

**Executive Summary – Enforcement Matter – Case No. 65172
Houston Refining LP
RN100218130
Docket No. 2023-1786-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Houston Refining, 12000 Lawndale Street, Houston, Harris County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 23, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,550

Amount Deferred for Expedited Settlement: \$5,310

Total Paid to General Revenue: \$21,240

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 22, 2023 through November 20, 2023

Date(s) of NOE(s): December 14, 2023

Executive Summary – Enforcement Matter – Case No. 65172
Houston Refining LP
RN100218130
Docket No. 2023-1786-AIR-E

Violation Information

Failed to comply with the hydrogen sulfide ("H₂S") concentration limit of the fuel gas. Specifically, the Respondent exceeded the H₂S concentration limit of approximately 160 parts per million by volume ("ppmv") on a three-hour rolling average basis by a range from 12 ppmv to 20,692 ppmv for a total of 80 hours on eight days from December 24, 2022 to May 20, 2023 for the No. 2 Plant Flare, Emissions Point Number ("EPN") 338K0002 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 2167 and PSDTX985, Special Conditions No. 25, Federal Operating Permit No. O1372, General Terms and Conditions and Special Terms and Conditions No. 32, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 27, 2023, the Respondent repaired the water leaks in the Flare Gas Recovery System in order to comply with the H₂S concentration limit of the fuel gas for the No. 2 Plant Flare, EPN 338K0002.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Greg Nevermann, Site Manager, Houston Refining LP, 12000 Lawndale Street, Houston, Texas 77017

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Dec-2023	Screening	19-Dec-2023	EPA Due	
	PCW	20-Jun-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Houston Refining LP
Reg. Ent. Ref. No.	RN100218130
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	65172	No. of Violations	1
Docket No.	2023-1786-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Caleb Martin
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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.

Compliance History	43.0%	Adjustment	Subtotals 2, 3, & 7	\$9,675
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Notes: Enhancement for three NOVs with same or similar violations, two NOVs with dissimilar violations, and one final court judgement containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and two Disclosures of Violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$5,625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$736
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,550
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$26,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,550
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,310
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$21,240
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Screening Date 19-Dec-2023

Docket No. 2023-1786-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 5 (January 28, 2021)

Case ID No. 65172

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100218130

Media Air

Enf. Coordinator Caleb 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>)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	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>)	2	-4%
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) 43%

>> 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 three NOVs with same or similar violations, two NOVs with dissimilar violations, and one final court judgement containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 43%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 43%

Screening Date 19-Dec-2023 **Docket No.** 2023-1786-AIR-E **PCW**
Respondent Houston Refining LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 65172 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100218130
Media Air
Enf. Coordinator Caleb Martin

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 2167 and PSDTX985, Special Conditions No. 25, Federal Operating Permit No. O1372, General Terms and Conditions and Special Terms and Conditions No. 32, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the hydrogen sulfide ("H2S") concentration limit of the fuel gas. Specifically, the Respondent exceeded the H2S concentration limit of approximately 160 parts per million by volume ("ppmv") on a three-hour rolling average basis by a range from 12 ppmv to 20,692 ppmv for a total of 80 hours on eight days from December 24, 2022 to May 20, 2023 for the No. 2 Plant Flare, Emissions Point Number ("EPN") 338K0002.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 8 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended for the instances of non-compliance that occurred from December 24, 2022 to December 29, 2022, on February 16, 2023, and from May 19, 2023 to May 20, 2023.

Good Faith Efforts to Comply 25.0% Reduction \$5,625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by July 27, 2023, prior to the Notice of Enforcement dated December 14, 2023.

