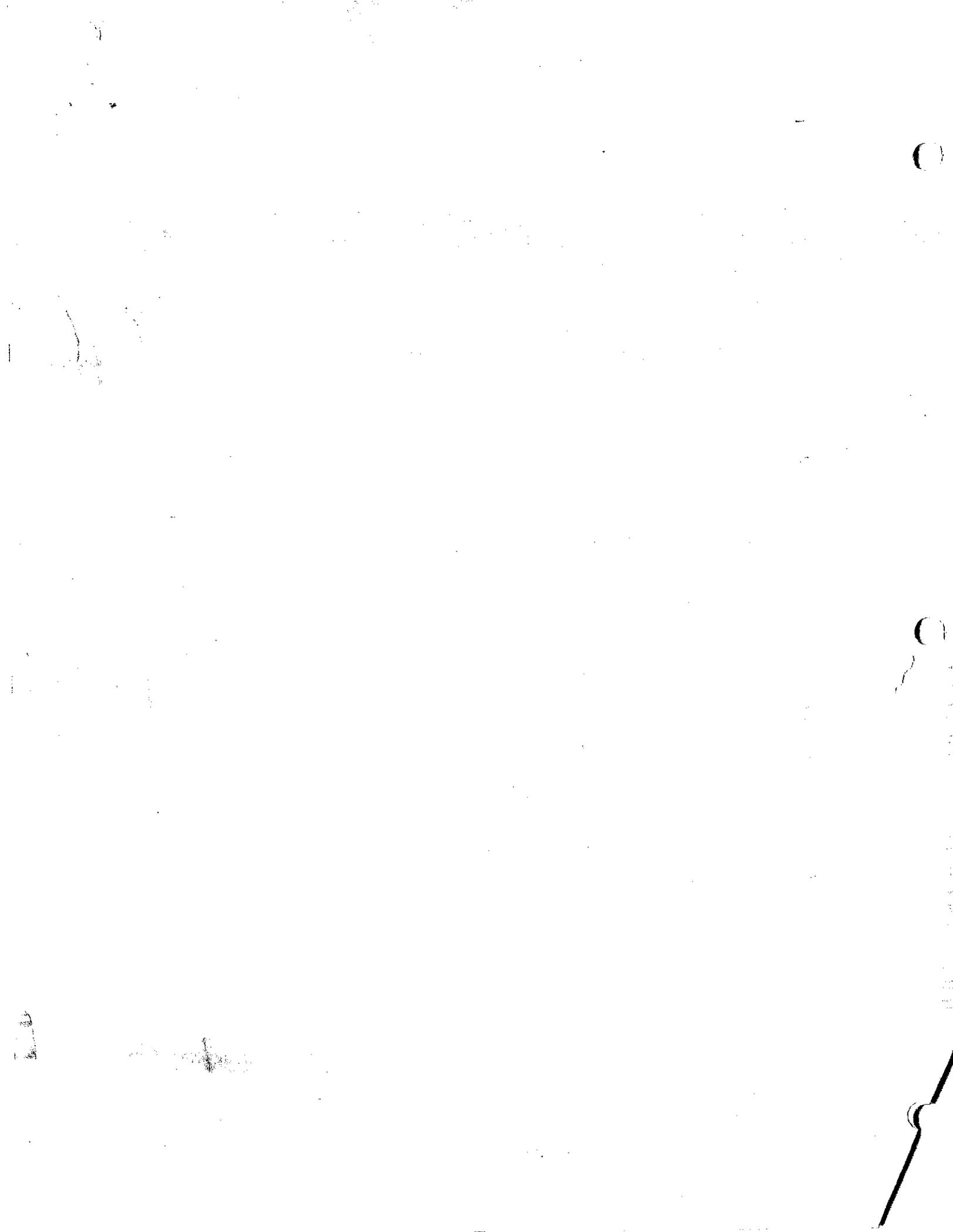
Very truly yours,

VINSON & ELKINS L.L.P.

By:   
Norman D. Radford, Jr.

ON BEHALF OF THE COMPANIES

cc: David Hayes - Crown Central Petroleum Corporation  
Howard Shiel - Exxon Company, USA  
Mira Merritt - Lyondell-Citgo Refining Co., Ltd.  
Sue Bottom - Phibro Energy USA, Inc.  
John Holden - Shell Oil Company



John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 28, 1994

Mr. David M. Hays  
Crown Central Petroleum  
Corporation  
P.O. Box 1759  
Houston, Texas 77521

Dear Mr. Hays:

This is in response to the letter from Mr. Norman Radford of Vinson & Elkins dated May 27, 1994. It is our understanding that Mr. Radford is requesting, on your behalf, our approval of an alternate monitoring and compliance demonstration method that is equivalent to that required by the voluntary orders scheduled to be adopted by the Texas Natural Resource Conservation Commission on June 29, 1994.

Please be advised that the alternate monitoring and compliance demonstration method request contained in Mr. Radford's letter of May 27, 1994 is approved. You are required to ensure that the values produced by the hydrogen sulfide monitors are expressed as sulfur dioxide (SO<sub>2</sub>) in any records maintained to demonstrate compliance with the SO<sub>2</sub> emission limits contained in Attachment A of the voluntary order.

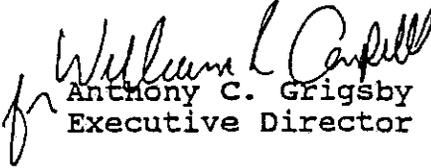
I want to express to you my appreciation for all of your help in our effort to prevent major portions of Harris County from being declared nonattainment for SO<sub>2</sub>.

Mr. David M. Hays  
Page 2

June 28, 1994

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,

  
Anthony C. Grigsby  
Executive Director

cc: Mr. Norman D. Radford, Jr., Attorney, Vinson & Elkins, Dallas  
Mr. Ray Magyar, Compliance Section, Air, Pesticides and Toxics  
Division, U.S. Environmental Protection Agency, Region 6,  
Dallas  
Mr. Rob Baret, Director, Harris County Pollution Control  
Department, Pasadena  
Ms. Karen Kilpatrick, Regional Manager, Houston  
Ms. Beverly Hartsock, Deputy Executive Director, Office  
of Air Quality

VINSON & ELKINS  
L.L.P.  
ATTORNEYS AT LAW

2500 FIRST CITY TOWER  
1001 FANNIN  
HOUSTON, TEXAS 77002-8760  
TELEPHONE (713) 758-2222  
FAX (713) 758-2346

3700 TRAMMELL CROW CENTER  
2001 ROSS AVENUE  
DALLAS, TEXAS 75201-2975

TELEPHONE (214) 220-7700  
FAX (214) 220-7716

THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVE., N.W.  
WASHINGTON, D.C. 20004-1008  
TELEPHONE (202) 639-6500  
FAX (202) 639-6604

ONE AMERICAN CENTER  
600 CONGRESS AVENUE  
AUSTIN, TEXAS 78701-3200  
TELEPHONE (512) 495-8400  
FAX (512) 495-8612

HUNGARIAN EXPORT BUILDING  
UL. POVARSKAYA (FORMERLY VOROVSKOGO), 21  
121069 MOSCOW, RUSSIAN FEDERATION  
TELEPHONE 011 (70-95) 202-8416  
FAX 011 (70-95) 202-0295

WRITER'S DIRECT DIAL

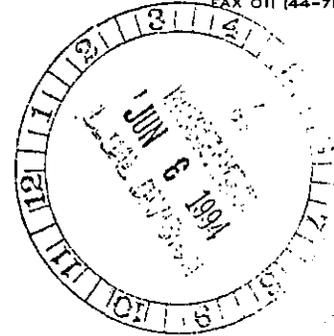
(214) 220-7722

May 27, 1994

47 CHARLES ST., BERKELEY SQUARE  
LONDON W1X 7PB, ENGLAND  
TELEPHONE 011 (44-71) 491-7236  
FAX 011 (44-71) 499-5320

By Fax: 512/239-0626

Mr. Walter Ehresman  
Legal Services  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087



Re: Harris County Sulfur Dioxide Matters

Dear Mr. Ehresman:

On behalf of the Houston Regional Monitoring Corporation, which has participating companies entering into the Agreed Orders to prevent the designation of a sulfur dioxide nonattainment area in Harris County, I hereby request that you or another representative of the Texas Natural Resource Conservation Commission (TNRCC) provide me with written confirmation that 30 T.A.C. § 101.11(a) and (b) are applicable to the requirements of the Agreed Orders. Because the Agreed Orders are being used in place of permits or regulations, companies subject to the Agreed Orders should have the benefit of 30 T.A.C. § 101.11(a) and (b) if they otherwise meet the requirements of those subsections.

Because 30 T.A.C. §§ 101.6 and 101.7 refer to excessive emissions that contravene the intent of the Texas Clean Air Act and the Agreed Orders are issued pursuant to the Texas Clean Air Act, it is clear that the companies subject to the Agreed Orders must comply with both regulatory sections. Because of what I believe was simply an administrative oversight, 30 T.A.C. § 101.11(a) and (b) only refer to allowable emissions set by rules and regulations, not any excessive emissions that contravene the intent of the Texas Clean Air Act. Thus, it is not clear that the subsections can be used for upset or maintenance emissions in excess of limits in the Agreed Orders. I believe it has been the long-standing practice of the TNRCC and one of its predecessor agencies to interpret 30 T.A.C. § 101.11(a) and (b) as applying to Agreed Orders. Nevertheless, because of the large number of Agreed Orders

Mr. Walter Ehresman  
May 27, 1994  
Page 2

at issue in this matter, the inclusion of flares in many of the Agreed Orders, and the voluntary nature of the Agreed Orders, please give me written confirmation that 30 T.A.C. § 101.11(a) and (b) are applicable to the requirements of the Agreed Orders in this matter.

Very truly yours,

VINSON & ELKINS L.L.P.

By:

  
Norman D. Radford, Jr.

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

May 27, 1994

Mr. Norman Radford, Attorney  
Vinson & Elkins  
3700 Trammel Crow Center  
2001 Ross Avenue  
Dallas, Texas 75201

Dear Mr. Radford:

This letter is in response to your faxed letter of May 27, 1994 requesting a determination of Texas Natural Resource Conservation Commission (TNRCC) Rule 30 TAC Sec. 101.11 (Rule 101.11) applicability to the Harris County SO<sub>2</sub> Agreed Orders which are going to the June 29, 1994 Commission agenda. For purposes of these specific Orders only, I can state that Rule 101.11 will apply in future enforcement of those Orders. This applicability interpretation does not apply to TNRCC enforcement Orders or any other Orders which the Commission may adopt in the future, and should not be taken to infer such a scope.

If you have any questions, please call me at (512)239-0573.

Sincerely,

A handwritten signature in black ink, appearing to be "Walter Ehresman", written over a horizontal line.

Walter Ehresman, Staff Attorney  
Legal Services Division

cc: Ms. Jeanne Philquist, Section Manager, Compliance Section  
Mr. John Jolly, Air Quality Planning, Regulation Development



O

O

O

THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of the original of which is filed in the permanent records of the Commission.



