

**Executive Summary – Enforcement Matter – Case No. 65003**  
**Deer Park Refining Limited Partnership**  
**RN111372785**  
**Docket No. 2023-1578-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events

**Media:**

AIR

**Small Business:**

No

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

Deer Park Oil Refinery, 5900 Highway 225, Deer Park, Harris County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2024-0984-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 19, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$125,000

**Total Paid to General Revenue:** \$62,500

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$62,500

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

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$18,750

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** March 7, 2022 through July 6, 2022

**Date(s) of NOE(s):** October 31, 2023

**Executive Summary – Enforcement Matter – Case No. 65003**  
**Deer Park Refining Limited Partnership**  
**RN111372785**  
**Docket No. 2023-1578-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1669, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By April 29, 2022, the Respondent installed new terminal strips where only one wire is under each terminal in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 377866 and 378273.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days:

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**Deer Park Refining Limited Partnership**  
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**Docket No. 2023-1578-AIR-E**

- i. Submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that occurred on February 21, 2022 (Incident No. 374819);
  - ii. Submit a CAP in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that occurred on February 28, 2022 (Incident No. 375320); and
  - iii. Submit a CAP in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that occurred on April 24, 2022 (Incident No. 378294).
- b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittals in connection with the February 21, 2022, February 28, 2022, and April 24, 2022 excessive emissions events within 15 days after the date of such requests, or by any other deadline specified in writing.
- c. Within 45 days, submit written certification to demonstrate compliance with a.
- d. Upon Executive Director approval of the CAPs, implement the CAPs in accordance with the approved schedules.
- e. Within 15 days after the completion of the CAP implementations, submit written certification to demonstrate compliance with d.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston Regional Monitoring Corporation, Amandes Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

**Respondent:** Guy Hackwell, Chief Executive Offer, Deer Park Refining Limited Partnership, P.O. Box 100, Deer Park, Texas 77538

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned PCW</b>	7-Nov-2023	<b>Screening</b>	7-Nov-2023	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>						
<b>Respondent</b>	Deer Park Refining Limited Partnership					
<b>Reg. Ent. Ref. No.</b>	RN111372785					
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major			

<b>CASE INFORMATION</b>						
<b>Enf./Case ID No.</b>	65003	<b>No. of Violations</b>	5			
<b>Docket No.</b>	2023-1578-AIR-E	<b>Order Type</b>	Findings			
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No			
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Desmond Martin			
		<b>EC's Team</b>	Enforcement Team 2			
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$125,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	25.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$31,250
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Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one Disclosure of Violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$12,500
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$4,256  
 Estimated Cost of Compliance \$55,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$143,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$143,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$125,000
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$125,000
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**Screening Date** 7-Nov-2023

**Docket No.** 2023-1578-AIR-E

**PCW**

**Respondent** Deer Park Refining Limited Partnership

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 65003

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN111372785

**Media** Air

**Enf. Coordinator** Desmond Martin

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 25%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one Disclosure of Violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 25%

Screening Date 7-Nov-2023

Docket No. 2023-1578-AIR-E

PCW

Respondent Deer Park Refining Limited Partnership

Policy Revision 5 (January 28, 2021)

Case ID No. 65003

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN111372785

Media Air

Enf. Coordinator Desmond Martin

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1669, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 644.40 pounds ("lbs") of carbon monoxide ("CO"), 304.40 lbs of hydrogen sulfide ("H2S"), 92.00 lbs of nitrogen oxides ("NOx"), 25,138.00 lbs of sulfur dioxide ("SO2"), and 864.20 lbs of volatile organic compounds ("VOC") from the Coker Flare, Emissions Point Number ("EPN") FLARECOKE, during an emissions event (Incident No. 374819) that occurred on February 21, 2022 and lasted one hour and 26 minutes. The emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to pollutants that exceeded levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/ Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,432

Violation Final Penalty Total \$31,250

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

## Economic Benefit Worksheet

**Respondent** Deer Park Refining Limited Partnership  
**Case ID No.** 65003  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	21-Feb-2022	1-Jan-2025	2.86	\$1,432	n/a	\$1,432
<b>Notes for DELAYED costs</b>	Estimated cost to implement an approved corrective action plan ("CAP") to address the excessive emissions event that occurred on February 21, 2022 (Incident No. 374819). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.						