Violation Subtotal \$16,875

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

Estimated EB Amount \$736 **Violation Final Penalty Total** \$26,550

This violation Final Assessed Penalty (adjusted for limits) \$26,550

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 65172
Reg. Ent. Reference No. RN100218130
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)	\$25,000	24-Dec-2022	27-Jul-2023	0.59	\$736	n/a	\$736

Notes for DELAYED costs

Estimated cost to repair the water leaks on the Flare Gas Recovery System in order to comply with the H2S concentration limit of the fuel gas for the No. 2 Plant Flare, EPN 338K0002. The Date Required is the first date of non-compliance 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

\$736

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 CN601313083, RN100218130, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601313083, Houston Refining LP **Classification:** SATISFACTORY **Rating:** 17.04

Regulated Entity: RN100218130, HOUSTON REFINING **Classification:** SATISFACTORY **Rating:** 17.04

Complexity Points: 44 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 12000 LAWDALE STREET, HOUSTON, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0048L

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011570

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0048L

AIR NEW SOURCE PERMITS AFS NUM 4820100040

AIR NEW SOURCE PERMITS REGISTRATION 43445

AIR NEW SOURCE PERMITS REGISTRATION 87937

AIR NEW SOURCE PERMITS REGISTRATION 95583

AIR NEW SOURCE PERMITS REGISTRATION 102445

AIR NEW SOURCE PERMITS REGISTRATION 102539

AIR NEW SOURCE PERMITS REGISTRATION 102500

AIR NEW SOURCE PERMITS REGISTRATION 102533

AIR NEW SOURCE PERMITS REGISTRATION 102526

AIR NEW SOURCE PERMITS REGISTRATION 102448

AIR NEW SOURCE PERMITS REGISTRATION 102523

AIR NEW SOURCE PERMITS REGISTRATION 102540

AIR NEW SOURCE PERMITS REGISTRATION 102531

AIR NEW SOURCE PERMITS REGISTRATION 102511

AIR NEW SOURCE PERMITS REGISTRATION 109351

AIR NEW SOURCE PERMITS REGISTRATION 141096

AIR NEW SOURCE PERMITS REGISTRATION 123232

AIR NEW SOURCE PERMITS REGISTRATION 118761

AIR NEW SOURCE PERMITS REGISTRATION 166263

AIR NEW SOURCE PERMITS REGISTRATION 142711

AIR NEW SOURCE PERMITS PERMIT AMOC51

AIR NEW SOURCE PERMITS REGISTRATION 161353

AIR NEW SOURCE PERMITS REGISTRATION 156839

AIR NEW SOURCE PERMITS REGISTRATION 175854

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AIR OPERATING PERMITS PERMIT 1372

AIR NEW SOURCE PERMITS PERMIT 2167

AIR NEW SOURCE PERMITS REGISTRATION 55719

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX985

AIR NEW SOURCE PERMITS REGISTRATION 46595

AIR NEW SOURCE PERMITS REGISTRATION 92373

AIR NEW SOURCE PERMITS REGISTRATION 101633

AIR NEW SOURCE PERMITS REGISTRATION 102528

AIR NEW SOURCE PERMITS REGISTRATION 101897

AIR NEW SOURCE PERMITS REGISTRATION 102525

AIR NEW SOURCE PERMITS REGISTRATION 102524

AIR NEW SOURCE PERMITS REGISTRATION 102538

AIR NEW SOURCE PERMITS REGISTRATION 102537

AIR NEW SOURCE PERMITS REGISTRATION 102446

AIR NEW SOURCE PERMITS REGISTRATION 102521

AIR NEW SOURCE PERMITS REGISTRATION 102522

AIR NEW SOURCE PERMITS REGISTRATION 102512

AIR NEW SOURCE PERMITS REGISTRATION 112762

AIR NEW SOURCE PERMITS REGISTRATION 131635

AIR NEW SOURCE PERMITS REGISTRATION 139906

AIR NEW SOURCE PERMITS REGISTRATION 151230

AIR NEW SOURCE PERMITS REGISTRATION 168547

AIR NEW SOURCE PERMITS REGISTRATION 146126

AIR NEW SOURCE PERMITS REGISTRATION 156246

AIR NEW SOURCE PERMITS REGISTRATION 160669

AIR NEW SOURCE PERMITS REGISTRATION 172306

AIR NEW SOURCE PERMITS REGISTRATION 172306

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 78219

WASTEWATER PERMIT WQ0000392000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG0048L

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50106

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30092

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

Date Compliance History Report Prepared: June 11, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 11, 2019 to June 11, 2024