Given under my hand and the seal of office on  
JUL 11 1981

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
EXXON COMPANY USA,  
ACCOUNT NO. HG-0232-Q

§  
§  
§  
§  
§

BEFORE ME Gloria A. Vasquez  
Gloria A. Vasquez, Chief Clerk  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-13

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Exxon Company, USA (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a refinery (the plant), located at 2800 Decker Drive, Baytown, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC Regulation VI. Either action must be accompanied by an air quality analysis,

AGREED ORDER NO.  
EXXON COMPANY USA  
PAGE 2

approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used by ~~Exxon~~ RadLahy Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Exxon Company, USA must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

- (a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Exxon Company, USA shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

- (a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;
- (b) Submit to the Commission the information required in paragraph 6; and
- (c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Exxon Company, USA, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Exxon Company, USA is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 2800 Decker Drive, Baytown, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Exxon Company, USA elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

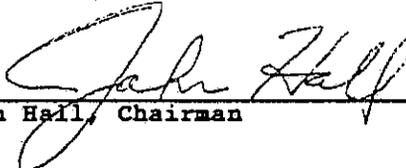
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
EXXON COMPANY USA  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1994.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L



O

O

O

## ATTACHMENT A

## MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Exxon Company USA and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Exxon Company USA  
Account No: HG0232Q

| Emission Point No.<br>(1) | Source Name<br>(2) | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|--------------------|------------------------|-------------------------------------|
| ALKYB401                  | Furnace            | Sulfur Dioxide         | 6.887                               |
| BH6B64                    | Boiler             | Sulfur Dioxide         | 22.357                              |
| BH6B65                    | Boiler             | Sulfur Dioxide         | 18.143                              |
| BH6B66                    | Boiler             | Sulfur Dioxide         | 23.128                              |
| CLEU1B2                   | Furnace            | Sulfur Dioxide         | 6.784                               |
| CLEU2F1                   | Furnace            | Sulfur Dioxide         | 3.392                               |
| CLEU2F2                   | Furnace            | Sulfur Dioxide         | 3.957                               |
| FCCU3F103A                | Furnace            | Sulfur Dioxide         | 4.086                               |
| FCCU3F103B                | Furnace            | Sulfur Dioxide         | 4.086                               |
| HCU1F701                  | Furnace            | Sulfur Dioxide         | 10.176                              |
| HCU1F810                  | Furnace            | Sulfur Dioxide         | 5.859                               |
| HDU1F701                  | Furnace            | Sulfur Dioxide         | 3.855                               |
| HDU1F702                  | Furnace            | Sulfur Dioxide         | 3.855                               |
| HF3F7                     | Furnace            | Sulfur Dioxide         | 2.004                               |
| HUSF501                   | Furnace            | Sulfur Dioxide         | 3.855                               |
| HU5F551                   | Furnace            | Sulfur Dioxide         | 2.724                               |
| LEFUF506A                 | Furnace            | Sulfur Dioxide         | 0.977                               |
| LEFUF506B                 | Furnace            | Sulfur Dioxide         | 0.977                               |
| LEFUF506C                 | Furnace            | Sulfur Dioxide         | 0.977                               |
| LEFUF601A                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF601B                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF601C                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF602A                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF602B                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF602C                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF603A                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF603B                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LEFUF603C                 | Furnace            | Sulfur Dioxide         | 1.593                               |
| LHU2F1                    | Furnace            | Sulfur Dioxide         | 1.439                               |
| LHU2F3                    | Furnace            | Sulfur Dioxide         | 1.439                               |
| LXU2B1                    | Furnace            | Sulfur Dioxide         | 3.701                               |
| LXU2B2                    | Furnace            | Sulfur Dioxide         | 9.200                               |
| LXU2B4                    | Furnace            | Sulfur Dioxide         | 8.223                               |
| NFUF902                   | Furnace            | Sulfur Dioxide         | 3.598                               |
| PS3F1                     | Furnace            | Sulfur Dioxide         | 2.313                               |
| PS3F2                     | Furnace            | Sulfur Dioxide         | 2.313                               |
| PS3F3F4                   | Furnace            | Sulfur Dioxide         | 10.022                              |
| PS3F5A                    | Furnace            | Sulfur Dioxide         | 2.416                               |
| PS3F5B                    | Furnace            | Sulfur Dioxide         | 2.416                               |
| PS7F701A                  | Furnace            | Sulfur Dioxide         | 9.251                               |

|           |            |                |       |
|-----------|------------|----------------|-------|
| PS7F701B  | Furnace    | Sulfur Dioxide | 9.251 |
| PS7F702A  | Furnace    | Sulfur Dioxide | 7.195 |
| PS7F702B  | Furnace    | Sulfur Dioxide | 7.195 |
| SDUF2     | Furnace    | Sulfur Dioxide | 0.565 |
| CLEU3C75  | Compressor | Sulfur Dioxide | 6.065 |
| CLEU3F1   | Furnace    | Sulfur Dioxide | 0.463 |
| HDU1F704  | Furnace    | Sulfur Dioxide | 1.439 |
| HF3C3A    | Compressor | Sulfur Dioxide | 1.234 |
| HF3C3B    | Compressor | Sulfur Dioxide | 1.234 |
| HF3F6     | Furnace    | Sulfur Dioxide | 1.131 |
| HU4F401   | Furnace    | Sulfur Dioxide | 2.261 |
| HU4F402   | Furnace    | Sulfur Dioxide | 2.261 |
| LDUB3A    | Furnace    | Sulfur Dioxide | 0.514 |
| LDUB3B    | Furnace    | Sulfur Dioxide | 0.514 |
| LEFUF804A | Furnace    | Sulfur Dioxide | 2.133 |
| LEFUF804B | Furnace    | Sulfur Dioxide | 2.133 |
| LHU1F601  | Furnace    | Sulfur Dioxide | 2.004 |
| PDUB2     | Furnace    | Sulfur Dioxide | 0.308 |
| SDUF3     | Furnace    | Sulfur Dioxide | 0.565 |
| SFUF721A  | Furnace    | Sulfur Dioxide | 0.566 |
| SFUF721B  | Furnace    | Sulfur Dioxide | 0.566 |
| SFUF731A  | Furnace    | Sulfur Dioxide | 0.566 |
| SFUF731B  | Furnace    | Sulfur Dioxide | 0.566 |
| SFUF751   | Furnace    | Sulfur Dioxide | 1.953 |
| SHUF702   | Furnace    | Sulfur Dioxide | 0.722 |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

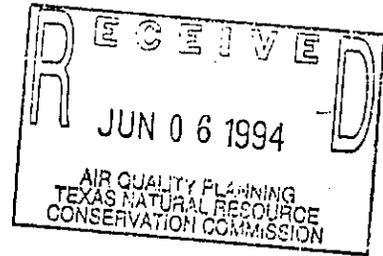
(3) SO<sub>2</sub>--sulfur dioxide.

**EXXON** COMPANY, U.S.A.

POST OFFICE BOX 3950 • BAYTOWN, TEXAS 77522-3950

REFINING DEPARTMENT  
BAYTOWN REFINERY

May 31, 1994



**SO<sub>2</sub> AGREED ORDER  
EXXON BAYTOWN REFINERY**

File: 7.2.013

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

Dear Mr. Jolly:

As requested in Ms. Beverly Hartsock's letter of May 19, 1994, to Mr. Howard Shiel, enclosed please find one (1) signed original of the proposed SO<sub>2</sub> Agreed Order. The Agreed Order has been signed by S. K. Steuwer, who is the Baytown Refinery Manager and who is authorized to act for Exxon Company, U.S.A. in this matter. As indicated in Ms. Hartsock's letter, it is our understanding that the agreed orders will be considered by the Commissioners at the June 29, 1994 agenda meeting and upon adoption a duly executed copy of the Agreed Order will be returned to us.

The Baytown Refinery is signing this Agreed Order as part of a voluntary effort by sources of SO<sub>2</sub> emissions in Harris County to reduce emissions and thereby allow the State to make a demonstration of SO<sub>2</sub> attainment to the U.S. Environmental Protection Agency (EPA) and avoid the designation of a portion of Harris County in the area of the Houston Ship Channel as nonattainment for SO<sub>2</sub>. Further, it is our understanding that the modeling which has been conducted at the reduced emissions levels which result from the agreed orders, and which predicts no exceedances of the national ambient air quality standards for SO<sub>2</sub>, is acceptable to EPA as demonstrating attainment. The Baytown Refinery is signing this Agreed Order with the understanding and the expectation that EPA will accept the agreed orders and the modeling as demonstrating attainment.

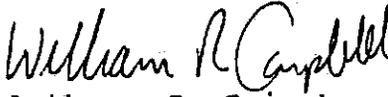
During the review of the proposed Agreed Order, a few issues arose which needed to be addressed before the Baytown Refinery could sign the proposed Agreed Order. The issue of applicability of 30 T.A.C. § 101.11(a) and (b) to the Agreed Order was satisfactorily resolved by Mr. Walter Ehresman's letter of May 27, 1994 to Mr. Norman Radford. Two other issues that needed to be resolved were addressed in Mr. Radford's

Mr. Howard Shiel  
Page 2

June 28, 1994

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,



for Anthony C. Grigsby  
Executive Director

cc: Mr. Norman D. Radford, Jr., Attorney, Vinson & Elkins, Dallas  
Mr. Ray Magyar, Compliance Section, Air, Pesticides and Toxics  
Division, U.S. Environmental Protection Agency, Region 6,  
Dallas  
Mr. Rob Barrett, Director, Harris County Pollution Control  
Department, Pasadena  
Ms. Karen Kilpatrick, Regional Manager, Houston  
Ms. Beverly Hartsock, Deputy Executive Director, Office  
of Air Quality

THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of Texas Natural Resource Conservation Commission document the original of which is filed in the permanent records of the Commission.



Given under my hand and the seal of office on

JUL 11 1994

*Blanca A. Vasquez*

BEFORE ~~TE~~ Blanca A. Vasquez, Chief Clerk  
Texas Natural Resource  
Conservation Commission  
CONSERVATION COMMISSION

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
LYONDELL CITGO REFINING  
COMPANY, LTD.,  
ACCOUNT NO. HG-0048-L

§  
§  
§  
§  
§

AGREED ORDER NO. 94-15

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Lyondell-Citgo Refining Company, Ltd. (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a refinery (the plant), located at 12000 Lawndale, Houston, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.

2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.

3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.

4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.

5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC

Regulation VI. Either action must be accompanied by an air quality analysis, approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Lyondell-Citgo Refining Company, Ltd. must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas

Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Lyondell-Citgo Refining Company, Ltd. elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance,

Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Lyondell-Citgo Refining Company, Ltd. shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Lyondell Citgo Refining Company, Ltd., its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Lyondell-Citgo Refining Company, Ltd. is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 12000 Lawndale, Houston, Harris County, Texas and within 10

AGREED ORDER NO.  
LYONDELL CITGO REFINING COMPANY, LTD.  
PAGE 5

(ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

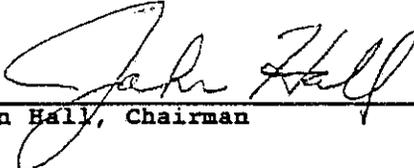
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

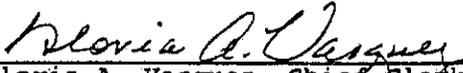
AGREED ORDER NO.  
LYONDELL CITGO REFINING COMPANY, LTD.  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1994.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

AGREED ORDER NO.  
LYONDELL CITGO REFINING COMPANY, LTD.  
PAGE 7

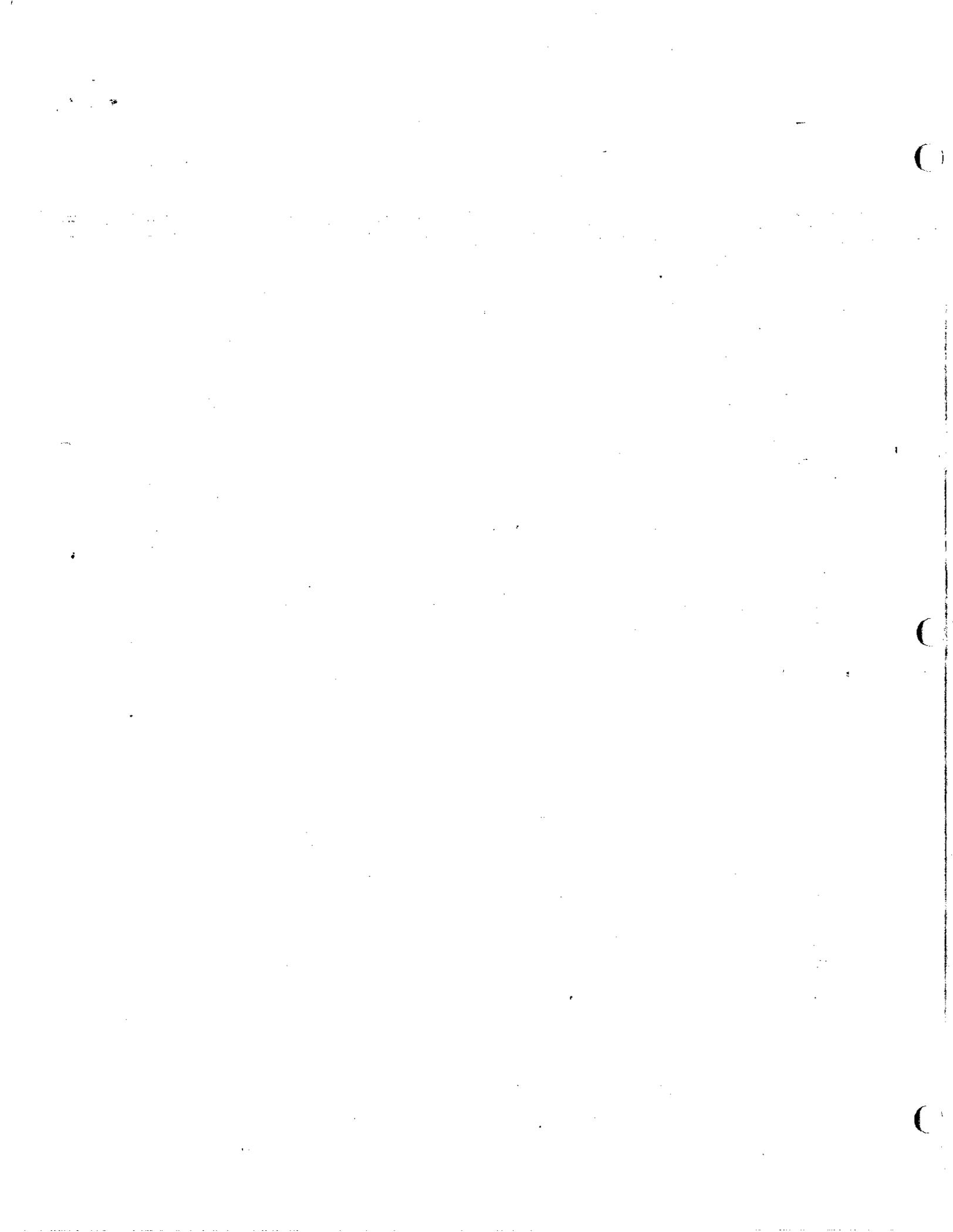
I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

