

**SUPPLEMENTAL BOARD BOOK  
OF  
JUNE 27, 2019**



**J. B. Goodwin, Chair**

**Leslie Bingham Escareño, Vice-Chair**

**Paul Braden, Member**

**Asusena Reséndiz, Member**

**Sharon Thomason, Member**

**Leo Vasquez, III, Member**

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
GOVERNING BOARD MEETING**

**A G E N D A  
8:00 AM  
JUNE 27, 2019**

**John H. Reagan Building  
JHR 140, 105 W 15th Street  
Austin, Texas 78701**

CALL TO ORDER

ROLL CALL

CERTIFICATION OF QUORUM

**J.B. Goodwin, Chair**

*Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

*Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

**CONSENT AGENDA**

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Tex. Gov't Code, Texas Open Meetings Act. Action may be taken on any item on this agenda, regardless of how designated.

**ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:**

**LEGAL**

- a) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Sparrow Assisted Living (HTC 93056 / CMTS 1132)

**Jeffrey T. Pender**  
Deputy General Counsel

**OCI/HTF/NSP DIVISION**

- b) Presentation, discussion, and possible action authorizing extensions to Neighborhood Stabilization Program 1 contracts and Program Income reservation agreements

**Raul Gonzales**  
Director of  
OCI/HTF/NSP

**HOME AND HOMELESSNESS PROGRAMS**

- c) Presentation, discussion, and possible action on awards for the 2018 HOME Investment Partnerships Program Single Family Programs Homebuyer Assistance and Tenant-Based Rental Assistance Notice of Funding Availability

**Abigail Versyp**  
Director of  
HOME and  
Homelessness Programs

**BOND FINANCE**

- d) Presentation, discussion, and possible action on Resolution No. 19-036 authorizing the issuance, sale and delivery of Texas Department of Housing and Community Affairs Single Family Mortgage Revenue Bonds, 2019 Series A, approving the form and substance of related documents, authorizing the execution of documents and instruments necessary or convenient to carry out the purposes of this resolution, and containing other provisions relating to the subject

**Monica Galuski**  
Director of  
Bond Finance

- e) Presentation, discussion, and possible action on Inducement Resolution No. 19-037, for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority for Pecan Grove (#19606) in Seguin
- f) Presentation, discussion, and possible action on Inducement Resolution No. 19-038, for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority for Ventura at Hickory Tree (#19604) in Balch Springs

**Teresa Morales**  
 Manager of  
 Multifamily Bonds

**MULTIFAMILY FINANCE**

- g) Presentation, discussion, and possible action on staff determinations regarding Application disclosures under 10 TAC §11.101(a)(2) related to Applicant Disclosure of Undesirable Site Features  
 19238 Franklin Trails Franklin
- h) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits with another Issuer (#19420 Pythian Manor, Dallas)
- i) Presentation, discussion, and possible action regarding changes to the capital structure for RBJ Phase I (HTC #18448/NHTF Contract #82700018448)

**Marni Holloway**  
 Director of  
 MF Finance

**ASSET MANAGEMENT**

- j) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application  
 15340 Royal Gardens Mineral Wells Mineral Wells  
 15407 Reserve at Quebec Fort Worth
- k) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement  
 99001 Oakwood Place Apartments Dallas
- l) Presentation, discussion, and possible action regarding a Placed in Service deadline extension for a development located in a Major Disaster Area  
 16246 Gala at Four Corners Sugar Land

**Rosalio Banuelos**  
 Director of  
 Asset Management

**RULES**

- m) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, and an order adopting new Subchapter H, Income and Rent Limits, and directing their publication in the *Texas Register*
- n) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC §1.24, Protected Health Information; and an order adopting new 10 TAC §1.24, Information Security and Privacy Requirements; and directing their publication in the *Texas Register*
- o) Presentation, discussion, and possible action on an order adopting an amendment to 10 TAC, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.410 Determination of Alien Status for Program Beneficiaries, and directing publication in the *Texas Register*

**Patricia Murphy**  
 Director of  
 Compliance

**Brooke Boston**  
 Director of  
 Programs

**CONSENT AGENDA REPORT ITEMS**

**ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:**

- a) TDHCA Outreach Activities, (May-June)
- b) 2020 QAP Planning Project report

**Michael Lyttle**  
 Director of  
 External Affairs  
**Marni Holloway**  
 Director of  
 MF Finance

- c) Report clarifying the number of Direct Loan units for Grim Hotel (Application #19409/#18454)

**ACTION ITEMS**

**ITEM 3: BOARD**

Presentation, discussion, and possible action on the election of Governing Board Officers for the upcoming biennium pursuant to Tex. Gov't Code §2306.030

**J.B. Goodwin**  
Chair

**ITEM 4: AUDIT AND FINANCE COMMITTEE**

Report on the meeting of the Internal Audit and Finance Committee

- i. Approval of the updated FY 2020 Operating Budget
- ii. Approval of the FY 2020 Housing Finance Division Budget

**Sharon Thomason**  
Chair of Audit and Finance Committee

**ITEM 5: OCI/HTF/NSP DIVISION**

Presentation, discussion, and possible action on the 2020-2021 State Housing Trust Fund Biennial Plan

**Raul Gonzales**  
Director of OCI/HTF/NSP

**ITEM 6: COMPLIANCE**

Presentation, discussion, and possible action on a Dispute of the Compliance Division's assessment of the Applicant's compliance history to be reported to the Executive Award Review Advisory Committee

**Patricia Murphy**  
Director of Compliance

19094	Laurel Vista	Beaumont
19095	Sagebrush Terrace	Jarrell
19179	Riverwood Commons II	Bastrop
19228	Chaparral Apartments	Midland
19232	The Commons at St Anthony's	Midland
19414	DeWetter Apartments	El Paso
19415	Kathy White Apartments	El Paso
19340	Nuestra Sonora	El Paso
19344	Patriot Place	El Paso

**ITEM 7: MULTIFAMILY FINANCE**

- a) Report of remanded Third Party Request for Administrative Deficiency under 10 TAC §11.10 of the 2019 Qualified Allocation Plan for #19315 Hammack Creek Apartments

**Marni Holloway**  
Director of MF Finance

- b) Presentation, discussion and possible action on a request for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events for Application #18269, 2400 Bryan

- c) Presentation, discussion and possible action on timely filed appeals:

19013	Our Lady of Charity Apartments	San Antonio
19126	3104 Division Lofts	Arlington
19158	Pendleton Square	Harlingen
19215	West Ridge Apartments	Pharr
19307	Briarwest Apartments	Houston
19368	Sweetwater Springs	Sweetwater

- d) Presentation, discussion and possible action on staff recommendations regarding Application disclosure under 10 TAC §11.101(a)(3) related to Neighborhood Risk Factors:

19227	Reserve at Risinger	Fort Worth
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- e) Presentation, discussion, and possible action on staff recommendations regarding Application disclosure under 10 TAC §11.101(a)(2) related to Undesirable Site Features:
 

19180	St. Elmo Commons	Austin
19185	Edgewood Villas	Killeen
- f) Presentation, discussion, and possible action on staff determinations regarding Application disclosures under 10 TAC §§11.101(a)(2) related to Undesirable Site Features; 11.101(a)(3) related to Neighborhood Risk Factors; and 10 TAC §11.10 related to Request for Administrative Deficiency, for #19301 Prince Hall
- g) Presentation, discussion, and possible action to issue a list of approved Applications for 2019 Housing Tax Credits in accordance with Tex. Gov't Code §2306.6724(e)

**PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS**

**EXECUTIVE SESSION**

The Board may go into Executive Session (close its meeting to the public):

**J.B. Goodwin**  
Chair

The Board may go into Executive Session Pursuant to Tex. Gov't Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

Pursuant to Tex. Gov't Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;

Pursuant to Tex. Gov't Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551; including seeking legal advice in connection with a posted agenda item;

Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or

Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

**OPEN SESSION**

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

**ADJOURN**

To access this agenda and details on each agenda item in the board book, please visit our website at [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us) or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11<sup>th</sup> Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Terri Roeber, ADA Responsible Employee, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Elena Peinado, 512-475-3814, at least five days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado, al siguiente número 512-475-3814 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

**NOTICE AS TO HANDGUN PROHIBITION DURING THE OPEN MEETING OF A GOVERNMENTAL ENTITY IN THIS ROOM ON THIS DATE:**

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista.

**NONE OF THESE RESTRICTIONS EXTEND BEYOND THIS ROOM ON THIS DATE AND DURING THE MEETING OF THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

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**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 27, 2019**

Presentation, discussion, and possible action regarding changes to the capital structure for RBJ Phase I (HTC #18448/ NHTF Contract #82700018448)

**RECOMMENDED ACTION**

**WHEREAS**, RBJ Phase I received an allocation of 4% Housing Tax Credits (HTC) and an award of \$2,000,000 in National Housing Trust Fund (NHTF) under the Supportive Housing/ Soft Repayment (SH/SR) set-aside of the 2018-1 Multifamily Direct Loan Notice of Funding Availability at the Board meeting of February 21, 2019;

**WHEREAS**, the Applicant has provided updated financing documentation and final development cost schedule with supporting documentation in anticipation of closing on all financing within the next 30 days;

**WHEREAS**, the documentation provided reflects an increase in the first lien loan amount from \$19,900,000 to \$23,500,000 and a decrease in the interest rate on the first lien loan from 4.75% to 4.50%, resulting in an increase in debt service ahead of the Department's NHTF loan from \$1,112,230 to \$1,267,767;

**WHEREAS**, the increase in first lien loan proceeds is achievable due to increased rental income as a result of 2019 Housing Tax Credit rents recently being published and a 25 basis point decrease to the interest rate;

**WHEREAS**, 10 TAC §13.8(b) of the Multifamily Direct Loan Rule states that "increases in the principal or payment amount of any superior loans after the initial Underwriting Report must be approved by the Board;" and

**WHEREAS**, staff recommends approving the increases to the first lien loan and repayment amounts;

**NOW, therefore, it is hereby**

**RESOLVED**, that the Board hereby approves RBJ Phase I's request to increase the first lien loan amount and repayment amounts; and



**FURTHER RESOLVED**, that the Board's approval is conditioned upon satisfaction of all conditions of underwriting, and completion of any other reviews required to assure compliance with the applicable rules and requirements.

### **BACKGROUND**

RBJ Phase I received a \$2,495,284 4% HTC allocation and \$2 million NHTF award on February 21, 2019, for the new construction of a 279-unit development serving an Elderly Limitation population with total development costs of \$65,081,778. Permanent debt from Barings at that time was anticipated to be \$19.9 million, with the NHTF award structured as a soft repayable loan from surplus cash flow, with a 0% interest rate, 40 year amortization, and 18 year term. The Applicant was able to access this loan structure by virtue of providing 15 NHTF units restricted to households at the greater of 30% Area Median Income or the federal poverty rate that would not have had those restrictions otherwise.

In May 2019, in anticipation of closing the NHTF loan, the Applicant submitted a revised budget and revised financing documentation, which reflected a \$5.7 million net increase in total costs since February 2019. The increased costs are primarily a result of land acquisition costs, which were previously not included since it was anticipated that the land would be donated by the Austin Geriatric Center to the partnership, being included. According to the Applicant, the investor – National Equity Fund – requested that land acquisition costs be included for the purposes of sizing the bonds for the 50% test, with the sponsor (Austin Geriatric Center) providing a capital contribution to help balance sources and uses. All of the increase in total costs is being absorbed by the capital contribution from Austin Geriatric Center, with the increase in first lien loan proceeds to \$23.5 million helping to reduce deferred developer fee.

Despite the 18.1% increase in the Barings loan from \$19.9 million to \$23.5 million, the increase to debt service is somewhat offset by the decrease in the interest rate from 4.75% to 4.50%, which results in annual repayment only increasing 14%. As a result of the interest savings combined with the use of the recently published increases to both 2019 tax credit and NHTF rents, the debt coverage on the senior debt remains virtually unchanged. Debt service on the NHTF loan continues to be excluded from the DCR calculation because this surplus cash loan was awarded under the Supportive Housing/Soft Repayment Set-aside, and no regularly scheduled fixed payment amount is required.

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**BOARD REPORT ITEM**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 27, 2019**

Grim Hotel, sponsored by The Premier Texarkana Development and Management Facility Corporation and Cohen-Esrey Development Group, LLC, received an allocation of 4% Housing Tax Credits and an award of \$4,000,000 in Neighborhood Stabilization Program Round 1 Program Income (NSP1 PI) under the 2019-1 Multifamily Direct Loan Notice of Funding Availability (2019-1 NOFA) at the Board meeting on May 23, 2019. Within the background of the Board Action Request presented to the Board, staff inadvertently stated that, layered among the 93 60% HTC-restricted units, 22 of the units would be NSP-restricted units at 60% AMI/High HOME and six would be NSP-restricted units at 50% AMI/Low HOME, for a total of 28 NSP-restricted units. Meanwhile, the Underwriting Report published on May 16, 2019, stated correctly that there would be 18 NSP-restricted units at 60% AMI/High HOME and seven NSP-restricted units at 50% AMI/Low HOME, for a total of 25 NSP-restricted units. This report item serves to confirm that there will be 18 NSP-restricted units at 60% AMI/High HOME and seven NSP-restricted units at 50% AMI/Low HOME, for a total of 25 NSP-restricted units, among the 93 60% HTC-restricted units. No NSP units may also be layered with 24 CFR Part 983 vouchers.

Subsequent to the May 23, 2019, Board Meeting, HUD accepted the update to the NSP Substantial Amendment of the 2008 Action Plan. HUD also recognized that match provided by this Development has the ability to have HOME match units (that are not NSP-restricted units or units layered with 24 CFR Part 983 vouchers) in accordance with Section 6h of the 2019-1 NOFA.

A revised underwriting report will be published before closing reflecting the match units. All contract and loan documents related to the NSP1 PI loan will accurately reflect the 25 NSP-restricted units, and 2 HOME match units.

7d

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 27, 2019**

Presentation, discussion and possible action on staff determinations regarding Neighborhood Risk Factors for 19227 Reserve at Risinger

**RECOMMENDED ACTION**

**WHEREAS**, pursuant to 10 TAC §11.101(a)(3) of the 2019 Qualified Allocation Plan related to Neighborhood Risk Factors, if a Development Site has any of the characteristics described in subparagraph B of the subsection, the Applicant must disclose the presence of each such characteristic to the Department at the time the Application is submitted to the Department;

**WHEREAS**, 19227 Reserve at Risinger disclosed the presence of Neighborhood Risk Factors and submitted documentation regarding the mitigation of those risk factors; and

**WHEREAS**, staff has conducted a further review of the application materials pursuant to 10 TAC §11.101(a)(3)(B) and recommends against site eligibility on the basis that there is insufficient evidence of a “clear trend indicating imminent compliance” with the improvement-required elementary school that would serve this development;

**NOW, therefore, it is hereby,**

**RESOLVED**, that the Board determine for 19227 Reserve at Risinger whether there is a clear trend indicating imminent compliance for J A Hargrave Elementary School, and, further, whether the information regarding mitigation of the neighborhood risk factors is sufficient and supports site eligibility under the requirements of 10 TAC §11.101(a)(3) of the Qualified Allocation Plan.

**BACKGROUND**

NOTE: This item was presented to the Board on May 23, 2019. As a result of public comment, the Board tabled discussion of this item.

Pursuant to 10 TAC §11.101(a)(3) of the 2019 Qualified Allocation Plan (QAP) related to Neighborhood Risk Factors, disclosure is required if one or more of the neighborhood risk factors exists where the proposed Development Site is located. Applicants are required to provide a Neighborhood Risk Factors Report (NRFR), which includes information regarding mitigating factors and a general description of the site and surrounding area.

Pursuant to 10 TAC §11.101(a)(3), the Department’s Governing Board has final decision making authority in making an affirmative determination of finding a Site eligible or ineligible. Should the Board make the determination that a Development Site is ineligible, the termination of the Application resulting from such Board action is not subject to further appeal.

Application 19227, Reserve at Risinger, will be a new construction general population development composed of six two-story buildings with a total of 96 Units. Eighty-five units will be designated for low income residents and 11 will be market rate. The census tract in which the Development will be located has a median household income of \$76,612 and a poverty rate of 7.1%. NeighborhoodScout reported an annual Part I violent crime rate of 4.37 per 1,000 persons-well below the Department’s threshold.

**Summary of Disclosure:** The proposed Development Site falls within the attendance zone of J A Hargrave Elementary School, which was rated Improvement Required in 2018, 2017, and 2016.

**Eligibility to Mitigate and Mitigation Efforts:** Regarding the Neighborhood Risk Factor for schools rated Improvement Required, 10 TAC §11.101(a)(3)(B)(iv) reads, in part, that "any school in the attendance zone that has not achieved Met Standard for three consecutive years and has failed by at least one point in the most recent year, unless there is a clear trend indicating imminent compliance, shall be unable to mitigate due to the potential for school closure as an administrative remedy pursuant to Chapter 39 of the Texas Education Code." The rule clearly states that a Development should be found ineligible if a school to which its residents are zoned has been rated Improvement Required for three consecutive years unless a clear trend indicates imminent compliance. If such a “clear trend” showing is made, evidence from the Application may then be used to establish that this neighborhood risk factor has been mitigated.

The Application includes the TEA Accountability Summaries for J A Hargrave Elementary for 2016, 2017, and 2018. Using the Index 1 scores for 2016 and 2017, and the “overall” score for 2018 (and noting that a score of 60 is the threshold score for “Meets Standards” for all three of these reports) then the results were:

2016: 55

2017: 54

2018: 58.

The Applicant included a letter from Connie Isabell, Deputy Superintendent of School Improvement for the Crowley Independent School District. In her letter, Ms. Isabell recounts how both the district and the school are committed to moving J A Hargrave Elementary to a Met Standard rating, and she touts the central importance of the school's Campus Turnaround Plan. The letter opens with the Deputy Superintendent stating her intent in writing the letter was to “ensure [TDHCA] that the campus will receive a ‘Met Standard’ rating by the time the Reserve at Risinger development is placed in service.” The Board may determine whether this constitutes a “clear trend indicating imminent compliance” with TEA standards.

Additionally, according to the Applicant, "Students at J A Hargrave also have additional support through the 21st Century Community Learning Center (CCLC) program. 21st CCLC provides a variety of afterschool enrichment programs with the aim of improving academic performance, attendance, behavior, promotion rates, and graduation rates. The funding that J A Hargrave receives through 21st CCLC provides students with the opportunity to participate in activities such as Family Fun Fitness, Lights! Camera! Read!, Career Whiz, and Paint Your Art Out from when school gets out until 6 p.m. on a daily basis." School administrators hope that such activities will help the school to achieve a Met Standard rating before the proposed Development is placed in service.

Further, according to the proposed Development's narrative, the Development will include an "Education Center" space in the clubhouse that will be utilized for educational programming above and beyond the typical services required by TDHCA for all affordable housing developments. Specific educational programming being contemplated are English as Second Language (ESL), Credit Literacy, Job Training, and other targeted programs for the Development's residents.

**Staff Determination:** Staff recommends against eligibility of this site due to what it sees as a lack of evidence supporting "a clear trend indicating imminent compliance" for a school that has been rated as "improvement-required" for the last three years. If the Board determines that there is a clear trend indicating imminent compliance, despite the Neighborhood Risk Factor of the elementary school being rated Improvement Required by TEA three years in a row, the Board should also make a determination about the sufficiency of mitigation to render this site eligible.

19227  
Reserve at Risinger



# **19227 Reserve at Risinger**

## Neighborhood Risk Factor Report

2019 9% Housing Tax Credit Cycle  
Reserve at Risinger LLC



## Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11.8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

**Pre-application Disclosure:**            Pre-application #19227                    Development Name Reserve at Risinger  
 **Application Disclosure:**            Application #19227                    Development Name Reserve at Risinger

**My Development Site includes the following neighborhood risk factor(s) (Check all that apply):**

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

**Neighborhood Risk Factors Report:**

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

**Provide any comments or additional information in the box below, if applicable.**

Please see the attached documentation packet that has hyperlinks in the table of contents and has been bookmarked for ease of navigation.

**Mitigation of the Neighborhood Risk Factor (s):**

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

**Waiver of the Neighborhood Risk Factor (s):**

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

**Provide any comments or additional information in the box below, if applicable.**

**Department Contacts:**

9% HTC Applications: [Sharon.Gamble@TDHCA.state.tx.us](mailto:Sharon.Gamble@TDHCA.state.tx.us) (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: [Teresa.Morales@TDHCA.state.tx.us](mailto:Teresa.Morales@TDHCA.state.tx.us) (Multifamily Manager)

Direct Loan Only Applications: [Andrew.Sinnott@TDHCA.state.tx.us](mailto:Andrew.Sinnott@TDHCA.state.tx.us) (Multifamily Loan Programs Manager)

**How to Submit the NRF Report Packet:**

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

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Summer Creek Middle School 2018 TEA Ratings	page 103
North Crowley High School 2018 TEA Ratings	page 104
Affordable Housing Stock	page 105
Primary Market Area Map	page 105
Incomes in the Census Tract	page 109
Median Household Income ACS 5-Year Estimates 2012-2016 Data	page 109
Household Incomes ACS 5-Year Estimates 2012-2016 Data	page 110
Market Rate Multifamily Housing Stock	page 112



February 26, 2019

Marni Holloway  
Director of Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Re: 19227 Reserve at Risinger Neighborhood Risk Factor Report

Dear Ms. Holloway,

I am writing to provide the Department with additional information regarding the Neighborhood Risk Factor disclosure for Application #19227 Reserve at Risinger in accordance with 11.101(a)(3)(B)(iii). The site does not meet TDHCA standards for elementary school performance. Crowley Independent School District, J A Hargrave Elementary Schools, the community, and other local agencies are working together to improve academic performance at the elementary school. This letter, along with the Neighborhood Risk Factor Report, should provide a clearer impression of educational quality in the school district and the improvement efforts that are already underway to improve this school. I hope you will let me know if there is any additional information that you would like to see.

### **Introduction to the Neighborhood**

The Reserve at Risinger is located approximately at the Southwest corner of West Risinger Road and McCart Avenue in Southwest Fort Worth. The census tract boundaries for Reserve at Risinger group together a number of residential subdivisions to form a neighborhood around the site, which is currently vacant, undeveloped land. Over the past 25 years, this neighborhood has transformed from being mostly undeveloped fields with few roadways, into a thriving suburban community of single-family homes. Please see page 11 for an aerial comparison of the area from 25 years ago to today.

### **Neighborhood Land Use**

The neighborhood is predominantly comprised of single-family residential land uses, with a few neighborhood parks, institutional uses, and minimal pockets of commercial land use. The parcels zoned for institutional use include three neighborhood schools, two churches, and a branch of the Metropolitan Fort Worth YMCA. The parcels that are zoned for commercial land use are primarily located along West Risinger Road, but it is important to note that only five of these parcels have actually been developed and currently contain retail.

### **Neighborhood Risk Factors**

Only one of the four risk factors warrant disclosure and an in-depth exploration – the elementary school.

- **Low Poverty:** The census tract that contains Reserve at Risinger is well within TDHCA's definition of a high opportunity census tract, with just 7.10% of households living below the poverty level in 2016, according to 2012-2016 American Community Survey 5-Year Estimates.
- **Low Crime:** Violent crime in the neighborhood, which sits at 4.37 crimes per 1,000 persons, is also well below TDHCA's Neighborhood Risk Factor crime rate of 18 crimes per 1,000 persons. The adjacent census tract within 500 feet of the development site, similarly, has a crime rate below TDHCA's threshold. Please see page 15 of the documentation packet for excerpts of the crime reports from Neighborhood Scout.
- **Good Schools:** Students living at Reserve at Risinger will be served by J A Hargrave Elementary, Mary Harris Intermediate, Summer Creek Middle School, and North Crowley High School. With the exception of the elementary school, all of the campuses serving the future students of Reserve at Risinger received a 'Met Standard' rating from the Texas Education Agency in 2018. Please see the documentation attachment for each campus' 2018 Accountability Report from the Texas Education Agency.
  - J A Hargrave Elementary School, which routinely received 'Met Standard' ratings prior to 2016, provides education to students from early childhood through the fourth grade. Please see the 'School Improvement' section below for information on the targeted efforts to improve academic performance at the elementary school campus.
  - Mary Harris Intermediate, which is less than a mile from Reserve at Risinger, serves students in grades 5 through 6 and has received a 'Met Standard' rating consistently since 2016.
  - Summer Creek Middle School similarly receives 'Met Standard' ratings from the Texas Education Agency on a regular basis and is home to the Inspire Academy program and the STEM Academy.
  - North Crowley High School, in addition to consistently meeting Texas Education Agency standards, has received 5 Distinction Designations in the past three years, including Academic Achievement in Mathematics, Academic Achievement in Social Studies, and the Top 25<sup>th</sup> Percentile in Student Progress.
- **Well-maintained development:** The majority of development in the census tract is relatively new, less than 25 years old, and of high quality, as is evidenced by the maps on page 11 of the PDF, so the area is not at risk of having blighted structures.

### **School Improvement**

Crowley Independent School District is well-versed on the strategies and actions necessary to turnaround school performance at J A Hargrave Elementary. This is evident through the correspondence that we have had with Connie Isabell, the Deputy Superintendent of School Improvement, who has graciously provided us with a letter describing the School District's efforts and the 2018-2019 Campus Improvement Plan that the District is in the process of implementing.

Both the Campus Improvement Plan and the Turnaround Plan that are included in the documentation attachment are a reflection of the diligent work that the School District, along with campus administration, faculty, and support staff have put into the school's improvement. As is evident in the Accountability Reports from 2013-2015, J A Hargrave was customarily a campus that met Texas Education Agency standards, so it is the District's top priority to help the campus return to a trend of success. They are actively pursuing success by prioritizing five key goals in their Campus Improvement Plan:

1. Improve Student Achievement for All
2. Provide Safe, Secure and Nurturing Schools
3. Support Parent and Community Partnerships
4. Provide a Quality Workforce in a Positive Work Environment
5. Ensure Effective and Efficient Use of Resources

The Campus Improvement Plan identifies objectives and strategies that align with each of the goals mentioned above, along with a routine review the campus' progress towards meeting those goals. To support the achievement of these goals, J A Hargrave Elementary has enlisted targeted assistance from Principal Kimberly Sherfield, Assistant Principal Amber Gillihan, Instructional Specialists, Grade Level Lead Faculty members, and the School Counselor.

The school's various turnaround efforts are being bolstered by the Accelerating Campus Excellence (ACE) Initiative, which is being introduced at the campus after administrators saw the success of the initiative at Dallas Independent School District. Details on this initiative have been included in the attached letter from the Deputy Superintendent of School Improvement.

Students at J A Hargrave also have additional support through the 21<sup>st</sup> Century Community Learning Center (CCLC) program. 21<sup>st</sup> CCLC provides a variety of afterschool enrichment programs with the aim of improving academic performance, attendance, behavior, promotion rates, and graduation rates. The funding that J A Hargrave receives through 21<sup>st</sup> CCLC provides students with the opportunity to participate in activities such as Family Fun Fitness, Lights! Camera! Read!, Career Whiz, and Paint Your Art Out from when school gets out until 6 p.m. on a daily basis. The ongoing academic and social support that students are currently receiving, along with the roll out of the Accelerating Campus Excellence Initiative, make the District and campus administration confident that J A Hargrave will meet Texas Education Agency standards by the time that the Development is placed in service.

## **Incomes and Market**

The Primary Market Area for Reserve at Risinger consists of 15 census tracts located in South Fort Worth. These 15 census tracts, which have a combined population of over 90,000 people, are served by only 1,500 general population affordable housing units across seven housing developments. This relatively low affordable unit count is remarkable when you consider that just over half of the households in the primary market area are cost-burdened according to HUD Standards, in other words, just over half of all households in the primary market area are paying over 30% of their income towards housing costs. This metric points to a severely underserved market area where there is a considerable lack of affordable housing units relative to potential demand for developments such as Reserve at Risinger. Please refer to page 107 of the documentation packet for the 2012-2016 American Community Survey 5-Year Estimates that identifies these primary market area statistics.

Another indicator of a need for more affordable housing is the comparison of household incomes to the median household income across the MSA. ACS data estimates that the median household income in the Dallas-Fort Worth-Arlington, TX Metro area was \$61,330. In the census tract containing Reserve at Risinger, two-thirds of all households have incomes equal to or greater than the Metro area's income, based on the ACS data that can be found on page 109 of the documentation packet. Furthermore, the Reserve at Risinger is located in a second quartile census tract with a poverty rate below 20%. Each of these factors indicate that residents of the development



will be living in a high opportunity census tract and will have greater access to financial stability and economic mobility opportunities.

There are currently no multifamily units in the neighborhood surrounding Reserve at Risinger, rental or otherwise. While there are over 600 rental units within the neighborhood, they are all single-family homes that offer rents well above 2018 TDHCA rent limits for families earning 50% or below of the Area Median Income.

<b>Market Rate Rents vs Affordable Rents</b>		
	<b>Median Gross Rent (ACS 2013-2017)</b>	<b>TDHCA 50% Rents</b>
1-Bedroom Unit	na	\$705
2-Bedroom Unit	\$972	\$846
3-Bedroom Unit	\$1,513	\$978
4-Bedroom Unit	\$1,606	\$1,091

The fact that over 40% of these renter households in the census tract containing Reserve at Risinger are cost-burdened suggests that the development of affordable rental units would help curb further cost-burden in the area. A search through Realtor.com’s rental listings for the neighborhood shows that currently 15 of 600 rental units are available, with rents starting at \$950 a month and at least 2-bedrooms each.

### **Summary**

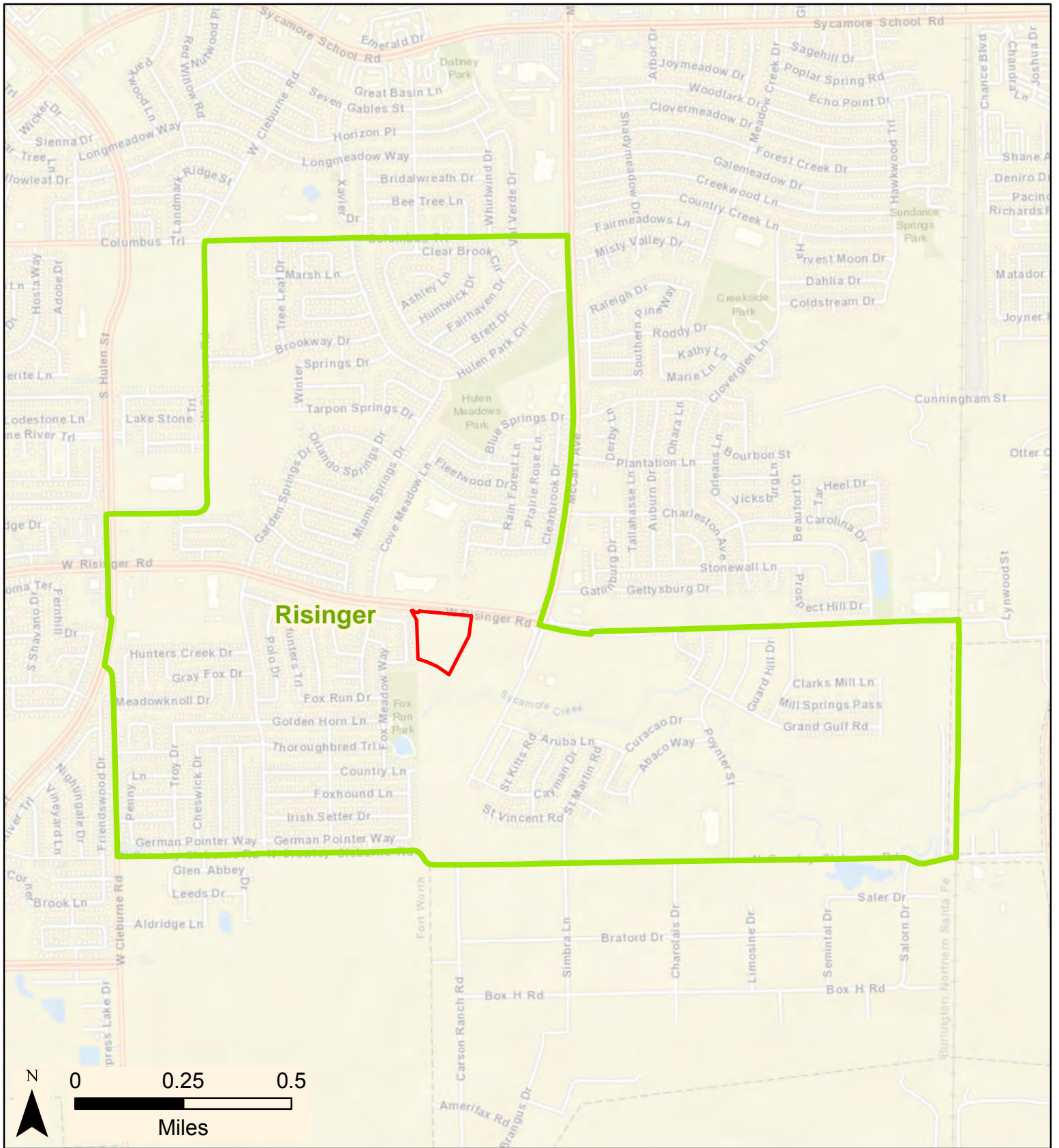
I believe that the targeted efforts of Crowley Independent School District, the administration and faculty of J A Hargrave Elementary School, and the community at large will successfully improve academic performance for elementary school students and help the Hargrave campus achieve a ‘Met Standard’ rating from the Texas Education Agency. I hope that you will find the school risk for the neighborhood mitigated as demonstrated by the combination of an effective turnaround plan, new funding sources, the commitment of energy, and the investment of time that were all documented in this report.

Thank you for reviewing this report and for your consideration. Please let me know should you have any questions or concerns at [sallie@structuretexas.com](mailto:sallie@structuretexas.com) or at (512) 473-2527.

Sincerely,



Sallie Burchett, Consultant to the Project  
[sallie@structuretexas.com](mailto:sallie@structuretexas.com)  
(512) 473-2527



# Risinger Neighborhood

## Reserve at Risinger

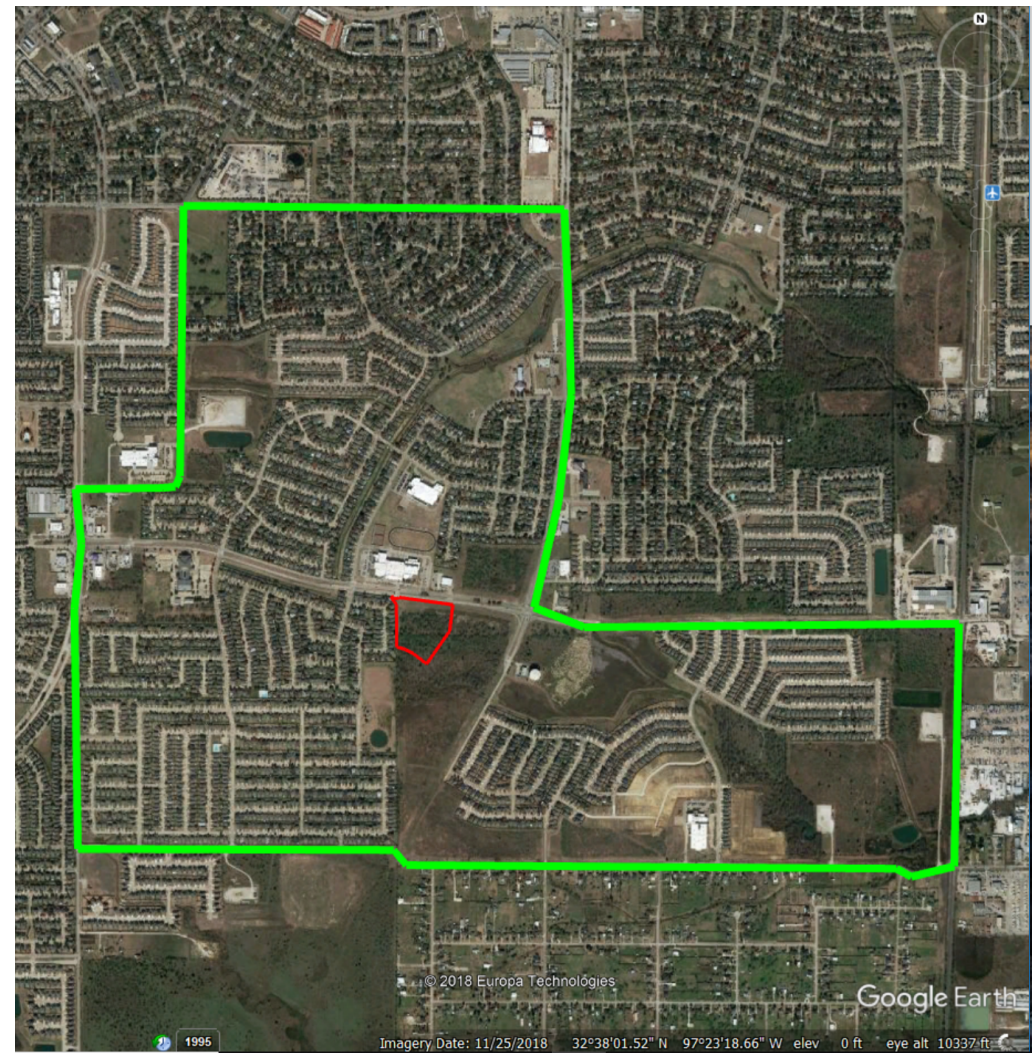
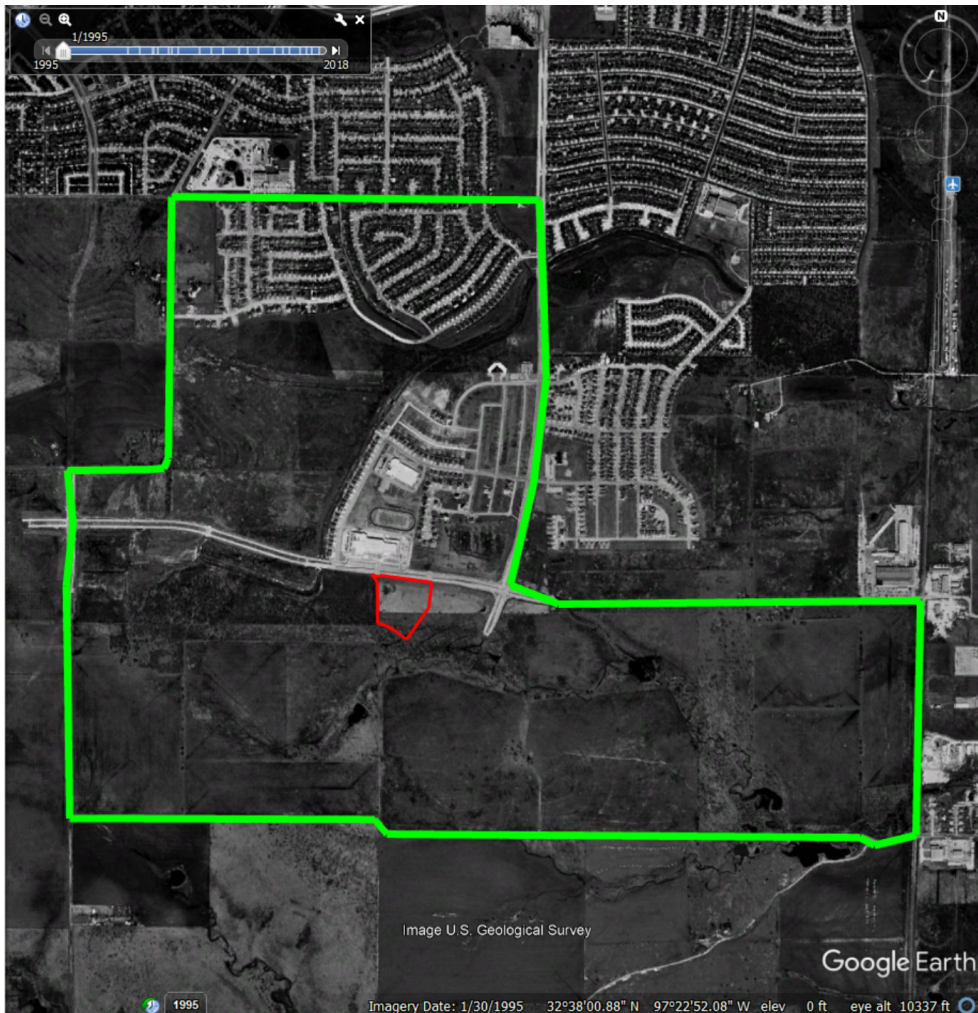
SWC of Risinger Rd and McCart Ave  
Fort Worth, Texas

-  Neighborhood
-  Site



# 25 Years of Transformation

January 30, 1995



November 25, 2018



Southwest Fort Worth  
Risinger Neighborhood



Reserve at  
Risinger

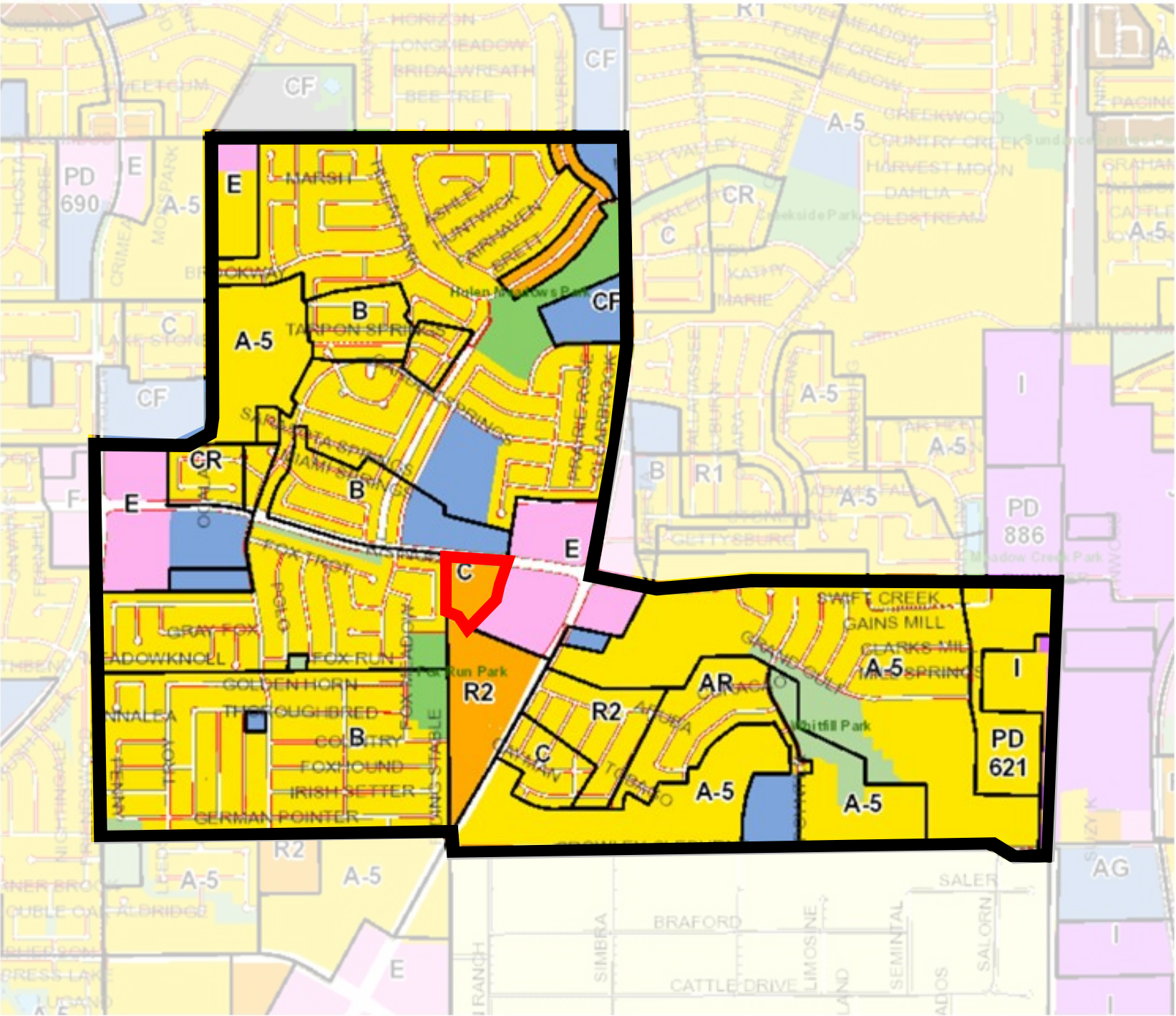
# Southwest Fort Worth Risinger Land Use Map



Southwest Fort Worth Risinger Neighborhood



Reserve at Risinger



- Vacant, Undeveloped, Agricultural
- Rural Residential
- Suburban Residential
- Single Family Residential
- Manufactured Housing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Urban Residential
- Institutional
- Neighborhood Commercial
- General Commercial
- Light Industrial
- Heavy Industrial
- Mixed-Use
- Industrial Growth Center
- Infrastructure
- 100 Year Flood Plain
- Public Park, Recreation, Open Space
- Private Park, Recreation, Open Space
- Lakes and Ponds



DP04

SELECTED HOUSING CHARACTERISTICS

2012-2016 American Community Survey 5-Year Estimates

**Note:** This is a modified view of the original table.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

A processing error was found in the Year Structure Built estimates since data year 2008. For more information, please see the errata note #110.

