

Executive Summary – Enforcement Matter – Case No. 67098
Deer Park Refining Limited Partnership
RN111372785
Docket No. 2024-1890-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, Gate 8, Deer Park, 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: December 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$138,250

Total Paid to General Revenue: \$69,125

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$69,125

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$53,000

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 13, 2024

Date(s) of NOE(s): November 21, 2024

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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 No. 1, Federal Operating Permit No. O1669, General Terms and Conditions and Special Terms and Conditions No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent a violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b) [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].
3. Failed to prevent the discharge of emissions in such quantities which have a tendency to cause a traffic hazard or an interference with normal road use [30 TEX. ADMIN. CODE § 101.5 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated November 21, 2024 to address the excessive emissions event that began on October 10, 2024 (Incident No. 430966);
 - ii. Implement procedures designed to minimize air contaminants that may adversely affect human health from the Plant due to the same or similar cause as Incident No. 430966; and
 - iii. Implement procedures designed to prevent the recurrence of a traffic hazard due to the same or similar cause as Incident No. 430966.
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the excessive emissions event (Incident No. 430966) within 15 days after the date of such requests, or by any other deadline specified in writing.

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- c. Within 45 days, submit written certification to demonstrate compliance with a.
- d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
- e. Within 15 days after the completion of the CAP implementation, submit written certification to demonstrate compliance with d.
- f. Within 60 days, commence an environmental audit conducted by an independent third party concerning any reported unauthorized release of air contaminants at the Plant for two years prior to the Effective Date of this Order. The environmental audit shall include a systematic evaluation, review, or assessment of compliance with environmental statutes and regulations relating to reported emissions events. The environmental audit shall also include the following:
 - i. A schedule for completion of the Environmental Audit;
 - ii. Identification and analysis of causes for each reported emissions event occurring at the Plant between the Effective Date of this Order and the preceding two years;
 - iii. Review and analysis of the effectiveness of corrective actions previously taken by Respondent in response to each reported emissions event occurring at the Plant between the Effective Date of this Order and the preceding two years;
 - iv. Identification and analysis of additional corrective actions needed to address the root cause of each reported emissions event occurring at the Plant between the Effective Date of this Order and the preceding two years, including, but not limited to:
 - a. Analysis and identification of operating procedures and protocols contributing to any emissions event at the Plant and identification of any changes necessary to prevent additional emissions events at the Plant, including those beyond what is required under applicable authorizations or related statutes and regulations;
 - b. Identification of equipment and system improvements or repairs to minimize the possibility of future emissions events at the Plant;
 - c. Identification of specific and Site-wide corrective action needed to prevent future emissions events at the Plant; and
 - d. Any other recommendations, reviews, or proposals the independent third-party auditor reports necessary to identify corrective action to prevent future emissions events at the Plant.
 - g. Within 180 days after commencing the environmental audit, the Respondent shall submit a copy of the final environmental audit report to the TCEQ together with a

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detailed description of and cost estimates of all the recommendations included in the final audit report, including any operational or physical modifications to the Plant, that in the independent third-party auditor's sole independent judgment, are necessary to reduce or prevent reported emissions events at the Plant.

h. Within 15 days after the Respondent submits the final environmental audit report to the TCEQ, the Respondent shall commence implementation of the proposed recommendations in the final environmental audit report.

i. Within 60 days after implementation of each individual recommendation, the Respondent shall submit written certification that the recommendation has been implemented to demonstrate compliance with f. through h.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; 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: Carl R. Griffith & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Guy Hackwell, Chief Executive Officer, Deer Park Refining Limited Partnership, 5900 Highway 225, Deer Park, Texas 77536

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Dec-2024	Screening	6-Dec-2024	EPA Due	
	PCW	9-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Deer Park Refining Limited Partnership				
Reg. Ent. Ref. No.	RN111372785				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	67098	No. of Violations	3
Docket No.	2024-1890-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$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.

Compliance History	53.0%	Adjustment	Subtotals 2, 3, & 7	\$66,250
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Notes

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for one notice of intent to conduct an audit.

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	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$7,120
Estimated Cost of Compliance	\$135,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$191,250
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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	\$191,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$138,250
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DEFERRAL	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.