*William L. Campbell*  
\_\_\_\_\_  
b- Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

*6/28/94*  
\_\_\_\_\_  
Date

*John P. Yarr*  
\_\_\_\_\_  
Authorized representative of  
Lyondell-Citgo Refining Company, Ltd. *max*

*6/1/94*  
\_\_\_\_\_  
Date



## ATTACHMENT A

## MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Lyondell-Citgo Refinery Co., Ltd. and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Lyondell-Citgo Refinery Co., Ltd.  
Account No: HG0048L

| Emission Point No.<br>(1) | Source Name<br>(2)        | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|---------------------------|------------------------|-------------------------------------|
| ARU-CSI2                  | Comb. Spatr Reboiler      | Sulfur Dioxide         | 0.910                               |
| 533-H1                    | 533 DVO-T Heater          | Sulfur Dioxide         | 0.023                               |
| 533-H2                    | 533 DVO-T Heater          | Sulfur Dioxide         | 0.026                               |
| 533-HC                    | 533 ATMOS TWR RBLR        | Sulfur Dioxide         | 0.485                               |
| 533-HHF                   | 533 HYDRO FINISHER Heater | Sulfur Dioxide         | 0.190                               |
| 533-HHT                   | 533 HYDRO Treated Heater  | Sulfur Dioxide         | 0.090                               |
| 533-HV                    | 533 VAC TWR RBLR          | Sulfur Dioxide         | 0.120                               |
| 534-HD                    | DEPENT. Heater F-5        | Sulfur Dioxide         | 0.400                               |
| ARU-HHFC                  | HCF Reboiler              | Sulfur Dioxide         | 0.850                               |
| 631 A-H                   | SR HDS RX Heater F-1      | Sulfur Dioxide         | 0.280                               |
| 631 B-H                   | LCO HDJ RX Heater F-2     | Sulfur Dioxide         | 0.260                               |
| 632-LEF                   | CN LEF TWR RBLR F-2       | Sulfur Dioxide         | 0.200                               |
| 632-R                     | CN HDJ RX Heater F-1      | Sulfur Dioxide         | 0.070                               |
| 735-HHA1                  | UNIFIVER RX HR-1 FEED     | Sulfur Dioxide         | 0.540                               |
| 735-HHA2                  | RFM RX #1 HR-2 HTR        | Sulfur Dioxide         | 0.520                               |
| 735-HHA5                  | RFM RX #5 HR-5 HTR        | Sulfur Dioxide         | 0.660                               |
| 735-HHA8                  | CNF HU-16 FD NTR          | Sulfur Dioxide         | 0.460                               |
| 735-HHA9                  | CNF. HU-16 RBLR           | Sulfur Dioxide         | 0.340                               |
| ARU-H501                  | ISOM I BZ STAB RBLR       | Sulfur Dioxide         | 0.380                               |
| ARU-HI1N                  | ISOM I RX North Htr       | Sulfur Dioxide         | 0.290                               |
| ARU-HI1S                  | ISOM I RX South Htr       | Sulfur Dioxide         | 0.290                               |
| ARU-HI2W                  | ISOM II RX West FD Htr    | Sulfur Dioxide         | 1.160                               |
| BTU-H101                  | FD DE PEUT Reboiler       | Sulfur Dioxide         | 0.360                               |
| BTU-H102                  | HD3 RX MR-105 FD Heater   | Sulfur Dioxide         | 0.590                               |
| BTU-H104                  | #2 RFM RX MR-102 FD H.    | Sulfur Dioxide         | 0.520                               |
| BTU-H105                  | #3 RFM RX MR-103 FD Htr.  | Sulfur Dioxide         | 0.410                               |
| BTU-H106                  | #4 RFM RX MR-104 FD Htr.  | Sulfur Dioxide         | 0.390                               |
| BTU-H107                  | REFMATE STAB RS-105 RBLR  | Sulfur Dioxide         | 0.490                               |
| ARU-H01                   | Ortho 1 Reboiler          | Sulfur Dioxide         | 0.910                               |
| BTU-H108                  | REFMATE SPLTR AS-106 RBLR | Sulfur Dioxide         | 0.740                               |
| HP91CMBAIR                | ISOM I UFT AIR Htr.       | Sulfur Dioxide         | 0.050                               |
| HP91LFTAIR                | ISOM I UFT AIR            | Sulfur Dioxide         | 0.040                               |
| MEK-B1                    | MEC PO Heater             | Sulfur Dioxide         | 0.370                               |
| NMP-HB3                   | Heater                    | Sulfur Dioxide         | 0.290                               |
| ARU-H02                   | Ortho 2 Reboiler          | Sulfur Dioxide         | 2.560                               |
| ARU-HRI2                  | Isom 2 XYL RR BBL         | Sulfur Dioxide         | 0.970                               |
| BOIL-12                   | Steam Boiler # 12         | Sulfur Dioxide         | 3.380                               |
| BOIL-13                   | Steam Boiler # 13         | Sulfur Dioxide         | 3.440                               |
| BTU-H103                  | BTU # 1 PCX FD Heater     | Sulfur Dioxide         | 1.000                               |

|            |                         |                |       |
|------------|-------------------------|----------------|-------|
| BTU-H111   | BTU Xtract STPR RBLR    | Sulfur Dioxide | 0.880 |
| 535-HC     | 535 ATMOS TWR Heater    | Sulfur Dioxide | 4.300 |
| 535-HV     | 535 VAC TWR Heater      | Sulfur Dioxide | 1.580 |
| 733-HB1    | 733 RFM RX Heater D-1   | Sulfur Dioxide | 0.700 |
| 733-HB2    | 733 RFM RX Heater D-2   | Sulfur Dioxide | 0.540 |
| 733-HB3    | 733 RFM RX Heater D-3   | Sulfur Dioxide | 0.300 |
| 733-HB4    | 733 RFM RX Heater D-4   | Sulfur Dioxide | 0.450 |
| 733-HB5    | 733 LBF TWR RBLR E-1    | Sulfur Dioxide | 1.190 |
| 733-HB6    | 733 HRS STPR Reboiler   | Sulfur Dioxide | 0.670 |
| 733-HB7    | 733 REFMATE RR COL E-7  | Sulfur Dioxide | 1.070 |
| 733-HB8    | 733 REFMATE DEPROP ROLR | Sulfur Dioxide | 0.690 |
| 735-HHA3   | 735 RFM RX #2 HR - 3    | Sulfur Dioxide | 1.260 |
| FL38SOPLTF | South Plant Flare       | Sulfur Dioxide | 0.040 |
| MEK-B2     | Heater                  | Sulfur Dioxide | 0.220 |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.



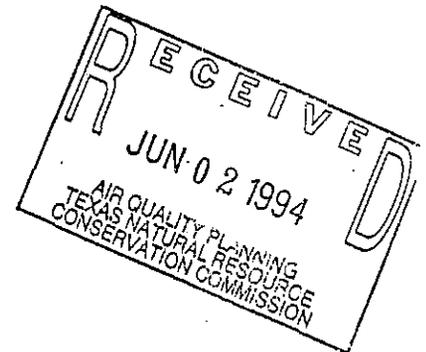
12000 Lawndale  
P. O. Box 2451  
Houston, Texas 77252-2451  
(713) 475-4941  
Fax (713) 475-4700

John P. Yoars  
Vice President, Manufacturing

June 1, 1994

Via Federal Express

Mr. John Jolly  
Regulation Development Section  
Texas Natural Resource Conservation Commission  
12100 Park 35 Circle  
Austin, Texas 78753



Dear Mr. Jolly:

RE: Harris County Sulfur Dioxide Agreed Order

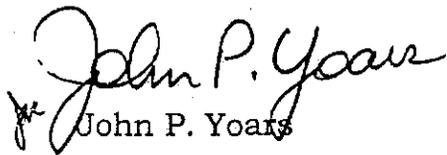
Enclosed is the original of the subject order which was forwarded to Ms. Christine Dausman by Ms. Beverly Hartsack by her letter of May 19, 1994, and which I have executed on behalf of LYONDELL-CITGO Refining Company Ltd. (LCR). The Agreed Order has been executed by LCR contingent on Texas Natural Resource Conservation Commission (TNRCC) and United States Environmental Protection Agency (EPA) approval of the May 27, 1994, joint request by Norman D. Radford, Jr. to the TNRCC and EPA Region 6 for approval of an equivalent method of monitoring sulfur in fuel and determining compliance with the sulfur dioxide emission limits for combustion units.

Please note that Emission Point Numbers FL44SRUSO (SRU South Flare) and FL-1-0S (SRU Flare) which are now covered by TNRCC Permit 2152 dated May 26, 1994, have been deleted from Attachment A and, accordingly, are not subject to the provisions of the Agreed Order.

Mr. John Jolly  
Page 2  
June 1, 1994

This will confirm our understanding that the requirement for maintaining records for fugitive emissions sources contained in paragraph eight of the Agreed Order does not apply to LCR since no fugitive emissions sources are listed as such on Attachment A.

Sincerely,

  
John P. Yoars

JAK:vg

Enc.

CC Norman D. Radford, Jr. Esquire (W/O Enclosures)

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 28, 1994

Ms. Mira Merritt  
Lyondell-Citgo Refining  
Co., Ltd  
P.O. Box 2451  
Houston, Texas 77252

Dear Ms. Merritt:

This is in response to the letter from Mr. Norman Radford of Vinson & Elkins dated May 27, 1994. It is our understanding that Mr. Radford is requesting, on your behalf, our approval of an alternate monitoring and compliance demonstration method that is equivalent to that required by the voluntary orders scheduled to be adopted by the Texas Natural Resource Conservation Commission on June 29, 1994.

Please be advised that the alternate monitoring and compliance demonstration method request contained in Mr. Radford's letter of May 27, 1994 is approved. You are required to ensure that the values produced by the hydrogen sulfide monitors are expressed as sulfur dioxide (SO<sub>2</sub>) in any records maintained to demonstrate compliance with the SO<sub>2</sub> emission limits contained in Attachment A of the voluntary order.

I want to express to you my appreciation for all of your help in our effort to prevent major portions of Harris County from being declared nonattainment for SO<sub>2</sub>.

Ms. Mira Merritt  
Page 2

June 28, 1994

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,

*William R. Campbell*

f~ Anthony C. Grigsby  
Executive Director

cc: Mr. Norman D. Radford, Jr., Attorney, Vinson & Elkins, Dallas  
Mr. Ray Magyar, Compliance Section, Air, Pesticides and Toxics  
Division, U.S. Environmental Protection Agency, Region 6,  
Dallas  
Mr. Rob Barrett, Director, Harris County Pollution Control  
Department, Pasadena  
Ms. Karen Kilpatrick, Regional Manager, Houston  
Ms. Beverly Hartsock, Deputy Executive Director, Office  
of Air Quality

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a  
Texas Natural Resource Conservation Commission document  
which has been filed in the permanent records of the  
Commission.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Given under my hand and the seal of office on  
JUL 11 1994

*Gloria A. Vasquez*  
Gloria A. Vasquez, Chief Clerk

BEFORE THE  
Texas Natural Resource  
Conservation Commission  
CONSERVATION COMMISSION

ORDER OF AN  
CONCERNING  
BY USA, INC.,  
HG-0130-C

S  
S  
S  
S  
S

AGREED ORDER NO. 94-19

Texas Natural Resource Conservation Commission (the Commission or  
by orders Phibro Energy USA, Inc. (the company) to limit the level of  
side (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant  
in paragraph 1 below, pursuant to Section 382.023(a) of the Texas  
Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive  
the Commission and the company have voluntarily agreed on these  
able emission levels, subject to the approval of the Commission.