**All 3,022 units are Single Family**

**279 Households, or almost 44% of renter households are rent-burdened**

Subject	Census Tract 1110.11, Tarrant County, Texas	
	Estimate	Percent
<b>HOUSING OCCUPANCY</b>		
Total housing units	3,022	3,022
Occupied housing units	2,902	96.0%
Vacant housing units	120	4.0%
Homeowner vacancy rate	2.4	(X)
Rental vacancy rate	0.0	(X)
<b>UNITS IN STRUCTURE</b>		
Total housing units	3,022	3,022
1-unit, detached	2,888	95.6%
1-unit, attached	134	4.4%
2 units	0	0.0%
3 or 4 units	0	0.0%
5 to 9 units	0	0.0%
10 to 19 units	0	0.0%
20 or more units	0	0.0%
<b>HOUSING TENURE</b>		
Occupied housing units	2,902	2,902
Owner-occupied	2,265	78.0%
Renter-occupied	637	22.0%
<b>GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)</b>		
Occupied units paying rent (excluding units where GRAPI cannot be computed)	637	637
Less than 15.0 percent	69	10.8%
15.0 to 19.9 percent	202	31.7%
20.0 to 24.9 percent	32	5.0%
25.0 to 29.9 percent	55	8.6%
30.0 to 34.9 percent	43	6.8%
35.0 percent or more	236	37.0%

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Households not paying cash rent are excluded from the calculation of median gross rent.

Telephone service data are not available for certain geographic areas due to problems with data collection of this question that occurred in 2015 and 2016. Both ACS 1-year and ACS 5-year files were affected. It may take several years in the ACS 5-year files until the estimates are available for the geographic areas affected.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

#### Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

# Census Tract containing Reserve at Risinger



Fort Worth, TX (Clear Brook Cir / Clearbrook Cir)  
Report date: Monday, October 15, 2018

## FORT WORTH, TX (CLEAR BROOK CIR / CLEARBROOK CIR) CRIME

67 Vital Statistics. 0 Condition Alerts found.

### NEIGHBORHOOD CRIME DATA

**TOTAL CRIME INDEX**

41

(100 is safest)

Safer than 41% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	40	229	269
Crime Rate (per 1,000 residents)	4.37	25.01	29.38

### NEIGHBORHOOD VIOLENT CRIME

**VIOLENT CRIME INDEX**

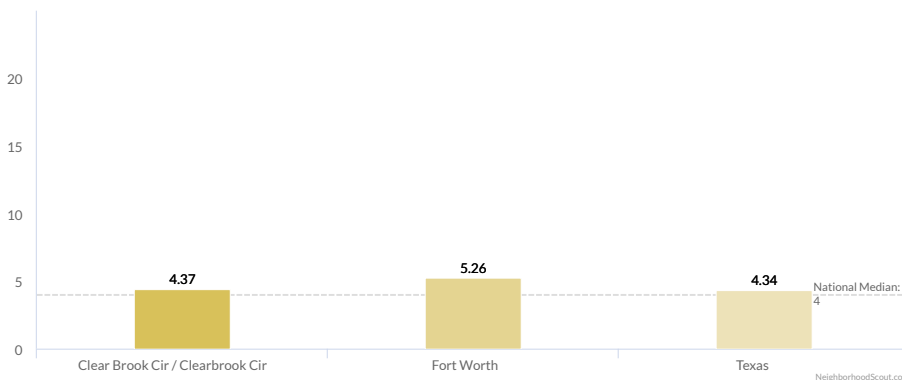
32

(100 is safest)

Safer than 32% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE			
MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
31	32	32	34
100 is safest	100 is safest	100 is safest	100 is safest

### VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME		
1 IN 229	1 IN 190	1 IN 230
in Clear Brook Cir / Clearbrook Cir	in Fort Worth	in Texas

# Census Tract within 500 feet of Reserve at Risinger



Fort Worth, TX (Misty Valley Dr / Mccart Ave)  
Report date: Wednesday, December 12, 2018

## FORT WORTH, TX (MISTY VALLEY DR / MCCART AVE) CRIME

67 Vital Statistics. 0 Condition Alerts found.

### NEIGHBORHOOD CRIME DATA

**TOTAL CRIME INDEX**

# 37

(100 is safest)

Safer than 37% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	42	221	263
Crime Rate (per 1,000 residents)	5.10	26.84	31.94

### NEIGHBORHOOD VIOLENT CRIME

**VIOLENT CRIME INDEX**

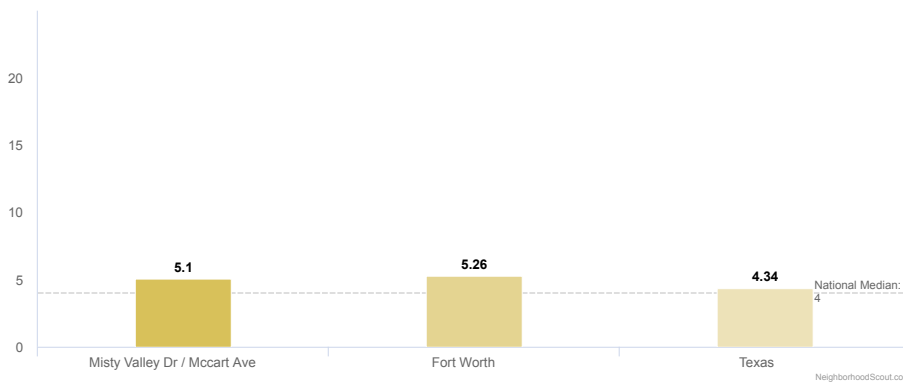
# 28

(100 is safest)

Safer than 28% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE			
MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
25	37	21	32
100 is safest	100 is safest	100 is safest	100 is safest

### VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)

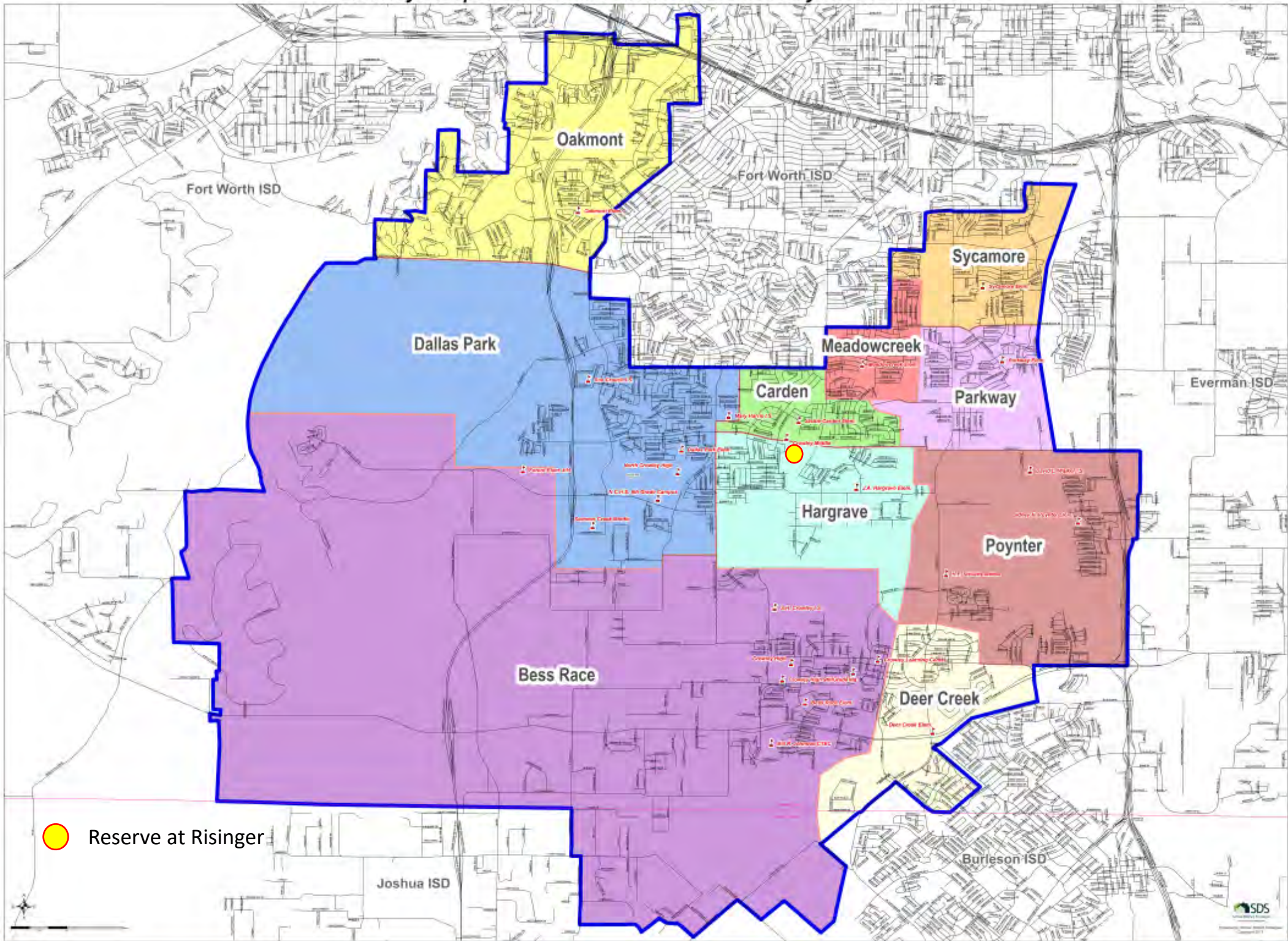


### MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME

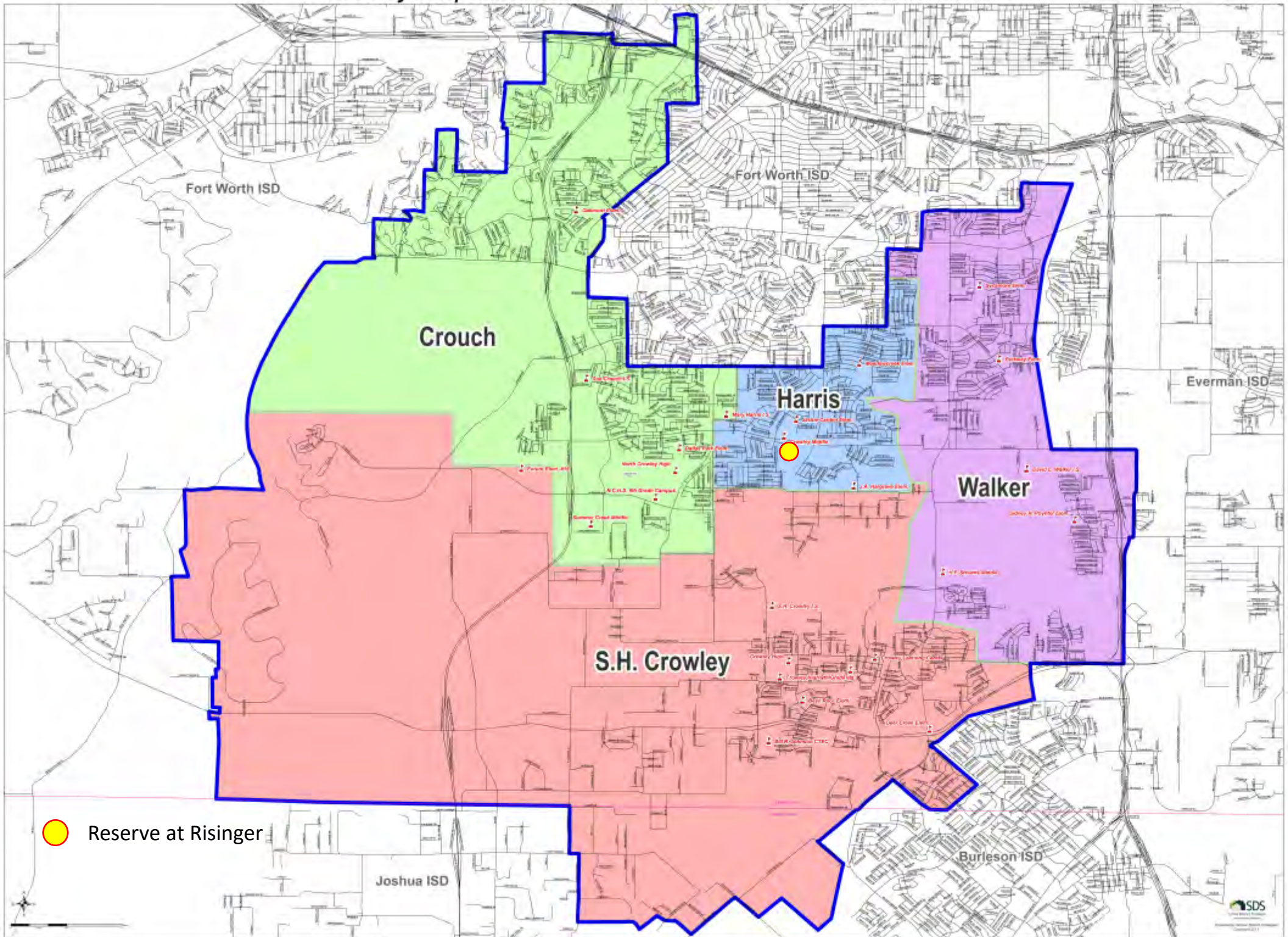
<b>1 IN 196</b>	<b>1 IN 190</b>	<b>1 IN 230</b>
in Misty Valley Dr / Mccart Ave	in Fort Worth	in Texas



# Crowley Independent School District - Elementary Attendance Zones

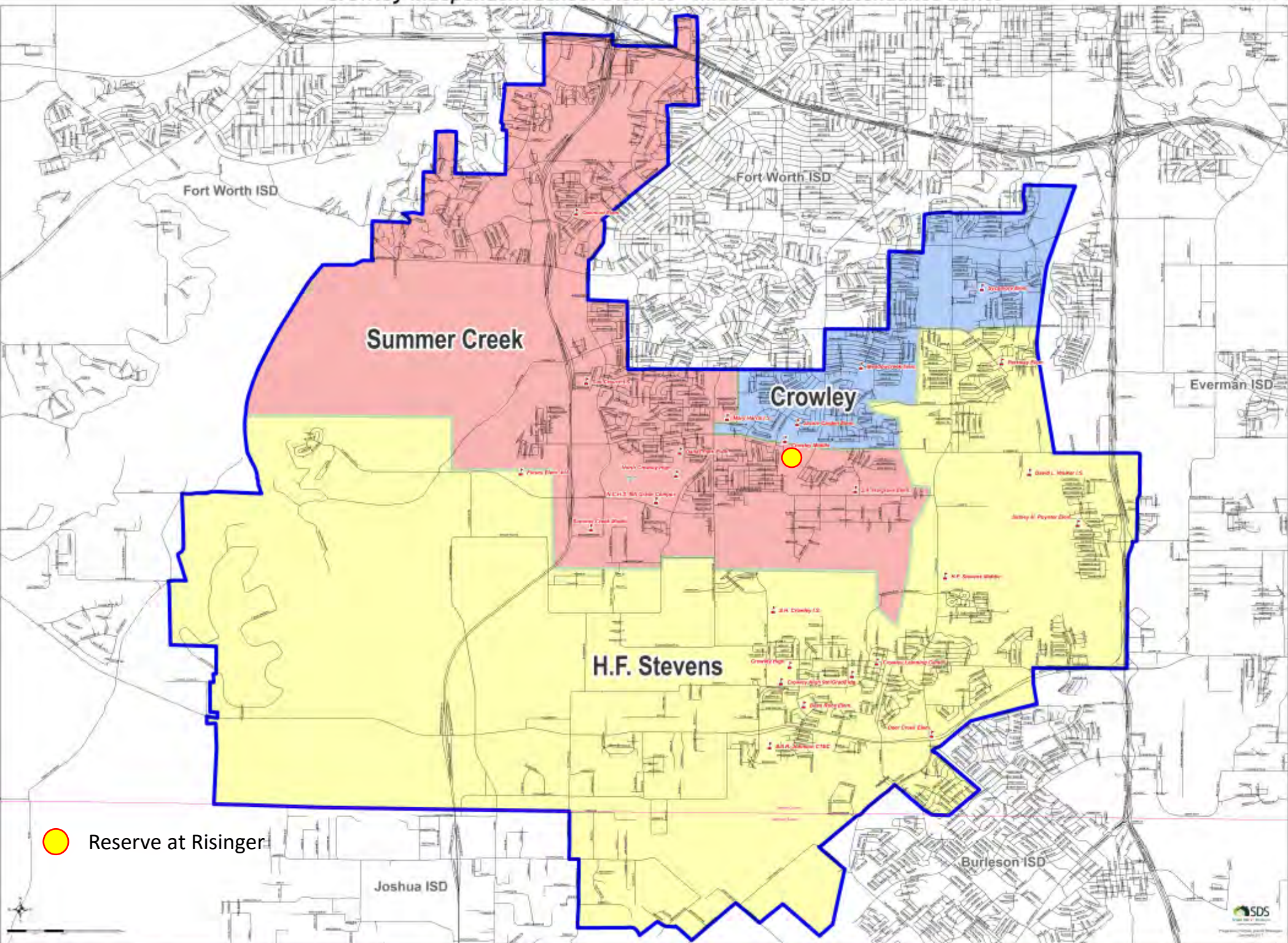



# Crowley Independent School District - Intermediate Attendance Zones



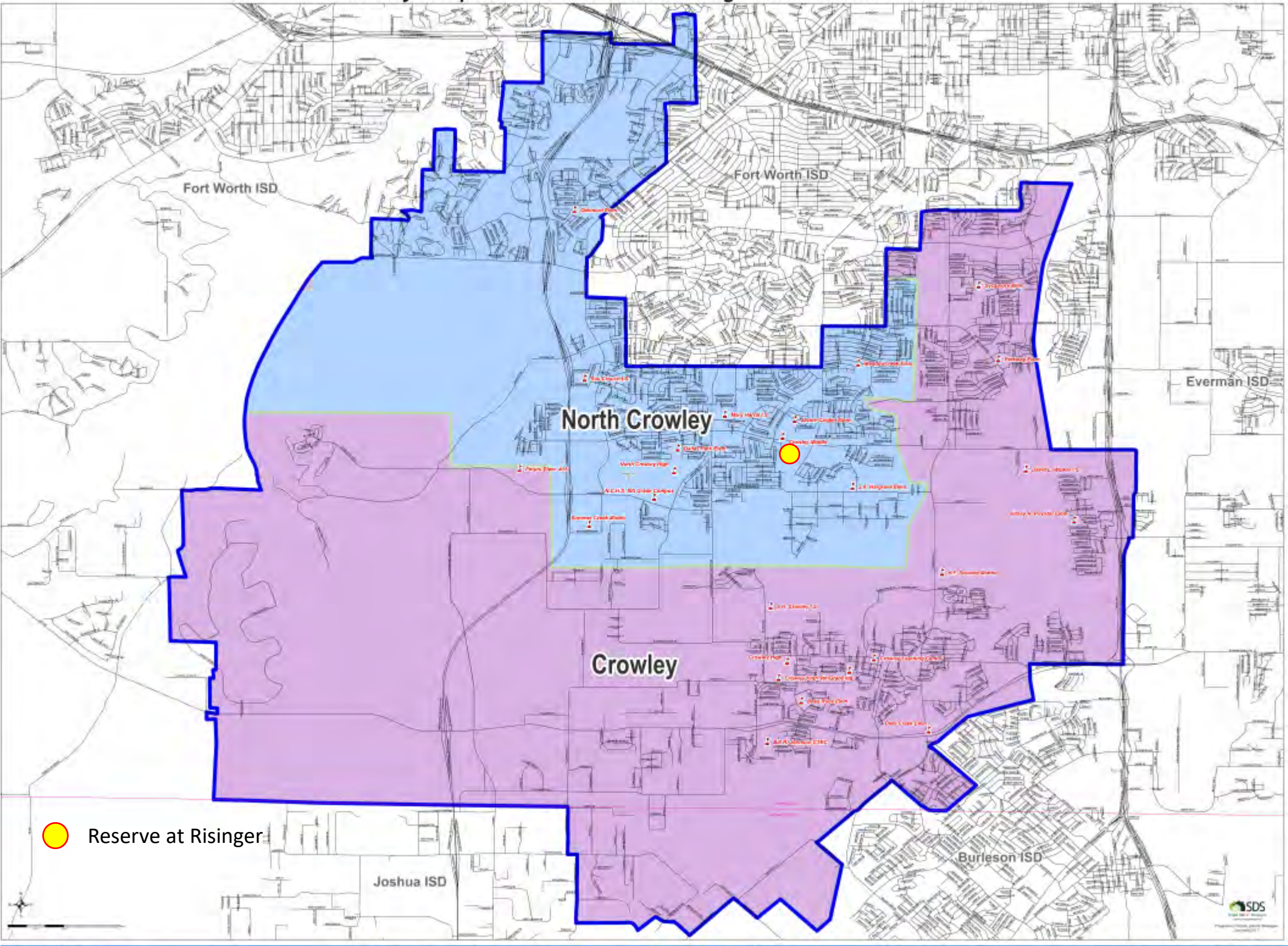
Reserve at Risinger

# Crowley Independent School District - Middle School Attendance Zones



 Reserve at Risinger

# Crowley Independent School District - High School Attendance Zones



Fort Worth ISD

Fort Worth ISD


Everman ISD

North Crowley

Crowley

Burleson ISD

Joshua ISD

 Reserve at Risinger



**CROWLEY**  
INDEPENDENT SCHOOL DISTRICT

512 Peach Street  
Crowley, TX 76036-0688  
817-297-5800  
[www.crowleyisdtx.org](http://www.crowleyisdtx.org)

February 20, 2019

Marni Holloway  
Director of Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

Re: J A Hargrave Elementary School Academic Performance and Improvement Efforts  
For 19227 Reserve at Risinger in Fort Worth, Texas

Dear Ms. Holloway,

I am writing on behalf of Crowley Independent School District to inform the Texas Department of Housing and Community Affairs of recent and ongoing initiatives that we are pursuing to provide students at J A Hargrave Elementary School with an exemplary education and to ensure that the campus will receive a 'Met Standard' rating by the time the Reserve at Risinger development is placed in service. The School District's primary approach at improving performance at Hargrave involves its Campus Turnaround Plan, which identifies goals that are well on their way to being accomplished. This letter, along with documentation that we have provided, should provide you with clarity on the innovative initiatives that the District is already employing to spearhead an improvement in educational opportunities and academic performance for students living within the boundaries of our outstanding school district.

J. A. Hargrave Elementary opened their doors in 2002 in the CISD district. Located in Fort Worth and it serves residents of Crowley and Fort Worth. J.A. Hargrave Elementary has a system in place to support a weekly Professional Learning Community led by the administration team of principal Kimberly Sherfield and Assistant Principal Amber Gillihan who have a total of 27 years' experience behind them.

Though from 2013 through 2015 Hargrave Elementary School received a 'Met Standard' rating from the Texas Education Agency, in recent years the campus has only met TEA standards on only about half of the agency's Performance Indexes. Per TEA mandates, administration at the campus and district level have implemented a Turnaround Plan to improve student achievement. The Plan outlines short-term, intermediate, and long-term actions as they relate to 1) Processes and Procedures, 2) Organizational Structure, 3) Capacity and Resources, and 4) Communications. The District outlines the following overall Turnaround Strategy in the beginning of the plan:



**CROWLEY**  
INDEPENDENT SCHOOL DISTRICT

512 Peach Street  
Crowley, TX 76036-0688  
817-297-5800  
[www.crowleyisdtx.org](http://www.crowleyisdtx.org)

Of the 26 short-, intermediate, and long-term actions that the campus administrative team has identified in the Turnaround Plan, the campus is on track to meet its annual goal on 20 actions. The ISD will be implementing the remaining 6 strategies in the very near future.

*"Additionally Crowley ISD is creating partnerships to impel meaningful change. J.A. Hargrave Elementary School will take a school-wide approach in partnering with "Commit! Our Kids. Our Tomorrow" Through the Accelerating Campus Excellence (ACE) initiative. The ACE Program, which was first pioneered in DALLAS ISD, has been tremendously successful. By using a model that includes effective Principals and Teachers, Instructional Excellence, Extended Learning, Social-Emotional Support along with Parent & Community Support. The System of Great Schools is a strategy that empowers schools with autonomy and families with options. The goal is a district with a clear picture of school performance, lots of great schools, and no barriers to access. Using culturally relevant teaching practices that help educators build relationships, hold high expectations, empower leadership, engender self-advocacy, and build on assets of learning. Jointly, these partnerships help foster a learning environment that is safe and empowering for students that will lead to academic success."*

Ultimately, Crowley Independent School District and J.A. Hargrave's Administration team are confident that through the various initiatives outlined above, elementary school-aged children living at the proposed Reserve at Risinger will definitely be able to receive an exemplary education and will academically perform well above the standards established by the Texas Education Agency. At Crowley Independent School District, our mission is to provide our students with excellence in education so that all students achieve their full potential. We believe that we have the passionate faculty and staff, the financial resources, the clear objectives, and the blueprint with a proven track record of success across the country necessary to fulfill that mission for students that will attend J A Hargrave Elementary.

Should you have any additional questions or concerns, please do not hesitate to contact me by phone at (817) 297-5800 or via email at [connie.isabell@crowley.k12.tx.us](mailto:connie.isabell@crowley.k12.tx.us). Thank you for your consideration.

Sincerely,

Connie Isabell, M.A.  
Deputy Superintendent of School Improvement,  
Crowley Independent School District  
512 Peach Street  
Crowley, TX 76036

**TEXAS EDUCATION AGENCY**  
**2013 Accountability Summary**  
**J A HARGRAVE EL (220912109) - CROWLEY ISD**

**Accountability Rating**

**Met Standard**

Met Standards on	Did Not Meet Standards on
<ul style="list-style-type: none"> <li>- Student Achievement</li> <li>- Student Progress</li> <li>- Closing Performance Gaps</li> </ul>	<ul style="list-style-type: none"> <li>- NONE</li> </ul>

**Distinction Designation**

**Academic Achievement in Reading/ELA**

Percent of Eligible Measures in Top Quartile  
1 out of 4 = 25%

**NO DISTINCTION EARNED**

**Academic Achievement in Mathematics**

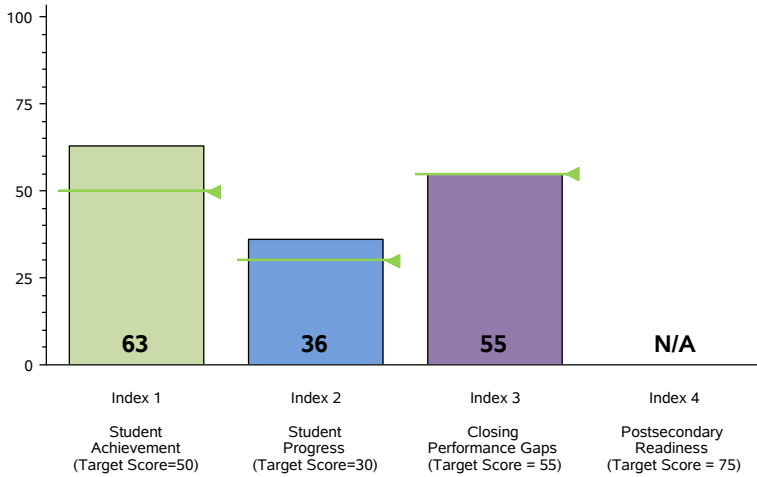
Percent of Eligible Measures in Top Quartile  
1 out of 2 = 50%

**NO DISTINCTION EARNED**

**Top 25 Percent Student Progress**

**NO DISTINCTION EARNED**

**Performance Index Report**



**Campus Demographics**

Campus Type	Elementary
Campus Size	544 Students
Grade Span	EE - 04
Percent Economically Disadvantaged	67.5%
Percent English Language Learners	16.7%
Mobility Rate	17.2%

**Performance Index Summary**

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	280	447	63
2 - Student Progress	291	800	36
3 - Closing Performance Gaps	331	600	55
4 - Postsecondary Readiness	N/A	N/A	N/A

**System Safeguards**

**Number and Percent of Indicators Met**

Performance Rates	11 out of 12 = 92%
Participation Rates	14 out of 14 = 100%
Graduation Rates	N/A
<b>Total</b>	<b>25 out of 26 = 96%</b>

For further information about this report, please see the Performance Reporting Division web site at <http://ritter.tea.state.tx.us/perfreport/account/2013/index.html>

**TEXAS EDUCATION AGENCY**  
**2014 Accountability Summary**  
**J A HARGRAVE EL (220912109) - CROWLEY ISD**

**Accountability Rating**

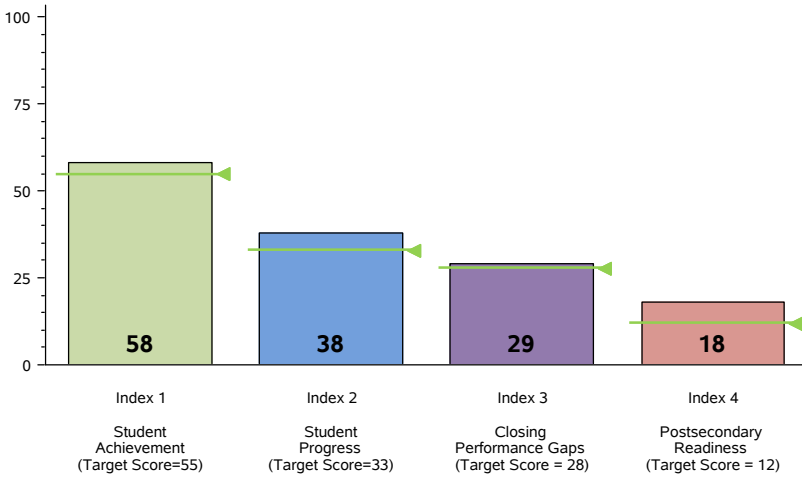
**Met Standard**

**Distinction Designation**

Met Standards on	Did Not Meet Standards on
<ul style="list-style-type: none"> <li>- Student Achievement</li> <li>- Student Progress</li> <li>- Closing Performance Gaps</li> <li>- Postsecondary Readiness</li> </ul>	<ul style="list-style-type: none"> <li>- NONE</li> </ul>

Academic Achievement in Reading/ELA
NO DISTINCTION EARNED
Academic Achievement in Mathematics
NO DISTINCTION EARNED
Academic Achievement in Science
NOT ELIGIBLE
Academic Achievement in Social Studies
NOT ELIGIBLE
Top 25 Percent Student Progress
NO DISTINCTION EARNED
Top 25 Percent Closing Performance Gaps
NO DISTINCTION EARNED
Postsecondary Readiness
NO DISTINCTION EARNED

**Performance Index Report**



**Campus Demographics**

Campus Type	Elementary
Campus Size	549 Students
Grade Span	EE - 04
Percent Economically Disadvantaged	67.0%
Percent English Language Learners	18.2%
Mobility Rate	19.1%

**Performance Index Summary**

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	289	496	58
2 - Student Progress	610	1,600	38
3 - Closing Performance Gaps	343	1,200	29
4 - Postsecondary Readiness			
STAAR Score	18.3		
Graduation Rate Score	N/A		
Graduation Plan Score	N/A		
Postsecondary Indicator Score	N/A		18

**System Safeguards**

**Number and Percent of Indicators Met**

Performance Rates	9 out of 14 = 64%
Participation Rates	10 out of 10 = 100%
Graduation Rates	N/A
<b>Total</b>	<b>19 out of 24 = 79%</b>

For further information about this report, please see the Performance Reporting Division web site at <http://ritter.tea.state.tx.us/perfreport/account/2014/index.html>



**TEXAS EDUCATION AGENCY**  
**2015 Accountability Summary**  
**J A HARGRAVE EL (220912109) - CROWLEY ISD**

**Accountability Rating**

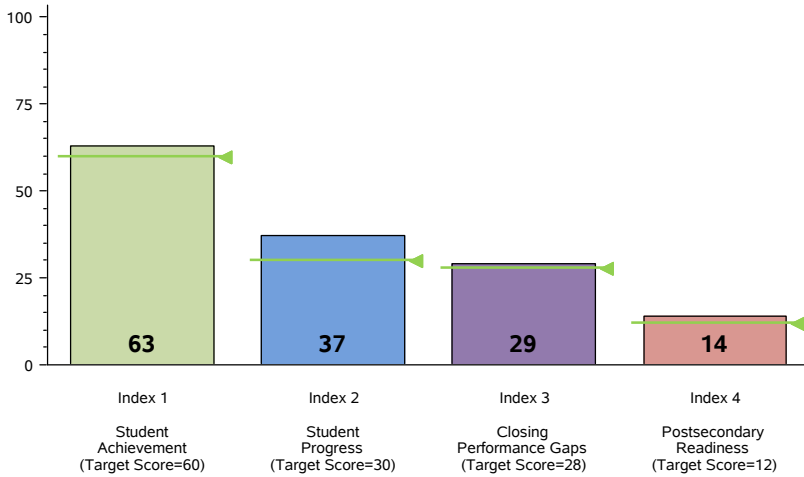
**Met Standard**

<b>Met Standards on</b>	<b>Did Not Meet Standards on</b>
<ul style="list-style-type: none"> <li>- Student Achievement</li> <li>- Student Progress</li> <li>- Closing Performance Gaps</li> <li>- Postsecondary Readiness</li> </ul>	<ul style="list-style-type: none"> <li>- NONE</li> </ul>
In 2015, to receive a Met Standard or Met Alternative Standard rating, districts and campuses must meet targets on three indexes: Index 1 or Index 2 and Index 3 and Index 4.	

**Distinction Designation**

Academic Achievement in Reading/ELA <b>NO DISTINCTION EARNED</b>
Academic Achievement in Mathematics <b>NOT ELIGIBLE</b>
Academic Achievement in Science <b>NOT ELIGIBLE</b>
Academic Achievement in Social Studies <b>NOT ELIGIBLE</b>
Top 25 Percent Student Progress <b>NO DISTINCTION EARNED</b>
Top 25 Percent Closing Performance Gaps <b>NO DISTINCTION EARNED</b>
Postsecondary Readiness <b>NO DISTINCTION EARNED</b>

**Performance Index Report**



**Campus Demographics**

Campus Type	Elementary
Campus Size	530 Students
Grade Span	EE - 04
Percent Economically Disadvantaged	69.8
Percent English Language Learners	15.5
Mobility Rate	17.5

**Performance Index Summary**

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	167	267	63
2 - Student Progress	294	800	37
3 - Closing Performance Gaps	230	800	29
4 - Postsecondary Readiness			
STAAR Score	14.0		
Graduation Rate Score	N/A		
Graduation Plan Score	N/A		
Postsecondary Component Score	N/A		14

**State System Safeguards**

**Number and Percent of Indicators Met**

Performance Rates	4 out of 9 = 44%
Participation Rates	5 out of 5 = 100%
Graduation Rates	N/A
<b>Total</b>	<b>9 out of 14 = 64%</b>

For further information about this report, please see the Performance Reporting Division website at <http://ritter.tea.state.tx.us/perfreport/account/2015/index.html>

**TEXAS EDUCATION AGENCY**  
**2016 Accountability Summary**  
 J A HARGRAVE EL (220912109) - CROWLEY ISD

**Accountability Rating**

**Improvement Required**

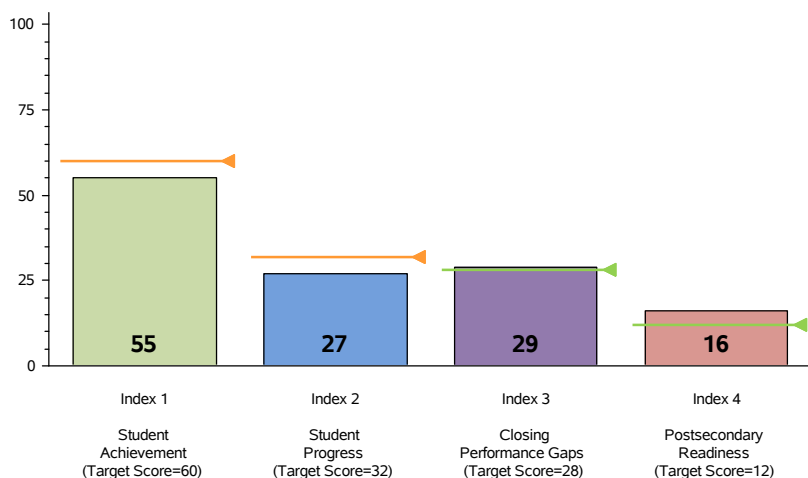
Met Standards on	Did Not Meet Standards on
- Closing Performance Gaps	- Student Achievement
- Postsecondary Readiness	- Student Progress

In 2016, to receive a Met Standard or Met Alternative Standard rating, districts and campuses must meet targets on three indexes: Index 1 or Index 2 and Index 3 and Index 4.

**Distinction Designation**

Academic Achievement in ELA/Reading	<b>NO DISTINCTION EARNED</b>
Academic Achievement in Mathematics	<b>NO DISTINCTION EARNED</b>
Academic Achievement in Science	<b>NOT ELIGIBLE</b>
Academic Achievement in Social Studies	<b>NOT ELIGIBLE</b>
Top 25 Percent Student Progress	<b>NO DISTINCTION EARNED</b>
Top 25 Percent Closing Performance Gaps	<b>NO DISTINCTION EARNED</b>
Postsecondary Readiness	<b>NO DISTINCTION EARNED</b>

**Performance Index Report**



**Campus Demographics**

Campus Type	Elementary
Campus Size	525 Students
Grade Span	EE - 04
Percent Economically Disadvantaged	67.6
Percent English Language Learners	13.5
Mobility Rate	21.3

**Performance Index Summary**

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	242	437	55
2 - Student Progress	217	800	27
3 - Closing Performance Gaps	346	1,200	29
4 - Postsecondary Readiness			
STAAR Score	16.3		
Graduation Rate Score	N/A		
Graduation Plan Score	N/A		
Postsecondary Component Score	N/A		16

**System Safeguards**

Number and Percentage of Indicators Met	
Performance Rates	1 out of 14 = 7%
Participation Rates	10 out of 10 = 100%
Graduation Rates	N/A
<b>Total</b>	<b>11 out of 24 = 46%</b>

For further information about this report, please see the Performance Reporting Division website at <https://rptsrv1.tea.texas.gov/perfreport/account/2016/index.html>

**TEXAS EDUCATION AGENCY**  
**2017 Accountability Summary**  
**J A HARGRAVE EL (220912109) - CROWLEY ISD**

**Accountability Rating**

**Improvement Required**

**Met Standards on**

- Student Progress
- Postsecondary Readiness

**Did Not Meet Standards on**

- Student Achievement
- Closing Performance Gaps

In 2017, to receive a Met Standard or Met Alternative Standard rating, districts and campuses must meet targets on three indexes: Index 1 or Index 2 and Index 3 and Index 4.

**Distinction Designation**

Academic Achievement in ELA/Reading

NO DISTINCTION EARNED

Academic Achievement in Mathematics

NO DISTINCTION EARNED

Academic Achievement in Science

NOT ELIGIBLE

Academic Achievement in Social Studies

NOT ELIGIBLE

Top 25 Percent Student Progress

NO DISTINCTION EARNED

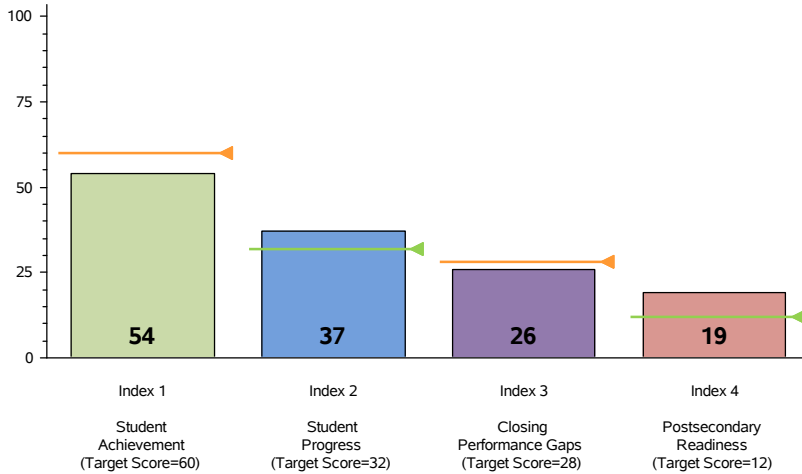
Top 25 Percent Closing Performance Gaps

NO DISTINCTION EARNED

Postsecondary Readiness

NO DISTINCTION EARNED

**Performance Index Report**



**Campus Demographics**

Campus Type	Elementary
Campus Size	585 Students
Grade Span	EE - 04
Percent Economically Disadvantaged	67.4
Percent English Language Learners	14.0
Mobility Rate	24.7
Percent Served by Special Education	9.6
Percent Enrolled in an Early College High School Program	0.0

**Performance Index Summary**

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	258	475	54
2 - Student Progress	298	800	37
3 - Closing Performance Gaps	307	1,200	26
4 - Postsecondary Readiness			
STAAR Score	19.3		
Graduation Rate Score	N/A		
Graduation Plan Score	N/A		
Postsecondary Component Score	N/A		19

**System Safeguards**

**Number and Percentage of Indicators Met**

Performance Rates	4 out of 14 = 29%
Participation Rates	10 out of 10 = 100%
Graduation Rates	N/A
<b>Total</b>	<b>14 out of 24 = 58%</b>

For further information about this report, please see the Performance Reporting website at <https://rptsvr1.tea.texas.gov/perfreport/account/2017/index.html>

**Texas Education Agency**  
**2018 Accountability Ratings Overall Summary**  
**J A HARGRAVE EL (220912109) - CROWLEY ISD**

	Component Score	Scaled Score	Rating
Overall		58	Improvement Required
Student Achievement		56	Improvement Required
STAAR Performance	30	56	
College, Career and Military Readiness			
Graduation Rate			
School Progress		58	Improvement Required
Academic Growth	61	58	Improvement Required
Relative Performance (Eco Dis: 68.1%)	30	54	Improvement Required
Closing the Gaps	21	58	Improvement Required

### Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Eligible
Social Studies	Not Eligible
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned

## Campus Turnaround Plan

<b>District Name:</b>	Crowley ISD	<b>County-District Campus Number (CDCN):</b>	109
<b>Campus Name:</b>	J.A. Hargrave Elementary	<b>Grades Served:</b>	Pre-K-4

### Stakeholders Responsible for Campus Turnaround Plan Development:

Name:	Role:
Kimberly Sherfield	Principal
Amber Gillihan	Assistant Principal
Jana Godkin	Instructional Specialist
Charmain Campbell	Instructional Coach
Vicki Harper	PSP

### Campus Administrative Team

Please complete the following information for all members of the campus administrative team (including principal, principal's supervisor, assistant principals, any campus-embedded instructional coaches, and any other administrative staff responsible for the implementation of the plan presented here.