PAYABLE PENALTY	\$138,250
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Screening Date	6-Dec-2024	Docket No.	2024-1890-AIR-E	PCW
Respondent	Deer Park Refining Limited Partnership			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	67098			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN111372785			
Media	Air			
Enf. Coordinator	Johnnie Wu			

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	2	4%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	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>)	0	0%
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) 53%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3)	0%
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>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer	Adjustment Percentage (Subtotal 7)	0%
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>> Compliance History Summary

Compliance History Notes	Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for one notice of intent to conduct an audit.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 53%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 53%

Screening Date	6-Dec-2024	Docket No.	2024-1890-AIR-E	PCW
Respondent	Deer Park Refining Limited Partnership			Policy Revision 5 (January 28, 2021)
Case ID No.	67098			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN111372785			
Media	Air			
Enf. Coordinator	Johnnie Wu			
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 No. 1, Federal Operating Permit No. 01669, General Terms and Conditions and Special Terms and Conditions No. 24, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 29,014 pounds ("lbs") of hydrogen sulfide, 993 lbs of carbon monoxide, 72 lbs of nitrogen oxides, 34,369 lbs of sulfur dioxide, and 118 lbs of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 430966) that began on October 10, 2024, ended on October 11, 2024, and lasted 7 hours and 38 minutes. The event resulted in two fatalities and 13 hospitalizations. TCEQ staff determined that the emissions event was an excessive emissions event.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential	x		Percent 100.0%
>>Programmatic Matrix				
	Falsification	Major Moderate Minor		Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	Adjustment	\$0		
		\$25,000		
Violation Events				
	Number of Violation Events	2	2	Number of violation days
	daily weekly monthly quarterly semiannual annual single event	x		Violation Base Penalty \$50,000
	Two daily events are recommended.			
Good Faith Efforts to Comply				
		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	\$50,000		
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$6,103	Violation Final Penalty Total	\$76,500
	This violation Final Assessed Penalty (adjusted for limits)			\$50,000

Economic Benefit Worksheet

Respondent Deer Park Refining Limited Partnership
Case ID No. 67098
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100,000	10-Oct-2024	3-Aug-2025	0.81	\$271	\$5,425	\$5,696
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	10-Oct-2024	3-Aug-2025	0.81	\$407	n/a	\$407
Notes for DELAYED costs	Estimated cost to implement an approved corrective action plan to address the excessive emissions event that began on October 10, 2024 (Incident No. 430966) and to conduct an environmental audit for any reported unauthorized release of air contaminants, submit the results of the audit to TCEQ, and being implementing the audit recommendations at the Plant. The Dates Required are the date the emissions event began and the Final Dates are 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	\$110,000			TOTAL		\$6,103	

Screening Date 6-Dec-2024 Respondent Deer Park Refining Limited Partnership Case ID No. 67098 Reg. Ent. Reference No. RN111372785 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2024-1890-AIR-E <div style="border: 1px solid black; padding: 2px;"> Base Penalty \$25,000 </div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)
Violation Description	Failed to prevent a violation of 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b). Specifically, TCEQ staff documented that an emissions event (Incident No. 430966) at the Plant from October 10, 2024 to October 11, 2024, resulted in the discharge of air contaminants in such a concentration and of such duration that resulted in two fatalities and 13 hospitalizations, and the confirmation of conditions adversely affecting human health.		

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment
\$0

\$25,000

Violation Events

Number of Violation Events	2		2	Number of violation days
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	daily		weekly		monthly		quarterly		semiannual		annual		single event		
														x	

Two single events are recommended.