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

Name: Caleb Martin

Phone: (512) 239-2091

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: 09/20/2023 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Major
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition, 1 PERMIT
Description: On December 11, 2016, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR #2167, Special Condition 1 PERMIT
Description: On December 8, 2017, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: On January 24, 2018, HLRP caused, suffered, allowed, and/or permitted an unauthorized emissions event.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: On at least August 8, 2018, HLRP caused, suffered, allowed, and/or permitted an unauthorized emissions event.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 115, SubChapter B 115.144(2)(C)
30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(b)(3)(iii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(4)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP

SCs 14H, 14E, 25, 31, 36, 56D, 59 PERMIT
SCs 43B and 64B.ii.b and GCs 11 and 15 PERMIT
STC 1.A OP
STC 23 OP
STC No. 26 OP

Description: On July 30, 2018, HRLP submitted to the TCEQ a deviation report. The deviation report documented the following violations at the Refinery for the compliance period of July 1, 2017, through June 30, 2018: HRLP failed to prevent the exceedance of the three-hour rolling average H2S concentration limit of 162 ppmv for the 736 Coker Flare at the Refinery. There was a total of 54 exceedances during 13 separate events for a total of 746 hours from December 23, 2017, through December 30, 2017, and Janua

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 14E PERMIT
Special Condition 14H PERMIT
Special Condition 25 PERMIT
Special Condition 31 PERMIT
Special Condition 40E PERMIT
Special Condition 43B PERMIT
Special Conditions 4 and 19E PERMIT
Special Term & Condition 26 OP
Special Term and Condition 1.A OP
Special Terms and Conditions 1.F OP

Description: On January 29, 2019, and July 30, 2019, HRLP submitted to the TCEQ deviation reports. The deviation reports documented the following violations at the Refinery for the compliance period of July 1, 2018, through June 30, 2019: HRLP failed to prevent the exceedance of the three-hour rolling average H2S concentration limit of 162 ppmv for the 736 Coker Flare at the Refinery. The limit was exceeded intermittently for a total of 209 hours, ranging from 163 ppmv to 1,775 ppmv from November 11, 2018

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 PERMIT

Description: On September 3, 2019, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT

Description: On March 25, 2018, HLRP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101

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

5C THSC Chapter 382 382.085(b)

Description: HRLP has failed to obtain TCEQ approval of a CAP related to the excessive emissions event. Accordingly, HRLP failed to obtain TCEQ approval of a CAP within 120 days after the TCEQ received the first CAP submission. On December 18, 2019, the TCEQ requested a Corrective Action Plan ("CAP") relating to the September 3, 2019 excessive emissions event at HRLP's Refinery. HRLP was required to obtain approval of a CAP by May 6, 2020, or 120 days from its first CAP submittal.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT

Description: On August 6, 2020, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On April 12, 2020, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On September 26, 2018, HLRP caused, suffered, allowed, and/or permitted two separate unauthorized emissions.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On at least October 23, 2018, HLRP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Specific Condition 1 PERMIT

Description: On April 13, 2019, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On at least April 4, 2019, HLRP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 2167 Special Conditions 1 PERMIT

Description: From July 15, 2019, through July 16, 2019, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On August 4, 2019, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 PERMIT

Description: From July 14, 2021, through at least July 16, 2021, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event. On September 2, 2021, the TCEQ performed an on-site investigation of the incident. The TCEQ investigators were escorted to an external floating roof tank identified as 137TK0420 ("EFR Tank") located in the 137 Tank Farm at the Refinery. The TCEQ observed the roof condition of the EFR Tank and noted large visible holes all across the roof and severe corrosion.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On February 17, 2022, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: On March 30, 2022, HRLP caused, suffered, allowed, and/or permitted an unauthorized emissions event.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter A 7.101

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 Ja 60.102a(f)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2 PERMIT

Special Conditions 31 PERMIT

Special Term and Condition 1A OP

Special Term and Condition 32 OP

Description: In deviation reports dated January 28, 2022 and July 28, 2022, HRLP documented the following violations at the Refinery: HRLP failed to prevent an exceedance of the permitted three-hour rolling average H2S concentration limit of 162 ppmv for Flare No. 1. Between July 10, 2021 and February 19, 2022, HRLP exceeded its three-hour rolling average H2S limit 98 times with H2S concentrations ranging from 164 ppmv to 46,591 ppmv. HRLP failed to prevent an exceedance of the permitted 12-hour rolling aver