Name:	Current Role:
Kimberly Sherfield	Principal
Amber Gillihan	Assistant Principal
Jana Godkin	Instructional Specialist
Charmaine Campbell	Instructional Coach

### Historical Narrative and Campus Vision

Include a historical narrative that succinctly describes the history of the campus that has led to under performance. Use the problem statements identified during the systemic data analysis to frame the narrative. Do not exceed 3000 characters.

J.A. Hargrave has failed to make adequate progress on the STAAR Assessments for the past two years. The data according to TEA's TARP 2017 report is found in the chart below.

	2015-2016	2016-2017
Reading	61%	55%
Writing	51%	47%
Math	52 %	59%

The campus met Indexes 3 and 4 in 2015-2016 and in 2016-2017 the campus met indices 2 and 4 unfortunately index 3 was missed by 2 points. A new principal was assigned in February of 2017, the campus was already identified as a Year 1 Improvement Required campus. There was a new Assistant Principal assigned at the start of the 2016-2017 school year. Overall, there has been 5 Principals assigned to the campus and at least 6 Assistant Principals since the campus has opened. In 2016-2017, 11 teachers were new to the campus and 6 of them were new to the teaching profession. In addition, 6 teachers were reassigned to a new grade level and/or content area. At the time, there was a Reading Specialist that focused upon the campus ELAR instruction and a growing Dyslexia population. She was a teacher that was promoted from within the campus and she served five years in the position. The Instructional math specialist was in her first year in the position and she was also a teacher that was promoted from within the campus. Currently, the Instructional math specialist is in her 2nd year. Prior to the start of the 2017-1018 school year, a new Instructional coach was hired, she is serving in her first year in this role. The significant personnel changes over the course of several years has resulted in inconsistency in quality instruction and damaged the climate and culture of the campus.

Include the campus vision.

As a campus, this initiative will be instrumental in the revitalization of a new campus vision: To embrace change to create lifelong scholars in a collaborative and growth mindset learning community.

### Needs Summary and Turnaround Plan

**Systemic Root Cause(s):** Describe the systemic root cause that has led to low student performance

J.A. Hargrave is located in Fort Worth and serve residents of Crowley and Fort Worth. The mobility rate of our students on our campus has been an average of 20% over the last 3-4 years. Over the past 3-4 years there has also been an increase of staff mobility. The campus has been impacted by changes in leadership as well. There has been 5 Principals in the past 14 years. The current principal was placed on campus in late January of 2017. She is in her 11th year of Administration. During her Administrative career she has been a Principal of 2 Improvement required campuses in which both schools met their Accountability target. The school serves a 58% Economically disadvantaged population, in which and base upon on our needs assessment our African Americans and Economically disadvantaged population have not made consistent progress to narrow the Achievement gap.

As a result of the changes over the years, there is a trend of inconsistent high quality Instruction that meets the needs of the current population of students. In addition, the bilingual population continues to grow. Therefore, we know there is a need for more listening, speaking, and writing campus wide. We currently have a Pre-K/K bridge and 1st/2nd grade bridge. Overall, the student enrollment has decreased from the 2016-2017 school year. According to STAAR data, there is an overall achievement gap across 3rd and 4th in reading and math between the White Student group compared to the African American, Hispanic, Economically Disadvantage, Limited English Proficient (LEP), At Risk, and Special Education Student Groups.

**Turnaround Strategy:** *Describe your approach to resolve the systemic root cause and improve student outcomes*

The Turnaround initiative will focus on strengthening systems on the campus that will improve instructional delivery, increase student engagement and shift to a growth mindset with our staff and students. We will develop a lesson plan framework that will encompass high impact instructional strategies to assist teachers with ensuring academic success for all students. In order to impel meaningful change, J.A. Hargrave Elementary School will take a school-wide approach to implement AVID. At the core of AVID's mission is the belief that all students can successfully achieve when they are held to high expectations and properly supported. Throughout the AVID curriculum there are culturally relevant teaching practices that help educators build relationships, hold high expectations, empower leadership, engender self-advocacy, and build on assets of learning. Jointly, these practices help foster a learning environment that is safe and empowering for students that will lead to academic success. In addition, the campus will incorporate components of project-based learning. Research shows that a well-designed project based learning design will result in deeper learning competencies and more engaged self-directed learners. This approach will energize all of the staff and students by engaging them in real world applications, interdisciplinary problem based learning that will transform the campus culture. To achieve this goal, the campus will change the systems and structures that will ensure campus wide implementation of a new methodology for teaching. The primary instructional processes that will change teaching are: 1) professional development in high impact instructional strategies 2) collaborative planning for a new instructional framework in Professional Learning Communities and 3) an observation and feedback/coaching model that is designed to encourage continuous improvement. This approach will include clear expectations and robust monitoring of instructional delivery. We believe that an intentional focus upon these learning tasks, will strengthen instruction to sustain high levels of learning across the campus. As a true AVID campus the teachers will be required to receive on-going support and training to effectively implement the AVID strategies. There will be external support in place to conduct these training sessions. Throughout this process we will work to engage students, parents and community members to join us in this amazing learning adventure.

**Outcome:** *Describe how the turnaround strategy will help the campus achieve its vision*

The Turnaround initiative will be a blueprint for developing critical thinkers and infuse authentic engagement across our campus. In addition, we will address the concern of high teacher mobility by providing the adequate instructional support. It is imperative that we build teacher capacity to retain effective teachers. Therefore, the targeted professional development, coaching cycle, collaborative planning and a robust monitoring system, teachers will increase their instructional capacity to design and deliver effective and engaging lessons to improve student achievement. This process will also provide a common language for the instructional systems on our campus. In addition, We believe that the effective implementation of this initiative will improve the climate of the school and culture by shifting the mindset of our staff to believe all kids can learn.

**Annual Goals:** *to be completed upon receipt of [ ] preliminary rating*

<Enter Text>

**Processes/Procedures:** *What processes, procedures and policies are needed to ensure that the turnaround initiative will be implemented effectively*

The process will begin with setting up our planning systems to support effective lesson planning, data analysis, and effective collaboration. This will involve modifying our Lesson plan structure to ensure that teachers consistently incorporate high impact strategies in their daily instruction. Once the framework is adjusted, we will proceed with high quality professional development that will support the effective implementation of AVID strategies and Project- based learning. The instructional leaders on campus, in conjunction with members of the District level curriculum team, will provide the following processes related to the initiative for improving teacher instructional capacity:

- Develop processes for increasing teacher capacity in development of highly engaging learning experiences which are aligned with the tested curriculum
- Outline and implement a coaching cycle to promote teacher growth and transference of effective AVID instruction/Project Based activities to their classroom
- Develop a professional development plan to demonstrate how to embed AVID learning experiences within the curriculum
- Train and assist in creating meaningful family and community engagement activities
- Revised instructional processes for collaborative planning within PLCs and including protocols for: framework for lesson design and inquiry, creating and analyzing assessments, and observation and feedback will be completed to ensure that actions related to these processes are clearly delineated
- Ongoing training for administrators and instructional specialist to enhance their skill sets to guide the instructional processes
- Align campus coaching cycle with a more robust coaching process
- Involvement of key stakeholders in reviewing the initiative's key actions and impact on student achievement

**Only the following columns need to be completed prior to being ordered to implement the turnaround plan: Activity, Timeline, Person(s) Responsible.**

Processes and Procedures Implementation	Activity (Actions/Processes)	Timeline	Person(s) Responsible	Resources	Expected Outcomes (Goal/Target)	Results (Outcomes/Data)	Status	Next Steps
<b>Short-Term:</b> (training/acquisition of new skills)	All classroom teachers will be provided staff development on the components the Writer's Workshop model. In addition, they will be trained to effectively incorporate revising and editing student expectations.	August 14, 2017- September 25, 2017		Outside Consultant Empowering Writers Lucy Calkins Bernabi writing materials Serravallo writing materials	The goal is for all grade levels to show evidence of implementation of the Writer's Workshop as evidenced through bi-weekly writing samples.	100% of classroom teachers were trained on the Writer's Workshop model.	On track to meet the annual goal	Continue the Implementation of Writer's Workshop school-wide for all ELAR teachers.
	The 3rd and 4th Grade ELAR teachers will have an understanding of planning by design to implement the units of study with fidelity throughout the year.	September 18, 2017- September 19, 2017.	Instructional Coaches Principal Assistant Principal Literacy Consultant Region XI Consultants	Curriculum Guide Lucy Calkins model Grammar Talks Bernabi writing materials Serravallo writing materials	The teachers will had detailed Lesson plans that are aligned with STAAR expectations. In addition, teachers are actively using progress monitoring tools to provide differentiated instruction to ensure mastery of TEKS for all students.	The teachers will know how to dissect student expectations and be intentional about their learning tasks.	On track to meet the annual goal	Continue the implementation of Units of study by all third and fourth grade ELAR teachers.
	All classroom teachers will be provided staff development on the Writing Calibration rating process to ensure writing reliability throughout the campus to ensure consistency in the rating. There will be Bi-weekly composition checks.	4-Oct-17		4th Grade Writing Teacher Writing Rubric Sample writings of various levels TEA	The teachers will had detailed Lesson plans that are aligned with STAAR expectations. In addition, teachers are actively using progress monitoring tools to provide differentiated instruction to ensure mastery of TEKS for all students.	100% of classroom teachers were trained on the calibration of writing samples.	On track to meet the annual goal	Implementation of the revised writing plan including the calibration of writing samples with an extended audience.
	All classroom teachers will be provided staff development on the interactive word walls and how to increase the amount of words used per grade level.	August 14, 2017 - September 13, 2017	Consultant/Lucy Calkins Units of study	4th Grade Writing Teachers Writing Rubric Sample writings of various levels TEA	All classroom teachers will be competent in scoring a writing sample using the TEA rubric.	Active use of the word walls in all classrooms.	On track to meet the annual goal	Monitor the use of the Word walls.
	The Literacy Coach will review and approve structured weekly homework to include targeted spiraled skills related to 4.15 C, D, and E.	October 4- May 13	Instructional Coaches Principal	Empowering Writers/Grammar Keepers/Mentoring minds	Our 3rd and 4th grade teachers will be consistent with spiraling in the low TEKS in weekly homework assignments.	100% of all 3rd and 4th grade ELAR teachers will be trained in a various Grammar learning tasks to help them deliver quality instruction.	On track to meet the annual goal	Provide additional materials to aid in the distribution of the weekly spiraled homework assignments.

<b>Intermediate:</b> (Implementation)	Teachers will incorporate writing journals in Social Studies and Science to support Expository writing.	October 4- May 13		Journals/Quick writes	Our 3rd and 4th grade Social studies and Science teachers will monitor the validity of the weekly writing.	There will be evidence that the Expository writing compositions are improving across the grade level.	Significant Progress, behind schedule	Continue to train the Social studies and science teachers to create or select prompts that are aligned with STAAR and progress monitor.
							Select	
								Select
<b>Long-Term:</b> (Results)	The teachers on our campus will implement Writer's Workshop with fidelity and provide the adequate listening, speaking and writing strategies to develop strong writers.	August 20-17- May 2018	Instructional Specialist/Coach	Outside Consultant Empowering Writers Bernabi writing materials Serravallo writing materials	Our school will utilize the writing process procedures to produce expository compositions that reflect the appropriate grammar and high levels of structure to align with STAAR expectations.	55% of our 4th grade students will meet or exceed the passing standards on the writing STAAR assessment.	Significant Progress, behind schedule	Continue to progress monitor and create focus groups for writing.
							Select	

<b>Processes/Procedures Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>
<b>Processes/Procedures Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>
<b>Processes/Procedures Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>
<b>Processes/Procedures Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>

**Organizational Structure:** How will you eliminate barriers to improvement? Redefine staff roles and responsibilities as necessary and empower staff to be responsive in support of the turnaround initiative.

The following structures need to be completed to ensure that the three instructional processes will build teacher capacity (1. Professional development 2. Collaborative planning 3. Coaching, observation and feedback) and will be implemented:

- The leadership team will develop the master calendar to provide sufficient time for the implementation of the instructional processes (weekly collaborative planning, extended planning, data analysis, interventions, professional development and coaching).
- Administration and the Instructional Specialist/coach will create an extensive professional development plan to align the components of AVID/PBL with the campus instructional processes for improving reading/writing, mathematics, and science.
- The leadership team will provide the timelines for the coaching cycle: observations, feedback, demonstrations, co-teaching, etc.
- The leadership team with the assistance of the AVID external support will develop an implementation plan for the development of AVID education on the campus.

**Only the following columns need to be completed prior to being ordered to implement the turnaround plan: Activity, Timeline, Person(s) Responsible.**

Organizational Structure Implementation	Activity (Actions/Processes)	Timeline	Person(s) Responsible	Resources	Expected Outcomes (Goal/Target)	Results (Outcomes/Data)	Status	Next Steps
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<b>Short-Term:</b> (training/acquisition of new skills)	All classroom teachers will be involved in Math Professional Development to address rigor, alignment to the TEKS, and Engagement.	September 2017- April 2018	Region 11/Instructional Specialist/Principal	Leadered.com/Rigor and Relevance Framework/Marzano resources/Number Talks/TRS	All of the 3rd and 4th Grade Math teachers will be able to design lesson plans that encompass rigorous questions, academic vocabulary, high yield strategies and opportunities to reteach.	The weekly lesson plans will reflect high yield strategies.	On track to meet the annual goal	The Administrative team will ensure that the teachers are available for coaching conversations. In addition, they will observe the Region 11 coaches to align their support with the new coaching model.
	Teachers will work with experts in the math content area to tightly align Lesson plans to ensure that the teachers have a clear understanding of their Essential standards and how to incorporate engaging learning tasks weekly.	September 2017- November 2018	Region 11/Instructional Specialist and Coach/Principal	TEKS Resource/Lead4ward	Academic vocabulary will be embedded in weekly lesson plans and incorporated in the Interactive word walls.	STAAR Math results 2018	On track to meet the annual goal	Conduct weekly walkthroughs to look for evidence of the use of the Math Academic vocabulary.
	Teachers will appropriately place students in tiered groups based upon low student expectations and they will progress monitor to ensure fluidity of the groups.	September 2017- November 2018	Principal/Instructional specialist/teachers	Data Tracking sheets/Lead4ward resources/Dreambox/Getting Better Faster	Teachers will use their scheduled intervention block to set up targeted zones that are aligned with their Essential standards.	STAAR Math results 2018	On track to meet the annual goal	Create weekly schedule for targeted Walkthroughs and analyze Lesson plans to review weekly tiered groups. Individual conferences will be established for teachers that do not adequate student growth.
							Select	
<b>Intermediate:</b> (Implementation)	The Math Specialist will review and help assign homework for students that is aligned with low standards that need to be spiraled.	October 2017- May 2018	Teachers/Instructional Specialist and Coach	Go Math/countdown for math/Mentoring Minds/Frog Publications/Texas Gateway	The goal is to provide additional practice time for students to review the Essential standards that they need to master.	This will help to build a strong Family and Community connection.	On track to meet the annual goal	The next steps will be to order additional materials to support homework that is aligned with the standards. In addition, we will create tutorials for parents to help guide them on how to support their child at home.
	Extend days with consultants to build broad support across the grade levels to create systems on our campus to ensure sustainability.	October 2017- May 2018	Principal	Region 11 Consultants	The goal is to begin strengthening instruction across the campus to swiftly address the Achievement gaps.	STAAR Math results 2018	On track to meet the annual goal	The next steps will be to revise our Professional Development calendar and incorporate additional time for planning.
							Select	
<b>Long-Term:</b> (Results)	The teachers will be intentional about backward designing lessons to ensure alignment to the STAAR Math Assessment with fidelity.	September 2017- May 2018	Teachers/ Instructional Specialist and Coach/Principal	TEKS Resource/ YAG/ Lead4ward resources/Math curriculum	Our goal is to close the Achievement Gap in math by 10% for African Americans and Economically disadvantaged students.	STAAR Math results 2018	On track to meet the annual goal	Continue to progress monitor and create focus groups for math.
							Select	

<b>Organizational Structure Implementation Status:</b>	<b>Check in date:</b> ☐enter date>	☐Enter Text>
<b>Organizational Structure Implementation Status:</b>	<b>Check in date:</b> ☐enter date>	☐Enter Text>
<b>Organizational Structure Implementation Status:</b>	<b>Check in date:</b> ☐enter date>	☐Enter Text>
<b>Organizational Structure Implementation Status:</b>	<b>Check in date:</b> ☐enter date>	☐Enter Text>

**Capacity and Resources:** Describe the staff training and resources that are required to implement the plan (Specify any new full time employees as a result of the initiative. Describe how personnel resources are different from the previous school year.)

The staff involved in the mandatory implementation of this plan consist of a variety of instructional leaders. This esteemed leadership team will ensure fidelity of the implementation. The following members are the Principal, Assistant principal, Instructional Coach, Instructional Specialist, District Level Curriculum members, AVID coordinator and PSP. This team will develop a new lesson design that encompasses Project based learning and AVID strategies to engage all learners. The costs associated with the district support and other resources required for this initiative will be incurred in the general central office and campus budgets.

**Only the following columns need to be completed prior to being ordered to implement the turnaround plan: Activity, Timeline, Person(s) Responsible.**

Capacity and Resources Implementation	Activity (Actions/Processes)	Timeline	Person(s) Responsible	Resources	Expected Outcomes (Goal/Target)	Results (Outcomes/Data)	Status	Next Steps
<b>Short-Term:</b> (training/acquisition of new skills)	All 3rd and 4th grade ELAR teachers will be involved in critical reading, writing, and speaking professional development to address rigor, alignment to the TEKS, and engagement.	September 2017- May 2018	Region 11/Teachers	Teach for Texas Resources/Comprehension Tool kits	The teachers will be confident in the instructional delivery of Guided Reading to the level of incorporating STAAR aligned standards in their weekly groups.	The students will show progress on their bi-weekly assessments and District level assessments.	On track to meet the annual goal	The Administrative team will be involved in implementing a feedback model to ensure the teachers receive feedback in a timely manner to adjust their instruction.
	Daily Targeted Intervention groups will be identified through weekly formative assessments to address the Power(essential standards).	September 2017- May 2018	Teachers/Instructional Specialist and Coach	TEKS Resource System/Leveled Literacy Interventions	Fluid groups that reflect a decrease of students not mastering the Power standards.	Weekly walkthroughs will show students engaged in learning tasks that reinforces the essential standards.	On track to meet the annual goal	Teachers will submit 6-week Action Plans highlighting the standards that need reteaching and standards that still need to be taught to keep them on target for mastering the upcoming Summative Assessments.
	Weekly PLCs will be used to discuss the effectiveness of guided reading groups, spiraling of the low standards, and student progress.	September 2017- May 2018	Principal/Instructional specialist and coach/teachers	Lead4ward PLC Document/Servallo strategy groups	Teachers will be actively involved in a true collaborative environment and they will fill comfortable with the Flipped approach.	The teachers will begin leading collaborative meetings with their peers to monitor and adjust their instruction.	On track to meet the annual goal	Incorporate the Lead4ward PLC document in weekly PLC's and rotate the content area focus.

	Teachers will learn appropriate ways to design Common assessments that are aligned with STAAR quality.	Sep-17	Instructional specialist	Quality Assessment Rubric	Teachers will have the ability to create Assessments that will give them a clear indication of their gaps in learning.	High quality Common Assessments.	On track to meet the annual goal	We will conduct follow up meetings to review assessments and analyze the validity of the tests.
<b>Intermediate:</b> (Implementation)	The Literacy Coach will review and approve structured weekly homework to include targeted spiraled skills related to our Low Standards and provide data meetings for parents.	October 2017- May 2018	Principal/Instructional specialist/teachers	Mentoring Minds/Countdown to STAAR	The goal is to provide additional practice time for students to review the Essential standards that they need to master. In addition, equip parents with tools to help their children reach their Data goals.	This will strengthen our Parent and Community connection and introduce parents to data.	Significant Progress, behind schedule	We will create opportunities for the the teachers to collaborate with the Instructional specialist about their Homework selection and student progress.
	The teachers will build true classroom libraries to provide fluency practice and build a love for reading school-wide.	August 2017- November 2018	Instructional Coach/Literacy Committee/ Principal	Steps to Literacy/Scholastic	The goal is to ensure that students have high quality books that engage the students and help them build their reading comprehension.	The children will have additional books to help them reach their year long reading goal and build their reading stamina.	On track to meet the annual goal	The committee will meet monthly to oversee the implementation process.
	Extend days with consultants to build broad support across the grade levels to create systems on our campus to ensure sustainability.	October 2017- May 2018	Principal/Central office	Consultant Contract	The goal is to provide guidance and resources to the teachers and model the appropriate use of data.	This will help with Sustainability and ensure quality learning for all.	Significant Progress, behind schedule	The next steps will be to revise our Professional Development calendar and incorporate additional time for planning.
	All teachers K-4th grade will receive coaching through observation followed by scheduled face to face feedback.	October 2017- May 2018	Region 11/ Instructional Specialist and Coach	Six Steps to Effective Feedback	The goal is build teacher capacity and improve instructional practices.	This will help with sustainability and ensure quality learning for all.	On track to meet the annual goal	
<b>Long-Term:</b> (Results)	We will build the teacher's capacity to provide high quality literacy instruction that is aligned with STAAR expectations.	September 2017- May 2018	Region 11/Instructional Specialist/Coach/ Teachers	Teach for Texas Resources/greeceathena.word press/Comprehension Tool kits	By May, 2018 60% of our 3rd and 4th grade students will meet or exceed the passing standard on the Reading STAAR Assessments.	STAAR Reading results 2018	On track to meet the annual goal	Progress Monitor and form Focus Reading groups.
							Select	
<b>Capacity and Resources Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>						
<b>Capacity and Resources Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>						
<b>Capacity and Resources Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>						
<b>Capacity and Resources Implementation Status:</b>	<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>						
<b>Communications:</b> How will you communicate a shared and clear vision for the turnaround initiative that results in a collaborative effort toward student success?								

It is imperative that we have successful two-way communication about the plan to receive on-going feedback from our stakeholders. The communication with the staff, parents, and communication will be completed through participation in the three key instructional processes: 1) professional development 2) collaborative planning in PLCs and 3) coaching, observation and feedback activities. Further walkthroughs and targeted observations with structured and timely individual teacher feedback will ensure effective coaching and support to teachers. Opportunities for staff feedback to the District liaison and PSP will also be established. Additionally, the principal will review the progress of the initiative with parents and the Turnaround committee and the community throughout the school year. Through effective and timely feedback we can monitor the implementation.

**Only the following columns need to be completed prior to being ordered to implement the turnaround plan: Activity, Timeline, Person(s) Responsible.**

Communication Implementation	Activity (Actions/Processes)	Timeline	Person(s) Responsible	Resources	Expected Outcomes (Goal/Target)	Results (Outcomes/Data)	Status	Next Steps
<b>Short-Term:</b> (training/acquisition of new skills)	The Turnaround Team will meet with parents and fellow teachers to introduce the Critical Success Factors and solicit feedback regarding the CSF's.	Aug-17	Turnaround Team	CSF materials/Chart paper/Surveys	The goal is to solicit feedback centered upon the Critical Success Factors to guide the creation of the Turnaround plan.	The parents will have input in the plan.	On track to meet the annual goal	Share the approved plan with all stakeholders.
	Parents will be given the opportunity to add feedback about the direction of the Turnaround plan	Aug-Dec 17	Turnaround Team	Surveys/Website	The goal is to create two-way communication with stakeholders about the Turnaround initiative.	The parents will play an active role in the implementation of the plan and establish buy-in.	On track to meet the annual goal	Share the approved plan with all stakeholders.
							Select	Select
<b>Intermediate:</b> (implementation)	During the implementation process, parent forums will be conducted to share components of the Turnaround initiative to keep parents connected to the effective implementation.	Feb-18	Turnaround Team	Turnaround plan/Data Materials	The parents will have an understanding of	The parents will support the implementation process.	No Progress	Share the approved plan with all stakeholders.
							Select	
							Select	
<b>Long-Term:</b> (results)	The approved Turnaround plan will be posted on the campus Website	18-Feb	Turnaround Team/District Liaison	Approved Turnaround Plan	The goal will be to keep the plan at the forefront of all functions in the building.	There will be an effective implementation of the Turnaround Plan.	No Progress	Overall, systemic change to enhance student achievement school-wide.
							Select	
<b>Communication Implementation Status:</b>		<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>					
<b>Communication Implementation Status:</b>		<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>					
<b>Communication Implementation Status:</b>		<b>Check in date:</b> <input type="text" value="enter date"/>	<input type="text" value="Enter Text"/>					

**Crowley Independent School District**  
**J.A. Hargrave Elementary**  
**2018-2019 Campus Improvement Plan**

**Accountability Rating: Improvement Required**



**Board Approval Date:** December 20, 2018

# Mission Statement

*Crowley ISD provides our students with excellence in education so that all students achieve their full potential.*

## Campus Mission Statement

*J.A. Hargrave Elementary's mission is to instill student success skills, inspire belief in academic rigor, and develop life-long learners.*

## Vision

Crowley ISD will provide all students with a world-class, high-quality education where students are inspired to succeed in the global community.

## District Values

1. We value high academic achievement.
2. All students can learn through a variety of instructional methods and opportunities that meet their individual needs.
3. Learning is enhanced through social interaction in a diverse setting.
4. We value a safe and secure learning environment.
5. We value a positive work place in which each employee is appreciated and is provided opportunities for professional growth.

6. We respect and value the opinions of all students, employees and community members.
7. We encourage open, effective and timely communication with district stakeholders.
8. We support effective stewardship of public resources.

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# Comprehensive Needs Assessment

## Demographics

### Demographics Summary

J. A. Hargrave Elementary opened their doors in 2002 in the CISD district. We are located in Fort Worth and serve residents of Crowley and Fort Worth. The mobility rate of our students on our campus has been an average of 20% over the last four years. Over the past 5 years there's been an increase of staff mobility. This produced a trend of inconsistency with instructional delivery and re-establishing the culture and systems in the building each year. Our bilingual population continues to grow. This is the fourth year for J.A. Hargrave Elementary to have a bilingual program. We currently have a Pre-K/K bridge, K/1st bridge and 2nd/3rd grade bridge. The student enrollment has increased from the 2017-2018 school year. According to STAAR data, there is an overall achievement gap across 3rd and 4th in reading and math between the Economically Disadvantage population compared to the African American and Hispanic.

We believe that it is essential to create new systems that will support new staff and students on our campus. This will help to minimize the loss of instructional time as we receive new students. In addition, we want to ensure that we have a structures in place for new teachers or Substitute teachers that will help to bridge the instructional gaps. In the past, we had a difficult time with teacher absenteeism, therefore we want to equip all staff with the necessary tools to delivery high quality instruction at all times. This includes, para educators, substitute teachers, and new teachers to Hargrave.

### Demographics Strengths

- There was an increase in Mathematics with our African American and Economically disadvantaged sub-population on the 2018-2019 STAAR assessment.
- There was an increase in Writing with our African American, Hispanic, ELL, and Economically disadvantaged sub-population groups on the 2017-2018 STAAR assessment.
- Despite not meeting our target goal, there was an increase in 4th grade Reading with our African American, Economically Disadvantaged, and ELL sub-population on the 2018 - 2019 STAAR assessment.
- The Attendance overall percentage increased to 96% for the 2017-2018 school year.

### Problem Statements Identifying Demographics Needs

**Problem Statement 1:** The overall passing percentage for 3rd grade African Americans and Economically Disadvantaged students decreased in the area of

Reading on the 2017-2018 STAAR. **Root Cause:** The school wide reading plan was not implemented with fidelity due to key players not being in place during critical times throughout the school year.

**Problem Statement 2:** Although we saw a slight increase for the 2016-2017 school year attendance continues to be a concern, we currently are at 96% our goal is 96.5%. **Root Cause:** The early childhood students show and increase in absences due to half day schedule.

**Problem Statement 3:** There is a need for teachers use culturally relevant strategies to increase the engagement levels of our various sub-population groups. **Root Cause:** The teachers have not intentionally incorporated culturally relevant strategies in their lessons on a regular basis.

# Student Achievement

## Student Achievement Summary

J. A. Hargrave did not meet standard on the 2017-2018 STAAR

Domain 1- Student Achievement- (minimum score 60)- Hargrave scored 56

Domain 2- Student Progress- (minimum score 60)- Hargrave scored 58

Domain 3-Closing Performance Gaps- (minimum score 60)- Hargrave scored 58

Overall, the campus received a score of 58 with the combined domains.

The overall Approaching Standards percentage did not meet the minimum percentage of 60%. We had 57% approaching, 27% meeting and 7% at mastery. There was a decrease from the 2016-2017 school year in Reading from 55% to 53%, however there was an increase in Writing from 47% to 53% and Math from 59% to 65%.

The campus will enhance implementation of Response to Intervention (RTI) and follow it with fidelity. This will prompt teachers to monitor and support the students in Tier II and Tier III.

As a campus, there continues to be a need to have a systematic way of planning to meet the needs of every student. This year teachers will be discussing best practices and areas of improvement with their colleagues during the weekly Professional Learning Communities (PLC). We will work collaboratively to plan lessons that address the academic gaps in learning. Teachers will focus upon goals and strategies in daily instruction. During the weekly PLC sessions, teachers will plan by design with Administration and Instructional specialists. They will utilize Lead4ward documents and their curriculum guides to plan targeted instruction. In addition, they will spend time unpacking the student expectations to gain and understanding of what the students should know for their grade level.

## Student Achievement Strengths

- - African American, Economically Disadvantaged, ELL groups' scores increased for 4th grade reading.
  - The Hispanic student group had the highest percentages of meeting or mastering standards for all subjects.
  - On the 4th grade reading STAAR, we are continuing to make gains in at risk, economic disadvantage, ESL, African American, white, GT, LEP and Sp-Ed student groups.
  - There was an increase in African American writing.

- African American population increased in math.
- ELL increased by 19% in reading.
- On the 4th grade math STAAR, African American student group increased.
- On the 4th grade writing STAAR, African American, white, and groups have increased.
- AVID implementation campus-wide. Professional development will occur for all staff and focus on high yield strategies, including WICOR strategies. Costa's Levels of Thinking will be implemented as well.
- Continued implementation of effective and researched based strategies from "Fundamental 5".
- 70% of K-2 students are at or above the 20th percentile for TEMI.
- Campus wide reading and math incentive program.
- Breakfast in the classroom prevents the loss of critical instructional time.
- Family nights
- Implementation of Balanced Literacy.
- Interventions to address the needs of At-Risk students in need of intensive Tier II/Tier III interventions through the school wide intervention time (Gator Hour).

### **Problem Statements Identifying Student Achievement Needs**

**Problem Statement 1:** The overall Reading scores for all 3rd and 4th graders was a at rate of 53% on the 2017 STAAR assessment. **Root Cause:** Four out of the eleven 3rd and 4th grade teachers were four or a significant part of the 2017-2018 school year due to medical reasons.

**Problem Statement 2:** There is a need to have a more vertical alignment.to ensure students are well prepared for STAAR assessments.

**Problem Statement 3:** There is a need for teachers to spiral the Power standards (SE's) consistently into their weekly lesson plans. **Root Cause:** There's been inconsistency with spiraling in the essential standards that the students need to master to be successful on the STAAR assessments and grade level mastery.

**Problem Statement 4:** The students are struggling with phonemic skills and vocabulary. **Root Cause:** There's been inconsistency with the Phonics program and a narrow focus of vocabulary building school-wide.

# School Culture and Climate

## School Culture and Climate Summary

The mission and vision is necessary to improve the school community as it guides where the school is going and how the school plans to get there. This year we will continue to follow our new Mission and vision statement. As a year 3 Improvement required campus, it is necessary to achieve complete buy-in from all faculty and staff. In addition, we know that it is imperative to make sure that we have systems in place to support our teachers with strategies to keep our students engaged in the classroom to ensure that we increase the amount of instructional time with students and teachers. We will continue to incorporate PBIS/CHAMPS throughout the campus. We will continue our partnership with Hallmark Baptist Church to recognize student of the month from each classroom and we will add the Read to win program. We will continue to partner with the North Crowley High school Teen leadership students to support our At risk students to motivate them to strive to be their best. In addition, we gained a partnership with TCU to incorporate STEM activities to support with our 4th grade students. We will continue to work with the district's Title I Parent Involvement Coordinator to ensure that we provide opportunities for our parents to be involved in the educational environment. This school year, the Board of Education approved to add the Communities in Schools program on our campus. This new program will help us provide resources for the students and families to help our students be successful in the classroom. This school year we will enhance our Staff positive incentives for attendance and engaging instruction. The AVID program will be implemented school-wide to ensure that we have a climate that embraces a growth mindset.

## School Culture and Climate Strengths

- Development of campus-wide program that focuses on positive character traits taught through classroom teachers, guidance lessons, and daily announcements.
- Partnership with Hallmark Baptist Church recognizing Student of the Month
- Implementation of PBIS/CHAMPS campus wide.
- Positive student recognition for each 6 weeks for academics, citizenship, and attendance.
- Student school wide incentive program for positive behaviors.
- Staff recognition weekly
- Community in schools
- Utilize GoNoodle (online resource) to help students stay engaged and motivated about learning throughout the day.
- Provide opportunities for staff to re-energize.
- Provide resources for social skills lessons.
- Crowley House of Hope partnership
- AVID is a campus wide initiative focusing on high yield strategies, organization and a college going culture.

## Problem Statements Identifying School Culture and Climate Needs

**Problem Statement 1:** The communication on campus between all stakeholders has been a struggle. **Root Cause:** There is inconsistency with our social media controllers, communication tools, and the manner in which the message is delivered.

**Problem Statement 2:** The campus has a need to provide support for all students to ensure academic and social/emotional success. **Root Cause:** The concern has been the inconsistency with using resources and not being intentional about meeting the individual needs of all students.

**Problem Statement 3:** There is a disconnect with our parents and the staff. **Root Cause:** The parents feel disconnected from the school due to past experiences with campus leadership and teachers.

# Staff Quality, Recruitment, and Retention

## Staff Quality, Recruitment, and Retention Summary

J.A. Hargrave Elementary has a system in place to support a weekly Professional Learning Community. Our focus of this 2018-2019 school year will be to continue to grow in the process of implementing an effective PLC, which will be measured by student achievement and growth. We will increase our teachers involvement in the decision making process and enhance our collaboration to support targeted planning. Professional development will be provided to staff so the PLC implementation will be effective. There is a need for teaching staff to become effective reflective practitioners to increase student learning.

For the 2018-2019 school year, we will implement courses to help retain staff and maintain teacher quality. These courses will involve new to Hargrave and college to classroom teachers that cover teaching techniques, behavior strategies, data digging, etc.

## Staff Quality, Recruitment, and Retention Strengths

- Staff relationships
- Weekly Professional Learning Community sessions
- Weekly hour long planning sessions
- Professional development opportunities through weekly staff meetings.
- Implementation strategies/techniques learned from various professional development opportunities.
- An increase in teacher collaboration among the same grade level

## Problem Statements Identifying Staff Quality, Recruitment, and Retention Needs

**Problem Statement 1:** The Professional Learning Community foundation was established three years ago, however the teachers have not truly invested in the process and there's not true collaboration among the grade levels. **Root Cause:** Additional training needs to be provided for teachers to develop an understanding of the true PLC process.



# Curriculum, Instruction, and Assessment

## Curriculum, Instruction, and Assessment Summary

Children benefit from instruction that is relevant and relatable to them. This can be achieved by content that reflects each student's understanding of their personal path to success. Also, each teacher should be equipped with the necessary data to inform their instruction. In the past, the staff have been trained in the process of data dis-aggregation. However, there is still a need to provide training in the area of ways to dissect the data and how to plan lessons centered upon the needs of all students. The staff has several 1<sup>st</sup> and 2<sup>nd</sup> year teachers that need guidance in the area of Guided reading, creating rigorous questions, and creating a strong learning environment. One trend that has occurred in the past on this campus is planning in isolation. There is a need for all teachers to plan by design to align with the rigor of the STAAR Assessments. In addition, the Professional Learning Communities will consist of analyzing data, targeting essential standards, progress monitoring, planning targeted interventions, and how to deliver rigorous instruction. The Administrative team will utilize components of Leverage Leadership to guide us in calendar blocking, observation consistency, and six steps of effective feedback. The administrative team will also build leadership capacity among the department lead teachers.

## Curriculum, Instruction, and Assessment Strengths

- Continued collaborative planning and Professional Learning Communities
- Continued implementation of effective and researched based strategies- student purposeful talk, high yield strategies, and checks for understanding.
- Use of a variety of STAAR question stems to incorporate in daily learning tasks and guiding student created question

## Problem Statements Identifying Curriculum, Instruction, and Assessment Needs

**Problem Statement 1:** The passing rate for our African American and Economically Disadvantaged sub-populations decreased in the area of 3rd Reading for the 2017-2018 STAAR. The passing rate for all students in Reading was 47%. **Root Cause:** Guided Reading was not implemented consistently and effectively in 3rd grade due to key players not being in place during critical times throughout the year.

# Parent and Community Engagement

## Parent and Community Engagement Summary

As a campus, we are continuing with a welcoming and connecting atmosphere that will draw parent and community partners. We will continue with the Family Engagement committee that will also collaborate with our new Community in Schools representative for additional programs to offer both our students and parents that will impact and support our goals for student achievement and growth.

## Parent and Community Engagement Strengths

- Parent, student, and teacher needs assessment survey data will help streamline the specific social and emotional support needed.
- Community In Schools social worker will work with both parents and students to provide additional social and emotional support.
- Continued communication via facebook, Blackboard Messenger, Skyward, weekly school newsletters, Peachjar, All Call, and weekly grade level specific newsletters.
- Family Universities
- Family Programs (Red Carpet, Million Father March, and All Pro Dads)
- All Pro Dads to help as mentors to the increased 54% student male population.

## Problem Statements Identifying Parent and Community Engagement Needs

**Problem Statement 1:** The campus still has parents that will come to the school when called. We will continue to welcome but focus on making connections and utilizing the resources that they bring. Empower the parents with the confidence that they are both welcomed and needed. **Root Cause:** The school has been actively attempting to connect with families with little success because timing of evening activities conflict with employment responsibilities.

**Problem Statement 2:** There is a continued need to have more male presence on the campus to support our students. **Root Cause:** Gator Dads program dissolved due to lack of leadership consistency and commitment.

# School Context and Organization

## School Context and Organization Summary

J.A. Hargrave has a structure that allows for students to receive adequate time with campus/district wide initiatives (I-station, Dreambox, and X-tra Math), interventions and enrichment. As a campus, we will work to provide targeted interventions utilizing the strengths of the campus personnel and utilizing the data to appropriately intervene with each student. This school year we will continue to increase participation in our after-school program (21st century) and align the tutorials groups to meet the needs of our overall campus data. We want to expand the Project based learning into our regular school day as well. The campus will utilize 21st Century for after-school targeted tutorials, enrichment, and extracurricular activities. In addition, we have added a daily intervention time before school starts.

## School Context and Organization Strengths

- Campus mentor teachers
- Full time Instructional Specialist for reading and math
- Structured specials schedule to ensure that all classes utilize the computer lab for additional time with intervention software.
- Structured master schedule to implement school wide enrichment/ intervention time.
- Structured master schedule that allows for extra computer lab time for classes, and science lab time for all classes.
- 

## Problem Statements Identifying School Context and Organization Needs

**Problem Statement 1:** The structures that we have in place are not always followed with fidelity and we need to expand our programs. **Root Cause:** There is high staff mobility that disrupts the consistency of the implementation of programs.

**Problem Statement 2:** There is a need for more professional development in the area of social/emotional support and culturally relevant strategies to deliver effective instruction to all students. **Root Cause:** The main sub-populations on our campus is Economically disadvantaged, African American, and Hispanic and we continue to see an Achievement gap among the groups.

**Problem Statement 3:** There is a need to provide additional staff and volunteers on our campus to targeted interventions and to extend learning time. **Root Cause:** There has been inconsistency with support staff and volunteers.

# Technology

## Technology Summary

J.A. Hargrave Elementary, has been successful with getting basic technology tools in the hands of classroom teachers. We want to create a digital world on campus where all teachers are able to incorporate technology as deemed appropriate to enhance student learning. The teachers need training to ensure effective utilization of the tools in the classroom. Teachers will incorporate programs that are proven to improve student comprehension and overall academic performance. There's a need to expand technology tools and add additional training's to meet the needs of the new teachers. In addition, we will work this year to increase the amount of technology on campus. This will ensure that the students can use their technology in the learning zones more consistently.

## Technology Strengths

- Computer lab with up to date computers.
- Parent portal (Skyward)
- Each teacher has a laptop and an ipad to utilize.
- Each classroom teacher has additional ipads for student use.
- The computer lab is structured and set up to support interventions for all students.
- Chromebooks are available for student use in the classroom.

## Problem Statements Identifying Technology Needs

**Problem Statement 1:** Reading across 3rd and 4th grade levels have a passing rate of 53% on STAAR. **Root Cause:** There is a need for additional interventions to address the gaps among our sub-population groups outside of the core instructional block.

**Problem Statement 2:** The J.A. Hargrave campus has a need to expand the technology usage across the campus, we would benefit from having additional laptop carts. **Root Cause:** The technology budget is lacking.