Violation Base Penalty
\$50,000

Good Faith Efforts to Comply
0.0%
Reduction

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

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

Violation Subtotal
\$50,000

Economic Benefit (EB) for this violation
Statutory Limit Test

Estimated EB Amount	\$814	Violation Final Penalty Total	\$76,500
This violation Final Assessed Penalty (adjusted for limits)		\$50,000	

Economic Benefit Worksheet

Respondent Deer Park Refining Limited Partnership
Case ID No. 67098
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)	\$20,000	10-Oct-2024	3-Aug-2025	0.81	\$814	n/a	\$814
Notes for DELAYED costs Estimated cost to implement procedures designed to minimize air contaminants that may adversely affect human health from the Plant from causing nuisance conditions. The Date Required is the initial date of non-compliance 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	\$20,000	TOTAL	\$814
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Screening Date	6-Dec-2024	Docket No.	2024-1890-AIR-E	PCW
Respondent	Deer Park Refining Limited Partnership			Policy Revision 5 (January 28, 2021)
Case ID No.	67098			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN111372785			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 101.5 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent the discharge of emissions in such quantities which have a tendency to cause a traffic hazard or an interference with normal road use. Specifically, TCEQ staff documented that the emissions event (Incident No. 430966) at the Plant resulted in the closure of a portion of State Highway 225 from October 10, 2024 to October 11, 2024, resulting in the confirmation of a traffic hazard.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual		x	
	Potential			
				Percent 50.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants.			
		Adjustment	\$12,500	
			\$12,500	
Violation Events				
	Number of Violation Events	2	2	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				Violation Base Penalty \$25,000
	Two single events are recommended.			
Good Faith Efforts to Comply				
		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/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	\$203	Violation Final Penalty Total	\$38,250
	This violation Final Assessed Penalty (adjusted for limits)			\$38,250

Economic Benefit Worksheet

Respondent Deer Park Refining Limited Partnership
Case ID No. 67098
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)	\$5,000	10-Oct-2024	3-Aug-2025	0.81	\$203	n/a	\$203
Notes for DELAYED costs	Estimated cost to implement procedures designed to prevent the recurrence of a traffic hazard due to the same or similar cause as Incident No. 430966. The Date Required is the initial date of non-compliance 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 \$5,000

TOTAL \$203



Compliance History Report

Compliance History Report for CN602641664, RN111372785, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN602641664, Deer Park Refining Limited Partnership

Classification: SATISFACTORY

Rating: 12.27

Regulated Entity: RN111372785, DEER PARK OIL REFINERY

Classification: SATISFACTORY

Rating: 12.10

Complexity Points: 37

Repeat Violator: NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 5900 Highway 225, Gate 8, Deer Park, Harris County, Texas 77536-2434

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1669

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010320

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 6001443

AIR NEW SOURCE PERMITS PERMIT 21262

AIR NEW SOURCE PERMITS PERMIT 7855

AIR NEW SOURCE PERMITS REGISTRATION 12152

AIR NEW SOURCE PERMITS PERMIT 3178

AIR NEW SOURCE PERMITS PERMIT 5801

AIR NEW SOURCE PERMITS PERMIT 6791

AIR NEW SOURCE PERMITS PERMIT 9334

AIR NEW SOURCE PERMITS REGISTRATION 11096

AIR NEW SOURCE PERMITS REGISTRATION 11586

AIR NEW SOURCE PERMITS REGISTRATION 12373

AIR NEW SOURCE PERMITS PERMIT 8236

AIR NEW SOURCE PERMITS PERMIT 22038

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX815

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX928M1

AIR NEW SOURCE PERMITS REGISTRATION 77952

AIR NEW SOURCE PERMITS REGISTRATION 81971

AIR NEW SOURCE PERMITS PERMIT AMOC63

AIR NEW SOURCE PERMITS REGISTRATION 165188

AIR NEW SOURCE PERMITS PERMIT AMOC185

AIR NEW SOURCE PERMITS REGISTRATION 162924

AIR NEW SOURCE PERMITS REGISTRATION 149584

AIR NEW SOURCE PERMITS PERMIT AMOC137

AIR NEW SOURCE PERMITS AFS NUM 4820102076

AIR NEW SOURCE PERMITS REGISTRATION 169716

AIR NEW SOURCE PERMITS REGISTRATION 172561

AIR NEW SOURCE PERMITS REGISTRATION 176065

AIR NEW SOURCE PERMITS REGISTRATION 171115

AIR NEW SOURCE PERMITS REGISTRATION 171838

AIR NEW SOURCE PERMITS PERMIT AMOC250

PETROLEUM STORAGE TANK REGISTRATION

PETROLEUM STORAGE TANK STAGE II REGISTRATION 32780

REGISTRATION 32780

WATER QUALITY NON PERMITTED ID NUMBER

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 98163

RN109947101

WASTEWATER PERMIT WQ0000403000

WASTEWATER EPA ID TX0004871

WASTEWATER PERMIT TXG670472

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

POLLUTION PREVENTION PLANNING ID NUMBER

HGA226S

P10908

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 98163

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50422

TXR000085805

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: December 06, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 06, 2019 to December 06, 2024