I. STIPULATIONS

the purpose of this Agreed Order, the parties have agreed and  
as follows:

That the company owns and operates a refinery (the plant), located  
in Houston, Harris County, Texas, and that plant has emissions

That the above plant consists of one or more sources as defined in  
Section 2.003(12) of the Act.

That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-  
facilities listed in Attachment A and located at the plant.

That in order to better safeguard the air resources of this state,  
the company voluntarily agrees to enter into this Agreed Order, which limits its  
emissions as detailed in Attachment A.

That the SO<sub>2</sub> emissions limits described in Attachment A may be  
achieved through a permit or standard exemption pursuant to TNRCC

may also  
quality  
approved  
paragraph  
sulfur  
device  
a daily  
basis.  
the fuel  
whether the  
as; this  
Source  
method  
Section 6;  
EMS for  
ing the  
ing the  
company  
ing one  
I also  
Office  
I'll then  
ing the  
enhance,  
will be  
liance,  
CFR 60,

ER NO.  
PHY USA, INC.

(e) The company shall maintain current compliance data and relevant and process data for a minimum of a two year period and make such immediately available (or submit them) upon request to the staff of the or any local air pollution control agency. Where the company does SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must it is not limited to, the following: process output rate, heat input or performance, and quality assurance data.

## II. ORDER

s, therefore, ordered by the Texas Natural Resource Conservation that Phibro Energy USA, Inc. shall--at the plant listed above in --from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set attachment A or any increased SO<sub>2</sub> emissions approved pursuant to

(b) Submit to the Commission the information required in paragraph

(c) Maintain compliance with paragraph 8 above.

Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed ent A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission that facility.

provisions of this Agreed Order shall apply to and be binding upon gy USA, Inc., its successors, assigns and upon those persons in active participation with them who receive actual notice of this Agreed Order . service or otherwise. Phibro Energy USA, Inc. is hereby ordered to e of this Agreed Order to any successor in interest prior to transfer ip of all or any part of its plant, located at 9701 Manchester, arris County, Texas and within 10 (ten) days of any such transfer, e Texas Natural Resource Conservation Commission with written on that such notice has been given.

analysis,  
onmental  
protocol  
ainment  
ainment  
ated EPA  
approaches  
Inc. must  
on).  
missions  
data on  
e 30 TAC  
ation of  
bit the  
eve the  
records  
gas (as  
orce) to  
As part  
issions  
n TNRCC  
ith the  
systems  
dix B,  
urance  
der Gas  
(RATA)

AGREED ORDER NO.  
PHIBRO ENERGY USA, INC.  
PAGE 5

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

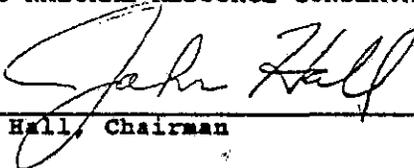
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

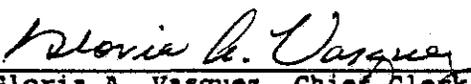
AGREED ORDER NO.  
PHIBRO ENERGY USA, INC.  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29 1984.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

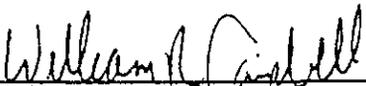
ATTEST:

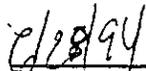
  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

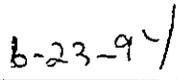
AGREED ORDER NO.  
PHIBRO ENERGY USA, INC.  
PAGE 7

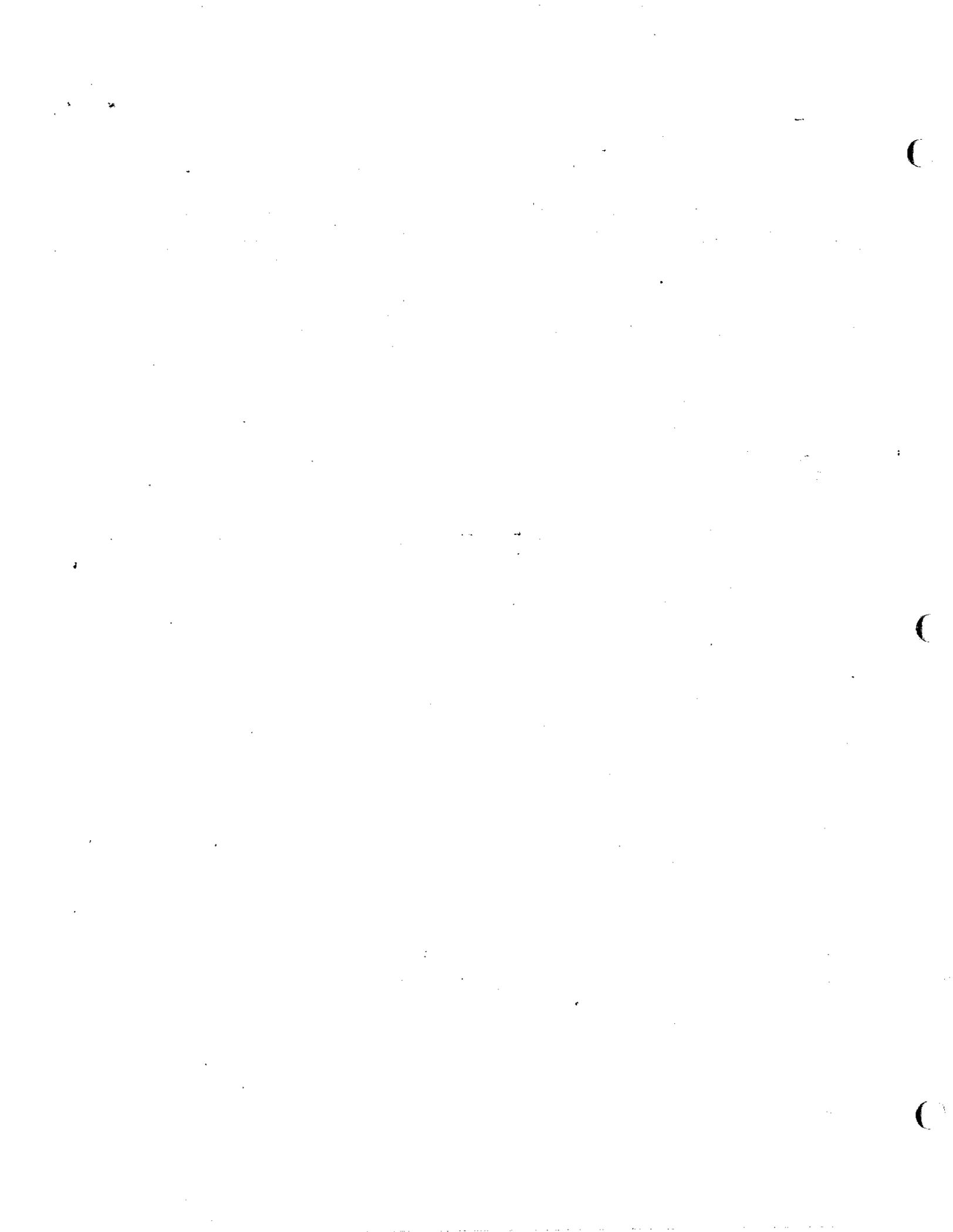
I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

  
\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Authorized representative of  
Phibro Energy USA, Inc.

  
\_\_\_\_\_  
Date

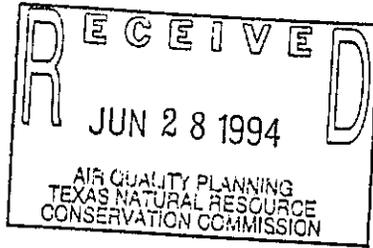




Phibro Energy USA, Inc.  
500 Dallas Ave., Suite 3200  
Houston, TX 77002-4709

(713) 659-3525  
(713) 648-5275/fax  
3736063/telex

June 23, 1994



CERTIFIED MAIL - RETURN RECEIPT  
REQUESTED Z 768 785 218

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation  
Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

CERTIFIED MAIL - RETURN RECEIPT  
REQUESTED Z 768 785 217

Mr. Raymond Magyar  
Air, Pesticides and Toxics Division  
Region 6  
United States Environmental Protection  
Agency  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Re: Harris County SO<sub>2</sub> Project  
Account No. HG-0130-C

Gentlemen:

We have enclosed with this letter the following documents:

1. Agreed Order (Agreed Order) in the above referenced matter executed by Phibro Energy USA, Inc. (Phibro USA) (Exhibit A hereto);
2. Form of Draft Letter Approving Harris County SO<sub>2</sub> Agreed Order Alternate Methods including notation thereon of approval by the Environmental Protection Agency, Dallas (Exhibit B hereto); and
3. Block Flow diagram and summary of the maximum fuel feed capacity to Phibro USA's Houston Refinery Fuel Gas System (Exhibit C hereto).

The Agreed Order is being delivered in escrow pending, and the effectiveness of the provisions thereof is expressly made conditional on, the following:

(A) Issuance by the Texas National Resource Conservation Commission (TNRCC) of the letter attached hereto as Exhibit B; and

(B) Issuance by the Environmental Protection Agency of approval of the equivalent method of monitoring sulphur in fuel and determining compliance with the sulphur dioxide

emission limits for combustion units as provided in the TNRCC letter in the form of Exhibit B as contemplated above.

Very truly yours,

PHIBRO ENERGY USA, INC.

A handwritten signature in black ink, appearing to read "Sue Bottom", with a horizontal line extending to the right from the end of the signature.

Sue Bottom  
V.P., HS&E

Enclosures

cc: W. Kubicek

**EXHIBIT B**

## DRAFT LETTER APPROVING HARRIS COUNTY SO2 AGREED ORDER ALTERNATE METHODS

## EXHIBIT B

To: \*

Crown Central Petroleum Corporation  
Exxon Company, USA  
Lyondell-Citgo Refining Co., Ltd  
Phibro Energy, USA, Inc.  
Shell Oil Company

Dear xxxx:

This will acknowledge receipt of the letter from Mr. Norman Radford of Vinson & Elkins dated May 27, 1994. It is our understanding that Mr. Radford is requesting on your behalf our approval of an alternate monitoring and compliance demonstration method that is equivalent to that required by the voluntary orders scheduled to be adopted by the TNRCC on June 29, 1994.

Please be advised that the alternate method request contained in Mr. Radford's letter of May 27, 1994 is approved. I want to express to you my appreciation for all of your help in our effort to prevent major portions of the City of Houston from being declared non-attainment for sulfur dioxide.

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,

Anthony Grigsby,  
Executive Director, TNRCC

WE HAVE BEEN VERBALLY ADVISED BY MR. RADFORD'S  
MAGYAR OF EPA DALLAS, THAT THE ALTERNATE  
METHOD REQUESTED BY THE ABOVE LISTED COMPANIES  
IS ACCEPTABLE AND WILL BE APPROVED BY LETTER  
SHORTLY. MR. MAGYAR HAS PROVIDED US WITH A  
DRAFT OF HIS LETTER PROVIDING SUCH APPROVAL.

Howard Edwards  
6/22/94

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 28, 1994

Ms. Sue Bottom  
Phibro Energy, USA, Inc.  
500 Dallas Avenue, Suite 3200  
Houston, Texas 77002-4709

Dear Ms. Bottom:

This is in response to the letter from Mr. Norman Radford of Vinson & Elkins dated May 27, 1994. It is our understanding that Mr. Radford is requesting, on your behalf, our approval of an alternate monitoring and compliance demonstration method that is equivalent to that required by the voluntary orders scheduled to be adopted by the Texas Natural Resource Conservation Commission on June 29, 1994.

Please be advised that the alternate monitoring and compliance demonstration method request contained in Mr. Radford's letter of May 27, 1994 is approved. You are required to ensure that the values produced by the hydrogen sulfide monitors are expressed as sulfur dioxide (SO<sub>2</sub>) in any records maintained to demonstrate compliance with the SO<sub>2</sub> emission limits contained in Attachment A of the voluntary order.