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 17, 2019	(1583160)
Item 2	July 09, 2019	(1593088)
Item 3	August 06, 2019	(1599434)
Item 4	August 30, 2019	(1582687)
Item 5	September 11, 2019	(1606339)
Item 6	October 18, 2019	(1613185)
Item 7	November 13, 2019	(1589761)
Item 8	November 18, 2019	(1610201)
Item 9	November 27, 2019	(1603443)
Item 10	December 11, 2019	(1626351)
Item 11	January 14, 2020	(1633992)
Item 12	February 17, 2020	(1640611)
Item 13	February 21, 2020	(1611053)
Item 14	February 24, 2020	(1630342)
Item 15	March 05, 2020	(1647131)
Item 16	April 16, 2020	(1653467)
Item 17	May 19, 2020	(1660053)

Item 18	May 26, 2020	(1592462)
Item 19	June 02, 2020	(1455848)
Item 20	June 05, 2020	(1646424)
Item 21	June 11, 2020	(1666556)
Item 22	June 12, 2020	(1646194)
Item 23	June 30, 2020	(1616715)
Item 24	July 14, 2020	(1673514)
Item 25	August 13, 2020	(1680288)
Item 26	August 20, 2020	(1650927)
Item 27	September 15, 2020	(1686859)
Item 28	October 20, 2020	(1693205)
Item 29	November 04, 2020	(1712307)
Item 30	November 10, 2020	(1666365)
Item 31	December 17, 2020	(1712308)
Item 32	February 18, 2021	(1725363)
Item 33	March 09, 2021	(1725364)
Item 34	March 26, 2021	(1684804)
Item 35	March 29, 2021	(1672360)
Item 36	April 14, 2021	(1725365)
Item 37	April 30, 2021	(1711006)
Item 38	May 11, 2021	(1739995)
Item 39	May 27, 2021	(1710706)
Item 40	June 11, 2021	(1739996)
Item 41	June 18, 2021	(1725042)
Item 42	July 09, 2021	(1751655)
Item 43	August 11, 2021	(1757121)
Item 44	September 01, 2021	(1708486)
Item 45	September 13, 2021	(1766140)
Item 46	September 15, 2021	(1678816)
Item 47	October 12, 2021	(1776601)
Item 48	November 04, 2021	(1783571)
Item 49	November 18, 2021	(1747493)
Item 50	December 08, 2021	(1790593)
Item 51	January 18, 2022	(1798389)
Item 52	January 28, 2022	(1771892)
Item 53	February 07, 2022	(1806265)
Item 54	March 10, 2022	(1813328)
Item 55	March 24, 2022	(1760549)
Item 56	April 06, 2022	(1819901)
Item 57	April 11, 2022	(1775083)
Item 58	May 10, 2022	(1828743)
Item 59	June 17, 2022	(1835029)
Item 60	June 28, 2022	(1722793)
Item 61	July 20, 2022	(1842237)
Item 62	August 04, 2022	(1724650)
Item 63	August 12, 2022	(1848372)
Item 64	September 08, 2022	(1856166)
Item 65	October 03, 2022	(1862525)
Item 66	November 14, 2022	(1869441)
Item 67	November 22, 2022	(1852241)
Item 68	November 30, 2022	(1841145)
Item 69	December 15, 2022	(1875286)
Item 70	December 19, 2022	(1834741)
Item 71	January 09, 2023	(1882109)
Item 72	February 14, 2023	(1889926)
Item 73	March 20, 2023	(1898483)
Item 74	April 19, 2023	(1905272)
Item 75	May 08, 2023	(1912457)
Item 76	June 08, 2023	(1919057)
Item 77	June 19, 2023	(1904804)
Item 78	June 22, 2023	(1869172)

Item 79	July 06, 2023	(1926022)
Item 80	August 10, 2023	(1782571)
Item 81	August 16, 2023	(1932987)
Item 82	August 29, 2023	(1918866)
Item 83	September 08, 2023	(1939121)
Item 84	September 27, 2023	(1930440)
Item 85	October 06, 2023	(1945973)
Item 86	November 08, 2023	(1951665)
Item 87	November 17, 2023	(1925503)
Item 88	December 06, 2023	(1961427)
Item 89	January 02, 2024	(1945903)
Item 90	January 05, 2024	(1968023)
Item 91	February 12, 2024	(1873214)
Item 92	March 08, 2024	(1983651)
Item 93	April 10, 2024	(1990181)
Item 94	June 07, 2024	(1931560)

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

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

- 1 Date: 08/02/2023 (1840368)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a notification for a reportable emissions event within 24 hours after the discovery of the event, TCEQ/STEERS Incident No. 382520. (Category C3).