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

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

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
- 2 Effective Date: 08/28/2024 ADMINORDER 2023-1578-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 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. 26 OP
Permit 21262 & PSDTX928M1, SC No. 1 PERMIT
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. TCEQ staff d
Classification: Major
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. 26 OP
Permit 21262 & PSDTX928M1, SC No. 1 PERMIT
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. TCEQ staff determined that the emissions event was an excessive emissions event.
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. 26 OP
Permit 21262 & PSDTX928M1, SC No. 1 PERMIT
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.
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. 26 OP

Permit 21262 & PSDTX928M1, SC No. 1 PERMIT

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.

Classification: Major

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. 26 OP

Permit 21262 and PSDTX928M1, SC No. 1 PERMIT

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. TCEQ staff determined that the emissions event was an excessive emissions event.

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 16, 2024	(1977115)

Item 38	February 26, 2024	(1965605)
Item 39	March 20, 2024	(1987108)
Item 40	April 18, 2024	(1990210)
Item 41	May 16, 2024	(1996667)
Item 42	June 18, 2024	(2003617)
Item 43	July 18, 2024	(2011171)
Item 44	August 19, 2024	(2016775)
Item 45	August 23, 2024	(1924916)
Item 46	August 30, 2024	(1950782)
Item 47	October 07, 2024	(2016343)
Item 48	November 25, 2024	(1918759)

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: 02/29/2024 (1983680)
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: 05/31/2024 (1924915)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
Description: Failure to prevent exceedances of ammonia (NH3) slip concentration limit 10 parts per million by volume (ppmv) for the Catalytic Reformer Scrubber [EPN: H53NN] (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 J 60.105(e)(4)(iii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
FOP Special Term & Condition (ST&C) 24 OP
NSR Special Condition (SC) 2B ORDER
Description: Failure to prevent exceedances of sulfur dioxide (SO2) concentration limit 250 ppm for the Sulfur Recovery Unit (SRU) 5 [EPN: SR5] (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 J 60.105(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 2B PERMIT
Description: Failure to prevent exceedances of sulfur dioxide (SO2) of 20 parts per million (ppm) concentration limit for the Process Heater [EPN: H5404] (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 J 60.105(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 2B PERMIT
Description: Failure to prevent exceedances of sulfur dioxide (SO2) of 20 parts per million (ppm) concentration limit for the Process Heater [EPN: H1100] (Category B13).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.644(c)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
FOP Special Term & Condition (ST&C) 24 OP

Description: NSR Special Condition (SC) 10E PERMIT
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1571(a)(5)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 1A OP

Description: Failure to comply with the periodic performance testing requirements for fluid catalytic cracking unit (FCCU) CO Boiler [EPN: H600] (Category B1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
 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)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 1A OP
 FOP Special Term & Condition (ST&C) 24 OP
 NSR Special Condition (SC) 24 PERMIT
 NSR Special Condition (SC) 2A PERMIT
 NSR Special Condition (SC) 4A PERMIT
 NSR Special Condition (SC) 50D(2) PERMIT

Description: Failure to operate East Property Flare [EPN: EPFLARE] with a flame present when emissions were vented to it (Category C7)
 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 & Condition (ST&C) 1A OP

Description: Failure to collect compliance sampling during Highly Reactive Volatile Organic Compounds (HRVOC) monitor downtime for West Property Flare [EPN: FLAREWP] (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)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 24 OP
 NSR Special Condition (SC) 23B PERMIT

Description: Failure to prevent exceedances of 3,500 parts per million by weight (ppmw) Total Dissolved Solids (TDS) in samples from Cooling Water Tower 12 [EPN: CWT12] (Category B17).
 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 & Condition (ST&C) 24 OP
 NSR Special Condition (SC) 8 PERMIT

Description: Failure to prevent exceedance of the firing rate of 100 million British Thermal Units per hour (MMBtu/hr) for Ortho Xylene Unit (OXU) Heater [EPN: H1300] (Category B18.g.(1)).
 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)
 FOP Special Term & Condition (ST&C) 3C OP

Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period in Sulfur Recovery Unit 3/4 (SRU 3/4) Incinerator Stack [EPN: SR3/4 STACK] (Category B13).