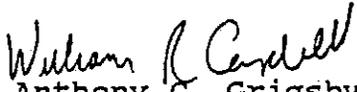
I want to express to you my appreciation for all of your help in our effort to prevent major portions of Harris County from being declared nonattainment for SO<sub>2</sub>.

Ms. Sue Bottom  
Page 2

June 28, 1994

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,

  
Anthony C. Grigsby  
Executive Director

cc: Mr. Norman D. Radford, Jr., Attorney, Vinson & Elkins, Dallas  
Mr. Ray Magyar, Compliance Section, Air, Pesticides and Toxics  
Division, U.S. Environmental Protection Agency, Region 6,  
Dallas  
Mr. Rob Barett, Director, Harris County Pollution Control  
Department, Pasadena  
Ms. Karen Kilpatrick, Regional Manager, Houston  
Ms. Beverly Hartsock, Deputy Executive Director, Office  
of Air Quality

THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of Texas Natural Resource Conservation Commission document the original of which is filed in the permanent records of the Commission.

Given under my hand and the seal of office on JUL 1 1 1991



*Gloria A. Vasquez*  
Gloria A. Vasquez, Chief Clerk

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
SHELL CHEMICAL AND SHELL  
OIL,  
ACCOUNT NO. HG-0659-W

§  
§  
§  
§  
§

BEFORE THE  
Texas Natural Resource  
Conservation Commission  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-20

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Shell Chemical and Shell Oil (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a refinery (the plant), located at 5900 HWY 225, Deer Park, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC



up to two years of a consecutive three-year period}; SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Shell Chemical and Shell Oil elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Shell Chemical and Shell Oil shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

- (a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;
- (b) Submit to the Commission the information required in paragraph 6; and
- (c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Shell Chemical and Shell Oil, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Shell Chemical and Shell Oil is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 5900 HWY 225, Deer Park, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

AGREED ORDER NO.  
SHELL CHEMICAL AND SHELL OIL  
PAGE 5

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

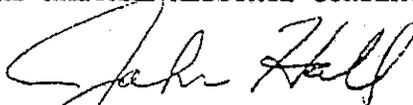
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
SHELL CHEMICAL AND SHELL OIL  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 26 1954.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



John Hall, Chairman

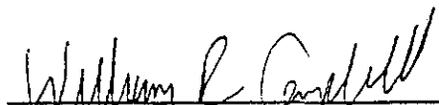
ATTEST:

  
Gloria A. Vasquez, Chief Clerk

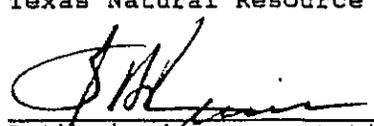
S E A L

AGREED ORDER NO.  
SHELL CHEMICAL AND SHELL OIL  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

  
\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

  
\_\_\_\_\_  
Authorized representative of  
Shell Chemical and Shell Oil

5/31/94  
Date

## ATTACHMENT A

## MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Shell Chemical and Shell Oil and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Shell Chemical and Shell Oil  
Account No: HG0659W

| Emission Point No.<br>(1) | Source Name<br>(2)        | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|---------------------------|------------------------|-------------------------------------|
| H1000                     | Platform Heater           | Sulfur Dioxide         | 7.62                                |
| H1010                     | HDU-1 Charge Heater       | Sulfur Dioxide         | 1.47                                |
| H1011                     | HDU-1 Reboiler Heater     | Sulfur Dioxide         | 1.78                                |
| H5302/3                   | Common CR-3 H-5302/5303   | Sulfur Dioxide         | 11.96                               |
| H5301/4                   | Common CR-3 H-5301/5304   | Sulfur Dioxide         | 11.20                               |
| H5305                     | CR-3 H-5305 Heater        | Sulfur Dioxide         | 1.89                                |
| H5100                     | DU2 Crude N               | Sulfur Dioxide         | 10.62                               |
| H5101                     | DU2 Crude S               | Sulfur Dioxide         | 10.62                               |
| H5102                     | DU2 Flasher N             | Sulfur Dioxide         | 3.09                                |
| H5103                     | DU2 Flasher S             | Sulfur Dioxide         | 3.09                                |
| H5200                     | HDU2 Furnace              | Sulfur Dioxide         | 2.03                                |
| H5400                     | SHCU North Train Heater   | Sulfur Dioxide         | 2.46                                |
| H5402                     | SHCU South Train Heater   | Sulfur Dioxide         | 6.19                                |
| H5500A                    | HP-1 SMR Furnace          | Sulfur Dioxide         | 12.09                               |
| H5500B                    | HP-1 SMR Furnace          | Sulfur Dioxide         | 12.09                               |
| H6                        | THCR Furnace              | Sulfur Dioxide         | 2.87                                |
| H5                        | THCR Furnace              | Sulfur Dioxide         | 2.87                                |
| N FLARE                   | CCU Flare                 | Sulfur Dioxide         | 9.77                                |
| EP FLARE                  | East Property Flare       | Sulfur Dioxide         | 1179.07                             |
| WP FLARE                  | West Property Flare       | Sulfur Dioxide         | 475.43                              |
| H7                        | Alky Heat Medium Furnace  | Sulfur Dioxide         | 1.67                                |
| C070                      | Alky Flare Gas Compressor | Sulfur Dioxide         | 0.08                                |
| C093                      | Alky Flare Gas Compressor | Sulfur Dioxide         | 0.05                                |
| C094                      | Alky Flare Gas Compressor | Sulfur Dioxide         | 0.05                                |
| C095                      | Alky Flare Gas Compressor | Sulfur Dioxide         | 0.05                                |
| H775                      | DA Asphalt Soln. Furnace  | Sulfur Dioxide         | 0.44                                |
| H665                      | HV1 Furnace               | Sulfur Dioxide         | 24.74                               |
| H8                        | MV1 Furnace               | Sulfur Dioxide         | 1.40                                |
| H755                      | MEK Soft Wax Furnace      | Sulfur Dioxide         | 1.10                                |
| H754                      | MEK Slack Wax Furnace     | Sulfur Dioxide         | 0.60                                |
| H753                      | MEK Pressed Wax Furnace   | Sulfur Dioxide         | 13.20                               |
| H850S1                    | PERC Furnace Stack #1     | Sulfur Dioxide         | 0.60                                |
| H850S2                    | PERC Furnace Stack #2     | Sulfur Dioxide         | 0.60                                |
| FLARELUB                  | Lube Flare                | Sulfur Dioxide         | 9.77                                |
| FLARELHT                  | LHT Flare                 | Sulfur Dioxide         | 130.85                              |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

Shell Oil Company • Shell Chemical Company

A Division of Shell Oil Company



Deer Park Manufacturing Complex  
P.O. Box 100  
Deer Park, TX 77536

May 31, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John Jolly  
Texas Natural Resource  
Conservation Commission  
P.O. Box 3087  
Austin, Texas 78711-3087



Dear Mr. Jolly:

SUBJECT: HARRIS COUNTY SO2 PROJECT  
ACCOUNT NO. HG-0659-W  
ACCOUNT NO. HG-0656-F

Enclosed are two original Agreed Orders that were sent to me with Mrs. Hartsock's May 19, 1994 letters. These Agreed Orders will limit the level of sulfur dioxide (SO<sub>2</sub>) emissions from grandfathered sources at Shell's Deer Park Manufacturing Complex as part of an effort to avoid EPA designation of Harris County as a non-attainment area for SO<sub>2</sub>.

We have taken the liberty of revising Attachment A to the Agreed Order for Account No. HG-0659-W to eliminate Emission Point No. H8. That emission point is included in TNRCC Permit No. 2671.

We have executed these Agreed Orders contingent on Texas Natural Resource Conservation Commission (TNRCC) and United States Environmental Protection Agency (EPA) approval of the May 27, 1994 joint request by Norman D. Radford, Jr. to the TNRCC and EPA Region 6 for approval of an equivalent method of monitoring sulfur in fuel and determining compliance with the sulfur dioxide emission limits for combustion units. The execution of the Attached Order is also contingent on the TNRCC providing the written confirmation requested in Mr. Radford's May 27, 1994 letter to Mr. Walter Ehresman of the TNRCC concerning the applicability of 30 T.A.C. 101.11(a) and (b) to the attached Agreed Order.

If further information is required in this regard, please contact Steve Hendricksen at (713) 246-7500.

Sincerely,

A handwritten signature in dark ink, appearing to read "S. A. Reeves".

S. A. Reeves  
Complex Manager

Shell Oil Company • Shell Chemical Company

A Division of Shell Oil Company

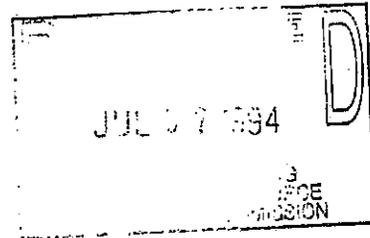


Deer Park Manufacturing Complex  
P.O. Box 100  
Deer Park, TX 77536

June 28, 1994

Certified Mail - Return Receipt Requested

Mr. John Jolley  
Regulatory Development Section  
Air Quality Planning  
TNRCC  
PO Box 13087  
Austin, TX 78711-3087



Dear Mr. Jolley,

Further to our letter of May 31, 1994 regarding the Agreed Order for SO<sub>2</sub> grandfathered sources, we hereby remove our contingency to this Order for the United States Environmental Protection Agency (EPA) to approve equivalent methods of monitoring sulfur in the fuel and determining compliance with the SO<sub>2</sub> emission limits for combustion units. It is our understanding that the TNRCC has accepted these changes to the Order and that the TNRCC has discussed these changes with the EPA Region 6 staff for their informal acceptance. We contacted Mr. Raymond Magyar of EPA Region 6 to discuss these issues. He agreed that the changes appeared reasonable but that the EPA could not approve these changes until the Order was final and submitted to them by the TNRCC. We now believe that this can be accomplished and therefore remove our contingency.

Please contact Mr. Stephen Hendricksen of our staff (713-246-7500) if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Holden", is written over the typed name.

John Holden  
Manager, Environmental Affairs

A small handwritten mark or set of initials, possibly "JH", is located to the left of the typed name.

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 28, 1994

Mr. John Holden  
Shell Oil Company  
P.O. Box 100  
Deer Park, Texas 77536

Dear Mr. Holden:

This is in response to the letter from Mr. Norman Radford of Vinson & Elkins dated May 27, 1994. It is our understanding that Mr. Radford is requesting, on your behalf, our approval of an alternate monitoring and compliance demonstration method that is equivalent to that required by the voluntary orders scheduled to be adopted by the Texas Natural Resource Conservation Commission on June 29, 1994.

Please be advised that the alternate monitoring and compliance demonstration method request contained in Mr. Radford's letter of May 27, 1994 is approved. You are required to ensure that the values produced by the hydrogen sulfide monitors are expressed as sulfur dioxide (SO<sub>2</sub>) in any records maintained to demonstrate compliance with the SO<sub>2</sub> emission limits contained in Attachment A of the voluntary order.

I want to express to you my appreciation for all of your help in our effort to prevent major portions of Harris County from being declared nonattainment for SO<sub>2</sub>.

Mr. John Holden  
Page 2

June 28, 1994

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,



*for* Anthony C. Grigsby  
Executive Director

cc: Mr. Norman D. Radford, Jr., Attorney, Vinson & Elkins, Dallas  
Mr. Ray Magyar, Compliance Section, Air, Pesticides and Toxics  
Division, U.S. Environmental Protection Agency, Region 6,  
Dallas  
Mr. Rob Barrett, Director, Harris County Pollution Control  
Department, Pasadena  
Ms. Karen Kilpatrick, Regional Manager, Houston  
Ms. Beverly Hartsock, Deputy Executive Director, Office  
of Air Quality

THE STATE OF TEXAS  
COUNTY OF TRAVIS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of the original of which is filed in the permanent records of the Commission.