Self Report? NO Classification: Moderate
 Citation: 2167 PERMIT
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on July 3, 2022, TCEQ/STEERS Incident No. 382520.

- 2 Date: 08/24/2023 (1866433)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)
 Provision II.C.1.i PERMIT
 Description: Failure to have complete and correct manifest.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter Q 335.474
 Provision II.B.8 PERMIT
 Description: Failure to renew the Pollution Prevention (P2) plan before expiration of the previous P2 plan.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Provision II.C.1.i PERMIT
 Description: Failure to update the NOR.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Provision V.A.1 PERMIT
 Description: Failure to identify authorized units with signs.

- 3 Date: 12/14/2023 (1925509)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 NSR Special Condition 25 PERMIT
 Description: Failure to prevent the exceedance of the H2S concentration limit in the fuel gas for a Mixing Pot (EPN: 338D0408) (Category B13).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

FOP Special Term and Condition 32 OP
 NSR Special Condition 25 PERMIT
 Description: Failure to prevent the exceedance of the H2S concentration limit in the fuel gas for Flare No. 1 (EPN: 338K0001) (Category B13).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 NSR Special Condition 25 PERMIT

Description: Failure to prevent the exceedance of the H2S concentration limit in the fuel gas for the 736 Coker Flare (EPN: 736K0101A) (Category B13).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 4 PERMIT

Description: Failure to maintain the NHVcz above the limit for Flare No. 1 (EPN: 338K0001) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 4 PERMIT

Description: Failure to maintain the NHVcz above the limit for Flare No. 3 (EPN: 338K0007) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 NSR Special Condition 4 PERMIT
 Special Term and Condition 1A OP

Description: Failure to maintain the NHVcz above the limit for Flare No. 4 (EPN: 338K0008) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 4 PERMIT

Description: Failure to maintain the NHVcz above the limit for the 736 Coker Flare (EPN: 736K0101A) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 4 PERMIT

Description: Failure to maintain the NHVcz above the limit for Flare No. 1 (EPN: 338K0001) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 NSR Special Condition 31A PERMIT
 NSR Special Condition 64Biib PERMIT

Description: Failure to prevent the exceedance of hourly concentration limits for SO2 and CO for the 435 TGTO (EPN: 435F1402) (Category B13).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 NSR Special Condition 31A PERMIT
 NSR Special Condition 64Biib PERMIT
 Description: Failure to prevent the exceedance of hourly concentration limits for SO2 and CO for the 440 TGTO (EPN: 440F2002) (Category B13).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 NSR Special Condition 33F PERMIT
 Description: Failure to degas Sulfur Storage Tank 871 (EPN: 430TK0871) prior to loading (Category B18g(1)).
 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)
 FOP Special Term and Condition 1A OP
 Description: Failure to collect a sample during HRVOC analyzer downtime for two Flares (EPNs: 736K0101A and 338K0001) (Category B1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 59 PERMIT
 Description: Failure to prevent the floating roof from landing on its legs for Storage Tank 564 (EPN: 135TK0564) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 Description: Failure to prevent the exceedance of the rolling 24-hour CO concentration limit for Heater F001 (EPN: 737F0001) (Category B13).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 2 PERMIT
 Description: Failure to conduct the 10-year inspection for Storage Tank 4002 (EPN: 430TK4002) (Category B1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1A OP
 FOP Special Term and Condition 32 OP
 NSR Special Condition 2 PERMIT
 Description: Failure to prevent the exceedance of the hourly CO concentration limit for the Wet Gas Scrubber (EPN: 732D0063) (Category B13).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(i)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 32 OP
 Special Condition 26 PERMIT
 Special Term and Condition 1A OP
 Description: Failure to prevent the exceedance of the rolling 12-hour average SO2 concentration for the shared exhaust stack of the 435 and 440 TGTOs (EPNs: 435F1402 and 440F2002) (Category B13).