3 Date: 08/31/2024 (2023792)
 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

F. Environmental audits:

Notice of Intent Date: 04/11/2024 (1976903)
 No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Appendix A
All NOV's Issued During Component Period 12/6/2019 and 12/6/2024

All NOV's Issued During Component Period 12/6/2019 and 12/6/2024

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6	<p>Date: 05/31/2023 (1919086)</p> <p>Self Report? YES Classification: Moderate</p> <p>Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)</p> <p>Description: Failure to meet the limit for one or more permit parameter</p>
7	<p>Date: 08/18/2023 (1846497)</p> <p>Self Report? NO Classification: Moderate</p> <p>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</p> <p>Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from Coker Flare [EPN: FLARECOKE] (Category B13)</p> <p>Self Report? NO Classification: Moderate</p> <p>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</p> <p>Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from West Property Flare [EPN: WPFLARE] (Category B13)</p> <p>Self Report? NO Classification: Moderate</p> <p>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</p> <p>Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from Coker 2 Furnace [EPN: H31003] (Category B13)</p> <p>Self Report? NO Classification: Moderate</p> <p>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</p> <p>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)</p> <p>Self Report? NO Classification: Minor</p> <p>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</p> <p>Description: Failure to prevent Open Ended Lines (OELs) in volatile organic compound (VOC) service (Category C10)</p> <p>Self Report? NO Classification: Moderate</p> <p>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</p> <p>Description: Failure to perform Method 21 follow up monitoring for Ortho Xylene Unit (OXU) [EPN: FUGOXU] within the required timeframe (Category B1)</p>

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)

8* Date: 02/29/2024 (1983680)
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

9* Date: 05/31/2024 (1924915)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
Description: Failure to prevent exceedances of ammonia (NH3) slip concentration limit 10 parts per million by volume (ppmv) for the Catalytic Reformer Scrubber [EPN: H53NN] (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 J 60.105(e)(4)(iii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
FOP Special Term & Condition (ST&C) 24 OP
NSR Special Condition (SC) 2B ORDER
Description: Failure to prevent exceedances of sulfur dioxide (SO2) concentration limit 250 ppm for the Sulfur Recovery Unit (SRU) 5 [EPN: SR5] (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 J 60.105(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 2B PERMIT
Description: Failure to prevent exceedances of sulfur dioxide (SO2) of 20 parts per million (ppm) concentration limit for the Process Heater [EPN: H5404] (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 J 60.105(a)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition (ST&C) 1A OP NSR Special Condition (SC) 2B PERMIT		
Description:	Failure to prevent exceedances of sulfur dioxide (SO ₂) of 20 parts per million (ppm) concentration limit for the Process Heater [EPN: H1100] (Category B13).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.644(c) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition (ST&C) 1A OP FOP Special Term & Condition (ST&C) 24 OP NSR Special Condition (SC) 10E PERMIT NSR Special Condition (SC) 9E PERMIT		
Description:	Failure to prevent Open Ended Lines (OELs) in 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 UUU 63.1571(a)(5) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition (ST&C) 1A OP		
Description:	Failure to comply with the periodic performance testing requirements for fluid catalytic cracking unit (FCCU) CO Boiler [EPN: H600] (Category B1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d) 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)(2) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition (ST&C) 1A OP FOP Special Term & Condition (ST&C) 24 OP NSR Special Condition (SC) 24 PERMIT NSR Special Condition (SC) 2A PERMIT NSR Special Condition (SC) 4A PERMIT NSR Special Condition (SC) 50D(2) PERMIT		
Description:	Failure to operate East Property Flare [EPN: EPFLARE] with a flame present when emissions were vented to it (Category C7)		
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 & Condition (ST&C) 1A OP		
Description:	Failure to collect compliance sampling during Highly Reactive Volatile Organic Compounds (HRVOC) monitor downtime for West Property Flare [EPN: FLAREWP] (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) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition (ST&C) 24 OP NSR Special Condition (SC) 23B PERMIT		
Description:	Failure to prevent exceedances of 3,500 parts per million by weight (ppmw) Total Dissolved Solids (TDS) in samples from Cooling Water Tower 12 [EPN: CWT12] (Category B17).		
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 & Condition (ST&C) 24 OP
NSR Special Condition (SC) 8 PERMIT