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$1,432
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**Screening Date** 7-Nov-2023 **Docket No.** 2023-1578-AIR-E **PCW**  
**Respondent** Deer Park Refining Limited Partnership *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65003 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Enf. Coordinator** Desmond Martin

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. 01669, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,131.00 lbs of CO, 1,097.00 lbs of H2S, 299.00 lbs of NOx, 81,509.00 lbs of SO2, and 2,624.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 375320) that occurred on February 28, 2022 and lasted four hours and 11 minutes. The emissions event was determined to be an excessive emissions event.

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100.0%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="0.0%"/>

**Matrix Notes** Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to pollutants that exceeded levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One daily event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

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



## Economic Benefit Worksheet

**Respondent** Deer Park Refining Limited Partnership  
**Case ID No.** 65003  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	28-Feb-2022	1-Jan-2025	2.84	\$1,422	n/a	\$1,422

**Notes for DELAYED costs**

Estimated cost to implement an approved CAP to address the excessive emissions event that occurred on February 28, 2022 (Incident No. 375320). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,422

**Screening Date** 7-Nov-2023 **Docket No.** 2023-1578-AIR-E **PCW**  
**Respondent** Deer Park Refining Limited Partnership *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65003 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Enf. Coordinator** Desmond Martin

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. 01669, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,607.00 lbs of CO, 916.00 lbs of H2S, 222.00 lbs of NOx, 72,560.00 lbs of SO2, and 2,123.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 377866) that occurred on April 13, 2022 and lasted four hours and three minutes.

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="100.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Human health or the environment has been exposed to pollutants that exceeded levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One daily event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures by April 29, 2022, prior to the Notice of Enforcement ("NOE") dated October 31, 2023.

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Deer Park Refining Limited Partnership  
**Case ID No.** 65003  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	13-Apr-2022	29-Apr-2022	0.04	\$55	n/a	\$55

**Notes for DELAYED costs**

Estimated cost to install new terminal strips where only one wire is under each terminal in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 377866 and 378273. The Date Required is the date the first emissions event occurred and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$55

**Screening Date** 7-Nov-2023 **Docket No.** 2023-1578-AIR-E **PCW**  
**Respondent** Deer Park Refining Limited Partnership *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65003 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Enf. Coordinator** Desmond Martin

**Violation Number**

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. 01669, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,961.00 lbs of CO, 1,366.00 lbs of H2S, 414.00 lbs of NOx, 118,946.00 lbs of SO2, and 4,367.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 378273) that occurred on April 23, 2022 and lasted three hours and 48 minutes.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="100.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One daily event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes**  
 The Respondent completed the corrective measures by April 29, 2022, prior to the NOE dated October 31, 2023.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Deer Park Refining Limited Partnership  
**Case ID No.** 65003  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs: See the Economic Benefit in Violation No. 3.							

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs:							

Approx. Cost of Compliance \$0

**TOTAL** \$0

**Screening Date** 7-Nov-2023 **Docket No.** 2023-1578-AIR-E **PCW**  
**Respondent** Deer Park Refining Limited Partnership *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 65003 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Enf. Coordinator** Desmond Martin

**Violation Number**

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,220.00 lbs of CO, 1,859.00 lbs of H2S, 591.00 lbs of NOx, 159,913.00 lbs of SO2, and 6,602.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 378294) that occurred on April 24, 2022 and lasted five hours and 48 minutes. The emissions event was determined to be an excessive emissions event.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="100.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**  
 Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to pollutants that exceeded levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

One daily event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Deer Park Refining Limited Partnership  
**Case ID No.** 65003  
**Reg. Ent. Reference No.** RN111372785  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Apr-2022	1-Jan-2025	2.69	\$1,347	n/a	\$1,347

**Notes for DELAYED costs**

Estimated cost to implement an approved CAP to address the excessive emissions event that occurred on April 24, 2022 (Incident No. 378294). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,347