# Comprehensive Needs Assessment Data Documentation

The following data were used to verify the comprehensive needs assessment analysis:

## Improvement Planning Data

- District goals
- Campus goals
- Current and/or prior year(s) campus and/or district improvement plans
- Campus and/or district planning and decision making committee(s) meeting data
- State and federal planning requirements

## Accountability Data

- Domain 1 - Student Achievement
- Domain 2 - Student Progress
- Domain 3 - Closing the Gaps
- System Safeguards and Texas Accountability Intervention System (TAIS) data
- Accountability Distinction Designations

## Student Data: Assessments

- State and federally required assessment information (e.g. curriculum, eligibility, format, standards, accommodations, TEA information)
- State of Texas Assessments of Academic Readiness (STAAR) current and longitudinal results, including all versions
- STAAR EL Progress Measure data
- Texas English Language Proficiency Assessment System (TELPAS) results
- Texas Primary Reading Inventory (TPRI), Tejas LEE, or other alternate early reading assessment results
- SSI: Istation Indicators of Progress (ISIP) accelerated reading assessment data for Grades 3-5 (TEA approved statewide license)

## Student Data: Student Groups

- Special Programs data, including number of students, academic achievement, discipline, attendance, and rates of progress for each student group
- Economically Disadvantaged / Non-economically disadvantaged performance, progress, and participation data,
- Male / Female performance, progress, and participation data
- Special education population, including performance, discipline, progress, and participation data
- At-Risk population, including performance, progress, discipline, attendance, and mobility
- EL or LEP data, including academic achievement, progress, support and accommodation needs, race, ethnicity, gender, etc.
- Section 504 data
- Homeless data
- Gifted and talented data
- Dyslexia Data

### **Student Data: Behavior and Other Indicators**

- Attendance data
- Mobility rate, including longitudinal data
- Discipline records
- School safety data

### **Employee Data**

- Staff surveys and/or other feedback
- T-TESS

### **Parent/Community Data**

- Parent surveys and/or other feedback

### **Support Systems and Other Data**

- Organizational structure data
- Processes and procedures for teaching and learning, including program implementation
- Budgets/entitlements and expenditures data

# Goals




Revised/Approved: February 20, 2019











## Goal 1: Improve Student Achievement for All

**Performance Objective 1:** 1.1 Provide an aligned, relevant and rigorous curriculum and courses of study in order to prepare students to meet or exceed expected educational standards. 1.2 Graduate college and workforce ready students who demonstrate the skills necessary for post-secondary success in a global community. 1.3 Increase the integration of technology resources and systems in order to produce 21st Century learners.

**Evaluation Data Source(s) 1:** 1.1 a. Improved local student performance on state testing. 1.2 a. Increased percentage of Advanced Placement students passing the AP exam. 1.2 b. Increased percentage of CISD graduating students having completed one or more courses in high school eligible for college credit including dual credit/concurrent credit and Advanced Placement courses, as well as CTE courses leading to post-secondary. 1.2 c. Improved local 4-year graduation rates. 1.2 d. Increased percentage of students graduating on the "Distinguished" high school plan. 1.2 e. Improved local college and career readiness rates. 1.3 a. Increased percentage of student accessibility to relevant and reliable technology. 1.3 b. Increased technology staff development.

### Summative Evaluation 1:

Strategy Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Oct	Jan	Apr	July
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 6 CSF 7</p> <p>1) All classroom teachers will be involved in Math and Reading Professional Development to address depth of knowledge, alignment to the TEKS, active engagement and inquiry skills to improve the instructional delivery.</p> <p>This will help to create systems to ensure individual student growth and sustainability.</p>	3.1, 3.2	Administration  Instructional Specialist  Region 11	By May of 2019, there will be 70% of my teachers utilizing Costa (Hots) question stems in daily instruction.				

<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 6 CSF 7</p> <p>2) Teachers will work with experts in the math and reading content area to tightly align Lesson plans to ensure that the teachers have a clear understanding of their Essential standards and how to incorporate engaging learning tasks weekly.</p>	2.4, 2.6	Administration  Instructional Specialist	By May of 2019, there will be 15% more of our 3rd and 4th grade students at approaching and 10% more at meets on the 2019 STAAR reading and math assessment.				
<p><b>PBMAS</b> <b>Critical Success Factors</b> CSF 1 CSF 2 CSF 3 CSF 4 CSF 6 CSF 7</p> <p>3) Teachers will utilize weekly Professional Learning Community time to collaborate about effective instructional strategies and essential standards to improve academic performance.</p>	2.4, 2.5, 2.6	Administration  Instructional Specialist	By May of 2019, 70% of our teachers will have a clear data monitoring process to help them track student progress and respond to their deficits.				
<p><b>PBMAS</b> <b>Critical Success Factors</b> CSF 1 CSF 2 CSF 4 CSF 6 CSF 7</p> <p>4) Teachers will strategically place students in tiered groups based upon low student expectations and skill gaps and will progress monitor to ensure that students are mastering the TEKS and skills..</p>	2.4, 2.5, 2.6	Administration  Teachers	By May of 2019, there will be 15% more of our 3rd and 4th grade students reach approaching and 10% more reach meets on the 2019 STAAR reading and math assessment.				
<p><b>PBMAS</b> <b>Critical Success Factors</b> CSF 1 CSF 2 CSF 6 CSF 7</p> <p>5) The teachers will be introduced to a new Lesson plan format that incorporates the TODAY model that highlights the Demonstration of Learning in daily instruction and highlights the use of WICOR strategies. Time will be incorporated to provide additional time for collaborative planning.</p>	2.4, 2.5, 2.6	Administration  AVID Team	By May of 2019, there will be 15% more of our 3rd and 4th grade students reach approaching and 10% more reach meets on the 2019 STAAR reading and math assessment.				



<p><b>PBMAS</b></p> <p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 7</p> <p>6) All 3rd and 4th grade ELAR teachers will be involved in critical reading, writing, and speaking professional development. In addition, teachers will be trained to incorporate high yield strategies, close reading strategies, and STAAR question stems to promote independent thinking.</p>	2.4, 2.6	Administration  Instructional Specialist  Teachers	<p>The teachers will be confident in the instructional delivery of Guided Reading to the level of incorporating STAAR aligned standards in their weekly groups.</p> <p>The students will show progress on their bi-weekly assessments.</p>				
<p><b>Critical Success Factors</b> CSF 1 CSF 6 CSF 7</p> <p>7) Classroom teachers will be provided staff development in the Writing Calibration rating process to ensure writing reliability throughout the campus. There will be school-wide Writing composition rating sessions to enhance the writing process.</p>	2.4	Administration  Instructional Specialist	70% of classroom teachers were trained on the calibration of writing samples.				
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 6 CSF 7</p> <p>8) Monitor the the implementation of Balanced Literacy, Interactive Word walls, and writing across the curriculum.</p>		Administration  Instructional Specialist	By May of 2019, there will be 15% more of our 3rd and 4th grade students reach approaching and 10% more reach meets on the 2019 STAAR reading assessment.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 6</p> <p>9) Identify students that need additional math and reading tutorials and place them in our After-school tutorials, sponsored by 21st Century.</p>	2.4, 2.5, 2.6	Instructional Specialist  21st Century Staff	By May of 2019, there will be 15% more of our 3rd and 4th grade students reach approaching and 10% more reach meets on the 2019 STAAR reading and math assessment.				
<p><b>Critical Success Factors</b> CSF 1 CSF 3 CSF 7</p> <p>10) Monitor the implementation of Numberless word problems, Problem solving mat usage, and Number Talks in our 2nd, 3rd, and 4th grade classrooms.</p>	2.4, 2.6	Administration  Instructional Specialist	By May of 2019, there will be 15% more of our 3rd and 4th grade students reach approaching and 10% more reach meets on the 2019 STAAR math assessment.				
<p style="text-align: center;">  = Accomplished      = Continue/Modify      = No Progress      = Discontinue </p>							





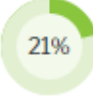
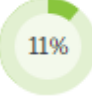
# Goal 2: Provide Safe, Secure and Nurturing Schools



**Performance Objective 1:** 2.1 Provide a safe, secure and nurturing learning environment for all students and staff. 2.2 Provide effective communication for all stakeholders regarding safety/security.

**Evaluation Data Source(s) 1:** 2.1 a. Increased school safety as measured by composite scores derived from data. 2.1 b. Compliance with all safety standards. 2.1 c. Improved student attendance rates. 2.1 d. Improved dropout rates. 2.1 e. Increased student participation in extra-curricular activities and co-curricular. 2.1 f. Reduced number of students missing instructional time due to disciplinary reasons. 2.2 a. Increased knowledge of safety and security procedures and processes for all stakeholders. 2.2 b. Improved staff and secondary students satisfaction with safety and security as measured in surveys.

**Summative Evaluation 1:**

Strategy Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Oct	Jan	Apr	July
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 4 CSF 6 CSF 7</p> <p>1) We will update the school-wide systems across the campus that will support high structures in our campus to create a safe and orderly environment.</p>	2.4, 2.5, 2.6	Administration  SWIM Team	By May of 2019, the discipline referrals for the campus will be reduced by 10% from the 2017-2018 school year.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 6</p> <p>2) Implement the appropriate behavior interventions throughout our campus to support positive behaviors for all students. This will include Student success plans for students that are Tier 3.</p>	2.4, 2.5, 2.6	Administration  In school Suspension staff  Counselor	By May of 2019, the discipline referrals for the campus will be reduced by 10% from the 2017-2018 school year.				

<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6</p> <p>3) Implement 7 Habits of Highly Functioning children:</p> <p>By teaching guidance lessons throughout the year;</p> <p>Morning Announcements include information about the highlighted "Habit of the Month" from the 7 Habits</p>	2.4, 2.6, 3.1	Administration  Teachers	By May of 2019, we will honor at least 270 students for displaying Habits of good character on campus.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 6</p> <p>4) Incorporate activities and Assemblies that support a Bully and Drug Free environment.</p> <p>1. Red Ribbon Week 2. Stand up for Kind Assembly 3. Good Character Assembly 4. Social Skills lessons</p>	2.4, 2.5, 2.6	Administration  Counselor  Social Worker	By the end of May, students will be trained in effective strategies to prevent bullying, build good character, and social skills to help them be successful citizens.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6</p> <p>5) Continue to use our 21st Century program after school to inspire our students to be in STEM careers and to enrich their talents beyond the classroom.</p>	2.4, 2.5, 2.6, 3.1, 3.2	21st Century Staff  Teachers	By May we will be at capacity according to the Grant regulations for participation.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6 CSF 7</p> <p>6) Implement a school-wide Attendance Improvement plan.</p> <p>1. Incentives for students and parents 2. Transportation options 3. Training for parents that will support a healthy life style for the students.</p>	2.4, 2.5, 2.6, 3.1, 3.2	Administration  Social Worker  Counselor	By the end of the 2018-2019 school year our attendance will be at 96.5%.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 6</p> <p>7) Train staff in Conflict Resolution, violence prevention, and restorative discipline.</p>	2.5, 2.6	Administration  Behavior Specialist	By May of 2019, the discipline referrals for the campus will be reduced by 10% from the 2017-2018 school year.				

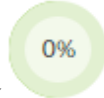
<p><b>Critical Success Factors</b> CSF 1 CSF 5 CSF 6</p> <p>8) Implement school-wide student incentive programs that will promote positive behaviors on the campus.</p> <p>1. Student of the Month-Sponsored by Hallmark Baptist church 2. Gator Coins 3. Growing Greater Gators-Awards assemblies 4. School store 5. Positive office referrals</p>	<p>2.4, 2.6, 3.1</p>	<p>Administration SWIM team</p>	<p>By May of 2019, the discipline referrals will be reduced by 10% from the 2017-2018 school year.</p> <p>An increase in students reaching their behavior targets each marking period.</p>				
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= Accomplished



= Continue/Modify



= No Progress



= Discontinue










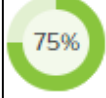
# Goal 3: Support Parent and Community Partnerships







**Performance Objective 1:** 3.1 Provide continuous opportunities for parents and community members to partner with community schools. 3.2 Ensure channels for frequent communication and open dialogue continue between schools, parents and community members. 3.3 Collect feedback and input from parents and community members on a regular basis.

**Evaluation Data Source(s) 1:** 3.1 Increased number of parent and family volunteers in schools and school activities. 3.2 Increased number of outside individuals and organizations having direct involvement with the schools. 3.3 Improved stakeholder satisfaction by analyzing and evaluating surveys.

**Summative Evaluation 1:**

Strategy Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Oct	Jan	Apr	July
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 3 CSF 5 CSF 6 CSF 7</p> <p>1) Parent and community forums will be conducted to share components of the Turnaround initiative to keep parents informed about the stages of implementation of our plan and our overall progress.</p>	2.4, 2.5, 2.6, 3.1, 3.2	Turnaround Team	We will seek feedback from parents at Curriculum Nights and conduct Data meetings to inform the parents of their Academic progress.				
<p><b>Critical Success Factors</b> CSF 5 CSF 6</p> <p>2) Communities in Schools will begin supporting groups that will build self confidence and help the students with building their social skills to be productive students .</p>	3.1	Social Worker Counselor	By May of 2019, the discipline referrals for the campus will be reduced by 10% from the 2017-2018 school year.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6</p> <p>3) We will implement a school-wide reading initiative called the "40 Book challenge" and launch the Little Book library to bridge the parent connections on campus to stress the importance of Literacy.</p>	2.4, 3.1	Administration Literacy Committee Reading Specialist	By May of 2019, there will be 15% of our 3rd and 4th grade students reach their progress measure on the 2019 STAAR reading and writing assessment.				

<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 4 CSF 5 CSF 6</p> <p>4) We will launch a branch of "Read to Win" on our campus to support Literacy in our Early childhood classrooms.</p>	2.4, 3.1	Administration Reading Specialist	By May of 2019, there will be 15% of our 3rd and 4th grade students reach their progress measure on the 2019 STAAR reading assessment.				
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 3 CSF 5 CSF 6</p> <p>5) We will host an event each month to encourage parent and community partnerships and equip parents with strategies to support a rich academic environment at home.</p> <p>Events</p> <ol style="list-style-type: none"> <li>1. Porch visits</li> <li>2. Math-o-ween</li> <li>3. Data Meetings</li> <li>4. Literacy Night</li> <li>5. Hispanic Heritage</li> <li>6. Family 5-K to promote Health and Wellness</li> <li>7. Reading Carnival</li> </ol>	3.1, 3.2	Family Engagement Committee	We will see an increase of parent involvement to support our overall academic improvement.				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6</p> <p>6) The campus will invite the "Girls Inc." organization to our campus to work with our 3rd and 4th grade girls with the effects of Bullying and STEM.</p>	2.6, 3.1	Social Worker Counselor	We will see a decrease of student office referrals related to Bullying.				
<p><b>Critical Success Factors</b> CSF 1 CSF 5 CSF 6</p> <p>7) We will launch a branch of the "All Pro Dad's" program on our campus to promote the importance of Male role models being present to increase student engagement on the campus.</p>	3.1, 3.2	Administration Counselor	We will sustain a high quality group of male role models on campus that will support student success.				

<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6</p> <p>8) The Instructional specialist will guide the teachers in ways to incorporate reteaching opportunities and appropriate homework based upon low TEKS and skill deficits.</p>	3.1		<p>The goal is to provide additional practice time for students to review the Essential standards that they need to master. In addition, equip parents with tools to help their children reach their Data goals.</p> <p>By May of 2019, there will be 15% more of our 3rd and 4th grade students reach approaching and 10% more reach meets on the 2019 STAAR reading and math assessment.</p>				
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>= Accomplished</p> </div> <div style="text-align: center;">  <p>= Continue/Modify</p> </div> <div style="text-align: center;">  <p>= No Progress</p> </div> <div style="text-align: center;">  <p>= Discontinue</p> </div> </div>							

# Goal 4: Provide a Quality Workforce in a Positive Work Environment










**Performance Objective 1:** 4.1 Recruit, employ, develop and retain a quality teaching, administrative and support staff to attain excellence in student performance. 4.2 Provide high-quality, job-embedded professional development.

**Evaluation Data Source(s) 1:** 4.1 100% of teaching staff meet Highly Qualified status. 4.2 Improved employee satisfaction.

**Summative Evaluation 1:**

Strategy Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Oct	Jan	Apr	July
<p><b>Critical Success Factors</b> CSF 1 CSF 6 CSF 7</p> <p>1) Honor staff for Teacher of the Year and Staff member of the Year;  Each month a staff member will be recognized for successful implementation of new AVID strategies.  Soaring to Success awards will be incorporated in the Week at a Glance;  Monthly teacher incentives</p>	2.4	Administrative Team  Sunshine Committee	<p>We will have a decrease in monthly staff absences by 5%.</p> <p>We will have an increase of 5% of retaining high quality teachers.</p>				
<p><b>Critical Success Factors</b> CSF 1 CSF 3 CSF 6 CSF 7</p> <p>2) Utilize coaching strategies to increase student learning. (two-way radios with an ear piece, calendar blocking, Leverage Leadership strategies, conferences, Six Steps of Effective feedback, waterfall, and coaching signs)  Enhance the Feedback cycle with our teachers to provide high quality feedback that will help the teachers with their overall instructional growth and Classroom management.</p>	2.4, 2.6	Administration  Instructional specialist  District level Curriculum team	<p>By May of 2019, there will be 18% of our 4th grade students reach their progress measure on the 2019 STAAR math and reading assessment.</p> <p>The data from walk-throughs and observations show skills at least on the proficient level of T-TESS domains.</p> <p>Reduce the amount of turn over in staff from the 2017-2018 by 5%.</p>				



<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 3 CSF 5 CSF 6 CSF 7</p> <p>3) Attendance at various conferences (AVID, AIE, TABSE, Lead4ward, and Camped Conferences) by the principal, Instructional specialist, and various teacher leaders.</p> <p>These conferences will train leaders to inspire teachers, understand new accountability, be innovative, and possibilities for school improvement through partnerships and research-based best practices.</p>	2.4, 2.6, 3.1	Administration	By May of 2019, there will be 15% more of our 3rd and 4th graders will score at approaches on the 2019 STAAR math, reading, and writing assessment.				
<p><b>Critical Success Factors</b> CSF 1 CSF 3 CSF 6 CSF 7</p> <p>4) Provide differentiated training for new teachers that positively impact the campus:</p> <p>Lucy Calkins: Unit of study</p> <p>Guided reading and LLI training to first year teachers or new to the campus;</p> <p>Culturally Responsive training;</p> <p>CHAMPS/Classroom Management;</p> <p>Restorative Discipline;</p> <p>and AVID Training</p>	2.4	Administration	By May of 2019, new teachers will have positive outcomes in their student achievement data and a decrease of Office referrals.				
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 6 CSF 7</p> <p>5) Provide initial and follow up training on AVID strategies to close the performance gaps by identifying/targeting student learning gaps in all subject areas.</p>	2.4, 2.6	Administration  Instructional Specialist	By May of 2019, student learning will reflect an increase of 15%.				
<p><b>Critical Success Factors</b> CSF 1 CSF 3 CSF 6 CSF 7</p> <p>6) 1) We will host New teacher Meetings throughout the year on campus to create a platform for new teachers to express concerns, collaborate with Administration, and refine techniques.</p>	2.4	Administration  Instructional Specialist	Reduce the amount of turn over in staff from the 2017-2018 by 5%.				














## Goal 5: Ensure Effective and Efficient Use of Resources

**Performance Objective 1:** 5.1 Continue excellence in financial planning, management and stewardship. 5.2 Effectively utilize funds to maintain or upgrade existing facilities and equipment and/or construct new facilities.

**Evaluation Data Source(s) 1:** 5.1 Maintain high ratings on the Financial Integrity Rating System of Texas (FIRST) and demonstrate appropriate management of taxpayer resources on the District's Comprehensive Annual Financial Report (CAFR). 5.2 Updated and maintained Capital Facilities Priorities Report.

### Summative Evaluation 1:

Strategy Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Oct	Jan	Apr	July
<p><b>Critical Success Factors</b> CSF 1 CSF 3 CSF 6 CSF 7</p> <p>1) Conduct a campus needs assessment to ensure funds are allocated to student academic growth and social/emotional support.</p>	2.4	Administration Counselor Social Worker	Comprehensive Needs Assessment				
<p><b>Critical Success Factors</b> CSF 1 CSF 4 CSF 5 CSF 6 CSF 7</p> <p>2) Review data to ensure all budget decisions, meet the needs of the Achievement gaps on the campus.</p>	2.4, 2.5, 2.6	Administration	Comprehensive Needs Assessment				
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 4 CSF 5 CSF 6 CSF 7</p> <p>3) As a result of the 2018 STAAR data, Title I funds will be utilized to retain Instructional Specialists, training for effective Instructional delivery, Tutoring and Facilitated planning.</p>	2.4	Administration Central Office	At least 18% of the 4th Grade students will meet or exceed their progress measure in Reading and Math in the Spring administration.				
<p><b>Critical Success Factors</b> CSF 1 CSF 2 CSF 3 CSF 4 CSF 7</p> <p>4) As a result of the the 2018 STAAR we will expand our resources for Literacy, additional tutoring, and testing materials.</p>	2.4	Administration Instructional Specialist Teachers	At least 18% of the 4th Grade students will meet or exceed their progress measure in Reading and Math in the Spring administration				



# Comprehensive Support Strategies

Goal	Objective	Strategy	Description
1	1	1	All classroom teachers will be involved in Math and Reading Professional Development to address depth of knowledge, alignment to the TEKS, active engagement and inquiry skills to improve the instructional delivery. This will help to create systems to ensure individual student growth and sustainability.
1	1	3	Teachers will utilize weekly Professional Learning Community time to collaborate about effective instructional strategies and essential standards to improve academic performance.
1	1	4	Teachers will strategically place students in tiered groups based upon low student expectations and skill gaps and will progress monitor to ensure that students are mastering the TEKS and skills..
1	1	5	The teachers will be introduced to a new Lesson plan format that incorporates the TODAY model that highlights the Demonstration of Learning in daily instruction and highlights the use of WICOR strategies. Time will be incorporated to provide additional time for collaborative planning.
1	1	6	All 3rd and 4th grade ELAR teachers will be involved in critical reading, writing, and speaking professional development. In addition, teachers will be trained to incorporate high yield strategies, close reading strategies, and STAAR question stems to promote independent thinking.
1	1	7	Classroom teachers will be provided staff development in the Writing Calibration rating process to ensure writing reliability throughout the campus. There will be school-wide Writing composition rating sessions to enhance the writing process.
1	1	8	Monitor the the implementation of Balanced Literacy, Interactive Word walls, and writing across the curriculum.
1	1	9	Identify students that need additional math and reading tutorials and place them in our After-school tutorials, sponsored by 21st Century.
1	1	10	Monitor the implementation of Numberless word problems, Problem solving mat usage, and Number Talks in our 2nd, 3rd, and 4th grade classrooms.
2	1	1	We will update the school-wide systems across the campus that will support high structures in our campus to create a safe and orderly environment.
2	1	2	Implement the appropriate behavior interventions throughout our campus to support positive behaviors for all students. This will include Student success plans for students that are Tier 3.
2	1	3	Implement 7 Habits of Highly Functioning children: By teaching guidance lessons throughout the year; Morning Announcements include information about the highlighted "Habit of the Month" from the 7 Habits
2	1	5	Continue to use our 21st Century program after school to inspire our students to be in STEM careers and to enrich their talents beyond the classroom.

<b>Goal</b>	<b>Objective</b>	<b>Strategy</b>	<b>Description</b>
2	1	6	Implement a school-wide Attendance Improvement plan. 1. Incentives for students and parents 2. Transportation options 3. Training for parents that will support a healthy life style for the students.
2	1	7	Train staff in Conflict Resolution, violence prevention, and restorative discipline.
2	1	8	Implement school-wide student incentive programs that will promote positive behaviors on the campus. 1. Student of the Month-Sponsored by Hallmark Baptist church 2. Gator Coins 3. Growing Greater Gators-Awards assemblies 4. School store 5. Positive office referrals
3	1	1	Parent and community forums will be conducted to share components of the Turnaround initiative to keep parents informed about the stages of implementation of our plan and our overall progress.
3	1	2	Communities in Schools will begin supporting groups that will build self confidence and help the students with building their social skills to be productive students .
3	1	4	We will launch a branch of "Read to Win" on our campus to support Literacy in our Early childhood classrooms.
3	1	8	The Instructional specialist will guide the teachers in ways to incorporate reteaching opportunities and appropriate homework based upon low TEKS and skill deficits.
5	1	2	Review data to ensure all budget decisions, meet the needs of the Achievement gaps on the campus.
5	1	3	As a result of the 2018 STAAR data, Title I funds will be utilized to retain Instructional Specialists, training for effective Instructional delivery, Tutoring and Facilitated planning.

# PBMAS Intervention Strategies

Goal	Objective	Strategy	Description
1	1	3	Teachers will utilize weekly Professional Learning Community time to collaborate about effective instructional strategies and essential standards to improve academic performance.
1	1	4	Teachers will strategically place students in tiered groups based upon low student expectations and skill gaps and will progress monitor to ensure that students are mastering the TEKS and skills..
1	1	5	The teachers will be introduced to a new Lesson plan format that incorporates the TODAY model that highlights the Demonstration of Learning in daily instruction and highlights the use of WICOR strategies. Time will be incorporated to provide additional time for collaborative planning.
1	1	6	All 3rd and 4th grade ELAR teachers will be involved in critical reading, writing, and speaking professional development. In addition, teachers will be trained to incorporate high yield strategies, close reading strategies, and STAAR question stems to promote independent thinking.

# State Compensatory

## Budget for J.A. Hargrave Elementary:

<u>Account Code</u>	<u>Account Title</u>	<u>Budget</u>
<b>6100 Payroll Costs</b>		
199.XX.6116.00.109.0.XX	6116 Extra Duty Stipend - Locally Defined	\$1,550.00
	<b>6100 Subtotal:</b>	<b>\$1,550.00</b>



# **Title I Schoolwide Elements**

## **ELEMENT 1. SWP COMPREHENSIVE NEEDS ASSESSMENT (CNA)**

### **1.1: Comprehensive Needs Assessment**

We have a need to increase our Parent Involvement in the area of Academic support. We want our parents to be involved in the Academic performance of our students. In addition, there is a need to increase male presence on our campus because our data shows that we have 6% more males on our campus than females.

## **ELEMENT 2. SWP CAMPUS IMPROVEMENT PLAN (CIP)**

### **2.1: Campus Improvement Plan developed with appropriate stakeholders**

The Campus Based Decision team was instrumental in creating our Campus Improvement Plan. We reviewed the data and conducted a Root Cause analysis. This informed the plan of action for our campus. This plan in conjunction with our State Turnaround Plan will support academic growth for our students.

### **2.2: Regular monitoring and revision**

The Site Based Decision Meeting meets per Marking Period to review the plans.

### **2.3: Available to parents and community in an understandable format and language**

We will recruit at least one parent to be a part of our team.

### **2.5: Increased learning time and well-rounded education**

The Title I funds will be used to help support tutorial personnel and resources.

## **ELEMENT 3. PARENT AND FAMILY ENGAGEMENT (PFE)**

### **3.2: Offer flexible number of parent involvement meetings**

We will have multiple Parent meetings throughout the year to engage parents in the Data process, Curriculum, and Fine Arts.

# Title I Schoolwide Element Personnel

<u>Name</u>	<u>Position</u>	<u>Program</u>	<u>FTE</u>
Charmaine Campbell	Instructional Specialist		1.0
Sheila Lambert	Instructional Specialist		1.0

## 2018-2019 Site Based Decision Making Team

<b>Committee Role</b>	<b>Name</b>	<b>Position</b>
Administrator	Amber Gillihan	Assistant Principal
Non-classroom Professional	Charmaine Campbell	Instructional Specialist
Classroom Teacher	Jennifer MacMurray	Grade Level Lead
Classroom Teacher	Brinda Lowery	Grade Level Lead
Administrator	Kimberly Sherfield	Principal
Non-classroom Professional	Sheila Lambert	Math Instructional Specialist
Counselor	Susan Smith	Counselor
Classroom Teacher	Kourtney Nelson	Grade Level Lead

# Addendums

## **Federal Program Expenditures**

All district and campus expenditures related to the following Federal Grants will be utilized for the purposes and intended audiences stated below:

Grant	Purpose and Intended Beneficiaries
Title I, Part A	The purpose of the grant is to help all students meet the state student performance standards by providing supplemental resources to the LEA. The intended beneficiaries are students who experience difficulties mastering the state academic achievement standards.
Title II, Part A	The two purposes of the grant are 1) to increase student academic achievement through improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom as well as highly qualified principals and assistant principals; and 2) to hold LEAs and schools accountable for improving student academic achievement. The intended beneficiaries are teachers and principals, including assistant principals, and as appropriate, administrators, pupil services personnel, and paraprofessionals.
Title III, Part A	The purpose of the grant is to provide supplemental resources to help ensure that children who are limited English proficient attain English proficiency at high levels in core academic subjects and can meet state mandated achievement performance standards. The intended beneficiaries are LEP students, including immigrant children and youth.

### **Ten Components of a Schoolwide Program**

1. A comprehensive needs assessment
2. Schoolwide reform strategies that provide opportunities for all children to meet or exceed state's proficient level of student performance
3. Instruction by highly qualified teachers
4. High Quality, ongoing professional development for all staff as needed
5. Strategies to attract high-quality highly qualified teachers to high-need schools
6. Strategies to increase parental involvement
7. Plans for assisting preschool children in the transition from early childhood programs
8. Measures to include teachers in the decisions regarding the use of academic assessments for improving individual student performance and the overall instructional program
9. Effective, timely intervention activities which include measures to ensure that students' difficulties are identified and of sufficient scope to target appropriate intervention
10. Coordination and integration occurs between federal, state, and local services such as nutrition, education, job training, programs provided under NCLB and violence prevention programs..

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**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

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STATEMENT OF  
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

PROHIBITED  
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

SEXUAL HARASSMENT  
BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

GENDER-BASED  
HARASSMENT

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the



STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

	<p>student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.</p>
RETALIATION	<p>The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.</p>
EXAMPLES	<p>Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.</p>
FALSE CLAIM	<p>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.</p>
PROHIBITED CONDUCT	<p>In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.</p>
REPORTING PROCEDURES	<p>Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.</p>
STUDENT REPORT	
EMPLOYEE REPORT	<p>Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.</p>
DEFINITION OF DISTRICT OFFICIALS	<p>For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.</p>
TITLE IX COORDINATOR	<p>Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]</p>
ADA / SECTION 504 COORDINATOR	<p>Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]</p>

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

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(LOCAL)

SUPERINTENDENT	The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.
ALTERNATIVE REPORTING PROCEDURES	<p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.</p> <p>A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
TIMELY REPORTING	Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.
NOTICE TO PARENTS	The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.
INVESTIGATION OF THE REPORT	The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.
INITIAL ASSESSMENT	<p>Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at CRIMINAL INVESTIGATION.</p> <p>If the District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.</p>
INTERIM ACTION	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.
DISTRICT INVESTIGATION	<p>The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed,</p>

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

CRIMINAL  
INVESTIGATION

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

CONCLUDING THE  
INVESTIGATION

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

NOTIFICATION OF  
OUTCOME

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

DISTRICT ACTION  
PROHIBITED  
CONDUCT

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

CORRECTIVE  
ACTION

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

BULLYING

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

IMPROPER CONDUCT	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.
RECORDS RETENTION	The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records retention schedules, but for no less than the minimum amount of time required by law. [See CPC]
ACCESS TO POLICY AND PROCEDURES	Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

STUDENT WELFARE  
FREEDOM FROM BULLYING

FFI  
(LEGAL)

DEFINITION

“Bullying” means engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student’s education or substantially disrupts the operation of a school.

POLICY

The Board shall adopt a policy, including any necessary procedures, concerning bullying that:

1. Prohibits the bullying of a student;
2. Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
3. Establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;
4. Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
5. Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
6. Establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
7. Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student’s use of reasonable self-defense in response to the bullying; and

STUDENT WELFARE  
FREEDOM FROM BULLYING

FFI  
(LEGAL)

8. Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

The policy and any necessary procedures must be included annually in the student and employee handbooks and in the District improvement plan under Education Code 11.252. [See BQ]

INTERNET POSTING

The procedure for reporting bullying must be posted on the District's Internet Web site to the extent practicable.

*Education Code 37.0832(a)–(e)*

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**Note:** This policy addresses bullying of District students. For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

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BULLYING  
PROHIBITED

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

DEFINITION

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

EXAMPLES

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

RETALIATION

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

EXAMPLES

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

STUDENT WELFARE  
FREEDOM FROM BULLYING

FFI  
(LOCAL)

FALSE CLAIM	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.
TIMELY REPORTING	Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.
REPORTING PROCEDURES	To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.
STUDENT REPORT	
EMPLOYEE REPORT	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
REPORT FORMAT	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
PROHIBITED CONDUCT	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
INVESTIGATION OF REPORT	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
CONCLUDING THE INVESTIGATION	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.  The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.
NOTICE TO PARENTS	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.



STUDENT WELFARE  
FREEDOM FROM BULLYING

FFI  
(LOCAL)

DISTRICT ACTION BULLYING	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.
DISCIPLINE	<p>A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
CORRECTIVE ACTION	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
TRANSFERS	The principal or designee shall refer to FDB for transfer provisions.
COUNSELING	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
IMPROPER CONDUCT	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
APPEAL	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
RECORDS RETENTION	Retention of records shall be in accordance with CPC(LOCAL).
ACCESS TO POLICY AND PROCEDURES	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

## Federal Grant Funds 2015 - 2016 and

### Proposed 2016 – 2017 Programming

#### **Title One: \$2,730,680 (2015 allocation – 2,421,287) (2016-2017 allocation – yet to be determined)**

The purpose of Title One monies is to help students in greatest need to master the state mandated curriculum. Campuses are identified as being eligible for Title One monies based on the percentage of students that qualify for either the free or reduced lunch program. The district currently utilizes the Title One monies to pay for supplemental personnel, professional development, materials, and parental involvement activities at the Title One campuses. The vast majority of the monies go to personnel (math specialists, reading specialists, science specialists, general instructional specialists and a Parental Involvement Liaison. The Title One campuses for this year have been: Crowley Middle, David Walker Intermediate, Mary Harris Intermediate, Sycamore Elementary, Meadowcreek Elementary, Jackie Carden Elementary, Parkway Elementary, Oakmont Elementary, J. A. Hargrave Elementary, and Poynter Elementary.

#### **Title Two: \$199,569 (2015 allocation – 174,493) (2016-2017 allocation – Yet to be determined)**

The purpose of Title Two monies is to develop and maintain a highly qualified staff of administrators, teachers, and other professionals in order to help students master the state mandated curriculum. The district currently utilizes the Title Two monies for supplemental district personnel and outside professional speakers that address topics that include among other things: Differentiated Instruction, Advanced Academics, Sheltered Instruction for English Language Learners, and High Yield Instructional Strategies that focus upon academic rigor. The district also utilizes the monies to support the district mentoring program and for recruitment of highly qualified teachers.

#### **Title Three: \$216,804 (2015 allocation - 191,919) (2016 – 2017 allocation – Yet to be determined)**

The purpose of the Title Three monies is to help English Language Learners (ELL's) master the state mandated curriculum. The district currently utilizes the Title Three monies for supplemental bilingual personnel that assist with direct instruction in reading and/or math based on the identified needs at various campuses. The district also utilizes the monies to pay for supplemental bilingual instructional materials, and for outside speakers that help teachers prepare to take the state endorsement test related to English as a Second Language.

#### **Perkins Grant: \$175,772 (2015 allocation – \$167,246 (2016-2017 allocation – 163,967)**

The purpose of the Perkins Grant is to provide additional support for the Career Technology Program (CTE). The district currently utilizes the vast majority of the Perkins monies to purchase additional supplies and equipment for the programming provided at the Bill Johnson CTE Center. The funds also support the CTE programming conducted at other campuses. The CTE program prepares students for both continued educational experiences and/or certifications that make them more employable.

#### **Communicating Recommendations:**

Please allow your campus staff to review this information either through the Campus Improvement Committee or during a faculty meeting. If your campus has any suggestions for additions to /or subtractions from the items currently funded through these grants, please communicate that information in writing to me by June 3rd. My email is: ted.kretchmar@crowley.k12.tx.us.

## Addendum to the 2016-2017 District/Campus Improvement Plan

Subject: Coordinated School Health includes:

- Annual fitness assessment
- Health and wellness education for students
- Nutritional monthly emphasis on fruits and vegetables
- Healthy for Life quarterly newsletter for students, staff and community
- American Heart Association wellness program for staff

Subject: Dropout Procedures

1. Students who withdraw from a campus must complete a Withdrawal Form which indicates the date of withdrawal, the reason for withdrawal, destination, and is signed by the parent or guardian.
2. Identification lists of potential dropouts will be sent by the PEIMS Department to the campuses near the beginning of each school year.
3. Each student on the list will be located and documentation will be verified by campus officials.
4. Students in danger of not graduating and those who have completed required coursework but not the required state assessments will receive appropriate Dropout Prevention counseling and develop a personal graduation plan which may include interventions, accelerated instruction, or Bridges Academy.

Subject: Emergency Preparedness Drills

Ensure all campuses are in 100% compliance as measured by the emergency preparedness drill documentation form.

1. Each campus schedules drills with the Coordinator for Safety & Security and documents the following drills:
  - a. Building Evacuation (Fire Drill) – at least one per month for each month school is in session 10 or more days, including one obstructed drill
  - b. Lock Down – at least two per year
  - c. Severe Weather – at least two per year
  - d. Shelter in Place – at least two per year
  - e. Reverse Evacuation – at least two per year
  - f. Other - includes Bus Evacuation Drill
2. Fire Exit Drills are recorded and submitted annually to the State Fire Marshal

Subject: McKinney-Vento Homeless Assistance

1. The Residency Questionnaire form within the registration will be completed by the parent/guardian and submitted to the campus who will submit to the District Homeless Liaison for verification.
2. Crowley ISD guarantees that a family/student can enroll in school if residing:

- a. In a shelter (family shelter, domestic violence shelter, youth shelter, or transitional living program)
  - b. In a hotel/motel, or weekly-rate housing
  - c. In a house or apartment with more than one family because of economic hardship or loss
  - d. In an abandoned building or a car, at a campground, or on the street,
  - e. In a temporary foster care
  - f. In a substandard housing (no electricity, no water, and/no heat)
  - g. With friends or family because the student is a runaway or unaccompanied youth
3. The District Homeless Liaison provides the Director of Nutrition & Food Services with the names of the students in the district that have been identified as homeless in order to provide Free & Reduced Lunch.
  4. The following services are made available for students identified under the McKinney Vento Act:
    - a. Qualify automatically for Child Nutrition Programs (Free and Reduced-Priced Lunch and other district food programs)
    - b. John Peter Smith (JPS) Hospital School-based Clinic located on Crowley ISD Clinic
    - c. Campus Counselor and designated campus Community In Schools Social Worker assist with obtaining services from community and government agencies and organizations
    - d. Continue to attend the school in which the student was last enrolled, even if the student has moved from that school's attendance zone or district
    - e. Transportation provided from student's current residence back to the student's school of origin
    - f. The availability to contact the District Homeless Liaison to resolve any disputes that may occur during the enrollment process

Subject: Pregnancy Related Services (PRS) Program

1. Identification and verification documents will be completed by campus officials.
2. The following services will be made available to each student eligible for PRS:
  - a. Compensatory Education Home Instruction (CEHI) for the regular education student provided by a certified teacher and for the special education homebound student additional PRS contact hours will be provided by a certified teacher, counselor, nurse or social worker.
  - b. Counseling services including the initial session when the student discloses the pregnancy.
  - c. John Peter Smith (JPS) Hospital School-Based Health Clinic located on a Crowley ISD campus.
  - d. Health services, including services from the school nurse and certified athletic trainer.
  - e. Schedule modification for instruction (inside or outside the classroom) related to parenting knowledge and skills, including child development, home and family living, and appropriate job readiness training.

- f. Assistance obtaining services from government agencies and community service organizations.
3. Documentation, as defined by the PRS procedures, of each student's participation in the PRS program will be maintained on the campus.

Subject: Texas Behavior Support Initiative (TBSI)

1. Any campus personnel likely to use restraint or likely to use time-out as part of a student's Individualized Education Program and/or Behavior Intervention Plan must receive training in the Texas Behavior Support Initiative (TBSI).
2. The school staff member will complete the first six modules online prior to taking module seven, Physical Restraint. The District adopted restraint training program is Nonviolent Crisis Intervention through the Crisis Prevention Institute (CPI).
3. Before being allowed to register for CPI, the school staff member must provide evidence to the CISD Professional Development Department that they have gone through the first six modules of TBSI.
4. Campus personnel are only required to participate in the online module training one time. The physical restraint training program requires annual training.
5. Personnel called upon to use restraint and who have not received prior training must receive training in the six modules of TBSI and CPI within 30 school days following the use of restraint.
6. Each campus in the District is required to maintain a core team of an administrator, general education teacher and a special education teacher trained in TBSI and CPI.

## Crowley ISD

### Suicide Awareness & Prevention

In Crowley ISD steps are taken to empower students at every grade level with protective influences that decrease the likelihood of suicide. These steps are provided in a variety of methods and with age-related considerations.

The elementary and intermediate campuses utilize classroom lessons on the topics of kindness, self-confidence, communication, and perseverance. Each of these traits contribute to a healthy self and supportive relationships. Throughout the school year speakers and programs are presented to the students and staff that promote protective qualities which reduce the risk for suicide.

At the middle School and high School campuses the attributes of kindness, self-confidence, communication, perseverance, and leadership are also imparted in a variety of means. In September, each campus utilizes a Suicide Prevention Week. During this week announcements are shared giving suicide awareness and prevention tools. Students are equipped with information to report concerns regarding peers, family, and themselves. Throughout the school year speakers and programs are presented to the students and staff that promote protective qualities which reduce the risk for suicide.

Additionally, staff on all Crowley ISD campuses are provided training on suicide awareness. Staff are provided basic information for offering support to a student in crisis and ensuring student safety. All Crowley ISD campuses have a procedure to follow when an out-cry or self-harm concern is presented. A student at risk of suicide or self-harm is screened for risk level, a parent or guardian is provided an Emergency Notification that includes external referral sources, and follow up with the student is carried out to ensure support and a healthy welfare of the student.