Description: Failure to prevent exceedance of the firing rate of 100 million British Thermal Units per hour (MMBtu/hr) for Ortho Xylene Unit (OXU) Heater [EPN: H1300] (Category B18.g.(1)).

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)
FOP Special Term & Condition (ST&C) 3C OP

Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period in Sulfur Recovery Unit 3/4 (SRU 3/4) Incinerator Stack [EPN: SR3/4 STACK] (Category B13).

10* Date: 08/31/2024 (2023792)

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

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period December 06, 2019 and December 06, 2024

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 08, 2022**	(1834738)
Item 16*	November 14, 2022**	(1869469)
Item 17*	December 19, 2022**	(1875316)
Item 18	January 18, 2023**	(1854142)
Item 19*	February 14, 2023**	(1889955)
Item 20	February 21, 2023**	(1840125)
Item 21	March 01, 2023**	(1862198)
Item 22	March 08, 2023**	(1898512)
Item 23*	March 13, 2023**	(1869168)
Item 24*	March 27, 2023**	(1868082)
Item 25*	April 12, 2023**	(1905301)
Item 26*	May 17, 2023**	(1912486)

Item 27*	May 23, 2023**	(1897038)
Item 28*	May 24, 2023**	(1610121)
Item 29	June 15, 2023**	(1919086)
Item 30*	July 18, 2023**	(1926051)
Item 31*	August 08, 2023**	(1912099)
Item 32*	August 09, 2023**	(1879875)
Item 33*	August 10, 2023**	(1933016)
Item 34	August 17, 2023**	(1846497)
Item 35*	August 29, 2023**	(1846498)
Item 36*	September 11, 2023**	(1939150)
Item 37*	October 03, 2023**	(1918820)
Item 38*	October 12, 2023**	(1946002)
Item 39	October 31, 2023**	(1812498)
Item 40*	November 09, 2023**	(1951694)
Item 41*	November 15, 2023**	(1943070)
Item 42*	December 14, 2023**	(1961456)
Item 43*	December 28, 2023**	(1886848)
Item 44*	January 11, 2024**	(1968052)
Item 45*	February 16, 2024**	(1977115)
Item 46*	February 26, 2024**	(1965605)
Item 47	March 18, 2024**	(1983680)
Item 48*	March 20, 2024**	(1987108)
Item 49*	April 18, 2024**	(1990210)
Item 50*	May 16, 2024**	(1996667)
Item 51	May 31, 2024**	(1924915)
Item 52*	June 18, 2024**	(2003617)
Item 53*	July 18, 2024**	(2011171)
Item 54*	August 19, 2024**	(2016775)
Item 55*	August 23, 2024**	(1924916)
Item 56*	August 30, 2024**	(1950782)
Item 57	September 19, 2024	(2023792)
Item 58*	October 07, 2024	(2016343)
Item 59	November 21, 2024	(2023529)
Item 60*	November 25, 2024	(1918759)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

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. 2024-1890-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, Gate 8 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 on November 13, 2024, an investigator documented that:
 - a. The Respondent released 29,014 pounds ("lbs") of hydrogen sulfide, 993 lbs of carbon monoxide, 72 lbs of nitrogen oxides, 34,369 lbs of sulfur dioxide, and 118 lbs of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 430966) that began on October 10, 2024, ended on October 11, 2024, and lasted seven hours and 38 minutes. The event resulted in two fatalities and 13 hospitalizations. TCEQ staff determined that the emissions event was an excessive emissions event.
 - b. TCEQ staff documented that an emissions event (Incident No. 430966) at the Plant from October 10, 2024 to October 11, 2024, resulted in the discharge of air

contaminants in such a concentration and of such duration that resulted in two fatalities and 13 hospitalizations, and the confirmation of conditions adversely affecting human health.