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN602641664, RN111372785, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602641664, Deer Park Refining Limited Partnership	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	13.77
<b>Regulated Entity:</b>	RN111372785, DEER PARK OIL REFINERY	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.07
<b>Complexity Points:</b>	25	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	02 - Oil and Petroleum Refineries				
<b>Location:</b>	5900 HIGHWAY 225, DEER PARK, HARRIS COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

<b>AIR OPERATING PERMITS</b> PERMIT 1669	<b>PUBLIC WATER SYSTEM/SUPPLY</b> REGISTRATION 1010320
<b>PUBLIC WATER SYSTEM/SUPPLY</b> REGISTRATION 6001443	<b>AIR NEW SOURCE PERMITS</b> PERMIT 21262
<b>AIR NEW SOURCE PERMITS</b> PERMIT 7855	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12152
<b>AIR NEW SOURCE PERMITS</b> PERMIT 3178	<b>AIR NEW SOURCE PERMITS</b> PERMIT 5801
<b>AIR NEW SOURCE PERMITS</b> PERMIT 6791	<b>AIR NEW SOURCE PERMITS</b> PERMIT 9334
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11096	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11586
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12373	<b>AIR NEW SOURCE PERMITS</b> PERMIT 8236
<b>AIR NEW SOURCE PERMITS</b> PERMIT 22038	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX815
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX928	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX928M1
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 77952	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 81971
<b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC63	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 165188
<b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC185	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 162924
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 149584	<b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC137
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4820102076	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 169716
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 172561	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 176065
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 171115	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 171838
<b>PETROLEUM STORAGE TANK REGISTRATION</b> REGISTRATION 32780	<b>PETROLEUM STORAGE TANK STAGE II</b> REGISTRATION 32780
<b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 98163	<b>WATER QUALITY NON PERMITTED</b> ID NUMBER RN109947101
<b>WASTEWATER</b> PERMIT WQ0000403000	<b>WASTEWATER</b> EPA ID TX0004871
<b>WASTEWATER</b> PERMIT TXG670472	<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER HGA226S
<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P10908	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 98163
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXR000085805	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> PERMIT 50422

**Compliance History Period:** September 01, 2018 to August 31, 2023      **Rating Year:** 2023      **Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** April 23, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 23, 2019 to April 23, 2024

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

**Name:** Desmond Martin

**Phone:** (512) 239-2814

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |



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

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

1 Effective Date: 10/02/2023 ADMINORDER 2023-0340-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP O1669, GTC & STC No. 24 OP

Permit 21262, SC No. 1 PERMIT

Permit PSDTX928M1, SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 142.00 pounds ("lbs") of carbon monoxide ("CO"), 51.00 lbs of hydrogen sulfide ("H2S"), 3.00 lbs of nitrogen oxides ("NOx"), 1,801.00 lbs of sulfur dioxide ("SO2"), and 225.00 lbs of volatile organic compounds ("VOC") from the North Property Flare, Emissions Point Number ("EPN") FLAREN, and released 424.00 lbs of CO, 72.00 lbs of H2S, 60.00 lbs of NOx, 7,597.00 lbs of SO2, and 884.00 lbs of VOC from the West Prope

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	November 17, 2021	(1783599)
Item 2	December 09, 2021	(1790623)
Item 3	January 18, 2022	(1798418)
Item 4	February 15, 2022	(1806293)
Item 5	March 11, 2022	(1813358)
Item 6	April 13, 2022	(1819930)
Item 7	May 12, 2022	(1828770)
Item 8	June 20, 2022	(1835060)
Item 9	July 18, 2022	(1842266)
Item 10	July 19, 2022	(1812836)
Item 11	August 11, 2022	(1848400)
Item 12	September 15, 2022	(1856196)
Item 13	October 18, 2022	(1862554)
Item 14	October 31, 2022	(1853156)
Item 15	November 14, 2022	(1869469)
Item 16	December 19, 2022	(1875316)
Item 17	February 14, 2023	(1889955)
Item 18	March 13, 2023	(1869168)
Item 19	March 27, 2023	(1868082)
Item 20	April 12, 2023	(1905301)
Item 21	May 17, 2023	(1912486)
Item 22	May 23, 2023	(1897038)
Item 23	May 24, 2023	(1610121)
Item 24	July 18, 2023	(1926051)
Item 25	August 08, 2023	(1912099)
Item 26	August 09, 2023	(1879875)
Item 27	August 10, 2023	(1933016)
Item 28	August 29, 2023	(1846498)
Item 29	September 11, 2023	(1939150)
Item 30	October 03, 2023	(1918820)
Item 31	October 12, 2023	(1946002)
Item 32	November 09, 2023	(1951694)
Item 33	November 15, 2023	(1943070)
Item 34	December 14, 2023	(1961456)
Item 35	December 28, 2023	(1886848)