**2016-2017 Priority for Service (PFS) Action Plan**  
**ESC REGION 11 MIGRANT EDUCATION PROGRAM SSA DISTRICTS**

<p><b>Goal(s):</b> Identify and provide services to migrant learners who are failing or at risk of failing to meet the State’s content and performance standards and whose education has been interrupted during the regular school year.</p>	<p><b>Objective(s):</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Identify migrant learners who enroll late and withdraw early and provide supplemental services to each learner when no other school district services are available.</li> <li><input type="checkbox"/> Identify migrant learners who are missing significant amounts of instructional time due to late enrollment and/or excessive absences.</li> <li><input type="checkbox"/> Provide supplemental information to parents on how to collaborate with school staff and access resources in order to provide timely attention and appropriate interventions for their children.</li> <li><input type="checkbox"/> Use data to plan the Priority for Services Action Plan (PFS) for 2016-2017 academic year and assist the district with supplemental services not provided by other federal or non-federal programs.</li> </ul>
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Required	Timeline	Person(s) Responsible	Documentation
<b>On a monthly basis, run NGS Priority for Service (PFS) reports to identify migrant children and youth who require priority access to MEP services.</b>		NGS Specialist	PFS Reports
Print and review the New Generation System (NGS) Priority for Service (PFS) learner report monthly	15 <sup>th</sup> day of every month for 2016-2017	NGS Specialist	NGS generated reports
Submit the PFS to the district SSA contact for distribution to appropriate staff	20 <sup>th</sup> day of every month for 2016-2017	NGS Specialist	Copy of sent email(s)
<b>Before the first day of school, develop a PFS Action Plan for serving PFS learners. The plan must clearly articulate criteria for defining learner success, including timelines for achieving stated goals and objectives.</b>			
Send PFS Action Plan to District to attach to DIP	August 12, 2016	MEP Coordinator	Copy of sent email(s)
<b>The PFS Action Plan must include the following:</b>			
<b>1. The Title I Migrant Coordinator will provide each campus principals, appropriate campus staff and parents the Priority for Service criteria and updated NGS Priority for Service reports.</b>			
Submit the PFS to the district SSA contact for distribution to appropriate staff	20 <sup>th</sup> day of each month in 2016-2017	NGS Specialist	Copy of sent email(s)
Send letter with copy of PFS report for their child(ren) with request for meeting with parent	20 <sup>th</sup> day of each month in 2016-2017	MEP Consultant, NGS Specialist	Copies of letter sent
Collaborate with counselors each reporting period in developing a personal graduation	September 2016 – May 2017	MEP School Liaison Consultant, MEP Consultant	Time and Effort reports, travel logs, graduation plan

<b>2. When, in your school year calendar, the district's Title I Migrant Coordinator, MEP staff and migrant school staff will make home and /or community visits to update parents on the academic progress of their children.</b>			
Contact parent to notify of child's PFS status inform of intervention options.	September 2016 – May 2017	MEP School Liaison Consultant, MEP Consultant	Copies of letter sent
Meet with PFS migrant parents and school staff to explain how PFS learners are identified and what services are available for these learners	As requested by parent or school staff	MEP School Liaison Consultant, MEP Consultant	Copies of letter sent
<b>3. How the district's Title I Migrant Coordinator will use NGS Priority for Service reports to give priority placements to these learners in Migrant Education Program activities.</b>			
Share and coordinate secondary credit accrual practices with receiving states through the Secondary Credit Accrual workshop, hosted by the Texas Migrant Interstate Program (TMIP)	September 2016 – May 2017	MEP consultant, School Liaison Consultant	District policy and procedures
Work with project and SSA districts in creating an extracurricular club/leadership event specific to migrant learners designed to help learners develop effective learning and study skills	September 2016 – May 2017	MEP consultant, School Liaison Consultant, School Planning Group	Agenda, roster, minutes of meeting
Provide PFS learners and their parent(s) prior notice for upcoming Migrant Education Program (MEP) events.	September 2016 – May 2017	MEP consultant, School Liaison Consultant, School Planning Group	Copy of fliers, emails
<b>4. How the district's Title I Migrant Coordinator will ensure that Priority for Service learners receive priority access to instructional services, as well as social workers and community social services/agencies.</b>			
Collaborate with SSA districts to develop and implement a set of district procedures outlining strategies for partial/full credit accrual for migrant learners with late entry/early	September 2016 – May 2017	NGS Migrant School Liaison Consultant, NGS Specialist	E-mails
Monitor NGS course completion for PFS learners with late entry and early withdrawal	September 2016 – May 2017	NGS Migrant School Liaison Consultant, NGS Specialist	Learner transcript, NGS reports
Provide Parent Advisory Meetings in different areas throughout the school year	September 2016 – May 2017	NGS Migrant School Liaison Consultant, Migrant Recruiters	Agenda, roster, mileage reimbursement forms, minutes of meeting
Provide contact information regarding social service agencies and healthcare providers available in their area.	September 2016 – May 2017	NGS Migrant School Liaison Consultant, Migrant Recruiters	Telephone log, mileage reimbursement, time and effort reports
<b>5. What federal, state and local programs service Priority for Service learners?</b>			
Meet (or communicate) with district staff to ensure learners participate in school services offered	September 2016 – May 2017	Migrant School Liaison Consultant, Migrant Consultant	Telephone log, mileage reimbursement, time and effort reports, emails
Use migrant funds to pay tuition or fees for evening classes, summer school, credit by exam or distance learning when not provided by ISD	September 2016 – May 2017	Migrant School Liaison Consultant, Migrant Consultant	Budget records
Use migrant funds to pay for tutor to provide supplemental instruction or facilitate distance learning courses	September 2016 – May 2017	Migrant School Liaison Consultant, Migrant Consultant	Budget records, tutor time logs
Share and coordinate secondary credit accrual practices with receiving states through services provided by the Texas Migrant Interstate Program (TMIP).	September 2016 – May 2017	Migrant School Liaison Consultant, Migrant Consultant	Agenda, roster, email, telephone log





**Financial Integrity Rating System of Texas**

**2015-2016 RATINGS BASED ON SCHOOL YEAR 2014-2015 DATA - DISTRICT STATUS DETAIL**

<b>Name: CROWLEY ISD(220912)</b>		<b>Publication Level 1:</b> 8/8/2016 6:20:16 PM	
<b>Status: Passed</b>		<b>Publication Level 2:</b> 8/8/2016 6:20:16 PM	
<b>Rating:</b> A = Superior		<b>Last Updated:</b> 8/8/2016 6:20:16 PM	
<b>District Score:</b> 90		<b>Passing Score:</b> 31	
#	Indicator Description	Updated	Score
1	<u>Was the complete annual financial report (AFR) and data submitted to the TEA within 30 days of the November 27 or January 28 deadline depending on the school district's fiscal year end date of June 30 or August 31, respectively?</u>	3/16/2016 4:39:34 PM	Yes
2	Review the AFR for an unmodified opinion and material weaknesses. The school district must pass 2.A to pass this indicator. The school district fails indicator number 2 if it responds "No" to indicator 2.A. or to both indicators 2.A and 2.B.		
2.A	<u>Was there an unmodified opinion in the AFR on the financial statements as a whole? (The American Institute of Certified Public Accountants (AICPA) defines unmodified opinion. The external independent auditor determines if there was an unmodified opinion.)</u>	3/16/2016 4:39:35 PM	Yes
2.B	<u>Did the external independent auditor report that the AFR was free of any instance(s) of material weaknesses in internal controls over financial reporting and compliance for local, state, or federal funds? (The AICPA defines material weakness.)</u>	3/16/2016 4:39:35 PM	Yes

3	<p><u>Was the school district in compliance with the payment terms of all debt agreements at fiscal year end? (If the school district was in default in a prior fiscal year, an exemption applies in following years if the school district is current on its forbearance or payment plan with the lender and the payments are made on schedule for the fiscal year being rated. Also exempted are technical defaults that are not related to monetary defaults. A technical default is a failure to uphold the terms of a debt covenant, contract, or master promissory note even though payments to the lender, trust, or sinking fund are current. A debt agreement is a legal agreement between a debtor (= person, company, etc. that owes money) and their creditors, which includes a plan for paying back the debt.)</u></p>	3/16/2016 4:39:35 PM	Yes
4	<p><u>Did the school district make timely payments to the Teachers Retirement System (TRS), Texas Workforce Commission (TWC), Internal Revenue Service (IRS), and other government agencies?</u></p>	3/16/2016 4:39:36 PM	Yes
5	<p><u>Was the total unrestricted net asset balance (Net of the accretion of interest for capital appreciation bonds) in the governmental activities column in the Statement of Net Assets greater than zero? (If the school district's change of students in membership over 5 years was 10 percent or more, then the school district passes this indicator.)</u></p>	8/8/2016 6:03:36 PM	Yes
			1 Multiplier Sum
6	<p><u>Was the number of days of cash on hand and current investments in the general fund for the school district sufficient to cover operating expenditures (excluding facilities acquisition and construction)? (See ranges below.)</u></p>	8/4/2016 2:02:05 PM	10
7	<p><u>Was the measure of current assets to current liabilities ratio for the school district sufficient to cover short-term debt? (See ranges below.)</u></p>	6/30/2016 1:40:59 PM	8
8	<p><u>Was the ratio of long-term liabilities to total assets for the school district sufficient to support long-term solvency? (If the school district's change of students in membership over 5 years was 10 percent or more, then the school district passes this indicator.) (See ranges below.)</u></p>	8/4/2016 2:02:05 PM	4

9	<u>Did the school district's general fund revenues equal or exceed expenditures (excluding facilities acquisition and construction)? If not, was the school district's number of days of cash on hand greater than or equal to 60 days?</u>	8/4/2016 2:02:06 PM	10
10	<u>Was the debt service coverage ratio sufficient to meet the required debt service? (See ranges below.)</u>	8/4/2016 2:02:06 PM	10
11	<u>Was the school district's administrative cost ratio equal to or less than the threshold ratio? (See ranges below.)</u>	3/16/2016 4:39:38 PM	8
12	<u>Did the school district not have a 15 percent decline in the students to staff ratio over 3 years (total enrollment to total staff)? (If the student enrollment did not decrease, the school district will automatically pass this indicator.)</u>	3/16/2016 4:39:38 PM	10
13	<u>Did the comparison of Public Education Information Management System (PEIMS) data to like information in the school district's AFR result in a total variance of less than 3 percent of all expenditures by function?</u>	3/16/2016 4:39:39 PM	10
14	<u>Did the external independent auditor indicate the AFR was free of any instance(s) of material noncompliance for grants, contracts, and laws related to local, state, or federal funds? (The AICPA defines material noncompliance.)</u>	3/25/2016 2:14:24 PM	10
15	<u>Did the school district not receive an adjusted repayment schedule for more than one fiscal year for an over allocation of Foundation School Program (FSP) funds as a result of a financial hardship?</u>	3/24/2016 4:41:20 PM	10
			90 Weighted Sum
			1 Multiplier Sum
			90 Score

## 21st CENTURY COMMUNITY LEARNING CENTER

The 21st CCLC grant serves as a supplementary program that can enhance state or local reform efforts to improve student academic achievement and support overall student development. According to the USDE, the purpose of the program is to create community learning centers that provide academic enrichment opportunities for children, particularly students who attend high-need, high-poverty, low-performing schools, to meet state and local student standards in core academic subjects. A community learning center assists students outside school hours or when school is not in session to complement the student's regular academic program. The 21st CCLC funds will create and expand out-of-school-time (OST) programs that offer extended learning opportunities for children and their families. The 21st Century Community Learning Center's program, also known as Texas Afterschool Centers on Education (ACE), is intended to improve the following outcomes for students:

- Academic performance
  - Attendance
  - Behavior
  - Promotion rates
  - Graduation rates
- 

Each class is derived from one of the main 4 components: Below are a few examples of classes.

### **Academics**

- Paint Your Art Out
- Lights! Camera! Read!

### **Enrichment**

- Mad Madness
- Career Whiz

### **Family and Parental Support Services**

- Family Fall Fun
- Family Fun Fitness

### **College and Workforce Readiness**

- Chef's Corner
  - University Lab
- 

## **Contact Us**

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## CENTER LOCATIONS

### Jackie Carden Elementary

Nikita Coleman  
 Site Coordinator  
 3701 Garden Springs Road  
 Fort Worth, Texas 76134  
 817-370-5600 ext. 1105  
 817-487-0934 After hours #

#### Program time

Monday – Friday  
 2:56 pm – 5:56 pm

### Parkway Elementary

Debra Kneeland  
 Site Coordinator  
 1320 W. Everman Pkwy  
 Fort Worth, Texas 76134  
 817-568-5610 ext. 1137  
 817-673-0294 After hours #

#### Program time

Monday – Friday  
 2:56 pm- 5:56 pm

### Oakmont Elementary

Savannah Brooks  
 Site Coordinator  
 6651 Oakmont Trail  
 Fort Worth, Texas 76123  
 817-370-5610  
 817-889-7846 After hours #

#### Program time

Monday – Friday  
 6:30 am – 7:15 am  
 2:56 pm – 5:56 pm

### J.A. Hargrave Elementary

James Henderson  
 Site Coordinator  
 9200 Poynter Rd.  
 Fort Worth, Texas 76123  
 817-370-5630 ext. 1119  
 582-201-6648 After hours #

#### Program time

Monday – Friday  
 2:56 pm – 5:56 pm

### Sidney H. Poynter Elementary

LaTia Young-Lewis  
 Site Coordinator  
 521 Ashdale Drive  
 Fort Worth, Texas 76140  
 817-568-5730 ext. 1150  
 682-429-2688 After hours #

#### Program time

Monday – Friday  
 6:30 am – 7:45 am  
 2:56 pm- 5:56 pm

### David L. Walker Intermediate

Polete Buard  
 Site Coordinator  
 817-568-2745  
 817-308-4989 After hours #

#### Program time

Monday – Friday  
 3:35 pm – 6:35 pm

### Mary Harris Intermediate

Shuntay Ware  
 Site Coordinator  
 8400 West Cleburne Road  
 Fort Worth, Texas 76123  
 817-370-7571  
 817-832-2919 After hours #

#### Program time

Monday – Friday  
 3:35 pm – 6:35 pm

## Texas Education Agency

### 2018 Accountability Ratings Overall Summary

#### MARY HARRIS INT (220912114) - CROWLEY ISD

	Component Score	Scaled Score	Rating
Overall		64	Met Standard
Student Achievement		60	Met Standard
STAAR Performance	32	60	
College, Career and Military Readiness			
Graduation Rate			
School Progress		63	Met Standard
Academic Growth	59	58	Improvement Required
Relative Performance (Eco Dis: 75.1%)	32	63	Met Standard
Closing the Gaps	24	67	Met Standard

### Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Eligible
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned

## Texas Education Agency

### 2018 Accountability Ratings Overall Summary

#### SUMMER CREEK MIDDLE (220912043) - CROWLEY ISD

	Component Score	Scaled Score	Rating
Overall		73	Met Standard
Student Achievement		72	Met Standard
STAAR Performance	40	72	
College, Career and Military Readiness			
Graduation Rate	100		
School Progress		69	Met Standard
Academic Growth	65	69	Met Standard
Relative Performance (Eco Dis: 57.0%)	40	69	Met Standard
Closing the Gaps	43	74	Met Standard

### Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned

## Texas Education Agency

### 2018 Accountability Ratings Overall Summary

#### NORTH CROWLEY H S (220912002) - CROWLEY ISD

	Component Score	Scaled Score	Rating
Overall		75	Met Standard
Student Achievement		75	Met Standard
STAAR Performance	45	73	
College, Career and Military Readiness	35	67	
Graduation Rate	98.4	95	
School Progress		76	Met Standard
Academic Growth	67	76	Met Standard
Relative Performance (Eco Dis: 50.2%)	40	68	Met Standard
Closing the Gaps	42	73	Met Standard

### Distinction Designations

ELA/Reading	Not Earned
Mathematics	Earned
Science	Not Earned
Social Studies	Not Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned



# Reserve at Risinger

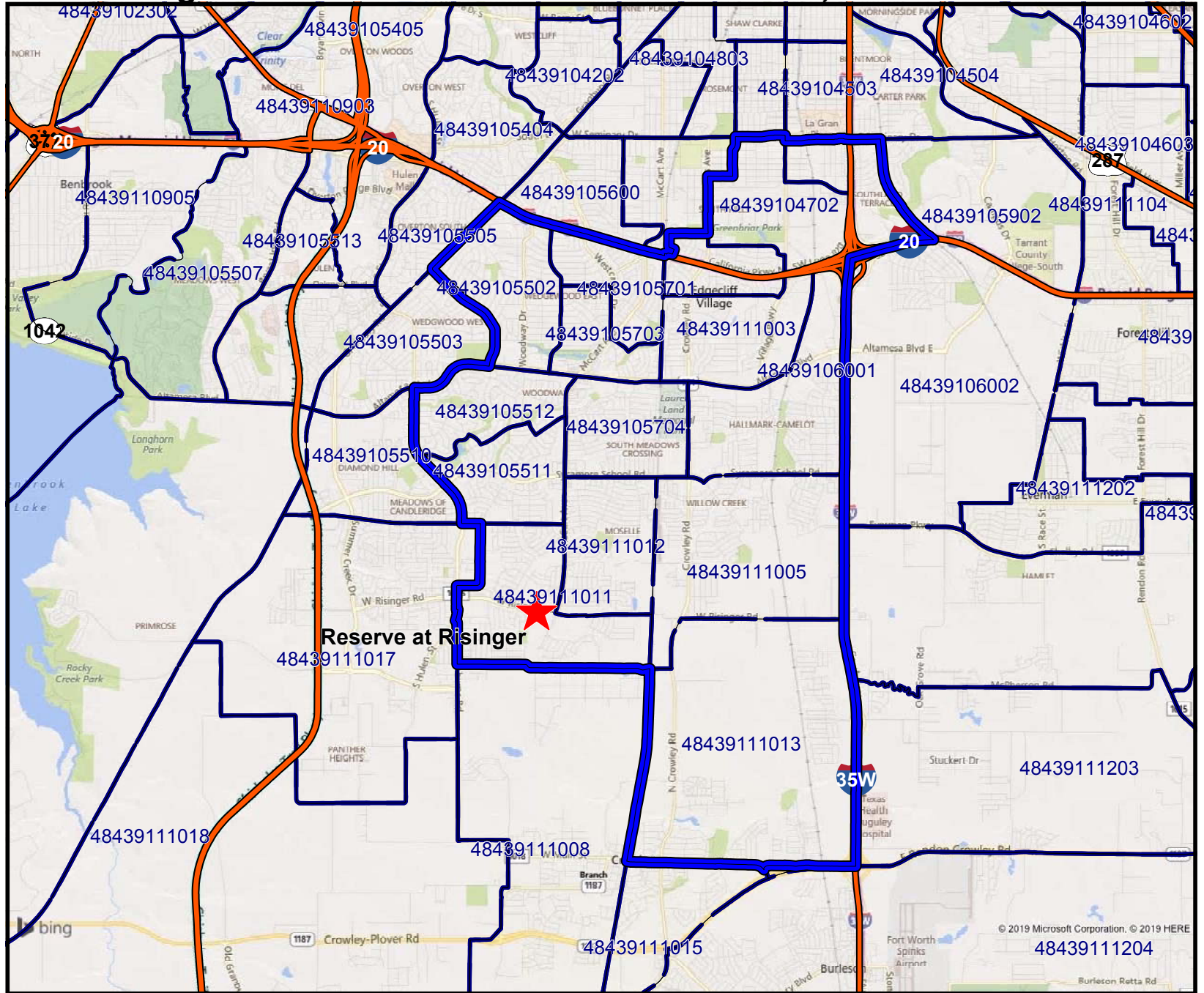
Approx. SWC Risinger Road & McCart Avenue Fort Worth, Texas 76123

### Legend

- Site
- Custom Boundary
- TDHCA - All Census Tracts
- CENSUS TRACTS
- Major Roads
- County Boundaries
- State Boundaries

Site Coordinates  
Longitude/X: -97.374730  
Latitude/Y: 32.614890

Miles

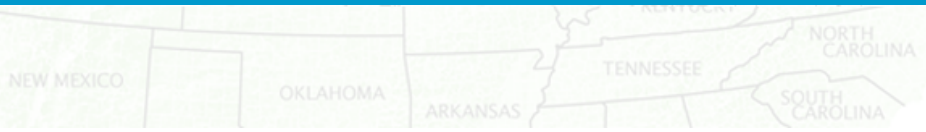


Print Date: 6 February 2019

Data Source:

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TDHCA Number	Property_Name	Year		# of Units	Street	Straight Line Distance	
		Awarded	Population				
00144	Sycamore Pointe THs (LIHTC)	2000	General	126	2201 Sycamore School Road	1.77 miles	
02459	The Park at Sycamore School (Bond)	2002	General	216	3801 Sycamore School Rd	1.28 miles	
02484	Sycamore Center Villas (Bond)	2002	General	280	7901 Chandra Lane	1.85 miles	
04486	Worthington Point (Bond)	2004	General	248	12301 Hemphill St	3.71 miles	
060038	North Greenbriar Sr. (LIHTC-fka Oak Timbers-Seminary)	2006	Elderly	123	5201 James Ave.	4.19 miles	
060053	Candletree (LIHTC)	2006	General	216	7425 Hulen St S	1.75 miles	
07433	Peppertree Acres (Bond - Sec 8 TSAHC)	2007	General	184	6555 Sheridan Rd	3.86 miles	
07409	Home Towne at Matador Ranch Sr (Bond-Sr)	2007	Elderly	198	8500 Crowley Rd	1.65 miles	
08615/09605	Woodmont Apartments (Bond)	2009	General	252	1021 Oak Grove Rd	5.39 miles	
				<b>Total Units:</b>	<b>1843</b>	<b>Average Distance:</b>	<b>2.83 miles</b>
				<b>General Units:</b>	<b>1522</b>		



B01003

TOTAL POPULATION

Universe: Total population  
2012-2016 American Community Survey 5-Year Estimates

**Note:** This is a modified view of the original table.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

**Total Population in the PMA\*: 93,456**

**\*census tracts below encompass the 15 tracts in the Primary Market Area**

		Total
Census Tract 1047.02, Tarrant County, Texas	Estimate	3,141
Census Tract 1055.02, Tarrant County, Texas	Estimate	6,389
Census Tract 1055.11, Tarrant County, Texas	Estimate	6,066
Census Tract 1055.12, Tarrant County, Texas	Estimate	4,130
Census Tract 1057.01, Tarrant County, Texas	Estimate	4,285
Census Tract 1057.03, Tarrant County, Texas	Estimate	3,543
Census Tract 1057.04, Tarrant County, Texas	Estimate	8,595
Census Tract 1058, Tarrant County, Texas	Estimate	4,210
Census Tract 1059.01, Tarrant County, Texas	Estimate	3,947
Census Tract 1060.01, Tarrant County, Texas	Estimate	8,624
Census Tract 1110.03, Tarrant County, Texas	Estimate	2,950
Census Tract 1110.05, Tarrant County, Texas	Estimate	11,034
Census Tract 1110.11, Tarrant County, Texas	Estimate	9,338
Census Tract 1110.12, Tarrant County, Texas	Estimate	8,071
Census Tract 1110.13, Tarrant County, Texas	Estimate	9,133

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

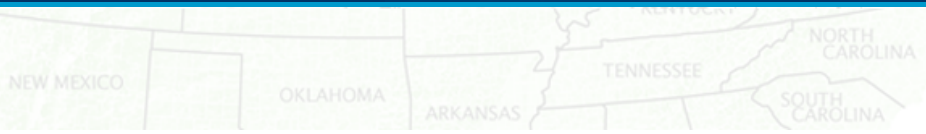
While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.



B25070

**GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS**

Universe: Renter-occupied housing units  
2012-2016 American Community Survey 5-Year Estimates

**Note:** This is a modified view of the original table.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

**Total Households in the PMA:  
11,119**

**Total Cost-Burdened Households:  
5,724 or 51% of Households**

		Total:				
		30.0 to 34.9 percent	35.0 to 39.9 percent	40.0 to 49.9 percent	50.0 percent or more	
Census Tract 1047.02, Tarrant County, Texas	Estimate	470	57	57	25	130
Census Tract 1055.02, Tarrant County, Texas	Estimate	855	62	45	121	235
Census Tract 1055.11, Tarrant County, Texas	Estimate	888	200	119	121	191
Census Tract 1055.12, Tarrant County, Texas	Estimate	328	24	30	48	51
Census Tract 1057.01, Tarrant County, Texas	Estimate	480	80	0	29	89
Census Tract 1057.03, Tarrant County, Texas	Estimate	540	116	47	64	81
Census Tract 1057.04, Tarrant County, Texas	Estimate	1,406	61	63	246	393
Census Tract 1058, Tarrant County, Texas	Estimate	447	24	39	56	75
Census Tract 1059.01, Tarrant County, Texas	Estimate	504	13	37	96	103
Census Tract 1060.01, Tarrant County, Texas	Estimate	867	119	20	83	219
Census Tract 1110.03, Tarrant County, Texas	Estimate	155	32	2	0	8
Census Tract 1110.05, Tarrant County, Texas	Estimate	1,621	180	79	129	621
Census Tract 1110.11, Tarrant County, Texas	Estimate	637	43	65	0	171
Census Tract 1110.12, Tarrant County, Texas	Estimate	816	29	76	85	72
Census Tract 1110.13, Tarrant County, Texas	Estimate	1,105	111	23	78	251

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

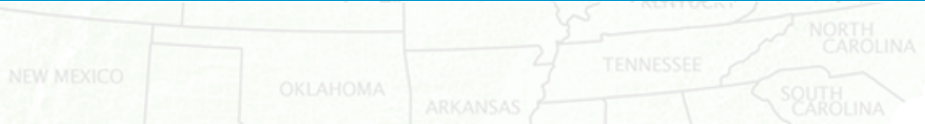
While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.



B19013

**MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)**

Universe: Households

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

**Median Household Income in the MSA: \$61,330**

	Census Tract 1110.11, Tarrant County, Texas		Dallas-Fort Worth-Arlington, TX Metro Area, Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Median household income in the past 12 months (in 2016 inflation-adjusted dollars)	76,612	+/-10,135	<b>61,330</b>	+/-268

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
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4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.



**B19001** HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)  
 Universe: Households  
 2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

**1,944 Households out of 2,902 = 67%** of Households in the Census Tract have incomes equal to or greater than the Median Household Income in the MSA

	Census Tract 1110.11, Tarrant County, Texas		Dallas-Fort Worth-Arlington, TX Metro Area, Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	2,902	+/-135	2,451,163	+/-4,479
Less than \$10,000	24	+/-30	135,118	+/-2,355
\$10,000 to \$14,999	107	+/-95	98,147	+/-2,173
\$15,000 to \$19,999	55	+/-82	103,846	+/-2,402
\$20,000 to \$24,999	72	+/-85	113,820	+/-2,603
\$25,000 to \$29,999	89	+/-83	113,274	+/-2,499
\$30,000 to \$34,999	118	+/-72	119,681	+/-2,290
\$35,000 to \$39,999	13	+/-23	108,977	+/-2,174
\$40,000 to \$44,999	62	+/-50	112,462	+/-2,463
\$45,000 to \$49,999	149	+/-99	97,733	+/-2,510
\$50,000 to \$59,999	269	+/-127	195,561	+/-3,446
\$60,000 to \$74,999	444	+/-154	251,143	+/-4,285
\$75,000 to \$99,999	727	+/-181	304,489	+/-3,365
\$100,000 to \$124,999	415	+/-145	227,235	+/-3,274
\$125,000 to \$149,999	194	+/-109	141,724	+/-2,202
\$150,000 to \$199,999	135	+/-105	158,327	+/-2,316
\$200,000 or more	29	+/-33	169,626	+/-2,618

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

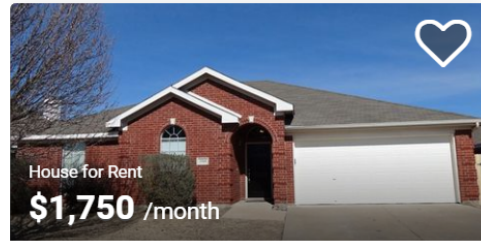
Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

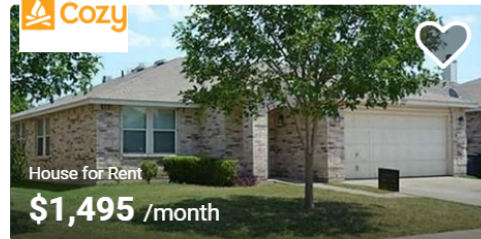
# The 15 Realtor.com Rental Listings in the census tract containing Reserve at Risginer

Managed by American Homes 4 Rent



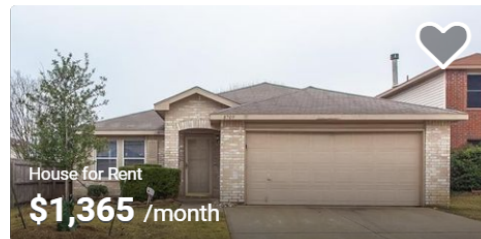
4 bed 2 bath 2,037+ sqft  
3908 Orlando Springs Dr, Fort Worth, TX 76...

Managed by Landlord



3 bed 2 bath 1,904+ sqft  
9137 Riding Stable Ln, Fort Worth, TX 76123

Brokered by Mark Dimas Properties



3 bed 2 bath 1,899 sqft  
8709 Saddle Ridge Cir, Fort Worth, TX 76123



2 bed 1+ bath 1,005 sqft  
3723 Hulen Park Cir, Fort Worth, TX 76123

Brokered by CENTURY 21 Judge Fite Property Management



4 bed 2+ bath 2,921 sqft  
4121 German Pointer Way, Fort Worth, TX 7...

Brokered by Mark Dimas Properties



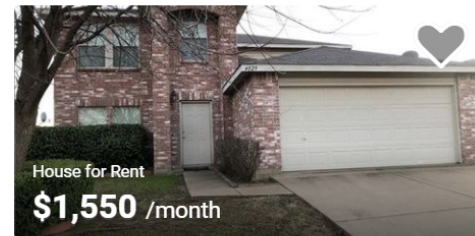
3 bed 2 bath 1,465 sqft  
3998 Sarasota Springs Dr, Fort Worth, TX 7...

Brokered by Harrison Heights Realty



2 bed 1 bath 1,003 sqft  
3614 Hulen Park Cir Unit 3612, Fort Worth, ...

Brokered by Keller Williams Realty Arlington



4 bed 2+ bath 2,626 sqft  
4029 Fox Trot Dr, Fort Worth, TX 76123



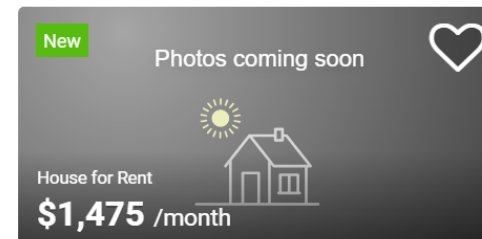
4 bed 2 bath 2,105 sqft  
4224 Golden Horn Ln, Fort Worth, TX 76123

Brokered by Ah4r Management-Tx, Llc



5 bed 2+ bath 2,550 sqft  
8408 Rain Forest Ln, Fort Worth, TX 76123

Brokered by Epic National Realty, Llc



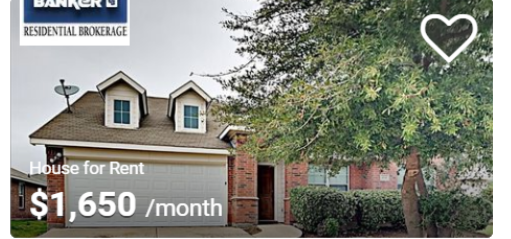
3 bed 2 bath 1,427 sqft  
8612 Cove Meadow Ln, Fort Worth, TX 76123

Brokered by Ah4r Management-Tx, Llc



3 bed 2 bath 1,413 sqft  
2617 Mill Springs Pass, Fort Worth, TX 76123

Brokered by Coldwell Banker Residential Bro...



4 bed 2 bath 2,173 sqft  
4016 Tarpon Springs Dr, Fort Worth, TX 761...

Brokered by Fortune Real Property Mgmt



3 bed 2 bath 1,639 sqft  
3800 Fairhaven Dr, Fort Worth, TX 76123

Brokered by Main Street Renewal Llc



5 bed 3 bath 3,624 sqft  
9225 Cheswick Dr, Fort Worth, TX 76123



19227

Additional documentation (on a non-appeal matter) that is not seeking to cure a material application deficiency and was presented to the Department in accordance with  
10 TAC §1.10(b)(6)



June 13, 2019

Chair Goodwin and Board Members  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Re: J. A. Hargrave Elementary School, #19227 Reserve at Risinger

Dear Chair Goodwin and Board Members,

I am writing to follow up on the staff determination action item that the Board tabled at the last Board meeting on May 23, 2019. Today, we present to you a letter from the Superintendent of Schools at Crowley Independent School District as a companion to the letter from the Deputy Superintendent of Schools that was provided at Application. This letter, along with a letter from an educational consultant, indicate that the school is slated to receive a "Met Standard" from the Texas Education Agency entering the 2019-2020 academic year. This packet also includes data sheets that show the proven success that our new Accelerating Campus Excellence (ACE) program initiative has shown in nearby school districts. These statistics, along with the assessments that we have provided from each of the three highly qualified individuals, reflect the positive educational trends leading to imminent compliance that Staff and Board are seeking, in accordance with the QAP.

As was mentioned at the last board meeting, the Applicant is providing 15 hours per week of afterschool academic support through the onsite educational center. Please see the attachment for a copy of the letter that MVAH provided at the last board meeting indicating their commitment to providing these services to the residents. In addition, attached are floor plans for the educational center, along with images that align with MVAH's vision for the environment in which the students and their families will learn.

As provided, there is more than a clear trend indicating compliance with a Met Standard rating for 2019. I hope that you find the educational center and the Hargrave Elementary ACE program as acceptable mitigation.

Thank you so much for your consideration and please let us know should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sallie Burchett', is positioned above the printed name.

Sallie Burchett,  
Consultant to the Project

**Exhibit A**

Letter from Superintendent Dr. Michael D. McFarland



**CROWLEY**  
INDEPENDENT SCHOOL DISTRICT

512 Peach Street  
Crowley, TX 76036-0688  
817-297-5800  
[www.crowleyisdtx.org](http://www.crowleyisdtx.org)

May 21, 2019

Mr. J.B. Goodwin  
Board Chair,  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Re: J.A. Hargrave Elementary School

Dear Board Chair Goodwin,

I am writing this letter as a follow up to the extensive details regarding school improvement that were provided when the Application for Reserve at Risinger was submitted. Since the Applicant submitted the Application, Crowley ISD is pleased to announce that it has approved the launch of the Accelerating Campus Excellence (ACE) Demonstration and Design Lab at J.A. Hargrave Elementary School for the 2019-2020 Academic Year. Planning for this initiative has been underway for the past year, and this will be a major component of the long-term comprehensive efforts that the School District and Hargrave Elementary staff have undertaken to offer an exemplary education to our students.

The ACE Demonstration and Design Lab is being coordinated directly under my leadership, as the Deputy Superintendent of School Leadership for Crowley ISD, and in conjunction with Hargrave Principal Rolanda McKenzie. Through the ACE Demonstration and Design Lab program, Principal McKenzie will personally select key members of staff who will facilitate extensive professional development for teachers and individualized support for the students at the Hargrave campus. The ACE program will provide campus faculty and staff with generous funding and resources to develop an afterschool curriculum tailored specifically to Hargrave's student body, including but not limited to specialized staff training, homework guidance, enrichment activities, free meals for students in need, and extended day transportation options. We are confident that the ACE Demonstration and Design Lab, in conjunction with Hargrave Elementary's existing Campus Improvement Plan and Crowley ISD's district-wide culture of academic excellence, will foster an environment where our students will thrive.

Thank you so much for your consideration and we look forward to the opportunity to assist with the Texas Department of Housing and Community Affairs' efforts to support families in need in the Crowley Independent School District and in our community.

Sincerely,

Michael D. McFarland, Ed, D,  
Superintendent of Schools  
Crowley Independent School District  
512 Peach Street  
Crowley, TX 76036

**Exhibit B**

Letter from Educational Consultant Dr. Isaac C. Carrier



## Carrier Instructional & Leadership Consultants

June 12, 2019

Mr. J.B. Goodwin  
Board Chair,  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

Re: Reserve at Risinger

I am Dr. Isaac C. Carrier, Principal Consultant for Carrier Instructional and Leadership Consultants and a veteran educator with 25 years of experience as a teacher, campus administrator, central office administrator, college professor, author, and educational consultant. Considered an expert in the field of education, I have successfully served urban and suburban communities with urban characteristics for the majority of my career.

A review of J. A. Hargrave Elementary School (JAHES) student achievement data over the three year time horizon (2016-2018) reveals incremental improvement in all academic reporting categories as well as improved student attendance and a reduction in disciplinary incidents. Previously identified as a campus requiring improvement by the Texas Education Agency accountability rating system, JAHES has made progress sufficient enough to receive a “Met Standard” rating entering the 2019-2020 school year. While this is an exciting and encouraging accomplishment for the school, continued and extended support should prove beneficial in the following (but not limited to) areas:

- Extended practice aligned with school and district efforts regarding reading and writing
- Extended practice aligned with school and district efforts regarding mathematics
- Opportunities for expanded exposure and utilization of technology for instructional purposes
- Social and emotional support through a mentor program

My efforts in working the Reserve at Risinger Educational Center and consultation with school personnel will yield opportunities for collaboration regarding the afore-mentioned extensions of learning as well as unidentified opportunities for support and extension.

Best Regards,

*Isaac C. Carrier*

Isaac C. Carrier, Ph.D.

**Exhibit C**

Letter from Brian McGeady, Representative for Reserve at Risinger



May 21, 2019

Mr. J.B. Goodwin  
Board Chair,  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Re: J.A. Hargrave Elementary School

Dear Board Chair Goodwin,

I am writing this letter as a follow up on our Reserve at Risinger application and to make clear our intentions and commitment to the on-site educational center that will be offered our proposed development.

We are committing to provide at least 15 hours of on-site educational programming each week through a qualified coordinator at our educational center. This programming will be offered on-site and within the clubhouse / community space at the development.

This commitment is consistent with our initial and continuing vision for the Reserve at Risinger and we appreciate the opportunity to provide clarification on our commitments and intentions to offer our future residents at the Reserve at Risinger quality educational programming.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. McGeady'.

Brian McGeady  
Reserve at Risinger LLC  
Authorized Signer  
9100 Centre Pointe Drive, Suite 210  
West Chester, OH 45069

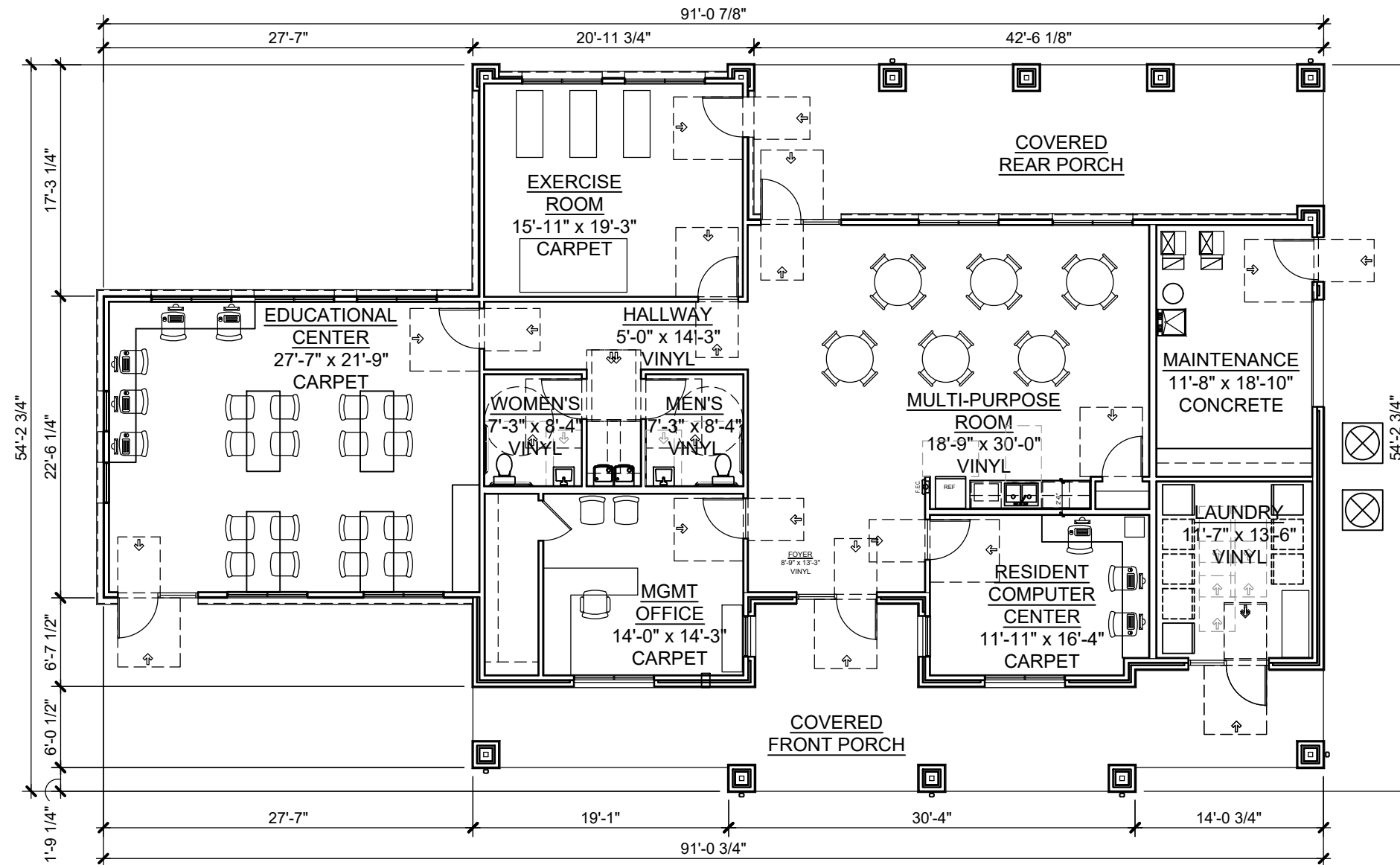


**Exhibit D**  
Educational Center

TOTAL CONDITIONED FLOOR AREA: 2,975 SF  
 SPACES ACCESSIBLE TO TENANTS: 2,426 SF  
 SPACES RESTRICTED TO EMPLOYEES: 549 SF

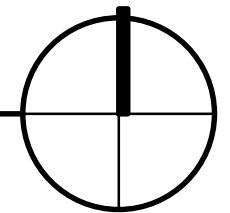
TOTAL UNCONDITIONED FLOOR AREA: 1,008 SF  
 FRONT PORCH AREA: 532 SF  
 REAR PORCH AREA: 476 SF

TOTAL GROSS FLOOR AREA: 3,983 SF

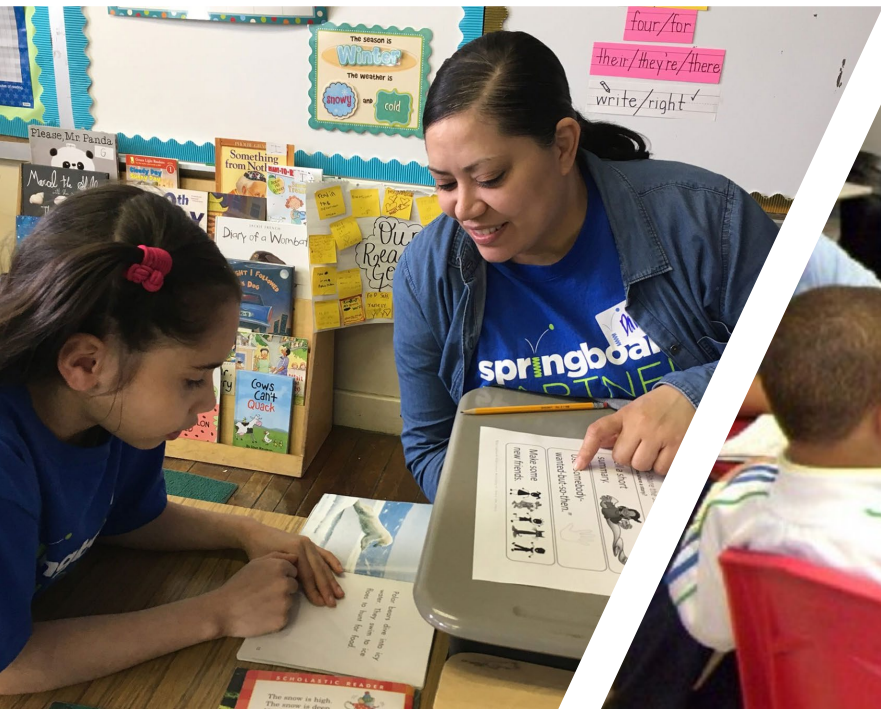


first floor plan

3/32" = 1'-0"



Aspirational Images for the Educational Center



Aspirational Images for the Educational Center



**Exhibit E**

Informational Flyers for the ACE Program at J A Hargrave Elementary School

# ACE | DEMONSTRATION AND DESIGN LAB

## HARGRAVE ELEMENTARY

Crowley ISD is transforming J.A. Hargrave Elementary School into the ACE Demonstration and Design Lab in the 2019-20 school year.