Given under my hand and the seal of office on  
JUL 11 1994



IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
SHELL OIL COMPANY,  
ACCOUNT NO. HG-0656-F

§  
§  
§  
§  
§

BEFORE THE  
Gloria A. Vasquez, Chief Clerk  
Texas Natural Resource  
Conservation Commission  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-21

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Shell Oil Company (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a chemical plant (the plant), located at 5900 HWY 225, Deer Park, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC Regulation VI. Either action must be accompanied by an air quality analysis,

AGREED ORDER NO. 3-158-93  
SHELL OIL COMPANY  
PAGE 2

approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"]; unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Shell Oil Company must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also

be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Shell Oil Company elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Shell Oil Company shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Shell Oil Company, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Shell Oil Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 5900 HWY 225, Deer Park, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

\*  
AGREED ORDER NO.  
SHELL OIL COMPANY  
PAGE 6

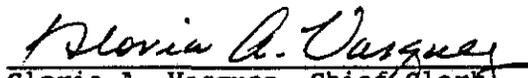
PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on Jan 23, 1994.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_

John Hall, Chairman

ATTEST:

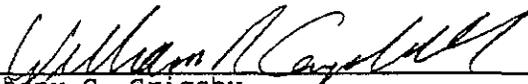
  
\_\_\_\_\_

Gloria A. Vasquez, Chief Clerk

S E A L

AGREED ORDER NO.  
SHELL OIL COMPANY  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

  
\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

  
\_\_\_\_\_  
Authorized representative of  
Shell Oil Company

5/31/94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Shell Oil Company and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Shell Oil Company  
Account No: HGO656F

| Emission Point No.<br>(1) | Source Name<br>(2)      | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|-------------------------|------------------------|-------------------------------------|
| A1660B                    | SR3 Vent To Incinerator | Sulfur Dioxide         | 783.9                               |
| A1660B                    | SR4 Vent To Incinerator | Sulfur Dioxide         | 783.9                               |
| A1333                     | HIPA Flare              | Sulfur Dioxide         | 2.17                                |
| FOL700                    | Pyro 111 Furnace        | Sulfur Dioxide         | 3.64                                |
| FOL710                    | Pyro 111 Furnace        | Sulfur Dioxide         | 3.64                                |
| DPU303                    | Utility South           | Sulfur Dioxide         | 0.01                                |
| A1301                     | A&S Flare               | Sulfur Dioxide         | 3.42                                |
| A1005                     | Girbotol Flare          | Sulfur Dioxide         | 3.42                                |
| SR3/4FE                   | SR 3/4 Fugitives        | Sulfur Dioxide         | 0.23                                |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

I hereby certify that this is a true and correct copy of Texas Natural Resource Conservation Commission document the original of which is filed in the permanent records of the Commission.



Given under my hand and the seal of office on  
JUL 11 1994

*Gloria A. Vasquez*  
Gloria A. Vasquez, Chief Clerk

IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
MOBIL MINING AND MINERALS  
COMPANY,  
ACCOUNT NO. HG-0534-U

§  
§  
§  
§  
§

BEFORE THE  
Texas Natural Resource  
Conservation Commission  
CONSERVATION COMMISSION

AGREED ORDER NO. 94-18

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Mobil Mining and Minerals Company (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a fertilizer manufacturing plant (the plant), located at 2001 Jackson Road, Pasadena, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.
2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.
3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.
4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.
5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC

AGREED ORDER NO.  
MOBIL MINING AND MINERALS COMPANY

PAGE 3

Regulation VI. Either action must be accompanied by an air quality analysis, approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Mobil Mining and Minerals Company must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 (except that a Cylinder Gas Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period); SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Mobil Mining and Minerals Company elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the

CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Mobil Mining and Minerals Company shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Mobil Mining and Minerals Company, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this

Agreed Order by personal service or otherwise. Mobil Mining and Minerals Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 2001 Jackson Road, Pasadena, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

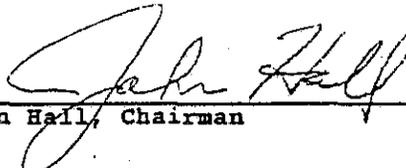
The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

\*  
AGREED ORDER NO.  
MOBIL MINING AND MINERALS COMPANY  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on JUN 29, 1966.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

  
\_\_\_\_\_  
John Hall, Chairman

ATTEST:

  
\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

AGREED ORDER NO.  
MOBIL MINING AND MINERALS COMPANY  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

William R. Grigsby  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

6/28/94  
Date

D. K. Pierce for S. Pierce  
Authorized representative of  
Mobil Mining and Minerals Company

6-8-94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Mobil Mining and Minerals Company and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

Company Name: Mobil Mining and Minerals Company  
 Account No: HG0534U

| Emission Point No.<br>(1) | Source Name<br>(2)        | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|---------------------------|------------------------|-------------------------------------|
| ASNVO01                   | Sulfuric Acid Plant       | Sulfur Dioxide         | 273.97                              |
| AMFV-020                  | Fugitive                  | Sulfur Dioxide         | 8.22                                |
| ATNV025                   | Reactor/Storage Tank Vent | Sulfur Dioxide         | 0.04                                |
| USNV002                   | Dryer/Granulator Stack    | Sulfur Dioxide         | 0.01                                |

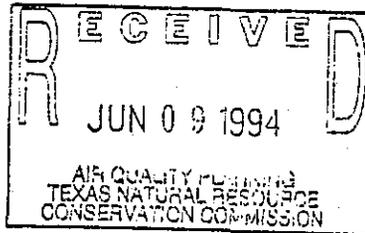
(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.

# Mobil Mining and Minerals Company

P.O. BOX 3447  
PASADENA, TEXAS 77501-3447  
TELEPHONE (713) 920-5300



June 8, 1994

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation Commission  
P. O. Box 13087  
Austin, Texas 78711-3087

RE: Harris County Sulfur Dioxide Matter  
Account NO. HG-0534-U

Dear Mr. Jolly:

Enclosed please find the Agreed Order referenced in Ms. Beverly Hartsock's correspondence dated May 19, 1994. We have executed the attached order contingent upon (1) TRNCC modifying the language in paragraph 8(a), as agreed, to permit TNRCC and EPA to approve alternate CEMS criteria, (2) TNRCC and EPA approval of the attached alternative quality assurance program to be used by Mobil in lieu of 40 CFR Part 60, Appendix B, Performance Specification 6 and 40 CFR Part 60, Appendix F, Procedure 1, and (3) approval of demonstrating compliance at the small (0.04 lb/hr SO<sub>2</sub>; 500 ACFM) emission point ATNV025 by stack sampling once every two years. Stack sampling is recommended because process data does not directly relate to SO<sub>2</sub> emissions at emission point number ATNV025. A copy of stack testing results is enclosed.

Mobil's SO<sub>2</sub> CEMS was installed on EPN ASNV001 pursuant to TAC Title 31 Chapter 112 (Regulation II) Paragraph 112.5(c). This unit fully complies with 40 CFR 60, Appendix B, Performance Specification 2 and 40 CFR 51, Appendix P, as required by TNRCC and approved by EPA (50 Fed. Reg. 45454-45457 Aug. 30, 1993).

Paragraph 5.2 of Appendix P incorporates by reference 40 CFR 60.84(b) which provides a mechanism for converting SO<sub>2</sub> concentrations to mass emissions. These mass emissions can be expressed as lbs/ton for new sources or readily converted to lbs/hr units for older grandfathered units. Consequently, 40 CFR 60, Appendix B, Performance Specification 6 is redundant in light of EPA/TNRCC acceptance of 40 CFR 51, Appendix P and 40 CFR 60.84(b).

Mobil has discussed the subject of CFMS data quality assurance with AMETEK, the manufacture of Mobil's SO<sub>2</sub> CEMS unit. AMETEK has developed a preventive maintenance program<sup>2</sup> for Mobil that incorporates all of the manufacturer's operating and maintenance recommendations. That portion of the quality assurance program is set up on quarterly basis to parallel Appendix F, Paragraph 5 of Procedure 1. Although the manufacturer initially recommended annual calibration of the CEMS optical filter, Mobil opted to increase the frequency to once per quarter to further enhance the quality of the data. Consequently, Mobil proposes to use the optical filter in lieu of cylinder gas.

If you have any questions regarding this matter, contact us at the letterhead address, or feel free to telephone our Environmental Manager, John L. Murray, Jr. at (713) 920-5362.

Very truly yours,

  
For S. E. Pierce  
6-8-94

S. E. Pierce  
Plant Manager

SEP\pm

Attachment

omjjollytn

## ALTERNATE CEMS QUALITY ASSURANCE PROGRAM

1. Install, operate and maintain a SO<sub>2</sub> CEMS pursuant to 40CFR60, Appendix B, Performance Specification 2.
2. Perform SO<sub>2</sub> emission monitoring requirements delineated in 40CFR51, Appendix P beginning September 30, 1994.
3. Conduct an internal weekly preventive maintenance program (copy attached).
4. Manufacturer's representative will conduct a quarterly preventive maintenance program as recommended by the manufacturer (AMETEK correspondence dated 6/6/94 attached).
5. Conduct a relative accuracy test audit once per three years.

|                                |                    |                               |                         |
|--------------------------------|--------------------|-------------------------------|-------------------------|
| EQUIP/RTE-- IN0068             | PRIORITY- ONE WEEK | REQ/NM -- ELECTRICAL REPA     | REQ/LOC- MOBIL MINING & |
| LOCATION -> SAP S02 MONITOR    | HOLDS -            |                               | REQ/PHN--               |
| TYPE - IN INSTRUMENT           |                    | REQ BY -- XXX 01-6047         | ELECTRICAL AREAS        |
| CATEGORY - INSTR INSTRUMENT    | START DT-- 6/07/94 | M/SPVR - XXX 01-6047          | ELECTRICAL AREAS        |
| SIZE - 1 U/M- EA               | DUE DT - 6/12/94   | COMMENTS -                    |                         |
| MANUFACTR- AMETEK              | CANCL DT- 6/14/94  |                               |                         |
| WORKSCOPE- MONITORS WEEKLY PM  | APPROVAL           | PRJ NAME - MONITORS WEEKLY PM |                         |
| SYST DESC- SULFURIC ACID PLANT | SIGNATURE-         | DATE- / /                     | CHARGE NO- 73210010     |

| WORKSTEP             | SKILL      | EMPL NO | DATE    | ELPSD | I/C R/O/D/X | REF NO |
|----------------------|------------|---------|---------|-------|-------------|--------|
| WIN WORK AS REQUIRED | INSTRUMENT |         | ---/--- |       |             | 729285 |
| INS INSTRUMENTATION  |            |         | ---/--- |       |             | 729285 |
| ALL ALL              |            |         | ---/--- |       |             | 729285 |
|                      |            |         | ---/--- |       |             | 729285 |
|                      |            |         | ---/--- |       |             | 729285 |

ACCEPTANCE REQ'S- NONE

LINE 10  
DETAIL INSTRUCTIONS  
460 ANALYZER WEEKLY PM  
I. ANALYZER FIELD UNIT

ACCEPTANCE REQ'S- NONE

20 1. VISUAL INSPECTION | OK | COMMENTS  
A. CELL PRESSURE - 3" VACUUM | |  
B. CELL TEMPERATURE - 105 DEGREES C-- +/- 5 DEG. C | |

ACCEPTANCE REQ'S- NONE

30 C. CELL FLOW - 2500 - 3500 ML/MIN | |  
2. ADJUST APPLICABLE CONTROL, IF ABOVE NOT WITHIN RANGE | |

ACCEPTANCE REQ'S- NONE

40 3. IF CELL FLOW CANNOT BE ADJUSTED TO NORMAL RANGE SAMPLE | |  
LINE FILTERS MAY REQUIRE CLEANING OR REPLACEMENT

ACCEPTANCE REQ'S- NONE

50 II. CONTROL STATION

ACCEPTANCE REQ'S- NONE

60 1. FINE ZERO CONTROL SHOULD BE NEAR 500 ON DIAL INDICATOR | |  
IF NOT ADJUST COURSE AZERO (MUST BE IN AUTO ZERO MODE  
ON TIMER) TO BRING IT CLOSE TO 500,

Q/RTE- IN0068  
DCA - SAP SO2 MONITOR  
YPE - IN INSTRUMENT  
STR - INSTR INSTRUMENT  
- 1

ACCEPTANCE REQ'S- NONE

LINE 70  
DETAIL INSTRUCTIONS  
2. CHECK RECORDER OUTPUT TO CORRESPOND TO CONTROL UNIT METER(RANGE A OR B) WHEN OUTPUT IS TRACKING.