- 4 Date: 01/31/2024 (1977086)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 05/29/2024 (1903196)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on May 1, 2023, TCEQ/STEERS Incident No. 399778 [Category B18.g(13)].

F. Environmental audits:

- Notice of Intent Date: 10/04/2019 (1603598)
 Disclosure Date: 01/30/2020
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Rqmt Prov: PERMIT Special Conditions No. 14.E
 Description: Failed to prevent open-ended lines. Specifically, an open-ended line was found: 632P007.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
 Rqmt Prov: PERMIT Special Conditions No. 14.K
 Description: Failed to adequately complete leaking component repair records. Specifically, leaking component repair records dating back to January 1, 2017 were reviewed and 30 records were found with a missing repair method logged.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Special Conditions No. 14.F
 Description: Failed to monitor all valves. Specifically, 29 valves at #5 Lift Station were not monitored in the third quarter 2019.
 Viol. Major
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 Description: Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, two portable diesel pump engines were discovered on the oil water sewer system and NESHAP sewer system that were not properly authorized.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Special Conditions 65.B
 Description: Failed to record accurate vacuum truck loading exhaust VOC breakthrough data for five loadings during 2019.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: Failed to provide written notification of all waste streams and associated WMUs. Specifically, one manifest was found from 2018 with EPA waste code D003, but this code was not on the Notice of Registration (NOR) and WMU 002 (empty container storage area) was missing the state waste code.
 Viol. Minor
 Classification:
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)

30 TAC Chapter 335, SubChapter R 335.503(a)

30 TAC Chapter 335, SubChapter R 335.504

30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to properly classify, store, and label wastes. Specifically, three drums of universal waste were not properly labeled "Universal Waste Paint and Paint related Waste, two drums in the abrasive blasting area in the HO Tank Farm were open, five drums of unknown waste were located south of tank 810, and 10 drums of unknown waste were located at the Clean Harbors hydroblasting area.

Notice of Intent Date: 02/20/2023 (1881005)

Disclosure Date: 08/18/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(1)(vi)(B)

Description: Failed to have a visible "No Smoking" sign per 40 CFR 262.17(a)(1)(vi)(B) at an ignitable waste accumulation area (the Wash Pad/Hydroblast Area).

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
HOUSTON REFINING LP
RN100218130

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-1786-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP (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 together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 12000 Lawndale Street in Houston, 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$26,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$21,240 of the penalty and \$5,310 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. 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.
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. The Executive Director recognizes that by July 27, 2023, the Respondent repaired the water leaks in the Flare Gas Recovery System in order to comply with the hydrogen sulfide ("H₂S") concentration limit of the fuel gas for the No. 2 Plant Flare, Emissions Point Number ("EPN") 338K0002.

II. ALLEGATIONS

During a record review for the Plant conducted from August 22, 2023 through November 20, 2023, an investigator documented that the Respondent failed to comply with the H₂S concentration limit of the fuel gas, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 2167 and PSDTX985, Special Conditions No. 25, Federal Operating Permit No. O1372, General Terms and Conditions and Special Terms and Conditions No. 32, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the H₂S concentration limit of approximately 160 parts per million by volume ("ppmv") on a three-hour rolling average basis by a range from 12 ppmv to 20,692 ppmv for a total of 80 hours on eight days from December 24, 2022 to May 20, 2023 for the No. 2 Plant Flare, Emissions Point Number ("EPN") 338K0002.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Refining LP, Docket No. 2023-1786-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.

3. 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.
4. 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.
5. 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.
6. 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.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

9/3/2024

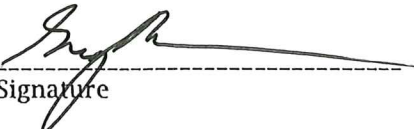
Date

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.



Signature

7/17/2024

Date

Greg Nevermann

Site Manager, Houston Refinery

Name (Printed or typed)
Authorized Representative of
Houston Refining LP

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.