**Informational Meet and Greet**  
**Tuesday, May 21 | 5:30-6:30 p.m.**

[Event Flyer - English \(PDF\)](#)

[Event Flyer - Spanish \(PDF\)](#)

The Accelerating Campus Excellence (ACE) program is a proven approach to education that focuses on strategic staffing and student support.

#### Strategic Staffing

ACE first identifies specific staff members who will best fit the individual needs of students at participating campuses.

ACE principals hand-pick every position on their campuses to guarantee the best fit. In preparation for Crowley ISD's launch at J.A. Hargrave Elementary School in 2019-20, all professional and paraprofessional positions will be reopened.

#### Student Support

ACE ensures every student is supported academically, socially and emotionally in order to reach his or her greatest potential. It inspires innovation, academic excellence, citizenship and college and career readiness – all while helping eliminate previous opportunity gaps.

The ACE Demonstration and Design Lab at J.A. Hargrave Elementary School will offer:

- Extended school hours
- Enrichment activities after school
- Social and emotional learning and development
- Free breakfast, lunch and dinner
- Transportation home for students who stay until 6 p.m.
- A culture of high expectations
- Financial incentives to attract and retain highly effective staff
- Specialized training and extra professional development

Students and staff will benefit from:

- Extra academic support - teachers will provide additional instruction, with a focus on subjects such as English and mathematics
- Time to complete homework at school
- Resources for character and leadership development
- Opportunity to co-build a dynamic and transformative learning environment alongside talented peers

For more information about Crowley ISD's ACE Demonstration and Design Lab at J.A. Hargrave Elementary School, please contact Connie Isabell, Deputy Superintendent of School Leadership, by email at [connie.isabell@crowley.k12.tx.us](mailto:connie.isabell@crowley.k12.tx.us) or call 817-297-5800.

*Learn more about ACE and the other local districts that offer this transformative program*



## HARGRAVE ELEMENTARY

In 2019-20, Crowley ISD is launching the **Accelerating Campus Excellence (ACE) Demonstration and Design Lab at J.A. Hargrave Elementary School** with a new approach to education, focusing on student support and strategic staffing. ACE first identifies specific staff members who will best fit the individual needs of students. It then ensures every student is supported academically, socially and emotionally in order to reach his or her greatest potential. ACE inspires innovation, academic excellence, citizenship and college and career readiness.

### EXTENDED SCHOOL HOURS

- Instructional Day: 7:35 a.m.-4:20 p.m.
- Academic Enrichment: 4:20-6:20 p.m.

### FEATURES

- Social and emotional learning and development
- Free breakfast, lunch and dinner
- Transportation home for students who stay until 6:25 p.m.
- A culture of high expectations
- Specialized training and extra professional development

### BENEFITS

- Teachers will provide individual academic support, with a focus on subjects such as reading, mathematics and science
- Students engaged in hands-on learning opportunities
- Resources for social and emotional development
- Opportunity to co-build a dynamic and transformative learning environment alongside talented peers

### FOR MORE INFORMATION

Connie Isabell, Deputy Superintendent of School Leadership  
817-297-5800 | [connie.isabell@crowley.k12.tx.us](mailto:connie.isabell@crowley.k12.tx.us)

### INFORMATIONAL MEET AND GREET

**MAY 21 • 5:30-6:30 P.M.**  
**HARGRAVE ELEMENTARY SCHOOL**



**Rolanda McKenzie, Principal**



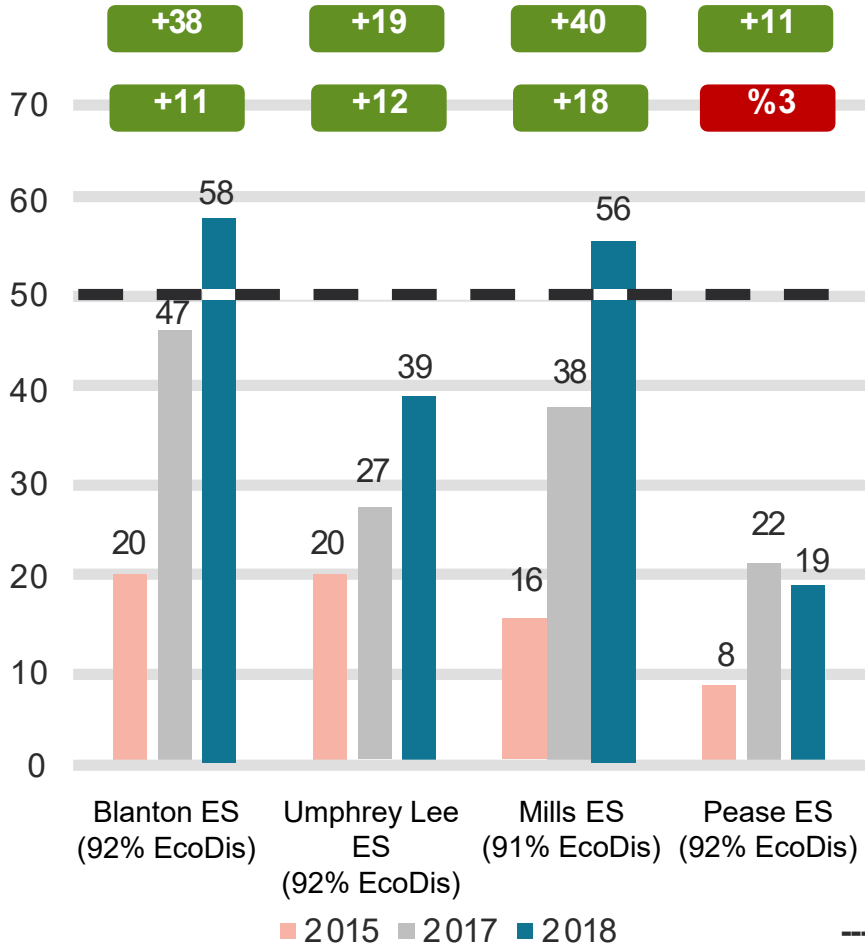
**Exhibit F**

Statistical Data on school improvement in districts implementing the ACE Program



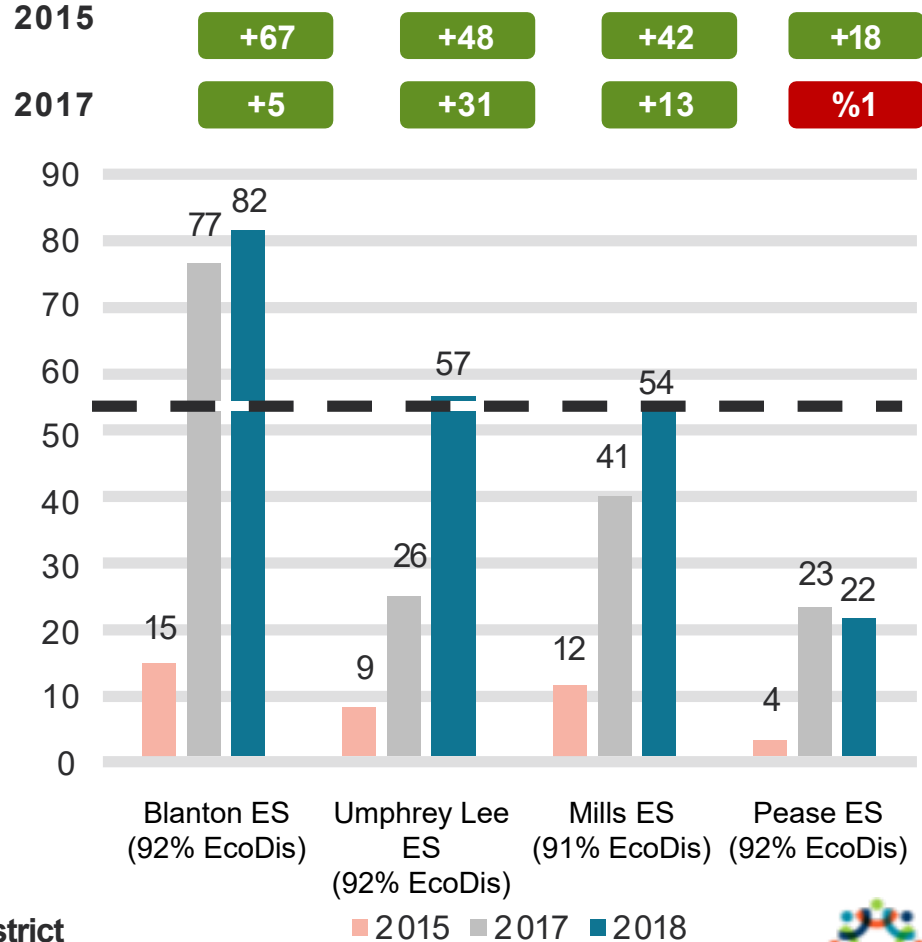
# ACE 1.0 Elementary Schools (Year 3)

Percentage of Students at Meets Standard – 5th Grade Reading



Percentage of Students at Meets Standard – 5th Grade Math

Change From:



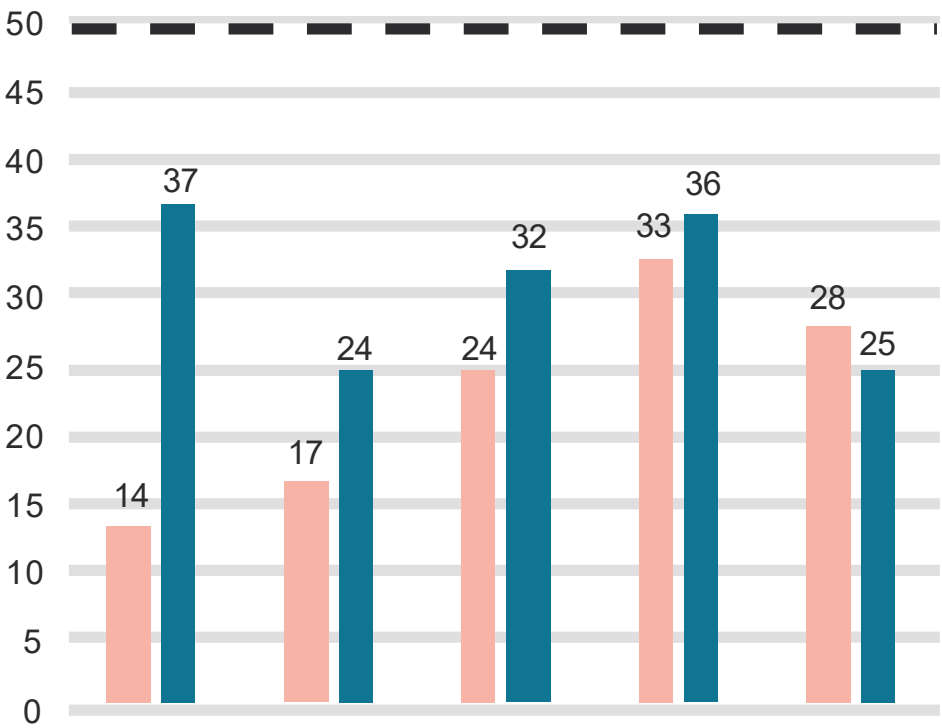
Source: Dallas ISD, TEA. Note: 2015 is pre-ACE, 2016 – Year 1, 2017 – Year 2, 2018 – Year 3



# ACE 2.0 Elementary Schools (Year 1)

Percentage of Students at Meets Standard – 5th Grade Reading

+23   +7   +8   +3   -3



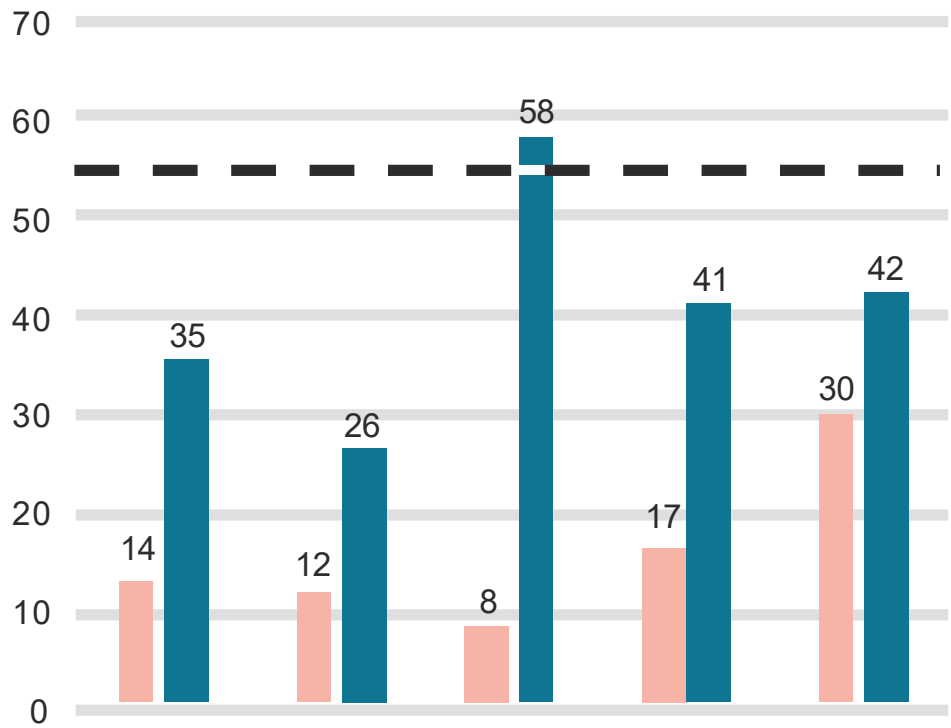
CF Carr ES (92% EcoDis)   JN Ervin ES (97% EcoDis)   JW Ray ES (94% EcoDis)   Titche ES (84% EcoDis)   Hernandez ES (84% EcoDis)

2017 2018

-----District

Percentage of Students at Meets Standard – 5th Grade Math

+21   +14   +50   +24   +12



CF Carr ES (92% EcoDis)   JN Ervin ES (97% EcoDis)   JW Ray ES (94% EcoDis)   Titche ES (84% EcoDis)   Hernandez ES (84% EcoDis)

2017 2018

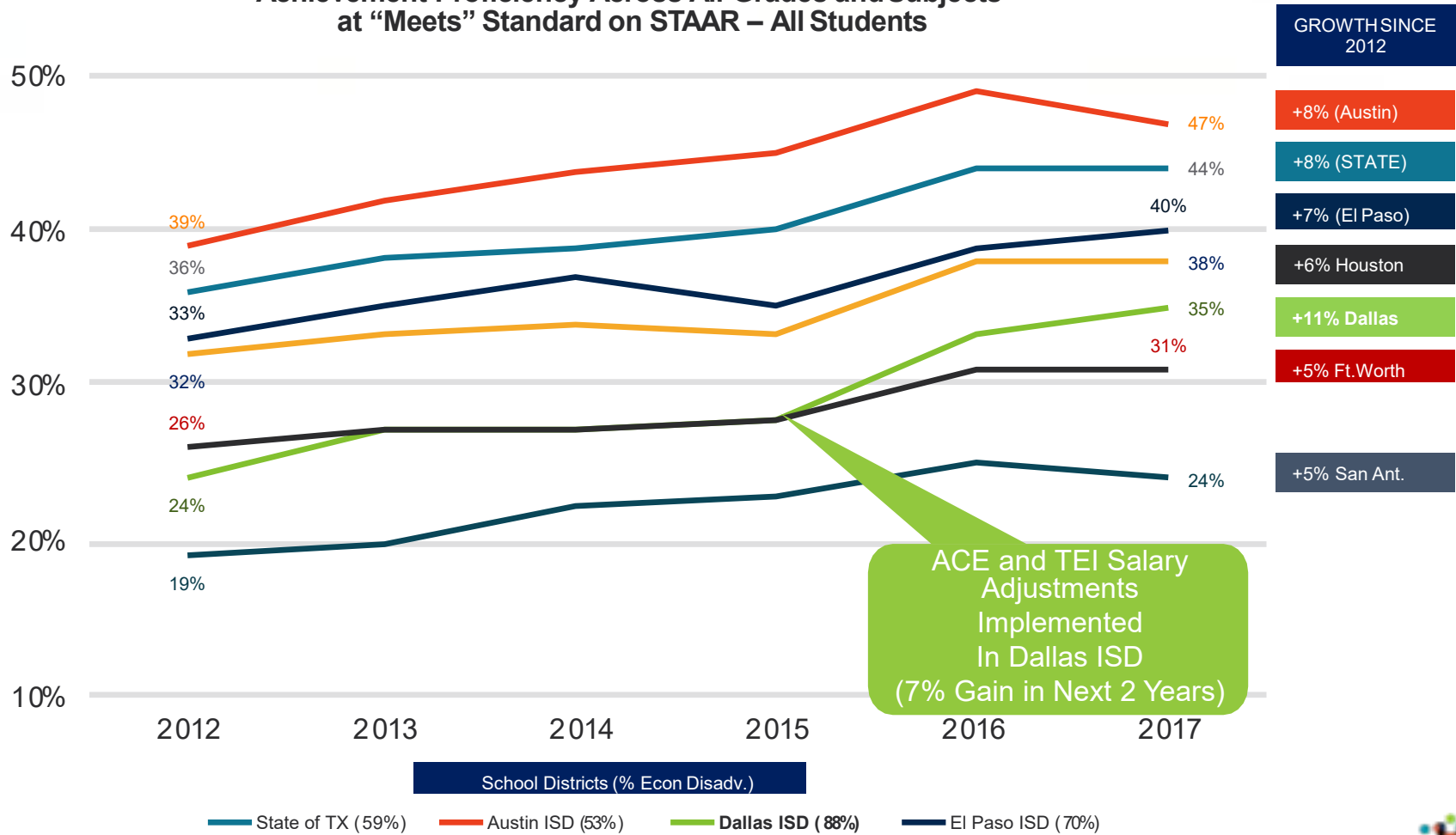
Source: Dallas ISD, TEA Note: 2017 is pre-ACE, 2018 – Year 1,

Powered by The Commit Partnership and Communities Foundation of Texas



# Dallas ISD has reflected double digit growth, exceeding all peers and state

**Achievement Proficiency Across All Grades and Subjects at "Meets" Standard on STAAR – All Students**



Source: TEASTAAR Aggregate report  
<https://tea.texas.gov/student.assessment/staar/aggregate/>  
 (First administration, all test takers, grades 3-8)



# The expansion of ACE will reach more than 400,000 students over the next two years.

District	No. of ACE Campuses	Cohort	Implementation Date	Total K:12 Enrollment	Total No. Teachers	Percent EcoDis	2016:2017 District Economic Achievement Gap
Dallas ISD	13	Cohort 1	August 2015	157,787	10,508	88%	12%
Fort Worth ISD	5	Cohort 1	August 2017	87,233	5,689	76%	17%
Richardson ISD	4	Cohort 1	August 2018	39,170	2,584	54%	37%
NE Dallas County ISD	2	Cohort 1	August 2018	57,029	3,648	64%	22%
Collin County ISD**	TBD	Cohort 2	August 2019				38%
Southern Tarrant County ISD**	TBD	Cohort 2	August 2019				14%
<b>Total</b>				<b>410,335</b>	<b>27,348</b>		
<i>** Districts have verbally indicated intent to implement</i>							

National Rank	State	Fall 2015 K:12 Enrollment
	<b>Cohort 1 and 2 ISDs</b>	<b>410,300</b>
	<b>Cohort 1 ISDs</b>	<b>341,200</b>
36	New Mexico	340,800
37	Nebraska	308,700
38	Idaho	292,500
39	West Virginia	275,400
40	Maine	185,900
41	New Hampshire	182,700
42	Hawaii	181,500
43	Montana	144,300

National Rank	State	Fall 2015 K:12 Enrollment
44	Rhode Island	138,900
45	Alaska	135,000
46	Delaware	132,100
47	South Dakota	130,600
48	North Dakota	102,000
49	Wyoming	94,800
50	Vermont	87,800
51	District of Columbia	73,000
	<b>Cohort 2 ISDs</b>	<b>69,116</b>

**Districts in Cohort 1 and 2 Combined have a K-12 Enrollment Larger than 16 Individual States**

Source: TEA STAAR Aggregate. First administration, all test takers, grades 3-8 and EOCs. Demographics and staff data – TEA TAPR 2016-2017

<https://tea.texas.gov/student.assessment/staar/aggregate/>

Powered by The Commit Partnership and Communities Foundation of Texas



# External Partners Play a Key Role in Implementing and Developing the Core Components of ACE

The ACE program, Accelerating Campus Excellence, has five key components with aligned interventions to create a culture of high campus expectations

## Effective Principals and Teachers



EDUCATION  
RESOURCE  
GROUP



Best In Class



URBAN  
TEACHERS



## Instructional Excellence



TEACHING TRUST



## Extended Learning



Big Brothers Big Sisters  
Lone Star



BOYS & GIRLS CLUBS  
OF AMERICA



FOR YOUTH DEVELOPMENT  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

## Social and Emotional Support



momentous institute<sup>®</sup>

Powered by Salesmanship Club since 1900

## Parent and Community Partnerships

External Partners Unique to Local Campus Communities

Note: ACE campuses do have partnerships not listed above.

Powered by The Commit Partnership and Communities Foundation of Texas



7f

**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**JUNE 27, 2019**

Presentation, discussion, and possible action on staff determinations regarding Application disclosures under 10 TAC §§11.101(a)(2) related to Undesirable Site Features; 11.101(a)(3) related to Neighborhood Risk Factors; and 10 TAC §11.10 related to Request for Administrative Deficiency, for 19301 Prince Hall

**RECOMMENDED ACTION**

**WHEREAS**, pursuant to 10 TAC §11.101(a)(2) of the 2019 Qualified Allocation Plan (QAP) related to Undesirable Site Features, Development Sites within the applicable distance of any of the identified undesirable features will be considered ineligible unless it is determined by the Board that information regarding mitigation of the applicable undesirable site feature(s) is sufficient and supports Site eligibility;

**WHEREAS**, pursuant to 10 TAC §11.101(a)(3) of the QAP related to Neighborhood Risk Factors, if the Development Site has any of the characteristics described in that paragraph, the Applicant must disclose the presence of such characteristics in the Application submitted to the Department;

**WHEREAS**, for the items requiring disclosure under 10 TAC §§11.101(a)(2) and 11.101(a)(3), staff received such disclosures for Prince Hall (19301);

**WHEREAS**, pursuant to 10 TAC §11.10 related to Requests for Administrative Deficiency (RFAD), staff also received two Requests for Administrative Deficiency (RFAD) regarding the eligibility of the Development Site;

**WHEREAS**, staff has conducted a review of the disclosures and the RFADs, and prepared a summary for the Board; and

**WHEREAS**, staff recommends that the Development Site for 19301 be found ineligible due to Undesirable Site Features and Neighborhood Risk Factors that are not sufficiently mitigated;

**NOW, therefore, it is hereby,**

**RESOLVED**, that the Board determine that the Development Site for Prince Hall is ineligible under the requirements of 10 TAC §§11.101(a)(2) and 11.101(a)(3) of the QAP.

**BACKGROUND**

Applicants are required to disclose to the Department any applicable Undesirable Site Features and Neighborhood Risk Factors. Pursuant to 10 TAC §11.101(a)(2) of the 2019 QAP related to Undesirable Site Features, Development Sites within the applicable distance of any of the undesirable features identified in the paragraph will be considered ineligible unless it is determined by the Board that information regarding mitigation of the applicable undesirable site feature(s) is sufficient and supports Site eligibility. Per 10 TAC §11.101(a)(3) of the QAP related to Neighborhood Risk Factors, should the Board make a

determination that a Development Site is ineligible, the termination of the Application resulting from such Board action is final and not subject to further appeal.

10 TAC §11.10 of the QAP, related to RFADs, allows an unrelated person or entity to bring new, material information about an Application to staff's attention. Such Person may request staff to consider whether a matter in an Application in which the Person has no involvement should be the subject of an Administrative Deficiency. The rule provides that staff will consider the request, and proceed as it deems appropriate under the applicable rules. Staff received RFADs for this Application from Structure Development, LLC, and from Texas Housers.

Prince Hall is an existing development constructed in 1968. The Application proposes the acquisition and Rehabilitation of 120 one, two, and three bedroom and one bathroom Units for a general Target Population. The Development has existing and ongoing federal assistance from HUD under a Project Based Section 8 Housing Assistance Payments contract. Per the Application, the development experienced flooding during Hurricane Harvey.

**Summary of Undesirable Site Features Disclosure:** The Development Site falls within two miles of two oil refineries that each are capable of refining more than 100,000 barrels of oil per day. Motiva Enterprises, LLC, described as the largest refinery in the United States, lies approximately 2,000 feet northwest of the Development and has the capacity to refine more than 630,000 barrels of crude oil per day. The Valero Port Arthur Refinery lies approximately 2,000 feet southwest of the Development and has the capacity to refine 395,000 barrels per day. Per the Applicant, Motiva is located on a 1,400-acre campus and employs 1,500 people, and Valero is located on a 4,000-acre campus and employs 850 people.

**Summary of Neighborhood Risk Factors Disclosure:** The Development is located in a census tract with a poverty rate in excess of 40% and the Development Site is within 1,000 feet of more than one blighted structure.

**Summary of RFADs:** The RFAD from Structure Development suggests that the Phase I Environmental Site Assessment (ESA) and the Applicant's disclosure "consist of an insufficient assessment of the Development Site's environmental risks", and "there are Undesirable Site Features located within unacceptable distances to the proposed Development and that the subsequent exposure to environmental factors cannot be adequately mitigated." The RFAD from Texas Housers cites the proximity of the Development Site to the refineries, the poverty rate in excess of 40%, and the two times per capita average concentration of Units as reasons why the Department should not grant the requested exemptions from the rule.

**Mitigation Efforts for Undesirable Site Features:** Per the rule, Rehabilitation (excluding Reconstruction) Developments with ongoing and existing federal assistance from HUD, USDA, or Veterans Affairs (VA) may be granted an exemption by the Board; however, depending on the undesirable site feature(s) staff may recommend mitigation still be provided as appropriate. The Development has ongoing and existing federal assistance from HUD in the form of a Section 8 Housing Assistance Program (HAP) contract, and has requested an exemption.

The Application does not provide any further details regarding the undesirable site features, and no mitigation was suggested by the Applicant for the Undesirable Site Features.

**Mitigation Efforts for Neighborhood Risk Factors:** Per the rule, in order to be considered an eligible Site despite the presence of such neighborhood risk factor, an Applicant must demonstrate actions being taken that would lead staff and/or the Board to conclude that there is a high probability and reasonable



expectation the risk factor will be sufficiently mitigated or significantly improved within a reasonable time, typically prior to placement in service, and that the risk factor demonstrates a positive trend and continued improvement.

Per the Applicant, “the Poverty rate has decreased 32.6% in the past three years.” The Applicant states that “in 2016 the census tract’s poverty rate was 66.3%, in 2017 was 59.6%, and in 2018 was 49.2%. Based on the downward trend line of poverty within the census tract it is reasonable to expect that the census tract’s poverty rate will be below 40% by the time the proposed rehabilitation is complete.” Regarding the blighted structures, the Applicant states: “A few blighted structures exist within 1,000 feet of the development site. However, a review of the area using historical Google Street view images shows that many instances of blight have been cleared or remodeled in the past few years.”

The Applicant concludes that:

“A finding of eligibility is supported by the following TDHCA goals outlined in §11.101(a)(3)(E):

- Preservation of existing occupied affordable housing units to ensure they are safe and suitable; and
- The risk factors that has (sic) been disclosed are not of such a nature or severity that should render the Development Site ineligible based on the assessment and mitigation provided.”

**Staff Analysis:**

**Regarding the Neighborhood Risk Factors**

The disclosure reports a downward trend in the poverty rate and states that “[b]ased on the downward trend line of poverty within the census tract it is reasonable to expect that the census tract’s poverty rate will be below 40% by the time the proposed rehabilitation is complete.” Evidence suggests that the downward trend in the poverty rate may mostly be due to the demolition of two Port Arthur Housing Authority (PAHA) properties that were located across the street from the Prince Hall development and the relocation of those low-income residents out of the census tract. The Applicant offered no support, such as new jobs coming to the area or evidence of area revitalization that would bring in new development, for their belief that the poverty rate in the census tract will continue its downward trend.

The RFAD from Texas Housers included evidence of the downward trend in the population, showing a change from 1,660 in the 2013 estimate to 1,364 in the 2017 estimate, a 17% reduction. Coupled with American Community Survey (ACS) 5-Year Estimates on poverty status in the census tract during the same period, the trend is as follows:

ACS Period	Population	Poverty Rate
2009-2013	1,660	66.3%
2010-2014	1,681	59.6%
2011-2015	1,561	49.2%
2012-2016	1,483	44.7%
2013-2017	1,364	44.3%

Documentation submitted by Structure Development in its RFAD indicates that PAHA demolished 204 units at its Carver Terrace and Lincoln Square properties. According to a final report on the housing mobility program established for tenant relocation, all of the tenants had relocated by April 2014, and 30% had relocated “to opportunity communities – areas where there is greater racial diversity, less

poverty, and greater employment and educational choice.” Per that report, the 49 “opportunity movers” households moved from the subject census tract with a poverty rate of 55% to tracts with an average poverty rate of 15%. For all movers the change was from 55% to an average of 27%. PAHA relocated the units from Carver Terrace and Lincoln Square to Edison Square, a new construction senior development in a census tract with a poverty rate of 38%, and Park Central (#13409), a general development in a census tract with a poverty rate of 21.6

The disclosure reports that the Development Site is “within 1,000 feet of more than one blighted structure” and includes pictures of blighted structures, as well as evidence that some blighted structures have recently been demolished. As was noted, the neighborhood suffered flooding from Hurricane Harvey and many of the single family blighted structures appear vacant as result of hurricane damage. Because it is impossible to determine which structures appear to be blighted and vacant due to hurricane damage alone, staff has no recommendation regarding this Neighborhood Risk Factor.

### **Regarding the Undesirable Site Features**

While the Applicant did not provide information regarding the two refineries within 2,000 feet of the Development Site, staff found that the information provided in the two RFADs provide an understanding of the refineries and their impact on the existing Development and the neighborhood at large. Much of the information comes from documents related to violations assessed by state and federal environmental agencies and descriptions of the neighborhood provided in communications between HUD and PAHA (along with its contractors), as the PAHA demolished Carver Terrace and Lincoln Square.

Regarding violations and assessed penalties, the RFAD from Structure Development, LLC documents “significant violations” at the Valero and Motiva sites. Per the RFAD, both have been found to be in significant violation of the Clean Air Act and have been in significant violation consistently for the past 3 years. The RFAD lists several health effects related to noxious emissions.

The RFAD raises the following concerns:

1. The Applicant did not adequately disclose the health and safety risks of the proposed site nor did the Applicant make any mention of mitigation efforts to reduce these risks to residents.
2. The current violations assessed against Premcor and Motiva indicate that mitigation is not underway and that public health is at risk any time the facility is out of compliance.

Both RFADs addressed environmental concerns related to the refineries. The concerns are based on PAHA’s 2013 request to HUD for the disposal of 180 units of public housing at the Carver Terrace development and 24 units at the Lincoln Square development. According to the documents, PAHA’s initial plan was to sell the properties, and use the proceeds to develop single family public housing units. PAHA was also planning the development of other properties, including the Park Central and Edison Square Developments. As part of its disposition application, the PAHA Board of Commissioners passed a resolution on December 7, 2012, that stated: “Whereas, the Port Arthur Housing Authority desires to dispose of 204 units at Carver Terrace and Lincoln Square, consisting of approximately 8 acres, more or less *due to adverse neighborhood conditions that affect the quality of life for residents.*”

In its February 22, 2013 Fair Housing and Equal Opportunity (FHEO) Checklist, PAHA described the area thusly:

"Carver Terrace and Lincoln Square are properties located near two oil refineries. The census tract and PH properties are about 99% minority (African American). There is a lack

of employment for those with limited skills and businesses have moved out of the area; there are limited retail stores and social services; there is poor air quality and safety and environmental hazards due to the petrochemical industry; there is deteriorating infrastructure and increase in crime, decay and blight. The west side location is not conducive to a residential community."

"The PHA will issue vouchers to tenants. This will give them greater opportunities for mobility and housing choice in surrounding areas that provide better housing, schools, transportation, employment, social services, etc."

HUD approved the disposition request on April 30, 2013, and PAHA issued an Invitation for Bids for sale of the property at \$1,670,000 or higher. On April 11, 2014, PAHA requested a modification of the terms of the agreement because the PHA received one bid for \$800,000 from Premcor Refining Group (now Valero). In explaining the low bid to HUD, PAHA stated:

"The expansion of the refineries over the years has caused process units, pipelines, and storage tanks to be placed much closer to the Property, threatening the safety and health of the residents. In fact, the Phase I Environmental Assessment for the Property, dated March 17, 2014, indicates that the Property has been associated with 191 upset emissions events since January 2007, the largest of those occurring in September 2013. The Property is now located in a distressed area plagued by limited employment opportunities, a lack of major investments and commercial activity, increases in crime rates, and serious health and safety concerns. For these reasons, PAHA seeks to dispose of the Property."

On June 16, 2014, HUD responded: "As part of the environmental review process... (HUD) determined that due to the health and safety threats caused by the close proximity of the refineries certain mitigation efforts must be implemented to protect the neighboring residences." As mitigation, HUD required that the property be converted to vacant land "to create an environmental buffer between the refineries and the adjacent residences" in perpetuity, enforced as a condition of sale through a deed restriction, and that the property be fenced off. This requirement caused Premcor to rescind its bid. HUD then approved a request from PAHA to demolish the units.

The RFAD from Texas Housers states that the current Application "does not disclose the environmental concerns and dire state of the neighborhood for the 2016 demolition of nearby Carver Terrace. It references new developments in Port Arthur but omits the fact that those new developments were built to accommodate residents being relocated away from the Prince Hall neighborhood." The RFAD from Structure Development states that per its Master Development Agreement, PAHA named its development partner for Edison Square and Park Central, ITEX Development, LLC (ITEX), as the party responsible for the demolition. Per the disposition application, ITEX contracted Housing Choice Partners (HCP) to develop and lead its relocation and housing mobility counseling services. Per the application:

"HCP will act as a consultant and will work with ITEX, PAHA, residents, advocates and other to create a plan for an enhanced mobility program to encourage affected residents to learn about and move to areas of the Port Arthur region that are more racially diverse, have lower poverty rates and greater opportunity in terms of school quality, job access and transportation."

ITEX is the Applicant for the current 19301 Prince Hall Application. As the contractor for PAHA, the Applicant would, presumably, be aware of the environmental concerns that led to the demolition of Carver Terrace and Lincoln Square, and relocation of those residents.

**Staff Recommendations:**

**Regarding the Neighborhood Risk Factors**

Staff believes that the level of blight represented does not rise to a level that would cause the Development Site to be found ineligible. However, staff believes that the poverty level in the census tract, paired with the Applicant’s failure to provide any kind of mitigation in the request, other than the likely artificial drop created by the closure of the Housing Authority properties, rises to a level that would cause the Development Site to be found ineligible.

**Regarding the Undesirable Site Features**

Staff believes that the information in the Application about the surrounding neighborhood provides an incomplete view of conditions in the area.

The Application describes locations of the former PAHA properties thusly:

“Per the Jefferson County Appraisal District the site is bordered by:

- Southwest: Vacant land where Port Arthur Housing Authority’s Carver Terrace Apartments once stood, but has since been demolished due to the new construction of Park Central (184 unit multifamily development) and Edison Square (78 unit multifamily elderly development).
- Northeast: Vacant land where Port Arthur Housing Authority’s Lincoln Square once stood, but has since been demolished due to the new construction of Park Central (184 unit multifamily development) and Edison Square (78 unit multifamily elderly development).”

The lots are not vacant due to the construction of the new developments; they are vacant because HUD refused to allow any development on the lots, due to the environmental hazards associated with the refineries.

The Application includes the following assessment of general land use in the neighborhood:

“The neighborhood includes a variety of land uses consisting largely of single family homes, as well as vacant land, numerous churches, parks, and schools. . . . Motiva and Valero are also two refineries that border the neighborhood and are major employment centers for the area.”

In Section 5, Line 7, the 2013 Housing Authority disposition application to HUD describes employment opportunities at the refineries thusly:

“Many Westside residents worked at the plants and many workers rode their bicycles to work. At one time more than 8,000 people worked for these refineries. . . . These companies have invested billions in Port Arthur but the combined permanent workforce is estimated at approximately 2,500. The engineering and technical employees of these companies are among the highest paid in America but there are no opportunities for those with limited skills or those with skills in construction/turnaround trades. . . The loss of ready access to local employment, emergence of large discount retailers on US-69 and increases in crime rates has caused steep declines in the population and businesses on the historic Westside and Downtown area. . . . The Port Arthur's Carver Terrace/Lincoln

Square public housing developments are now located in a dilapidated and declining area of Port Arthur with no job opportunities, limited retail stores and social services.”

The Phase I Environmental Site Assessment (ESA) states: “During a flood event, the potential exists for the migration of hazardous substances and / or petroleum products to and / or from the subject property.” Staff did not identify that the Applicant presented any mitigation for this item. The ESA did not recognize any recognized environmental conditions as defined by ASTM Standard E 1527-13.

While it is understandable that the ESA focuses only on the subject property and does not go into detail about issues outside its scope, staff does not believe that the information regarding the bordering properties can be ignored. This point is made by both RFAD providers. Per Structure Development, LLC:

*“Deficiencies in the ESA*

In addition to the failure of the Applicant to provide mitigation efforts, we believe the ESA report for Prince Hall is also deficient. While they evaluate the same area and refineries, the report for Carver Terrace and Lincoln Square paints a much different picture than the report provided to TDHCA for Prince Hall. The Phase I ESA report for Prince Hall presents map imagery showing the site’s proximity to hazards like the refineries (see pages 146-172 of the Phase I), but the ESA provider fails to address the dozens of state and federal violations committed by Motiva Refinery **that are identified on pages 168 through 170 of the Phase I.**

The findings in the ESA of a property adjacent to Prince Hall are of particular interest, **because they share a developer.** The managing member of the General Partner for the proposed Prince Hall application was part of the development team which requested the relocation of Carver Terrace and Lincoln Square and was responsible for developing the replacement units. The developer was likely in possession of information regarding the health and safety risk of the adjacent Carver Terrace/Lincoln Hall Apartments as evidenced by their being named an end user of the Phase I ESA report for Carver Terrace and Lincoln Square (page 213 of the packet).”

Per Texas Housers:

“Furthermore the application for #19301 does not disclose the environmental concerns and dire state of the neighborhood for the 2016 demolition of nearby Carver Terrace. . . . This is especially concerning when it was the Applicant or a related subsidiary, also named ITEX, that was contracted to demolish Carver Terrace. In the attached article, “Carver Terrace comes down amid former councilman’s concerns,” Chris Akbari is interviewed regarding the demolition of the former site. (Attachment 3) Chris Akbari also writes the attached “Request for Exemption of Undesirable Site Feature...” letter to TDHCA in regards to waiving the concerns associated with the Prince Hall site for Application #19301. (Attachment 4)

In addition, the petroleum industry seeks to expand in the area. Per the December 20, 2018, edition of the Beaumont Enterprise, Motiva is considering adding petrochemicals to the refinery to produce ethylene, polyethylene, and other petrochemicals. Per Motiva’s application to the Port Arthur Independent School District for an appraised value limitation:

“Motiva Enterprises LLC ("Motiva") is evaluating the possible development, design and construction of a world-scale steam cracker. The steam cracker would manufacture

ethylene which is used as a feedstock to manufacture a variety of petrochemicals. One of the potential locations for the new facilities is unimproved land located within the Motiva Port Arthur Refinery Complex in Jefferson County, Texas.”

There is insufficient mitigation presented for the environmental and health dangers described by HUD, the Port Arthur Housing Authority, the Applicant, and by the ESA Provider.

Per the rule, Rehabilitation (excluding Reconstruction) Developments with ongoing and existing federal assistance from HUD may be granted an exemption by the Board; however, depending on the undesirable site feature(s) staff may recommend mitigation still be provided as appropriate. Staff believes that the existing Project-Based Section 8 HAP contract meets the eligibility requirement of this rule for the Board to consider an exemption, but given the close proximity of the two oil refineries to the Development and the documented concerns regarding the area surrounding the Development Site, mitigation beyond the presence of HAP contract would be required. Given the additional information provided by the RFADs, staff is not convinced that there is a reasonable expectation that the poverty rate will be below 40% by the time the Development is placed in service. The Applicant has offered insufficient information regarding mitigation of described environmental and health dangers in the area. Furthermore, staff believes that mitigation may not be possible, due to the potential health and safety risks of the Development being this close to this type of undesirable site feature.

Staff recommends that the Board find the Development Site for Application 19301 Prince Hall ineligible.

**19301**  
**Prince Hall**  
**Application Disclosures**

**Certification, Acknowledgement, and Consent  
of Development Owner- 10 TAC §11.204(1)**

The *Certification, Acknowledgement, and Consent of Development Owner* is included behind this tab.

**\*\*The form should be executed, notarized, and included in the full application document.\*\***

The form for the certification will be posted to the Department's website at  
<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>

**Please indicate whether any of the following required disclosure on the *Certification, Acknowledgement, and Consent of Development Owner* (to be used for data capture for application processing):**

- 10 TAC §11.101(a)(2) - Undesirable Site Features
- 10 TAC §11.101(a)(3) - Neighborhood Risk Factors
- 10 TAC §11.202(1)(M) - Termination of Relationship in an Affordable Housing Transaction
- 10 TAC §11.202(1)(N) - Voluntary Compliance Agreement  
(or any similar agreement resulting from negotiations regarding noncompliance)
- 10 TAC §11.901(16) - Unused Credit or Penalty Fee

**Note: If any disclosures are indicated regarding 10 TAC §11.101(a)(3), submit the *Neighborhood Risk Factors Report Packet (NRF)* located on the Department's website**

<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>



# Port Arthur PHV, LP

February 28, 2019

Texas Department of Housing and Community Affairs  
Attn: Marni Holloway  
Director, Multifamily Division  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

**RE: Request for Exemption of Undesirable Site Feature and Finding of Eligibility for Neighborhood Risk Factors**

Prince Hall, TDHCA #19301 – 934 W. 14<sup>th</sup> St., Port Arthur, Texas 77640

Dear Ms. Holloway,

Please accept this letter as a request for an exemption under 10 TAC §11.101(a)(2) of the 2019 Qualified Allocation Plan (“QAP”) related to an Undesirable Site Feature, and a request for a finding of site eligibility under 10 TAC §11.101(a)(3) related to Neighborhood Risk Factors for TDHCA #19301 Prince Hall. As required by the QAP, a Neighborhood Risk Factors Report package has been provided as part of the housing tax credit application.