ACCEPTANCE REQ'S- NONE

80  
III. SYSTEM CHECK

ACCEPTANCE REQ'S- NONE

90  
1. INTRODUCE UV CALIBRATION FILTER AND ADJUST CONTROL STATION SPAN POT. FOR CORRECT OUTPUT VALUE

ACCEPTANCE REQ'S- NONE

100  
2. PLACE ANALYZER BACK ON SAMPLE STREAM

ACCEPTANCE REQ'S- NONE

110  
COMMENTS:

DWNTIME  
TIME- DATE- REASON- COMMENT-

\* END OF UNIT 001 \*\*\*  
\*\*\*\* END OF JOB X087391 \*\*\*\*\*

**AMETEK**PROCESS & ANALYTICAL INSTRUMENTS DIVISION  
15311 VANTAGE PARKWAY W. • SUITE 255 • HOUSTON, TX 77032TELEPHONE: (713) 449-2596  
FAX: (713) 449-2599

TO: JOHN MURRAY

FROM: BOB POTTS

6/6/94

SUBJECT: PHOTOMETRIC SO<sub>2</sub> ANALYZERAMETEK WOULD PROPOSE THE FOLLOWING AS A PREVENTATIVE MAINTENANCE PROGRAM ON THE SO<sub>2</sub> ANALYZER AT YOUR FACILITY.

ONE A QUARTERLY BASIS.

1. VERIFY OPTICAL CALIBRATION FILTER ACCURACY.
2. CLEAN CELL, IF NECESSARY.
3. CLEAN FLOWMETER, IF NECESSARY.
4. CHECK SAMPLE SYSTEM AND PROBE.
5. CHECK ALL VALVES FOR PROPER OPERATION.
6. CHECK FOR PROPER OPERATION OF SAMPLE PRESSURE REGULATOR.
7. CHECK OVEN TEMPERATURE CONTROLS.
8. CHECK SAMPLE LINE TEMPERATURE CONTROL.
9. RUN ELECTRONIC FUNCTION CHECKS.
  - A. CHECK B+
  - B. CHECK BIAS
  - C. CHECK LIGHT AND DARK DIFFERENTIAL
  - D. CHECK SYSTEM LINEARITY
  - E. CHECK ZERO DRIVE FUNCTION
  - F. CHECK AUTO TIMING SEQUENCE
  - G. CHECK ALARMS
  - H. CHECK CALIBRATION OF ANALOG SIGNALS
10. DO AN OPTICAL CALIBRATION CHECK AND ADJUSTMENT.

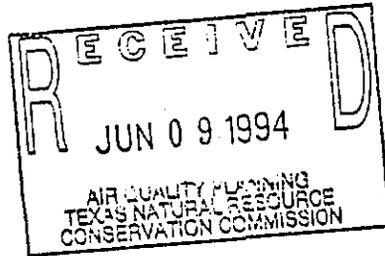
THANK YOU

*Bob Potts*  
BOB POTTS  
AMETEK**TQM**

COMMITTED TO TOTAL QUALITY

# Mobil Mining and Minerals Company

P.O. BOX 3447  
PASADENA, TEXAS 77501-3447  
TELEPHONE (713) 920-5300



June 8, 1994

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation Commission  
P. O. Box 13087  
Austin, Texas 78711-3087

RE: Harris County Sulfur Dioxide Agreed Order - Change to  
Paragraph 8(a)

Dear Mr. Jolly:

On behalf of Mobil Mining and Minerals Company, I hereby authorize the Texas Natural Resource Conservation Commission (TNRCC) to substitute new language in Paragraph 8(a) of the above referenced Agreed Order that would allow the Executive Director of the TNRCC and United States Environmental Protection Agency Region 6 to approve alternate continuous emission monitoring systems (CEMS) for measuring sulfur dioxide emissions.

Very truly yours,

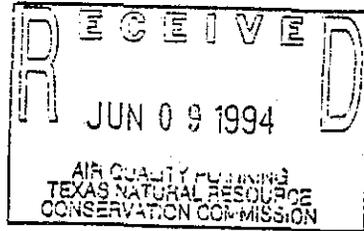
  
For S. Pierce  
6-8-94  
S. E. Pierce  
Plant Manager

SEP\pm

omjjollytn

# Mobil Mining and Minerals Company

P.O. BOX 3447  
PASADENA, TEXAS 77501-3447  
TELEPHONE (713) 920-5300



June 8, 1994

Mr. John Jolly  
Regulation Development Section  
Air Quality Planning  
Texas Natural Resource Conservation Commission  
P. O. Box 13087  
Austin, Texas 78711-3087

RE: Harris County Sulfur Dioxide Matter  
Account NO. HG-0534-U

Dear Mr. Jolly:

Enclosed please find the Agreed Order referenced in Ms. Beverly Hartsock's correspondence dated May 19, 1994. We have executed the attached order contingent upon (1) TRNCC modifying the language in paragraph 8(a), as agreed, to permit TNRCC and EPA to approve alternate CEMS criteria, (2) TNRCC and EPA approval of the attached alternative quality assurance program to be used by Mobil in lieu of 40 CFR Part 60, Appendix B, Performance Specification 6 and 40 CFR Part 60, Appendix F, Procedure 1, and (3) approval of demonstrating compliance at the small (0.04 lb/hr SO<sub>2</sub>; 500 ACFM) emission point ATNV025 by stack sampling once every two years. Stack sampling is recommended because process data does not directly relate to SO<sub>2</sub> emissions at emission point number ATNV025. A copy of stack testing results is enclosed.

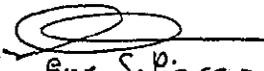
Mobil's SO<sub>2</sub> CEMS was installed on EPN ASNVO01 pursuant to TAC Title 31 Chapter 112 (Regulation II) Paragraph 112.5(c). This unit fully complies with 40 CFR 60, Appendix B, Performance Specification 2 and 40 CFR 51, Appendix P, as required by TNRCC and approved by EPA (50 Fed. Reg. 45454-45457 Aug. 30, 1993).

Paragraph 5.2 of Appendix P incorporates by reference 40 CFR 60.84(b) which provides a mechanism for converting SO<sub>2</sub> concentrations to mass emissions. These mass emissions can be expressed as lbs/ton for new sources or readily converted to lbs/hr units for older grandfathered units. Consequently, 40 CFR 60, Appendix B, Performance Specification 6 is redundant in light of EPA/TNRCC acceptance of 40 CFR 51, Appendix P and 40 CFR 60.84(b).

Mobil has discussed the subject of CFMS data quality assurance with AMETEK, the manufacture of Mobil's SO<sub>2</sub> CEMS unit. AMETEK has developed a preventive maintenance program<sup>2</sup> for Mobil that incorporates all of the manufacturer's operating and maintenance recommendations. That portion of the quality assurance program is set up on quarterly basis to parallel Appendix F, Paragraph 5 of Procedure 1. Although the manufacturer initially recommended annual calibration of the CEMS optical filter, Mobil opted to increase the frequency to once per quarter to further enhance the quality of the data. Consequently, Mobil proposes to use the optical filter in lieu of cylinder gas.

If you have any questions regarding this matter, contact us at the letterhead address, or feel free to telephone our Environmental Manager, John L. Murray, Jr. at (713) 920-5362.

Very truly yours,

J. K.   
for S. E. Pierce  
6-8-94

S. E. Pierce  
Plant Manager

SEP\pm

Attachment

1/RTE- IN0068  
ICA - SAP SO2 MONITOR  
/PE - IN INSTRUMENT  
/TG - INSTR INSTRUMENT  
/ZE - 1

ACCEPTANCE REQ'S- NONE

LINE 70  
DETAIL INSTRUCTIONS  
2. CHECK RECORDER OUTPUT TO CORRESPOND TO CONTROL UNIT METER(RANGE A OR B) WHEN OUTPUT IS TRACKING.

ACCEPTANCE REQ'S- NONE

80  
III. SYSTEM CHECK

ACCEPTANCE REQ'S- NONE

90  
1. INTRODUCT UV CALIBRATION FILTER AND ADJUST CONTROL STATION SPAN POT. FOR CORRECT OUTPUT VALUE

ACCEPTANCE REQ'S- NONE

100  
2. PLACE ANALYZER BACK ON SAMPLE STREAM

ACCEPTANCE REQ'S- NONE

110  
COMMENTS:

DWNTIME  
TIME- DATE- REASON- COMMENT-

\* END OF UNIT 001 \*\*\*  
\*\*\*\*\* END OF JOB X087391 \*\*\*\*\*

**AMETEK**PROCESS & ANALYTICAL INSTRUMENTS DIVISION  
15311 VANTAGE PARKWAY W. • SUITE 255 • HOUSTON, TX 77032TELEPHONE: (713) 449-2596  
FAX: (713) 449-2599

TO: JOHN MURRAY

FROM: BOB POTTS

6/6/94

SUBJECT: PHOTOMETRIC SO<sub>2</sub> ANALYZERAMETEK WOULD PROPOSE THE FOLLOWING AS A PREVENTATIVE MAINTENANCE PROGRAM ON THE SO<sub>2</sub> ANALYZER AT YOUR FACILITY.

ONE A QUARTERLY BASIS.

1. VERIFY OPTICAL CALIBRATION FILTER ACCURACY.
2. CLEAN CELL, IF NECESSARY.
3. CLEAN FLOWMETER, IF NECESSARY.
4. CHECK SAMPLE SYSTEM AND PROBE.
5. CHECK ALL VALVES FOR PROPER OPERATION.
6. CHECK FOR PROPER OPERATION OF SAMPLE PRESSURE REGULATOR.
7. CHECK OVEN TEMPERATURE CONTROLS.
8. CHECK SAMPLE LINE TEMPERATURE CONTROL.
9. RUN ELECTRONIC FUNCTION CHECKS.
  - A. CHECK B+
  - B. CHECK BIAS
  - C. CHECK LIGHT AND DARK DIFFERENTIAL
  - D. CHECK SYSTEM LINEARITY
  - E. CHECK ZERO DRIVE FUNCTION
  - F. CHECK AUTO TIMING SEQUENCE
  - G. CHECK ALARMS
  - H. CHECK CALIBRATION OF ANALOG SIGNALS
10. DO AN OPTICAL CALIBRATION CHECK AND ADJUSTMENT.

THANK YOU  
*Bob Potts*  
BOB POTTS  
AMETEK

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



IN THE MATTER OF AN  
AGREED ORDER CONCERNING  
MOBIL MINING AND MINERALS  
COMPANY,  
ACCOUNT NO. HG-0534-U

§  
§  
§  
§  
§

BEFORE THE  
TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

## AGREED ORDER NO.

The Texas Natural Resource Conservation Commission (the Commission or TNRCC) hereby orders Mobil Mining and Minerals Company (the company) to limit the level of sulfur dioxide (SO<sub>2</sub>) emissions (as described in Attachment A) from the plant referenced in paragraph 1 below, pursuant to Section 382.023(a) of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have voluntarily agreed on these maximum allowable emission levels, subject to the approval of the Commission.

### I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company owns and operates a fertilizer manufacturing plant (the plant), located at 2001 Jackson Road, Pasadena, Harris County, Texas, and that plant has emissions of SO<sub>2</sub>.

2. That the above plant consists of one or more sources as defined in Section 382.003(12) of the Act.

3. That the TNRCC has not issued a permit or permits for the SO<sub>2</sub>-emitting facilities listed in Attachment A and located at the plant.

4. That in order to better safeguard the air resources of this state, the company voluntarily agrees to enter into this Agreed Order, which limits its SO<sub>2</sub> emissions as detailed in Attachment A.

5. That the SO<sub>2</sub> emissions limits described in Attachment A may be increased only through a permit or standard exemption pursuant to TNRCC

AGREED ORDER NO.  
MOBIL MINING AND MINERALS COMPANY  
PAGE 2

Regulation VI. Either action must be accompanied by an air quality analysis, approved by the TNRCC Modeling Section (using United States Environmental Protection Agency [EPA] - approved models and the EPA-approved modeling protocol used in Radian Corporation's April 16, 1993 sulfur dioxide attainment demonstration report [entitled "Evaluation of Potential 24-Hour SO<sub>2</sub> Nonattainment Area in Harris County, Texas; Phase II"] unless subsequently promulgated EPA guidelines or regulations on air quality models prohibit use of the approaches in such protocol; should such a prohibition occur, Mobil Mining and Minerals Company must use the protocol outlined by the EPA in the new guideline or regulation).

6. That the company will, in order that the base year emissions inventory (EI) and subsequent EIs can be accurately maintained, submit data on any modifications to the above-named plant's EI pursuant to TNRCC Rule 30 TAC §101.10 (concerning Emissions Inventory Requirements).

7. That this Order does not authorize or prohibit any modification of the company's plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the maximum allowable emission limits set in Attachment A.