- c. TCEQ staff documented that the emissions event (Incident No. 430966) at the Plant resulted in the closure of a portion of State Highway 225 from October 10, 2024 to October 11, 2024, resulting in the confirmation of a traffic hazard.

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 No. 1, Federal Operating Permit No. 01669, General Terms and Conditions and Special Terms and Conditions No. 24, 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 a violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to prevent the discharge of emissions in such quantities which have a tendency to cause a traffic hazard or an interference with normal road use, in violation of 30 TEX. ADMIN. CODE § 101.5 and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. 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.
6. An administrative penalty in the amount of \$138,250 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 the \$69,125 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$69,125 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. 6 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. 2024-1890-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Conclusion of Law No. 6. The amount of \$69,125 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 November 21, 2024 to address the excessive emissions event that began on October 10, 2024 (Incident No. 430966);
 - ii. Implement procedures designed to minimize air contaminants that may adversely affect human health from the Plant due to the same or similar cause as Incident No. 430966; and
 - iii. Implement procedures designed to prevent the recurrence of a traffic hazard due to the same or similar cause as Incident No. 430966.
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the excessive emissions event (Incident No. 430966) 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, as described in Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provision No. 3.a.

- d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
- e. Within 15 days after the completion of the CAP implementation, submit written certification, as described in Ordering Provision No. 3.i., to demonstrate compliance with Ordering Provision No. 3.d.
- f. Within 60 days after the effective date of this Order, commence an environmental audit conducted by an independent third party concerning any reported unauthorized release of air contaminants at the Plant for two years prior to the Effective Date of this Order. The environmental audit shall include a systematic evaluation, review, or assessment of compliance with environmental statutes and regulations relating to reported emissions events. The environmental audit shall also include the following:
 - i. A schedule for completion of the Environmental Audit;
 - ii. Identification and analysis of causes for each reported emissions event occurring at the Plant between the Effective Date of this Order and the preceding two years;
 - iii. Review and analysis of the effectiveness of corrective actions previously taken by Respondent in response to each reported emissions event occurring at the Plant between the Effective Date of this Order and the preceding two years;
 - iv. Identification and analysis of additional corrective actions needed to address the root cause of each reported emissions event occurring at the Plant between the Effective Date of this Order and the preceding two years, including, but not limited to:
 - a. Analysis and identification of operating procedures and protocols contributing to any emissions event at the Plant and identification of any changes necessary to prevent additional emissions events at the Plant, including those beyond what is required under applicable authorizations or related statutes and regulations;
 - b. Identification of equipment and system improvements or repairs to minimize the possibility of future emissions events at the Plant;
 - c. Identification of specific and Site-wide corrective action needed to prevent future emissions events at the Plant; and
 - d. Any other recommendations, reviews, or proposals the independent third-party auditor reports necessary to identify corrective action to prevent future emissions events at the Plant.
- g. Within 180 days after commencing the environmental audit, the Respondent shall submit a copy of the final environmental audit report to the TCEQ together

with a detailed description of and cost estimates of all the recommendations included in the final audit report, including any operational or physical modifications to the Plant, that in the independent third-party auditor's sole independent judgment, are necessary to reduce or prevent reported emissions events at the Plant.

- h. Within 15 days after the Respondent submits the final environmental audit report to the TCEQ, the Respondent shall commence implementation of the proposed recommendations in the final environmental audit report.
- i. Within 60 days after implementation of each individual recommendation, the Respondent shall submit written certification that the recommendation has been implemented and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.f. through 3.h. 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

For the Executive Director

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

Date

Name (Printed or typed)

Title

Authorized Representative of
Deer Park Refining Limited Partnership

☐ 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: 2024-1890-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Deer Park Refining Limited Partnership
Payable Penalty Amount:	\$138,250
SEP Offset Amount:	\$69,125
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Total Project Budget:	\$1,590,000
Location of SEP:	Chambers County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

B. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers’ exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

C. Minimum Expenditure

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

2. Performance Schedule

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

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

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 to the Third-Party Administrator. The Respondent shall mail or email 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
SEPReports@tceq.texas.gov

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 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
Office of Legal Services 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 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.