Prince Hall, located at 934 W. 14th Street in Port Arthur (the “Development”) is an existing housing development that has existing and ongoing federal assistance from HUD under a Project Based Section 8 Housing Assistance Payments contract. The development experienced flooding during Hurricane Harvey, and the current tax credit application proposes the rehabilitation of this existing affordable housing development.

Prince Hall is located within 2 miles of refineries capable of refining more than 100,000 barrels of oil daily, which is an Undesirable Site Feature pursuant to §11.101(a)(2)(J) (see location in Exhibit A). The development site is located within 500 feet of property owned by a refinery. The property that is within 500 feet of the Development does not contain any equipment and thus cannot be considered to be heavy industrial pursuant to §11.101(a)(2)(F) (see Exhibit B); however, the applicant is disclosing this out of an abundance of caution.

Prince Hall is located in an area containing the following Neighborhood Risk Factors under §11.101(a)(3): census tract poverty rate in excess of 40% and development site is within 1,000 feet of more than one blighted structure. The poverty rate for census tract 48245005900 is 44.7% according to the 2019 TDHCA Site Demographics Report. This represents a significant decrease in the poverty rate for the census tract over the past four years. According to TDHCA’s Site Demographics Report, in 2016 the census tract’s poverty rate was 66.3%, in 2017 was 59.6%, and in 2018 was 49.2%. Based on the downward trend line of poverty within the census tract it is reasonable to expect that the census tract’s poverty rate will be below 40% by the time the proposed rehabilitation is complete.

Although blighted structures exist within 1,000 feet of the Development Site, the neighborhood has improved in recent years, with many formerly blighted structures having been demolished or rehabilitated (see Exhibit C to the Neighborhood Risk Factors Report).

The City of Port Arthur is in support of the development as evidenced by its resolution of support, its contribution of funding to the Development, and its authorization of the rehabilitation despite Port Arthur having more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds. Prince Hall is an existing, federally subsidized affordable housing development that will be rehabilitated, improving the quality of life for existing and future residents.

The applicant respectfully requests an exemption related to Undesirable Site Features as provided for under §11.101(a)(2) on the basis that Prince Hall is a Rehabilitation Development with ongoing and existing federal assistance from HUD. Additionally, the applicant requests a finding of site eligibility related to poverty and blight on the basis that the poverty rate has decreased significantly in recent years, as has the occurrence of blight in the area. A finding of eligibility is supported by the following TDHCA goals outlined in §11.101(a)(3)(E):

- Preservation of existing occupied affordable housing units to ensure they are safe and suitable; and
- The risk factors that has been disclosed are not of such a nature or severity that should render the Development Site ineligible based on the assessment and mitigation provided

Please do not hesitate to contact me with any questions at [chris.akbari@itexgrp.com](mailto:chris.akbari@itexgrp.com) or (832) 941-5343.

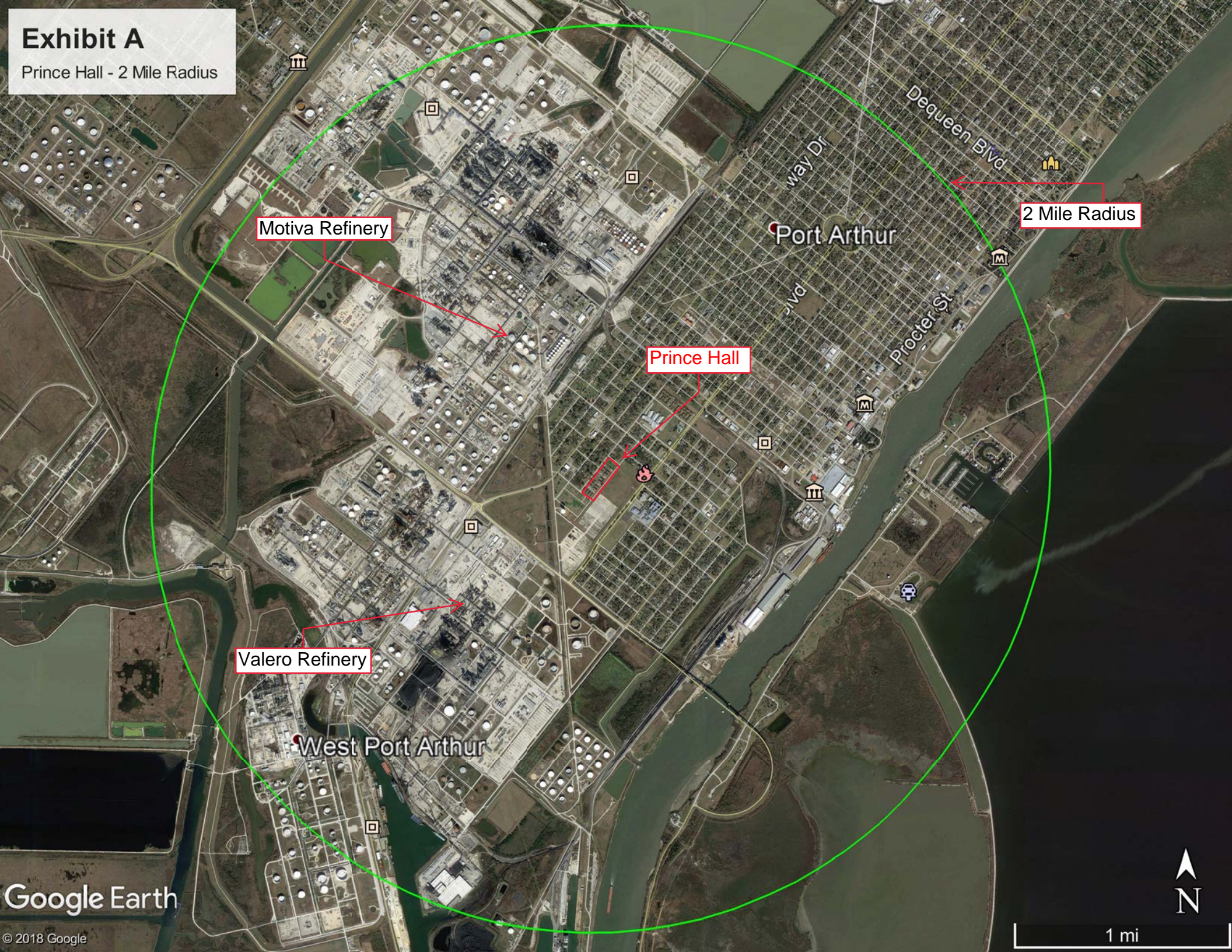
Sincerely,



Christopher A. Akbari  
Authorized Representative

# Exhibit A

Prince Hall - 2 Mile Radius



Motiva Refinery

Prince Hall

2 Mile Radius

Valero Refinery

West Port Arthur

Port Arthur

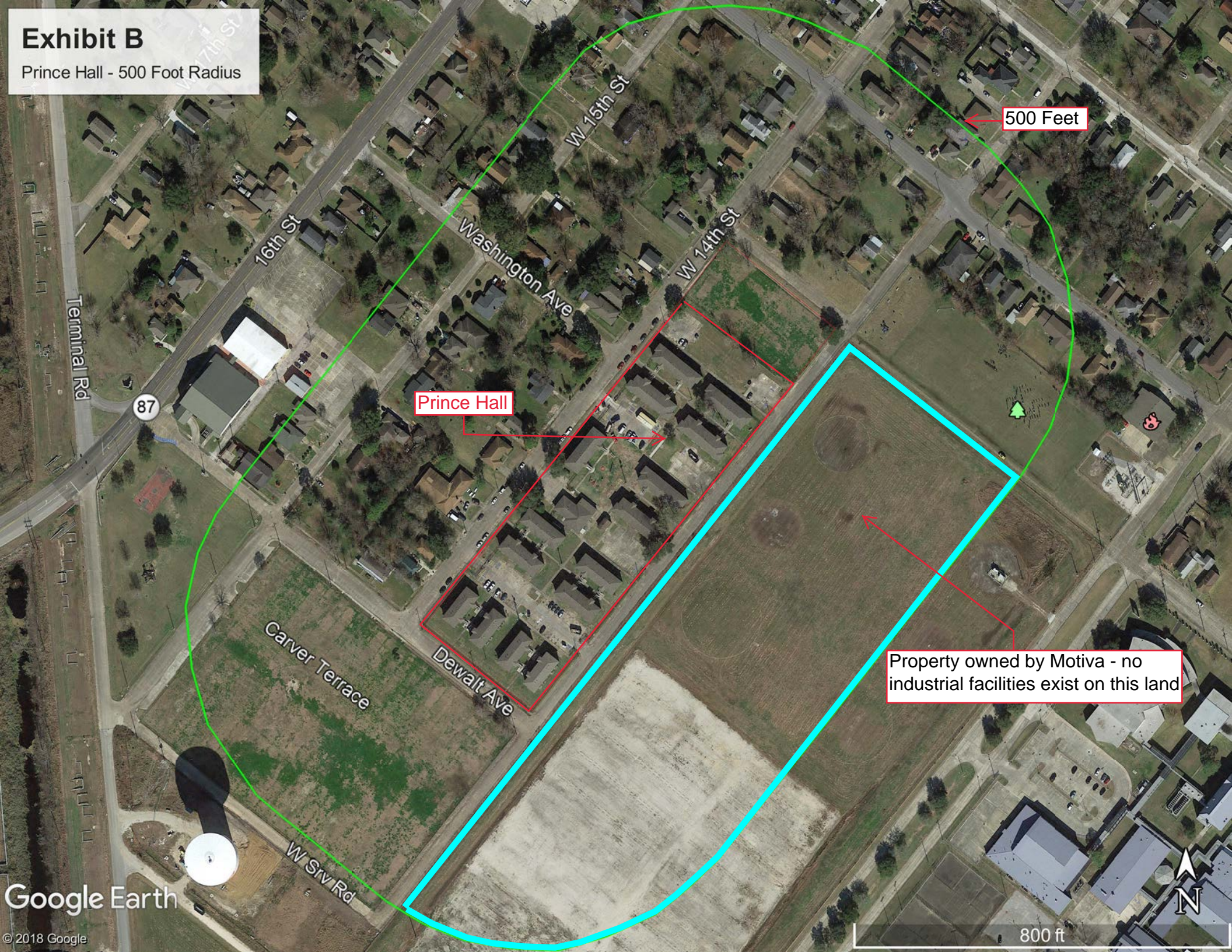
Dequeen Blvd

Procter St



# Exhibit B

Prince Hall - 500 Foot Radius



500 Feet

Prince Hall

Property owned by Motiva - no industrial facilities exist on this land

# Port Arthur PHV, LP

February 28, 2019

Texas Department of Housing and Community Affairs  
Attn: Marni Holloway  
Director, Multifamily Division  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

**RE: Request for Exemption of Undesirable Site Feature and Finding of Eligibility for Neighborhood Risk Factors**

Prince Hall, TDHCA #19301 – 934 W. 14<sup>th</sup> St., Port Arthur, Texas 77640

Dear Ms. Holloway,

Please accept this letter as a request for an exemption under 10 TAC §11.101(a)(2) of the 2019 Qualified Allocation Plan (“QAP”) related to an Undesirable Site Feature, and a request for a finding of site eligibility under 10 TAC §11.101(a)(3) related to Neighborhood Risk Factors for TDHCA #19301 Prince Hall. As required by the QAP, a Neighborhood Risk Factors Report package has been provided as part of the housing tax credit application.

Prince Hall, located at 934 W. 14th Street in Port Arthur (the “Development”) is an existing housing development that has existing and ongoing federal assistance from HUD under a Project Based Section 8 Housing Assistance Payments contract. The development experienced flooding during Hurricane Harvey, and the current tax credit application proposes the rehabilitation of this existing affordable housing development.

Prince Hall is located within 2 miles of refineries capable of refining more than 100,000 barrels of oil daily, which is an Undesirable Site Feature pursuant to §11.101(a)(2)(J) (see location in Exhibit A). The development site is located within 500 feet of property owned by a refinery. The property that is within 500 feet of the Development does not contain any equipment and thus cannot be considered to be heavy industrial pursuant to §11.101(a)(2)(F) (see Exhibit B); however, the applicant is disclosing this out of an abundance of caution.

Prince Hall is located in an area containing the following Neighborhood Risk Factors under §11.101(a)(3): census tract poverty rate in excess of 40% and development site is within 1,000 feet of more than one blighted structure. The poverty rate for census tract 48245005900 is 44.7% according to the 2019 TDHCA Site Demographics Report. This represents a significant decrease in the poverty rate for the census tract over the past four years. According to TDHCA’s Site Demographics Report, in 2016 the census tract’s poverty rate was 66.3%, in 2017 was 59.6%, and in 2018 was 49.2%. Based on the downward trend line of poverty within the census tract it is reasonable to expect that the census tract’s poverty rate will be below 40% by the time the proposed rehabilitation is complete.

Although blighted structures exist within 1,000 feet of the Development Site, the neighborhood has improved in recent years, with many formerly blighted structures having been demolished or rehabilitated (see Exhibit C to the Neighborhood Risk Factors Report).

The City of Port Arthur is in support of the development as evidenced by its resolution of support, its contribution of funding to the Development, and its authorization of the rehabilitation despite Port Arthur having more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds. Prince Hall is an existing, federally subsidized affordable housing development that will be rehabilitated, improving the quality of life for existing and future residents.

The applicant respectfully requests an exemption related to Undesirable Site Features as provided for under §11.101(a)(2) on the basis that Prince Hall is a Rehabilitation Development with ongoing and existing federal assistance from HUD. Additionally, the applicant requests a finding of site eligibility related to poverty and blight on the basis that the poverty rate has decreased significantly in recent years, as has the occurrence of blight in the area. A finding of eligibility is supported by the following TDHCA goals outlined in §11.101(a)(3)(E):

- Preservation of existing occupied affordable housing units to ensure they are safe and suitable; and
- The risk factors that has been disclosed are not of such a nature or severity that should render the Development Site ineligible based on the assessment and mitigation provided

Please do not hesitate to contact me with any questions at [chris.akbari@itexgrp.com](mailto:chris.akbari@itexgrp.com) or (832) 941-5343.

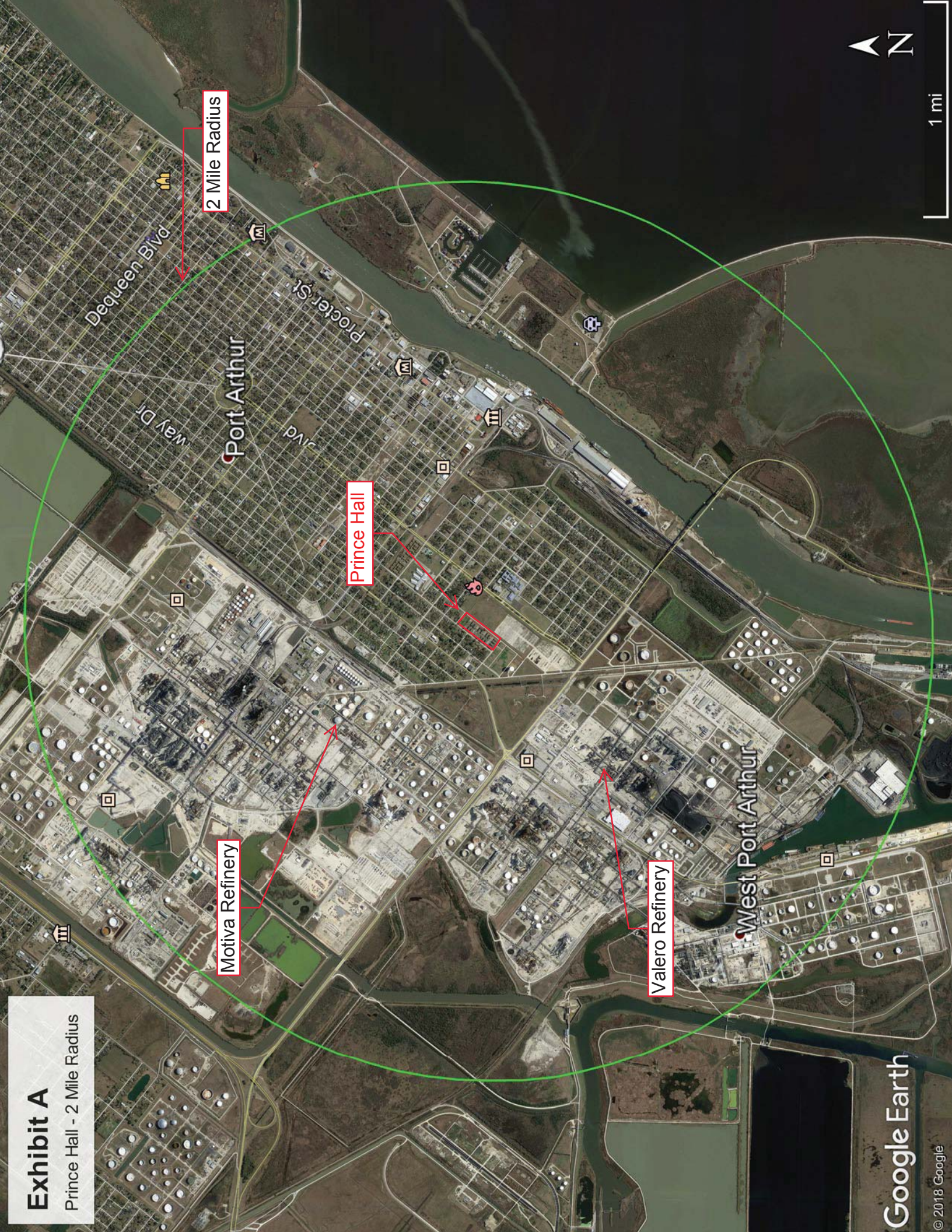
Sincerely,



Christopher A. Akbari  
Authorized Representative

# Exhibit A

Prince Hall - 2 Mile Radius



2 Mile Radius

Prince Hall

Motiva Refinery

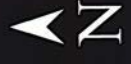
Valero Refinery

West Port Arthur

Dequeen Blvd

Port Arthur

Procter St



1 mi

# Exhibit B

Prince Hall - 500 Foot Radius

500 Feet

Property owned by Motiva - no industrial facilities exist on this land

Prince Hall

800 ft

W 14th St  
Washington Ave  
W 15th St

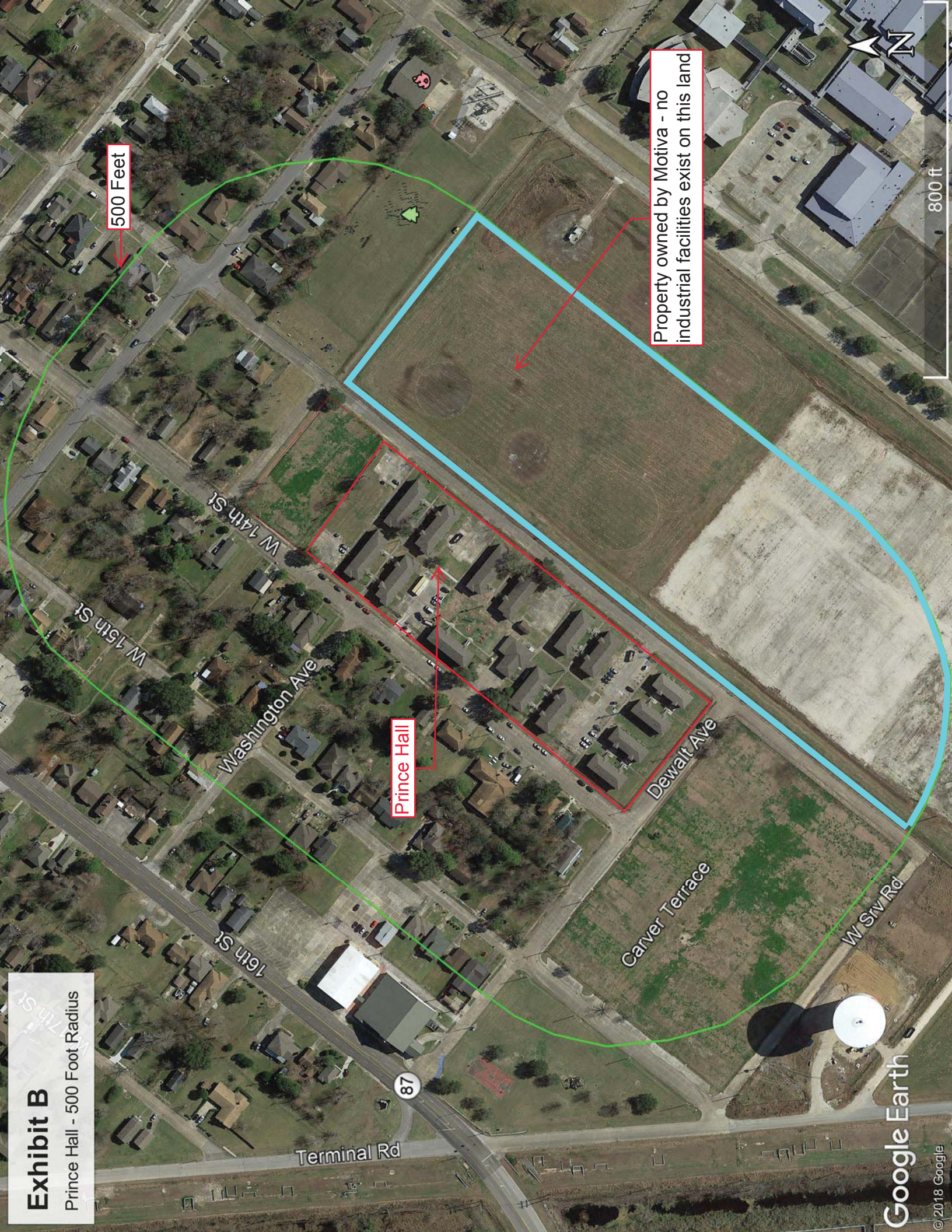
Dewalt Ave

Carver Terrace

W Siv Rd

Terminal Rd

87







## Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11. 8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

**Pre-application Disclosure:**      Pre-application # \_\_\_\_\_      Development Name \_\_\_\_\_  
 **Application Disclosure:**      Application # 19301      Development Name Prince Hall

### **My Development Site includes the following neighborhood risk factor(s) (Check all that apply):**

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

**Neighborhood Risk Factors Report:**

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

**Provide any comments or additional information in the box below, if applicable.**

**Mitigation of the Neighborhood Risk Factor (s):**

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

**Waiver of the Neighborhood Risk Factor (s):**

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

**Provide any comments or additional information in the box below, if applicable.**

**Department Contacts:**

9% HTC Applications: [Sharon.Gamble@TDHCA.state.tx.us](mailto:Sharon.Gamble@TDHCA.state.tx.us) (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: [Teresa.Morales@TDHCA.state.tx.us](mailto:Teresa.Morales@TDHCA.state.tx.us) (Multifamily Manager)

Direct Loan Only Applications: [Andrew.Sinnott@TDHCA.state.tx.us](mailto:Andrew.Sinnott@TDHCA.state.tx.us) (Multifamily Loan Programs Manager)

**How to Submit the NRF Report Packet:**

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

## **Neighborhood Risk Factors Report and Disclosure Prince Hall, TDHCA #19301**

Prince Hall is an existing, federally subsidized housing development receiving Section 8 Project Based rental assistance under a Housing Assistance Payments contract from HUD. TDHCA application #19301 proposes the rehabilitation of this existing affordable housing development, which was damaged during Hurricane Harvey.

As required by 10 TAC §11.101(a)(3) of the 2019 Qualified Allocation Plan, the applicant is disclosing the presence of this Neighborhood Risk Factor, providing evidence of mitigation, and requesting a finding of eligibility. The request for a finding of eligibility is based on the development site's achievement of the following goals of 10 TAC §11.101(a)(3)(E):

- (i) Preservation of existing occupied affordable housing units to ensure they are safe and suitable; and
- (i) Determination that the undesirable characteristic(s) that has been disclosed are not of such a nature or severity that should render the Development Site ineligible based on the assessment and mitigation provided herein.

### **Determination regarding neighborhood boundaries:**

Prince Hall is located at 934 W. 14<sup>th</sup> Street in Port Arthur on a 5.9229 acre rectangular site. Per the Jefferson County Appraisal District the site is bordered by:

- Northwest: single family residential lots
- Southwest: Vacant land where Port Arthur Housing Authority's Carver Terrace Apartments once stood, but has since been demolished due to the new construction of Park Central (184 unit multifamily development) and Edison Square (78 unit multifamily elderly development).
- Southeast: Vacant land owned by Motiva
- Northeast: Vacant land where Port Arthur Housing Authority's Lincoln Square once stood, but has since been demolished due to the new construction of Park Central (184 unit multifamily development) and Edison Square (78 unit multifamily elderly development).

The market analyst's Primary Market Area for Prince Hall includes most of the City of Port Arthur. However, for the purpose of this Neighborhood Risk Factors Report, the neighborhood is defined as census tracts 48245005900 (development site's census tract) and 48245005100. This neighborhood includes the portion of southwestern Port Arthur between Houston Avenue to the northeast, Sabine Lake to the southeast, West Levee Road to the southwest, and the railroad tracks bordering the Motiva refinery to the northwest.

### **Assessment of general land use in the neighborhood:**

The neighborhood includes a variety of land uses consisting largely of single family homes, as well as vacant land, numerous churches, parks, and schools. There are several parks close by including Carver Terrace Park which has a basketball court and a playground, Texaco Mini Park which has a playground, and Washington Park with playground, tennis courts, and Mosley Pool. There are several churches in the area including New St. John (1048 W Gulfway Dr, Port Arthur, TX 77640), Mount Sinai Baptist Church (501 W Thomas Blvd, Port Arthur, TX 77640), and Rock Island Baptist Church (549 W 11th St, Port Arthur, TX 77640). Port Arthur Fire Station 2 (1201 Grannis Ave, Port Arthur, TX 77640) is within 1,000 feet of the development site. The elementary school and middle school the development's resident attend are with a few blocks of the development. Both Booker T. Washington Elementary School and Lincoln Middle

School both have “Met Standard” ratings according to the Texas Education Agency. West Side Development Center (601 W Rev Dr Ransom Howard St, Port Arthur, TX 77640) is under the management of the YMCA of Southeast Texas and offers training and programs to residents. Motiva and Valero are also two refineries that border the neighborhood and are major employment centers for the area.

**Assessment of undesirable site features regardless of distance::**

One Undesirable Site Feature exists in proximity to the development site. Prince Hall is located within two miles of refineries capable of refining more than 100,000 barrels of oil daily. Motiva has the capacity of more than 630,000 barrels per day of crude oil. Motiva is located on a 1,400 acre campus and employs 1,500 people. Valero is located on a 4,000 acre campus, employs 850 people, and has the capacity to provide 395,000 barrels per day. Of note, Prince Hall is located within 500 feet of land owned by Motiva. Although a refinery is certainly considered heavy industrial, the land within 500 feet of the development site is vacant and does not house any refinery operations.

All other items that are considered Undesirable Site Features are outside the distances described in 10 TAC 11.101(a)(2)

- Junkyard – Port Iron & Supply at 300 W Rev Dr Ransom Howard St, Port Arthur, TX 77640 – approximately 0.6 miles from development site
- Railroad tracks – to the northwest the railroad tracks are 0.38 miles away and to the northeast 0.45 miles away
- Heavy Industry – Motiva and Valero refineries are located approximately 0.4 miles away
- Pipelines – Per Texas Railroad Commission’s GIS map there are no pipelines at the site. The nearest pipelines are southwest of the site, approximately 0.13 miles away, parallel to Terminal Road on the far side of the road from the development site.

**Assessment of number of existing affordable rental units in the Primary Market Area (PMA):**

The Primary Market Area includes several existing affordable housing developments. Louis Manor with 132 affordable units with a HUD PBV Section 8 Contract is within the census tract of Prince Hall. The next closest development is O.W. Collins and Pecan Apartments, followed by Paradise Condos, Edison Square and Wellington Manor Apartments.

**Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or County where the Development is located:**

County – Jefferson: Median income is \$44,965

MSA – Beaumont-Port Arthur, TX: Median income is \$47,170

Census Tract – 48245005900: Approximately 22.5% of the households have incomes at or above \$50,000, which is above the median income for the County and the MSA.

	Year of TDHCA Site Demographics Report						2 Year Change (2017-2019)	5 Year Change (2014-2019)
	2019	2018	2017	2016	2015	2014		
Median Income								
48245005900 (Subject Tract)	16,926	15,822	13,175	12,475	15,496	15,791	28.5%	7.2%
48245005100	36,971	27,000	21,452	18,207	18,556	23,063	72.3%	60.3%
Average	26,949	21,411	17,314	15,341	17,026	19,427	<b>55.7%</b>	<b>38.7%</b>

**Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy:**

There are no market rate multifamily units in this census tract/neighborhood.

**Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve Met Standard rating for 2018:**

Not Applicable, because the elementary, middle and high school all had “Met Standard” ratings for 2018 per TEA.

**Neighborhood Risk Factors**

All schools have a “Met Standard” rating in 2018. Additionally, violent crime for the census tract and the adjacent tract within 500 feet is less than 18 / 1,000 persons.

Neighborhood Risk Factor - Poverty:

The poverty rate for census tract 48245005900 exceeds 40%. However, the poverty rate has decreased 32.6% in the past three years. Although the poverty rate is above 40% currently, the trend line is positive and provides a reasonable basis to expect that poverty will be below 40% for the census tract by the time the rehabilitation of Prince Hall is complete.

- 2013 (2016 Site Demographics) – Poverty Rate 66.3%
- 2014 (2017 Site Demographics) – Poverty Rate 59.6%
- 2015 (2018 Site Demographics) – Poverty Rate 49.2%
- **2016 (2019 Site Demographics) – Poverty Rate 44.7%**

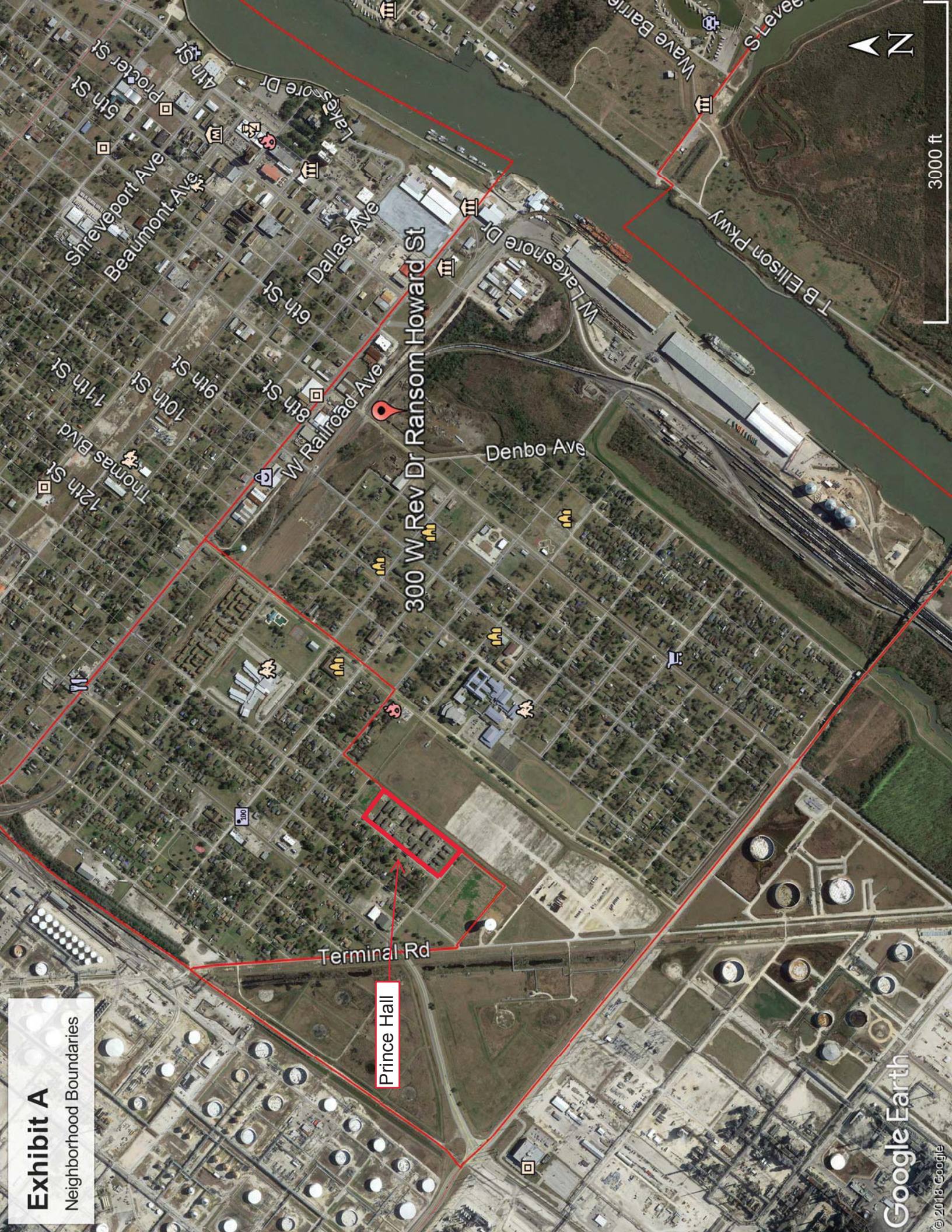
Neighborhood Risk Factor - Blight:

A few blighted structures exist within 1,000 feet of the development site. However, a review of the area using historical Google Street view images shows that many instances of blight have been cleared or remodeled in the past few years.

# Exhibit A – Neighborhood Boundaries

# Exhibit A

Neighborhood Boundaries



Prince Hall

300 W Rev Dr Ransom Howard St

Terminal Rd

Denbo Ave

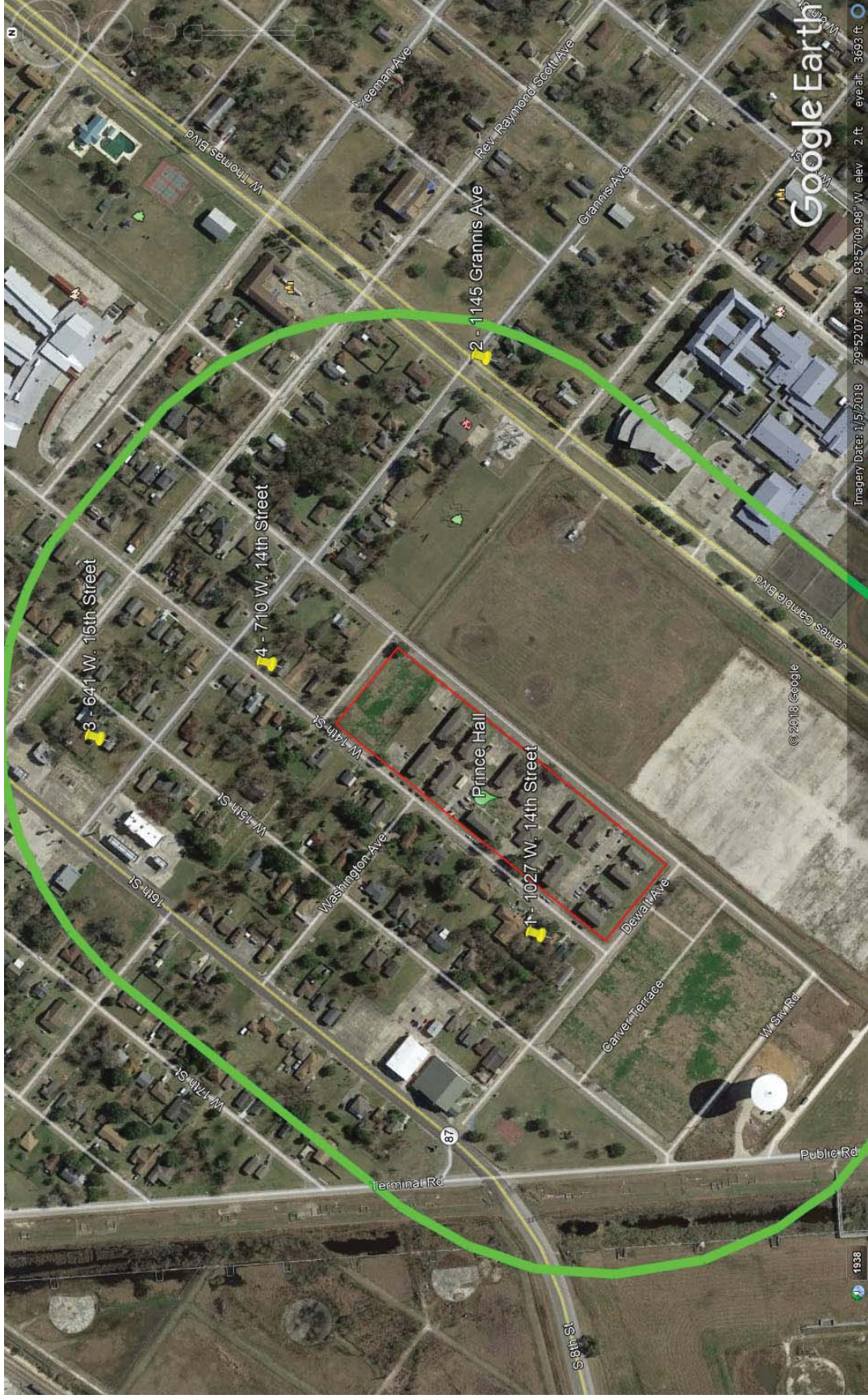
Shreveport Ave  
Beaumont Ave  
Dallas Ave  
6th St  
8th St  
9th St  
10th St  
11th St  
12th St  
Thomas Blvd

Wave Barrie  
T B Ellison Pkwy



# Exhibit B – Blight within 1,000 Feet of Site

Blight Within 1000 Feet of Prince Hall



Blight 1 – 1027 W. 14<sup>th</sup> Street



Blight 2 – 1145 Grannis Ave.



Blight 3 – 641 W. 15<sup>th</sup> Street

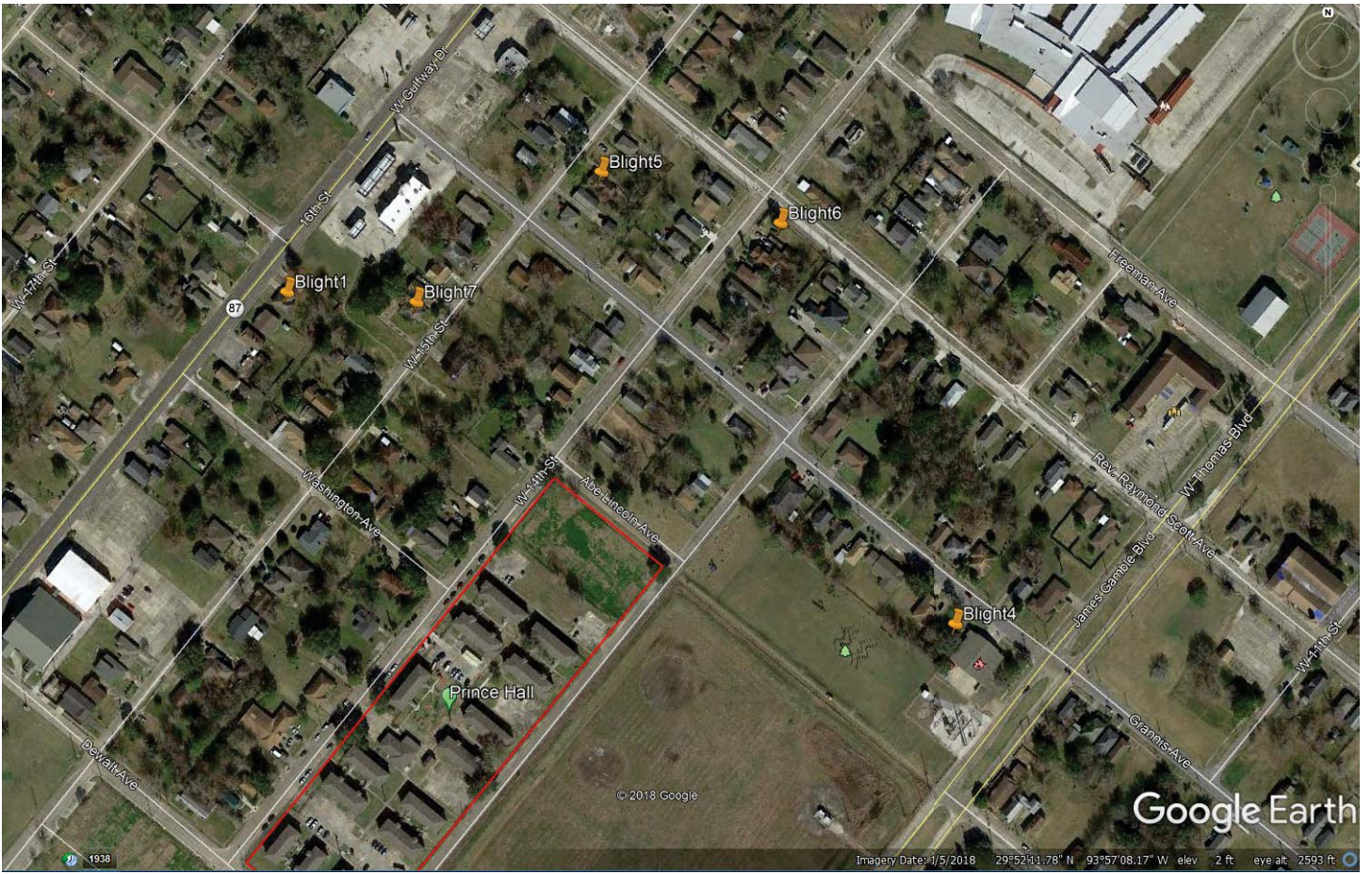


Blight 4 – 710 W. 14<sup>th</sup> Street



# Exhibit C – Blight Eliminated in Recent Years

Blight: Prince Hall – Street view is dated. Multiple structures have been improved or demolished.