8. That the company will maintain sufficient records (including records for fugitive emissions sources, flares, and those sources utilizing sweet gas [as defined in TNRCC General Rules 30 TAC sec. 101.1] as their sole fuel source) to demonstrate compliance with the SO<sub>2</sub> emission limit(s) in Attachment A. As part of this requirement, the company will, for all sources except fugitive emissions sources, flares, and those sources utilizing sweet gas (as defined in TNRCC General Rules 30 TAC sec. 101.1) as their sole fuel source, comply with the following:

(a) The company shall use continuous emission monitoring systems (CEMS) for measuring SO<sub>2</sub> emission rates pursuant to 40 CFR 60, Appendix B, Performance Specifications 2 and 6, and pursuant to the quality assurance provisions of 40 CFR Part 60, Appendix F, Procedure 1 [except that a Cylinder Gas Audit may be performed in lieu of the annual relative accuracy test audit (RATA) up to two years of a consecutive three-year period]; SO<sub>2</sub> emission rates may also be measured by CEMS using equivalent performance specifications and quality assurance method(s) approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(b) As an alternative to operating CEMS as required under paragraph 8(a) of this section, the company may elect to determine the average sulfur dioxide emissions (and percent reduction, if there is an SO<sub>2</sub> control device present) by keeping records of the sulfur content of the fuel(s) used on a daily basis, and records of the amount and type of fuel(s) used on an hourly basis. Should Mobil Mining and Minerals Company elect to use this alternative, testing of the fuel to determine the sulfur content must be performed, at a minimum, when either the fuel changes or the fuel contract expires, is renewed, or otherwise changes; this testing must be performed in accordance with EPA Method 19 (New Source Performance Standards [NSPS] 40 CFR 60, Appendix A) or by equivalent method approved by the Executive Director of the TNRCC and approved by EPA Region 6;

(c) Any source which has a CEMS must utilize the CEMS for estimating its average SO<sub>2</sub> emissions, and is prohibited from using the methodology outlined in the previous paragraph as an alternative to utilizing the CEMS. If the CEMS is off-line for more than four consecutive hours, the company shall comply with the requirements of paragraph 8 of this Order by utilizing one of the methodologies specified in paragraph 8(b) above, and shall also immediately notify the Air Program Manager of the TNRCC Houston Regional Office by telephone and in writing. Following such shutdowns, the company shall then bring its CEMS on-line as soon as possible. Acceptable reasons for bringing the

CEMS off-line shall be limited to scheduled maintenance, unscheduled maintenance, repairs, breakdowns, testing, or calibrations;

(d) If compliance testing is required by TNRCC, testing will be conducted in accordance with TNRCC Rule 30 TAC §112.2 (concerning Compliance, Reporting, and Recordkeeping) and methods and procedures outlined in 40 CFR 60, Appendix A; and

(e) The company shall maintain current compliance data and relevant monitoring and process data for a minimum of a two year period and make such records immediately available (or submit them) upon request to the staff of the TNRCC, EPA, or any local air pollution control agency. Where the company does not have a SO<sub>2</sub> CEMS and CEMS quality assurance data, relevant process data must include, but is not limited to, the following: process output rate, heat input rate, monitor performance, and quality assurance data.

## II. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that Mobil Mining and Minerals Company shall--at the plant listed above in paragraph 1--from and after the date of this Agreed Order:

(a) Limit its SO<sub>2</sub> emissions to the specified emissions levels set forth in Attachment A or any increased SO<sub>2</sub> emissions approved pursuant to paragraph 5;

(b) Submit to the Commission the information required in paragraph 6; and

(c) Maintain compliance with paragraph 8 above.

This Agreed Order shall terminate as to any SO<sub>2</sub>-emitting facility listed in Attachment A upon the issuance by TNRCC of a permit establishing SO<sub>2</sub> emission limits for that facility.

The provisions of this Agreed Order shall apply to and be binding upon Mobil Mining and Minerals Company, its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this

Agreed Order by personal service or otherwise. Mobil Mining and Minerals Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 2001 Jackson Road, Pasadena, Harris County, Texas and within 10 (ten) days of any such transfer, provide the Texas Natural Resource Conservation Commission with written certification that such notice has been given.

If the company violates a TNRCC rule/regulation or an Act provision after the entry date for this Order, and the same incident causing that violation also violates a maximum allowable emission limit of Attachment A of this Order, TNRCC will not count the Order violation as an additional violation incident in that Formal Enforcement Action for penalty calculation purposes. However, administrative penalties may be calculated and assigned for violation of this Order alone.

The EPA, by approving this Agreed Order as part of the Texas State Implementation Plan (SIP), is not precluded from pursuing any violations of a federally approved TNRCC SIP rule or regulation in addition to pursuing any violations of this Agreed Order.

The Chief Clerk shall provide a copy of this modifying Order to each of the parties.

AGREED ORDER NO.  
MOBIL MINING AND MINERALS COMPANY  
PAGE 6

PASSED AND APPROVED at the regular meeting of the Texas Natural Resource  
Conservation Commission on \_\_\_\_\_.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

\_\_\_\_\_  
John Hall, Chairman

ATTEST:

\_\_\_\_\_  
Gloria A. Vasquez, Chief Clerk

S E A L

AGREED ORDER NO.  
MOBIL MINING AND MINERALS COMPANY  
PAGE 7

I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and do hereby agree to the terms and conditions specified therein.

\_\_\_\_\_  
Anthony C. Grigsby  
Executive Director  
Texas Natural Resource Conservation Commission

\_\_\_\_\_  
Date

D. K. [Signature] for S. Pierce  
Authorized representative of  
Mobil Mining and Minerals Company

6-8-94  
Date

ATTACHMENT A

MAXIMUM ALLOWABLE EMISSION RATES

This table lists the maximum short-term allowable emission rates for SO<sub>2</sub> emissions on the applicant's property described in the attached Order. The emission rates shown are those derived from information submitted by Mobil Mining and Minerals Company and are the maximum rates allowed for these facilities. Any proposed increase in emission rates must be applied for pursuant to paragraph 5 of this Order.

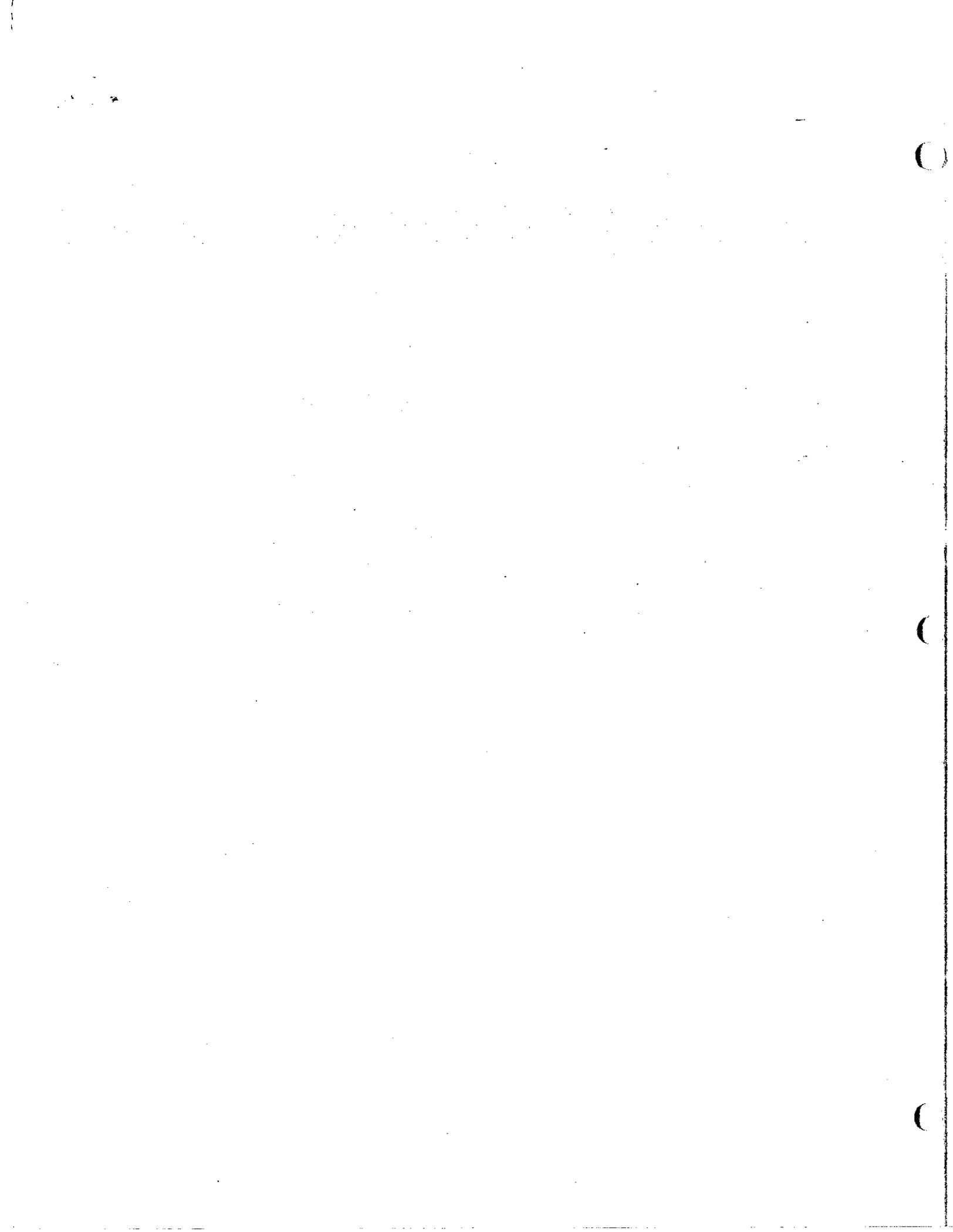
Company Name: Mobil Mining and Minerals Company  
 Account No: HG0534U

| Emission Point No.<br>(1) | Source Name<br>(2)        | Air Contaminant<br>(3) | Short-Term Emission Rate<br>(lb/hr) |
|---------------------------|---------------------------|------------------------|-------------------------------------|
| ASNVO01                   | Sulfuric Acid Plant       | Sulfur Dioxide         | 273.97                              |
| AMFV-020                  | Fugitive                  | Sulfur Dioxide         | 8.22                                |
| ATNV025                   | Reactor/Storage Tank Vent | Sulfur Dioxide         | 0.04                                |
| USNV002                   | Dryer/Granulator Stack    | Sulfur Dioxide         | 0.01                                |

(1) Emission point identification number--either specific equipment designation or emission point number from plot plan.

(2) Specific point source name.

(3) SO<sub>2</sub>--sulfur dioxide.



John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 28, 1994

Mr. S. E. Pierce  
Plant Manager  
Mobil Mining and Minerals Company  
P.O. Box 3447  
Pasadena, Texas 77501-3447

Attention: Mr. John L. Murray, Jr.  
Environmental Manager

Re: Harris County Sulfur Dioxide Matter

Dear Mr. Pierce:

This will acknowledge receipt of your letter of June 8, 1994 regarding an alternative quality assurance program. It is our understanding that you are requesting our approval of an alternate monitoring and compliance demonstration method that is equivalent to that required by the voluntary orders scheduled to be adopted by the Texas Natural Resource Conservation Commission on June 29, 1994.

Please be advised that the alternate method request contained in your letter of June 8, 1994 is approved. You are required to calibrate quarterly the optical filter on the monitoring device on EPN ASNV001 and to provide information to the effect that process parameters at the time of the stack test conducted at EPN ATNV025 in May of 1993 were representative of normal (or worst case) operations of that process and that those process parameters will not be altered so as to significantly increase emissions of sulfur dioxide in the future without so advising this agency and obtaining an amendment to this alternate method approval.

I want to express to you my appreciation for all of your help in our effort to prevent major portions of Harris County from being declared nonattainment for sulfur dioxide.

Mr. S. E. Pierce  
Page 2

June 28, 1994

If you have any questions in this matter, please contact Mr. John Jolly of the Air Quality Planning staff at (512) 239-1491.

Sincerely,



*for* Anthony C. Grigsby  
Executive Director

cc: Mr. Norman D. Radford, Jr., Vinson & Elkins, Dallas  
Mr. Ray Magyar, Compliance Section, Air, Pesticides and Toxics  
Division, U.S. Environmental Protection Agency, Region 6,  
Dallas  
Mr. Rob Barrett, Director, Harris County Pollution Control  
Department, Pasadena  
Ms. Karen Kilpatrick, Regional Manager, Houston  
Ms. Beverly Hartsock, Deputy Executive Director, Office  
of Air Quality