Item 36 January 11, 2024 (1968052)  
Item 37 February 26, 2024 (1965605)

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

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

- 1 Date: 05/31/2023 (1919086)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 08/18/2023 (1846497)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
NSR 21262 PERMIT  
O1669 OP  
Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from Coker Flare [EPN: FLARECOKE] (Category B13)  
Self Report? NO Classification: Moderate  
Citation: 21262 PERMIT  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THSC Chapter 382 382.085(b)  
O1669 OP  
Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from West Property Flare [EPN: WPFLARE] (Category B13)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O1669 OP  
Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from Coker 2 Furnace [EPN: H31003] (Category B13)  
Self Report? NO Classification: Moderate  
Citation: 21262 PERMIT  
22038 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THSC Chapter 382 382.085(b)  
O1669 OP  
Description: Failure to prevent exceedance of 500 parts per million by volume, dry basis (ppmvd) carbon monoxide (CO) concentration on a 1-hour averaging period limit for Fluid Catalytic Cracking Unit (FCCU) CO Boiler [EPN: H600] (Category B13)  
Self Report? NO Classification: Minor  
Citation: 21262 PERMIT  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
O1669 OP  
Description: Failure to prevent Open Ended Lines (OELs) in volatile organic compound (VOC) service (Category C10)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(3)  
5C THSC Chapter 382 382.085(b)  
O1669 OP  
Description: Failure to perform Method 21 follow up monitoring for Ortho Xylene Unit (OXU) [EPN: FUGOXU] within the required timeframe (Category B1)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O1669 OP

Description: Failure to collect compliance sampling during Highly Reactive Volatile Organic Compounds (HRVOC) monitor downtime for North Property Flare [EPN: NPFLARE] (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O1669 OP

Description: Failure to collect compliance sampling during Highly Reactive Volatile Organic Compounds (HRVOC) monitor downtime for West Property Flare [EPN: WPFLARE] (Category B1)

Self Report? NO Classification: Moderate

Citation: 21262 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
O1669 OP

Description: Failure to maintain heating value of 300 British Thermal Unit per standard cubic feet (Btu/scf) for North Property Flare [EPN: NPFLARE] (Category B17)

**F. Environmental audits:**

Notice of Intent Date: 10/05/2018 (1917425)  
Disclosure Date: 10/01/2019  
Viol. Moderate  
Classification:  
Citation: 30 TAC Chapter 115, SubChapter B 115.112  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)  
Rqmt Prov: OP 40 CFR §63.119(b)(6)  
Description: Failure to have the gauge float well on D351 and X304 bolted or fastened.

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DEER PARK REFINING  
LIMITED PARTNERSHIP  
RN111372785

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

## AGREED ORDER DOCKET NO. 2023-1578-AIR-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Deer Park Refining Limited Partnership (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

### I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery located at 5900 Highway 225 in Deer Park, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review for the Plant conducted from March 7, 2022 through July 6, 2022, an investigator documented that:
  - a. The Respondent released 644.40 pounds ("lbs") of carbon monoxide ("CO"), 304.40 lbs of hydrogen sulfide ("H<sub>2</sub>S"), 92.00 lbs of nitrogen oxides ("NO<sub>x</sub>"), 25,138.00 lbs of sulfur dioxide ("SO<sub>2</sub>"), and 864.20 lbs of volatile organic compounds ("VOC") from the Coker Flare, Emissions Point Number ("EPN") FLARECOKE, during an emissions event (Incident No. 374819) that occurred on February 21, 2022 and lasted one hour and 26 minutes. TCEQ staff determined that the emissions event was an excessive emissions event.
  - b. The Respondent released 2,131.00 lbs of CO, 1,097.00 lbs of H<sub>2</sub>S, 299.00 lbs of NO<sub>x</sub>, 81,509.00 lbs of SO<sub>2</sub>, and 2,624.00 lbs of VOC from the Coker Flare, EPN

FLARECOKE, during an emissions event (Incident No. 375320) that occurred on February 28, 2022 and lasted four hours and 11 minutes. TCEQ staff determined that the emissions event was an excessive emissions event.

- c. The Respondent released 1,607.00 lbs of CO, 916.00 lbs of H<sub>2</sub>S, 222.00 lbs of NO<sub>x</sub>, 72,560.00 lbs of SO<sub>2</sub>, and 2,123.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 377866) that occurred on April 13, 2022 and lasted four hours and three minutes.
  - d. The Respondent released 2,961.00 lbs of CO, 1,366.00 lbs of H<sub>2</sub>S, 414.00 lbs of NO<sub>x</sub>, 118,946.00 lbs of SO<sub>2</sub>, and 4,367.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 378273) that occurred on April 23, 2022 and lasted three hours and 48 minutes.
  - e. The Respondent released 4,220.00 lbs of CO, 1,859.00 lbs of H<sub>2</sub>S, 591.00 lbs of NO<sub>x</sub>, 159,913.00 lbs of SO<sub>2</sub>, and 6,602.00 lbs of VOC from the Coker Flare, EPN FLARECOKE, during an emissions event (Incident No. 378294) that occurred on April 24, 2022 and lasted five hours and 48 minutes. TCEQ staff determined that the emissions event was an excessive emissions event.
3. The Executive Director recognizes that by April 29, 2022, the Respondent installed new terminal strips where only one wire is under each terminal in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 377866 and 378273.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1669, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 21262 and PSDTX928M1, SC No. 1, FOP No. O1669, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
7. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of \$125,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$62,500 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$62,500 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 8 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Deer Park Refining Limited Partnership, Docket No. 2023-1578-AIR-E" to:  

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, Texas 78753
2. The Respondent shall implement and complete the SEP as set forth in Conclusions of Law No. 8. The amount of \$62,500 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms

of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements at the Plant:
  - a. Within 30 days after the effective date of this Order:
    - i. Submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that occurred on February 21, 2022 (Incident No. 374819);
    - ii. Submit a CAP in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that occurred on February 28, 2022 (Incident No. 375320); and
    - iii. Submit a CAP in accordance with the TCEQ letter dated October 31, 2023 to address the excessive emissions event that occurred on April 24, 2022 (Incident No. 378294).
  - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittals in connection with the February 21, 2022, February 28, 2022, and April 24, 2022 excessive emissions events within 15 days after the date of such requests, or by any other deadline specified in writing.
  - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.e.
  - d. Upon Executive Director approval of the CAPs, implement the CAPs in accordance with the approved schedules.
  - e. Within 15 days after the completion of the CAP implementations, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed,



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

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
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For the Executive Director

7/18/2024

-----  
Date

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

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

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

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

  
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Signature

3<sup>rd</sup> JUNE 2024  
-----  
Date

Guy Hackwell  
-----  
Name (Printed or typed)  
Authorized Representative of  
Deer Park Refining Limited Partnership

CEO.  
-----  
Title

*If mailing address has changed, please check this box and provide the new address below:*

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

**Attachment A**  
**Docket Number: 2023-1578-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Deer Park Refining Limited Partnership</b>
<b>Payable Penalty Amount:</b>	<b>\$125,000</b>
<b>SEP Offset Amount:</b>	<b>\$62,500</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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

**1. Project Description**

a. Project

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

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

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

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

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

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes  
Amandes PLLC  
1800 Post Oak Boulevard, Suite 400  
Houston, Texas 77056

**3. Records and Reporting**

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

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

#### 4. Failure to Fully Perform

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

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

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

#### 5. Publicity

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

#### 6. Recognition

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

#### 7. Other SEPs by TCEQ or Other Agencies

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