Blight 1 – 804 16<sup>th</sup> Street  
DATED STREET VIEW – May 2016



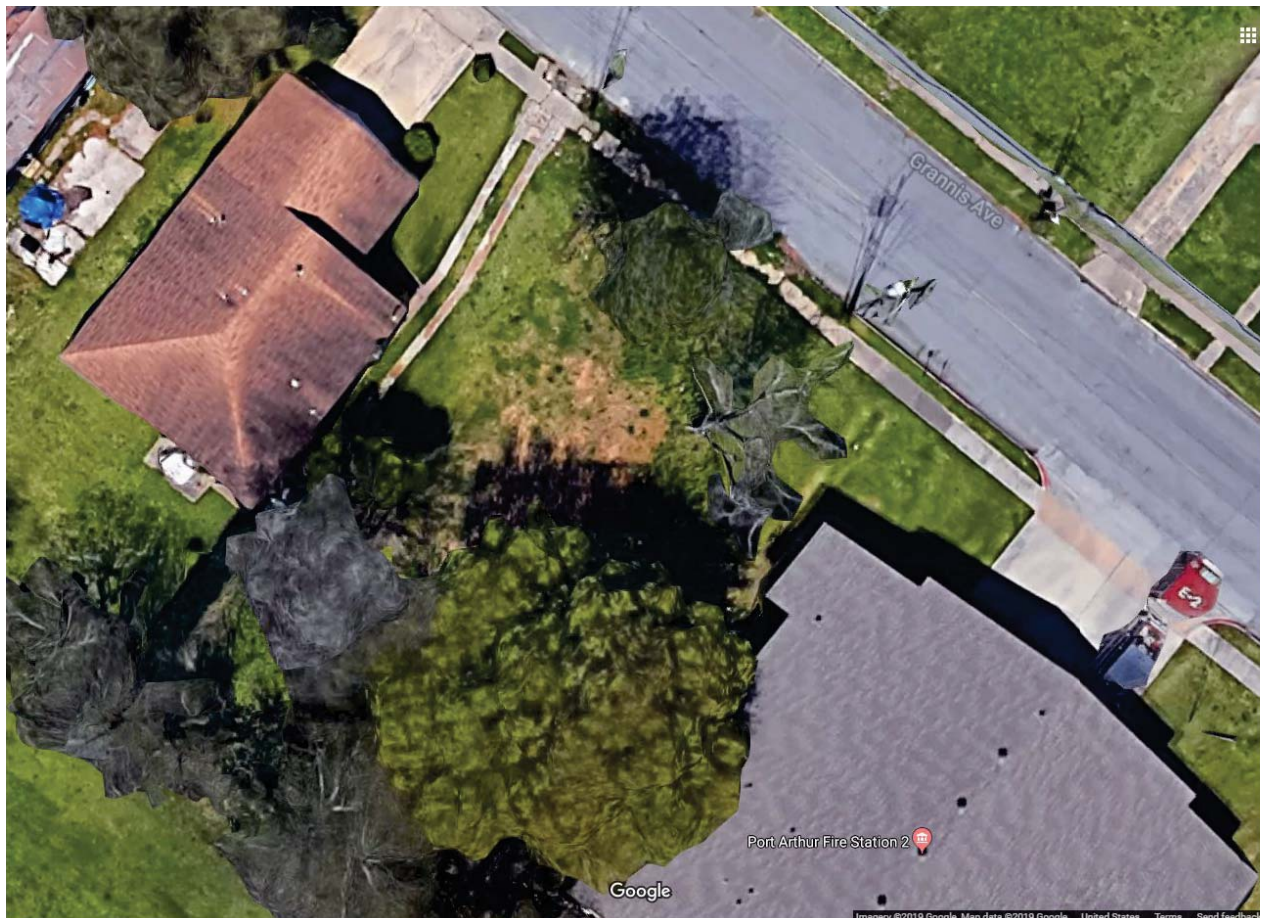
Current Photograph – Boards Removed, House Occupied



Blight 4 – Address???  
DATED STREET VIEW – January 2013



Current Aerial Photograph – Structures Demolished



Blight 5 – 624 W 15<sup>th</sup> Street  
DATED STREET VIEW – May 2013



Current Photograph



Blight 6  
DATED STREET VIEW – January 2013



Current Photograph – Structures Demolished



Blight 7 – 741 W 15<sup>th</sup> Street  
DATED STREET VIEW – May 2013



Current Photograph – Structures Demolished



# Exhibit D – Census Bureau Income Data



DP03

SELECTED ECONOMIC CHARACTERISTICS

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Census Tract 59, Jefferson County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
<b>EMPLOYMENT STATUS</b>				
Population 16 years and over	1,052	±143	1,052	(X)
In labor force	499	±111	47.4%	±8.0
Civilian labor force	499	±111	47.4%	±8.0
Employed	391	±105	37.2%	±8.0
Unemployed	108	±54	10.3%	±5.1
Armed Forces	0	±13	0.0%	±3.5
Not in labor force	553	±110	52.6%	±8.0
Civilian labor force	499	±111	499	(X)
Unemployment Rate	(X)	(X)	21.6%	±10.3
<b>Females 16 years and over</b>				
Population 16 years and over	564	±113	564	(X)
In labor force	286	±93	50.7%	±11.6
Civilian labor force	286	±93	50.7%	±11.6
Employed	216	±68	38.3%	±9.3
<b>Own children of the householder under 6 years</b>				
Population	219	±107	219	(X)
All parents in family in labor force	87	±48	39.7%	±25.2
<b>Own children of the householder 6 to 17 years</b>				
Population	227	±92	227	(X)
All parents in family in labor force	160	±87	70.5%	±20.3
<b>COMMUTING TO WORK</b>				
Workers 16 years and over	391	±105	391	(X)
Car, truck, or van -- drove alone	307	±104	78.5%	±13.5
Car, truck, or van -- carpooled	45	±37	11.5%	±9.7
Public transportation (excluding taxicab)	19	±26	4.9%	±6.2
Walked	0	±13	0.0%	±9.1
Other means	20	±28	5.1%	±7.4
Worked at home	0	±13	0.0%	±9.1

Subject	Census Tract 59, Jefferson County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Mean travel time to work (minutes)	20.9	±5.0	(X)	(X)
OCCUPATION				
Civilian employed population 16 years and over	391	±105	391	(X)
Management, business, science, and arts occupations	118	±62	30.2%	±13.6
Service occupations	141	±63	36.1%	±15.1
Sales and office occupations	88	±56	22.5%	±11.6
Natural resources, construction, and maintenance occupations	24	±28	6.1%	±7.1
Production, transportation, and material moving occupations	20	±21	5.1%	±5.2
INDUSTRY				
Civilian employed population 16 years and over	391	±105	391	(X)
Agriculture, forestry, fishing and hunting, and mining	0	±13	0.0%	±9.1
Construction	38	±34	9.7%	±8.5
Manufacturing	17	±17	4.3%	±4.8
Wholesale trade	0	±13	0.0%	±9.1
Retail trade	40	±38	10.2%	±8.7
Transportation and warehousing, and utilities	19	±22	4.9%	±5.7
Information	4	±8	1.0%	±2.0
Finance and insurance, and real estate and rental and leasing	20	±28	5.1%	±7.4
Professional, scientific, and management, and administrative and waste management services	48	±32	12.3%	±8.7
Educational services, and health care and social assistance	152	±77	38.9%	±14.8
Arts, entertainment, and recreation, and accommodation and food services	8	±13	2.0%	±3.2
Other services, except public administration	11	±13	2.8%	±3.4
Public administration	34	±46	8.7%	±11.2
CLASS OF WORKER				
Civilian employed population 16 years and over	391	±105	391	(X)
Private wage and salary workers	304	±94	77.7%	±14.3
Government workers	87	±63	22.3%	±14.3
Self-employed in own not incorporated business workers	0	±13	0.0%	±9.1
Unpaid family workers	0	±13	0.0%	±9.1
INCOME AND BENEFITS (IN 2016 INFLATION-ADJUSTED DOLLARS)				
Total households	643	±62	643	(X)
Less than \$10,000	226	±61	35.1%	±8.2
\$10,000 to \$14,999	67	±37	10.4%	±5.8
\$15,000 to \$24,999	63	±37	9.8%	±5.9
\$25,000 to \$34,999	54	±36	8.4%	±5.6
\$35,000 to \$49,999	88	±39	13.7%	±5.9
\$50,000 to \$74,999	81	±41	12.6%	±6.1
\$75,000 to \$99,999	13	±15	2.0%	±2.4
\$100,000 to \$149,999	51	±37	7.9%	±5.7
\$150,000 to \$199,999	0	±13	0.0%	±5.7
\$200,000 or more	0	±13	0.0%	±5.7
Median household income (dollars)	16,926	±7,764	(X)	(X)
Mean household income (dollars)	31,034	±6,019	(X)	(X)
With earnings				
Mean earnings (dollars)	36,412	±7,247	(X)	(X)
With Social Security				
Mean Social Security income (dollars)	14,797	±2,870	(X)	(X)
With retirement income				
Mean retirement income (dollars)	22,744	±9,092	(X)	(X)



Subject	Census Tract 59, Jefferson County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
With Supplemental Security Income	43	±32	6.7%	±5.1
Mean Supplemental Security Income (dollars)	7,742	±1,218	(X)	(X)
With cash public assistance income	12	±15	1.9%	±2.3
Mean cash public assistance income (dollars)	N	N	N	N
With Food Stamp/SNAP benefits in the past 12 months	266	±65	41.4%	±9.0
<b>Families</b>	<b>384</b>	<b>±71</b>	<b>384</b>	<b>(X)</b>
Less than \$10,000	127	±54	33.1%	±11.7
\$10,000 to \$14,999	37	±23	9.6%	±6.4
\$15,000 to \$24,999	31	±26	8.1%	±6.6
\$25,000 to \$34,999	43	±33	11.2%	±8.4
\$35,000 to \$49,999	54	±30	14.1%	±6.9
\$50,000 to \$74,999	57	±35	14.8%	±8.8
\$75,000 to \$99,999	6	±10	1.6%	±2.7
\$100,000 to \$149,999	29	±31	7.6%	±7.8
\$150,000 to \$199,999	0	±13	0.0%	±9.3
\$200,000 or more	0	±13	0.0%	±9.3
Median family income (dollars)	21,964	±16,405	(X)	(X)
Mean family income (dollars)	31,815	±8,410	(X)	(X)
<b>Per capita income (dollars)</b>	<b>14,260</b>	<b>±3,294</b>	<b>(X)</b>	<b>(X)</b>
<b>Nonfamily households</b>	<b>259</b>	<b>±65</b>	<b>259</b>	<b>(X)</b>
Median nonfamily income (dollars)	15,045	±9,450	(X)	(X)
Mean nonfamily income (dollars)	29,006	±10,656	(X)	(X)
<b>Median earnings for workers (dollars)</b>	<b>31,136</b>	<b>±6,950</b>	<b>(X)</b>	<b>(X)</b>
Median earnings for male full-time, year-round workers (dollars)	39,781	±1,385	(X)	(X)
Median earnings for female full-time, year-round workers (dollars)	32,411	±10,100	(X)	(X)
<b>HEALTH INSURANCE COVERAGE</b>				
<b>Civilian noninstitutionalized population</b>	<b>1,483</b>	<b>±228</b>	<b>1,483</b>	<b>(X)</b>
With health insurance coverage	1,169	±229	78.8%	±6.8
With private health insurance	589	±155	39.7%	±8.4
With public coverage	692	±172	46.7%	±8.8
No health insurance coverage	314	±99	21.2%	±6.8
<b>Civilian noninstitutionalized population under 18 years</b>	<b>461</b>	<b>±160</b>	<b>461</b>	<b>(X)</b>
No health insurance coverage	0	±13	0.0%	±7.8
<b>Civilian noninstitutionalized population 18 to 64 years</b>	<b>846</b>	<b>±130</b>	<b>846</b>	<b>(X)</b>
<b>In labor force:</b>	<b>492</b>	<b>±110</b>	<b>492</b>	<b>(X)</b>
<b>Employed:</b>	<b>384</b>	<b>±103</b>	<b>384</b>	<b>(X)</b>
With health insurance coverage	293	±98	76.3%	±13.2
With private health insurance	266	±91	69.3%	±12.9
With public coverage	36	±31	9.4%	±7.6
No health insurance coverage	91	±52	23.7%	±13.2
<b>Unemployed:</b>	<b>108</b>	<b>±54</b>	<b>108</b>	<b>(X)</b>
With health insurance coverage	19	±25	17.6%	±21.0
With private health insurance	9	±14	8.3%	±12.4
With public coverage	10	±16	9.3%	±13.9
No health insurance coverage	89	±47	82.4%	±21.0
<b>Not in labor force:</b>	<b>354</b>	<b>±96</b>	<b>354</b>	<b>(X)</b>
With health insurance coverage	220	±75	62.1%	±12.6
With private health insurance	94	±51	26.6%	±12.2

Subject	Census Tract 59, Jefferson County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
With public coverage	133	±61	37.6%	±14.1
No health insurance coverage	134	±59	37.9%	±12.6
PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL				
All families	(X)	(X)	44.8%	±11.8
With related children of the householder under 18 years	(X)	(X)	64.6%	±19.5
With related children of the householder under 5 years only	(X)	(X)	100.0%	±48.0
Married couple families	(X)	(X)	9.4%	±14.0
With related children of the householder under 18 years	(X)	(X)	0.0%	±73.1
With related children of the householder under 5 years only	(X)	(X)	-	□
Families with female householder, no husband present	(X)	(X)	67.6%	±17.7
With related children of the householder under 18 years	(X)	(X)	71.0%	±21.4
With related children of the householder under 5 years only	(X)	(X)	100.0%	±66.4
All people	(X)	(X)	44.7%	±11.4
Under 18 years	(X)	(X)	65.2%	±21.5
Related children of the householder under 18 years	(X)	(X)	65.2%	±21.5
Related children of the householder under 5 years	(X)	(X)	100.0%	±20.9
Related children of the householder 5 to 17 years	(X)	(X)	46.2%	±24.5
18 years and over	(X)	(X)	35.7%	±8.1
18 to 64 years	(X)	(X)	40.3%	±9.4
65 years and over	(X)	(X)	13.6%	±10.2
People in families	(X)	(X)	45.8%	±14.5
Unrelated individuals 15 years and over	(X)	(X)	39.7%	±16.3

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Employment and unemployment estimates may vary from the official labor force data released by the Bureau of Labor Statistics because of differences in survey design and data collection. For guidance on differences in employment and unemployment estimates from different sources go to Labor Force Guidance.

Workers include members of the Armed Forces and civilians who were at work last week.

Occupation codes are 4-digit codes and are based on Standard Occupational Classification 2010.

Industry codes are 4-digit codes and are based on the North American Industry Classification System (NAICS). The Census industry codes for 2013 and later years are based on the 2012 revision of the NAICS. To allow for the creation of 2012-2016 tables, industry data in the multiyear files (2012-2016) were recoded to 2013 Census industry codes. We recommend using caution when comparing data coded using 2013 Census industry codes with data coded using Census industry codes prior to 2013. For more information on the Census industry code changes, please visit our website at <https://www.census.gov/people/io/methodology/>.

Logical coverage edits applying a rules-based assignment of Medicaid, Medicare and military health coverage were added as of 2009 -- please see [https://www.census.gov/library/working-papers/2010/demo/coverage\\_edits\\_final.html](https://www.census.gov/library/working-papers/2010/demo/coverage_edits_final.html) for more details. The 2008 data table in American FactFinder does not incorporate these edits. Therefore, the estimates that appear in these tables are not comparable to the estimates in the 2009 and later tables. Select geographies of 2008 data comparable to the 2009 and later tables are available at <https://www.census.gov/data/time-series/acs/1-year-re-run-health-insurance.html>. The health insurance coverage category names were modified in 2010. See [https://www.census.gov/topics/health/health-insurance/about/glossary.html#par\\_textimage\\_18](https://www.census.gov/topics/health/health-insurance/about/glossary.html#par_textimage_18) for a list of the insurance type definitions.

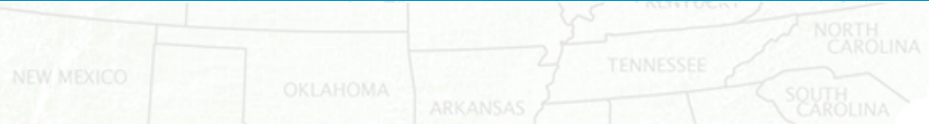
While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

#### Explanation of Symbols:

1. An '□' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '□' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '□□' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '□□□□' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



B19013

MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)

Universe: Households

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Jefferson County, Texas		Beaumont-Port Arthur, TX Metro Area	
	Estimate	Margin of Error	Estimate	Margin of Error
Median household income in the past 12 months (in 2016 inflation-adjusted dollars)	44,965	□-1,231	47,170	□-927

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '□' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '□' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '□' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '□□□□' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

**19301**  
**Prince Hall**  
**RFAD #1**



May 1, 2019

Ms. Sharon Gamble  
Administrator, Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701

Via: [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)

Re: Prince Hall, Port Arthur, Application #19301

Dear Ms. Gamble,

I am writing to formally submit a Request for Administrative Deficiency for TDHCA #19301 Prince Hall in Port Arthur, Texas. This request relates to the Phase I ESA and the Applicant's disclosure in Tab 2, both of which consist of an insufficient assessment of the Development Site's environmental risks, which we believe render the Site inappropriate for housing, in accordance with 10 Texas Administrative Code ("TAC") §11.101(a)(2)(J) and (K). This letter and the enclosed supporting materials show that there are Undesirable Site Features located within unacceptable distances to the proposed Development and that the subsequent exposure to environmental factors cannot be adequately mitigated. In light of these Undesirable Site Features, we ask that the Department relay to the Board that the Development Site is not acceptable and recommend that the Development Site be found ineligible for funding from the Department.

*Proximity to Refineries*

Adopted on December 21, 2018, 10 TAC §11.101(a)(2) states that a Development Site proposed within 2 miles of a refinery capable of refining more than 100,000 barrels of oil daily will be considered ineligible for Department financing unless mitigation is possible. The current location of Prince Hall places residents within one half mile of several environmental risks, including three refineries capable of refining more than 100,000 barrels of oil per day:

1. the Air Products Port Arthur Facility located on the Valero Port Arthur Refinery Property (Air Products Refinery);
2. the Premcor Refining Group Port Arthur Refinery (Premcor Refinery); and
3. the Motiva Oil Refinery (Motiva Refinery), **which is the largest refinery in the United States.**

The latter two of these collectively refine more than 900,000 barrels of crude oil per day, which is nine times larger than TDHCA's standard of 100,000 barrels for reporting refinery production capabilities as an undesirable site feature.

Although the Applicant for Prince Hall did disclose the proximity to these refineries in Tab 2 and in the Phase I ESA, the Applicant did not adequately disclose the health and safety risks of the proposed site **nor**

**did the Applicant make any mention of mitigation efforts to reduce these risks to residents.** In fact, the current violations assessed against Premcor and Motiva indicate that mitigation is not underway and that public health is at risk any time the facility is out of compliance. Based on the first clause of 10 TAC §11.101(a)(2), which states that development sites “will be considered ineligible unless it is determined by the Board that **information regarding mitigation** of the applicable undesirable site feature(s) is sufficient...”, the Application’s lack of any information regarding mitigation should constitute ineligibility.

#### Environmental Compliance History

The EPA’s Enforcement and Compliance History Online (ECHO) database shows that within one mile of the proposed Prince Hall site, there are 16 EPA-regulated facilities, seven of which have current violations and two of which have significant violations. Incidentally, the two facilities with significant violations are two of the three facilities listed above within one half mile of the site.

The first site with significant violations is the Premcor Refining Group Port Arthur Refinery (Facility #2, above). In addition to violating the Clean Water Act at its last inspection in August 2018, this facility was found to be in significant violation of the Clean Air Act and has been in significant violation consistently for the past 3 years. The other site with significant violations is the Motiva Port Arthur Refinery (Facility #3, above). This facility was found to be in significant violation of the Clean Air Act and has likewise been in significant violation consistently for the past 3 years. Please see pages 12 through 45 of the documentation packet for the full ECHO Detailed Facility Reports for these two refineries.

Premcor and Motiva have long histories of non-compliance. The Texas Commission on Environmental Quality (TCEQ) reports that since 2003, Premcor was assessed penalties totaling \$899,757 for 24 state or federal air quality violations. Although Premcor’s environmental non-compliance is significant, Motiva’s non-compliance is even more so. TCEQ reports that since 2004, Motiva was assessed penalties totaling \$2,598,246 for 32 state or federal air quality violations. Based on both long-standing and recent demonstrations of non-compliance, there is no indication that these two refineries will seek to comply with the law or conduct their operations in a manner that is protective of the public health, and especially the health of those residing just one half mile away from their operations. As such, mitigation or any expectation that these refineries will only emit pollutants within allowable limits is unlikely. Please see pages 313 through 317 of the documentation for the full TCEQ List of Administrative Orders Issued to Premcor Refining Group, Inc. and Motiva Enterprises, LLC.

#### Refinery Emission Readings and Health Impacts

Due to the site’s proximity to refineries Prince Hall residents are and will be exposed to several possible emissions risks:

1. emissions ‘upsets’ from unplanned maintenance events;
2. excessive emissions from poor maintenance and operations; and
3. slow and steady leaks of emissions from equipment above the permitted levels.

These risks are not speculative on our part, they were compiled from actual events that have occurred at the Premcor and Motiva Refineries.

At the Premcor refinery, In 2013, the operator failed to comply with the volatile organic compound (VOC) emission limitation in its permit. Premcor put 15.7 tons of unauthorized VOCs into the air due to a leak in its cooling tower. (See 2013-1862-AIR-E on pages 94-145 of the documentation packet). Among

other unauthorized releases, Premcor released 988.8 pounds of sulfur dioxide (SO<sub>2</sub>) because of unplanned maintenance on a coke drum that resulted in over pressurization of the system. In its report on this matter, TCEQ states that the emissions event could have been avoided by better operation and/or maintenance. At the same site, mismanagement of operations resulted in more than 5 hours of unauthorized releases of 8,857 pounds of SO<sub>2</sub>, 5,748.8 pounds of VOCs, 2,398 pounds of Carbon Monoxide (CO), 331 pounds of Nitrogen Oxides (NO<sub>x</sub>), and 94.2 pounds of Hydrogen Sulfide (H<sub>2</sub>S) emissions caused by on-site flares resulting from damaged wires in an electrical conduit (2015-0594-AIR-E on pages 46-93 of the documentation).

The operations at the Motiva Refinery are also concerning. The TCEQ stated in its enforcement order that Motiva failed to prevent 17,503 pounds of unauthorized SO<sub>2</sub> emissions due to an overload and overheating of three incinerators. (See 2014-1514-AIR-E). Again, operational errors at the refinery caused significant releases of harmful pollutants that present a danger to the residents.

### Health Impact of Noxious Emissions

The accidental emissions listed above have real and lasting impact on the humans who are exposed to them. VOCs, Sulfur Dioxide, Carbon Monoxide, Nitrogen Oxides and Hydrogen Sulfides are all serious pollutants causing known and lasting harm to the human respiratory system when inhaled in excessive amounts. Each of these compounds has been linked to serious harm to humans by credible sources:

- The U.S. National Library of Medicine states that *VOCs cause eye, nose and throat irritation, frequent headaches, nausea, and can damage the liver, kidney and central nervous system.*
- Emissions of VOCs from industrial facilities contribute to elevated levels of ground-level ozone. Through ground-level ozone, the TCEQ links VOCs to *“acute respiratory health effects when people breathe high concentrations of it over several hours. These effects include decreased lung function and pain with deep breaths, and aggravated asthma symptoms.”*
- Exposure to SO<sub>2</sub> can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of SO<sub>2</sub>, according to the EPA.
- Also according to the EPA: *“Breathing air with a high concentration of NO<sub>2</sub> can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing), hospital admissions and visits to emergency rooms. Longer exposures to elevated concentrations of NO<sub>2</sub> may contribute to the development of asthma and potentially increase susceptibility to respiratory infections.”*
- High concentrations of Carbon Monoxide are a particular concern for people with heart disease: According to the EPA, *“Breathing air with a high concentration of CO reduces the amount of oxygen that can be transported in the bloodstream to critical organs like the heart and brain.”* It is harder for people with heart disease to get oxygenated blood to their hearts when the heart needs more oxygen—for example when exercising. At very high levels, CO can cause dizziness, confusion, unconsciousness and death.
- According to the Agency for Toxic Substances and Disease registry, exposure to H<sub>2</sub>S may *“cause irritation to the eyes, nose, or throat. It may also cause difficulty in breathing for some*



*asthmatics. Respiratory distress or arrest has been observed in people exposed to very high concentrations of hydrogen sulfide.”*

Pages 307 through 312 of the documentation show examples of recent complaints submitted to TCEQ from people in the area near the Prince Hall site. These include complaints of dust, foul odors, green/yellow Hydrogen Sulfide cloud sightings, and burning eyes and noses. The small sample of events provided here demonstrate that by exceeding the limits set in their permits, the refineries create a significant health risk and the site should be found ineligible for development with funds from TDHCA.

Premcor alone has emitted an average of 15.7 tons of VOCs into the air near Prince Hall in the past. There are no guarantees that such a harmful level of emissions will not happen again. The TCEQ and EPA set limits for a reason – to ensure the safety of public health. There is no mitigation plan in place that can prevent accidental emissions and the adverse health effects they cause. And there is certainly no way the owner or developer of an affordable housing development near these refineries would be able to mitigate something so out of its own control.

#### *2013 Disposition of Carver Terrace/Lincoln Square Apartments*

The Applicant’s disclosure suggests that rehabilitating the existing Prince Hall will improve the quality of life for existing and future residents. Living in a new, modern building is without a doubt preferable to living in a dilapidated, outdated building, but the Applicant’s suggestion that the site of Prince Hall will increase quality of life for residents is in direct contradiction with the Port Arthur Housing Authority’s (PAHA) and the City of Port Arthur’s (City) own actions at adjacent properties. PAHA and the City recently undertook an extensive effort to relocate existing multifamily developments adjacent to this site to more environmentally-appropriate locations: Carver Terrace and Lincoln Square Apartments.

The two developments contained 204 units and PAHA proposed relocation to HUD on the basis that the *“conditions in the area surrounding the project adversely affect the health and safety of the tenants or the feasible operation of the project by PAHA.”* The City followed suit in this initiative by passing a resolution in December 2012, indicating the City’s desire to dispose of the 204 units *“more or less due to adverse neighborhood conditions that affect the quality of life for residents.”*

A 136-page memo from the Department of Housing and Urban Development (“HUD”), dated April 2013, details a number of negative environmental and low opportunity conditions present in the area. The memo is filled with substantive and alarming data regarding the conditions on the site and is included in its entirety with this letter. HUD concluded that conditions in the area justified the demolition and relocation of Carver Terrace and Lincoln Square Apartments. HUD concurred with PAHA’s determination that *“the disposition is in the best interest of the residents and the PHA because, due to changes in the neighborhood, the project no longer provides a healthy living environment.”* (Page 149 of enclosed documentation).

The HUD memo provides the following rationale for its decision: ***“Carver Terrace and Lincoln Square are properties located near two oil refineries (Motiva and Valero). The census tract and PH properties are about 99% minority (African American). There is a lack of employment for those with limited skills and businesses have moved out of the area; there are limited retail stores and social services; there is poor air quality and safety and environmental hazards due to the petrochemical industry; there is deteriorating infrastructure and increase in crime, decay and blight. The west side location is not conducive to a residential community.”*** (Page 190 of the documentation).

The HUD memo also references a Phase I Environmental Assessment from March 17, 2014, indicating ***“the property has been associated with 191 upset emissions events since January 2007, the largest of those occurring in September 2013.”*** (Page 208 of documentation).

Finally, HUD imposed several mitigation efforts and property conditions for the disposition and demolition of the properties, as a result of the 24 CFR Part 58 Environmental Review process. These measures were meant to *“protect the neighboring residences”* present *“due to the health and safety threats caused by the close proximity of the refineries,”* and included the following:

1. *The property will be converted to vacant land in perpetuity, enforced as a condition of sale through a deed restriction; and*
2. *The property must be fenced off to prevent unauthorized uses after it is vacant.* (page 155 of Documentation)

**Clearly, HUD, PAHA and the City all concluded that the area was not safe for housing now, nor in the future.**

#### Deficiencies in the ESA

In addition to the failure of the Applicant to provide mitigation efforts, we believe the ESA report for Prince Hall is also deficient. While they evaluate the same area and refineries, the report for Carver Terrace and Lincoln Square paints a much different picture than the report provided to TDHCA for Prince Hall. The Phase I ESA report for Prince Hall presents map imagery showing the site’s proximity to hazards like the refineries (see pages 146-172 of the Phase I), but the ESA provider fails to address the dozens of state and federal violations committed by Motiva Refinery **that are identified on pages 168 through 170 of the Phase I.**

Information regarding both state and federal violations is relevant to the determination of a site’s suitability for housing, and yet in spite of the presence of this information later on in the report, the ESA provider concludes on page 28 of the Phase I that *“there is no indication that the sites identified in the ASTM Standard Environmental Record Sources search have had or will have an environmental impact to the subject property.”* The Phase I makes no mention whatsoever of HUD’s findings in relation to the 2014 Part 58 Environmental Review for adjacent properties.

The findings in the ESA of a property adjacent to Prince Hall are of particular interest, **because they share a developer.** The managing member of the General Partner for the proposed Prince Hall application was part of the development team which requested the relocation of Carver Terrace and Lincoln Square and was responsible for developing the replacement units. The developer was likely in possession of information regarding the health and safety risk of the adjacent Carver Terrace/Lincoln Hall Apartments as evidenced by their being named an end user of the Phase I ESA report for Carver Terrace and Lincoln Square (page 213 of the packet).

#### Conclusions

Based on the information outlined in this letter, we believe that the inadequate assessment of Prince Hall’s Undesirable Site Features in the Phase I ESA, along with the project’s lack of mitigation, are grounds for termination. The threat that the surrounding refineries and other environmental risks pose to the health and safety of current and future residents, along with an absence of jobs, grocery stores, and other community amenities, make this Development Site unsuitable for housing. Moreover, the ESA provided

was inadequate and failed to disclose the true nature of the environmental hazards surrounding the proposed site.

Please let me know if you have any questions or concerns about this Request for Administrative Deficiency. A copy has been provided to the Applicant for Prince Hall.

Thank you for your consideration.

Sincerely,


A handwritten signature in black ink, appearing to read "Sarah Andre", with a long horizontal flourish extending to the right.

Sarah Andre  
Development Consultant,  
Structure Development  
[sarah@structuretexas.com](mailto:sarah@structuretexas.com)  
(512) 698-3369

# Location of Prince Hall

934 W 14th Street,  
Port Arthur, Texas

## Legend

 Prince Hall

**MOTIVA  
REFINERY**

**PREMCO  
REFINING  
GROUP**

**MOTIVA**

Google Earth

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1 mi



You are here Home » Facilities » Facility Search » Facility Search Results

# Facility Search Results

Missouri, Nebraska, North Carolina, Vermont, Washington, and West Virginia are working with EPA to fix problems with their Clean Water Act violation data. [Read More...](#)

Hide Map Hide Table Hide Summary

Report Violation Help

Map Legend

Basemap Options

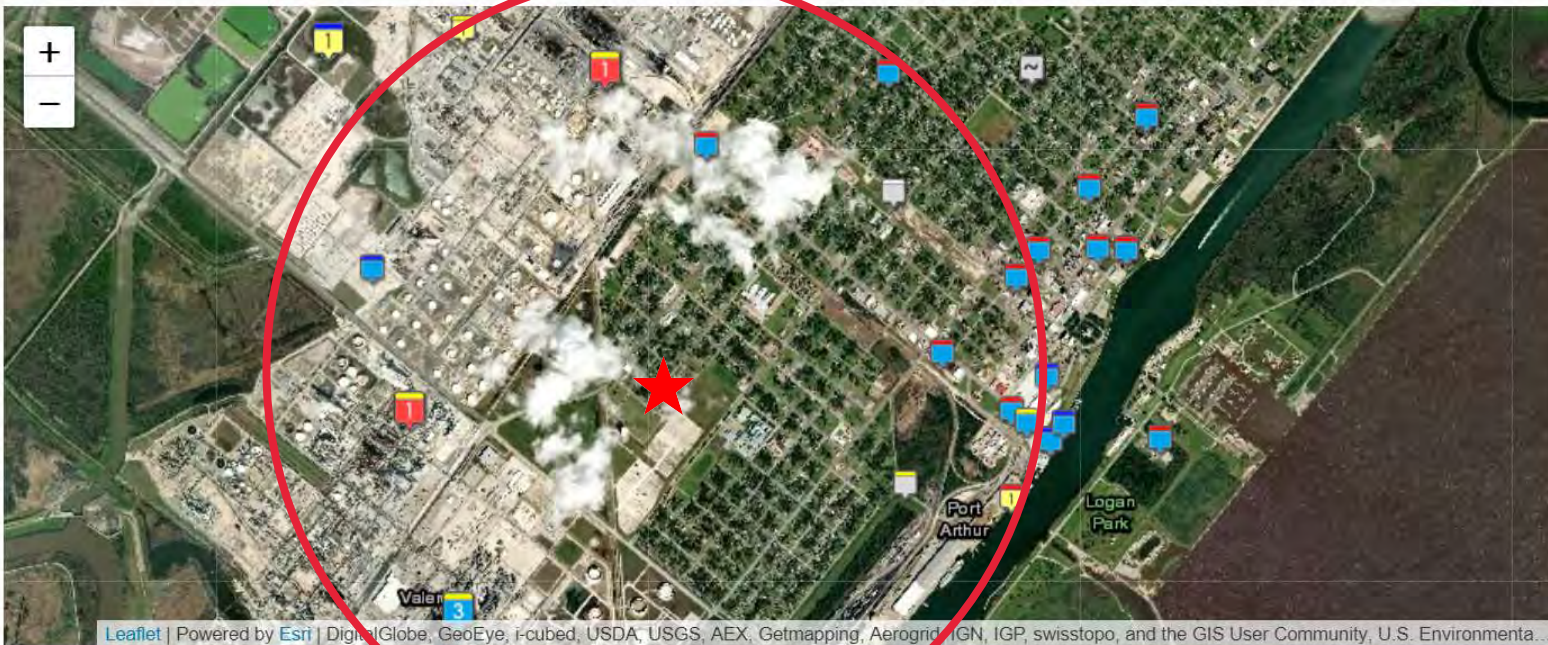
Zoom To:



port arthur, texas



Sync Map and Table



Facility Summary Select a facility row from the search results table.

Current Search 41 Facilities Found

Selected Criteria Search Type: All Data Active/Operating: Yes City, State, and/or ZIP Code: port arthur, texas

- Explore Enforcement and Compliance Criteria 7 Facilities with Current Violations 3 Facilities with Significant Violations 8 Facilities with Violations (3 years) 3 Facilities with Formal Enforcement Actions (5 years) 4 Facilities with Informal Enforcement Actions (5 years)

View Search Form for More Criteria...

Customize Columns Download Data Quick CSV Download

1-mile Radius

Results Guide

# Page 1 of ECHO Facility Search Results

Facility Name	Mapped	Street Address	City	State	FRS ID	Reports	Significant Violations	Quarters with Noncompliance (3 years)	Inspections (5 years)	Formal Enforcement Actions (5 years)
<a href="#">AIR PRODUCTS PORT ARTHUR FACILITY</a>		1801 S GULFWAY DR (WITHIN VALERO REFINERY)	PORT ARTHUR	TX	110043802819		No	1	3	1
<a href="#">BIG 9 VACUUM TRUCK INC</a>		FM 365 OUTSIDE CITY BLDG 2	PORT ARTHUR	TX	110008173172		No	0	0	0
<a href="#">BROUSSARD PIT</a>		TRAVEL SE ON TX 82E FROM HWY 73 FOR 1.8 MILES, TUR	PORT ARTHUR	TX	110070367690		No	0	0	0
<a href="#">CHAMPION MACHINE</a>		836 5TH ST	PORT ARTHUR	TX	110005023152		No	0	0	0
<a href="#">CHEVRON ENVIRONMENTAL MANAGEMENT</a>		2001 B S GULFWAY DR	PORT ARTHUR	TX	110005191693		No	0	0	0
<a href="#">CLAYTON MEMORIAL USARC</a>		449 TB ELLISON PARKWAY	PORT ARTHUR	TX	110005186949		No	0	0	0
<a href="#">CLEAN HARBORS ENVIRONMENTAL SERVICES</a>		HIGHWAY 73, 11 MILES W OF TAYLORS BAYOU, PORT ARTH	PORT ARTHUR	TX	110034200102		No	0	0	0
<a href="#">CONTAINER PRODUCTS</a>		SABINE ROAD HWY 87	PORT ARTHUR	TX	110008144007		No	0	0	0
<a href="#">DERRICK OIL &amp; SUPPLY</a>		1349 AUSTIN AVENUE	PORT ARTHUR	TX	110017836699		No	0	0	0
<a href="#">DERRICK OIL &amp; SUPPLY OF PORT ARTHUR</a>		947 PROCTER ST	PORT ARTHUR	TX	110034660757		No	0	0	0
<a href="#">DERRICK OIL AND SUPPLY</a>		947 PROCTER ST	PORT ARTHUR	TX	110070122927		No	0	0	0
<a href="#">DOMINION RANCH SUBDIVISION</a>		FROM HWY 69-96-287, EXIT TOWARD PORT ARTHUR. TAKE	PORT ARTHUR	TX	110070368546		No	0	0	0
<a href="#">FAMILY DOLLAR #2671</a>		190 GILLHAM CIR	PORT ARTHUR	TX	110063679693		No	0	0	0
<a href="#">GENERAL ATLANTIC RESOURCES</a>		NEAR JEFFERSON COUNTY AIRPORT	PORT ARTHUR	TX	110007200518		No	0	0	0
<a href="#">GULF COPPER MANUFACTURING</a>		320 HOUSTON AVE	PORT ARTHUR	TX	110005037682		No	0	0	0
<a href="#">J.V OIL RECLAMATION</a>		HIGHWAY 365 BLDG 1	PORT ARTHUR	TX	110008153078		No	0	0	0
<a href="#">KANSAS CITY SOUTHERN</a>		548 WEST 5TH	PORT							

# Page 2 of ECHO Facility Search Results

Facility Name	Mapped	Street Address	City	State	FRS ID	Reports	Significant Violations	Quarters with Noncompliance (3 years)	Inspections (5 years)	Formal Enforcement Actions (5 years)
<a href="#">KANSAS CITY SOUTHERN RAILWAY</a>		548 WEST 5TH STREET	PORT ARTHUR	TX	110002346505		No	0	0	0
<a href="#">MID-COUNTY DIRT PIT INC</a>		SAVANNAH AVE & HWY 69	PORT ARTHUR	TX	110008147380		No	0	0	0
<a href="#">MOTION INDUSTRIES TX61</a>		740 HOUSTON AVE	PORT ARTHUR	TX	110067678597		No	0	0	0
<a href="#">MOTIVA - PORT ARTHUR REFINERY</a>		2555 SAVANNAH AVE	PORT ARTHUR	TX	110000464024		Yes	12	7	16
<a href="#">PAYLESS TIRE SERVICE</a>		849 GULFWAY	PORT ARTHUR	TX	110005014705		No	0	0	0
<a href="#">PLANT 1-HOUSTON AVENUE FACILITY</a>		101 HOUSTON AVE	PORT ARTHUR	TX	110064617026		No	5	2	0
<a href="#">PORT ARTHUR OIL REFINERY</a>		NW END OF HOUSTON AVE IN PORT	PORT ARTHUR	TX	110064637442		No	7	3	0
<a href="#">PORT ARTHUR PDX STATION</a>		5300 W PORT ARTHUR RD AND H O MILLS	PORT ARTHUR	TX	110046247806		No	0	1	0
<a href="#">PORT ARTHUR PRODUCT STATION</a>		5600 OLD WEST PORT ARTHUR RD	PORT ARTHUR	TX	110064633954		Yes	6	0	0
<a href="#">PORT ARTHUR TRANSIT FACILITY</a>		320 DALLAS AVE	PORT ARTHUR	TX	110070367302		No	0	0	0
<a href="#">PORT OF PORT ARTHUR- BERTH 5 CONSTRUCTION PROJECT</a>		100 LAKESHORE DR	PORT ARTHUR	TX	110070362819		No	0	0	0
<a href="#">PORT OF PORT ARTHUR INTERNATIONAL PUBLIC PORT BERTH 3</a>		100 LAKESHORE DR	PORT ARTHUR	TX	110070389666		No	0	0	0
<a href="#">PORT OF PORT ARTHUR NAVIGATION DISTRICT</a>		221 HOUSTON AVENUE	PORT ARTHUR	TX	110024271777		No	0	0	0
<a href="#">PRAXAIR INC PORT ARTHUR HYDROGEN FACILITY 497</a>		2555 SAVANNAH AVE	PORT ARTHUR	TX	110016761823		No	4	2	0
<a href="#">PRAXAIR PORT ARTHUR HYDROGEN FACILITY</a>		2100 HOUSTON AVE	PORT ARTHUR	TX	110035367643		No	0	0	0

# Page 3 of ECHO Facility Search Results

Facility Name	Mapped	Street Address	City	State	FRS ID	Reports	Significant Violations	Quarters with Noncompliance (3 years)	Inspections (5 years)	Formal Enforcement Actions (5 years)
<a href="#">PREMCOR REFINING GROUP INC - PORT ARTHUR REFINERY</a>		1801 GULFWAY DR	PORT ARTHUR	TX	110000464006		Yes	12	9	16
<a href="#">PREVOST PIT STOP</a>		548 7TH STREET	PORT ARTHUR	TX	110005174319		No	0	0	0
<a href="#">PRO METAL FABRICATORS</a>		1048 7TH ST	PORT ARTHUR	TX	110005017739		No	0	0	0
<a href="#">R AND R MARINE</a>		700 SEVENTH ST	PORT ARTHUR	TX	110005171866		No	0	0	0
<a href="#">RAMS AUTO</a>		1449 7TH	PORT ARTHUR	TX	110005163624		No	0	0	0
<a href="#">RELADYNE - PORT ARTHUR AUSTIN</a>		1349 AUSTIN AVE	PORT ARTHUR	TX	110070070487		No	--	0	0
<a href="#">SI-17</a>		SITE IS LOCATED ADJACENT TO MOTIVA XYZ GATE. SITE	PORT ARTHUR	TX	110070506150		No	0	0	0
<a href="#">STANDARD ALLOYS PORT ARTHUR</a>		201 LAKESHORE DR	PORT ARTHUR	TX	110070372015		No	0	0	0
<a href="#">STANDARD ALLOYS PORT ARTHUR</a>		201 W LAKESHORE DR	PORT ARTHUR	TX	110000599530		No	2	2	0
<a href="#">TOMMYS GULF SEAFOOD</a>		3939 MLK JR DRIVE	PORT ARTHUR	TX	110070370230		No	0	0	0
<a href="#">VEOLIA RAIL TRANSFER FACILITY</a>		3100 COKE-DOCK RD	PORT ARTHUR	TX	110022308037		No	0	0	0





## Detailed Facility Report

### Facility Summary

**MOTIVA - PORT ARTHUR  
REFINERY  
2555 SAVANNAH AVE, PORT  
ARTHUR, TX 77640**

FRS.(Facility Registry Service) ID:

110000464024

EPA Region: 06

Latitude: 29.883333

Longitude: -93.958333

Locational Data Source: EIS

Industry:

Indian Country: N

### Enforcement and Compliance Summary

Statute	CAA
Insp (5 Years)	3
Date of Last Inspection	07/19/2016
<b>Current Compliance Status</b>	<b>High Priority Violation</b>
Qtrs with NC (of 12)	12
Qtrs with Significant Violation	12
Informal Enforcement Actions (5 years)	4
Formal Enforcement Actions (5 years)	14
Penalties from Formal Enforcement Actions (5 years)	\$512,649
EPA Cases (5 years)	2
Penalties from EPA Cases (5 years)	\$956,000
Statute	CWA
Insp (5 Years)	2
Date of Last Inspection	12/11/2018
<b>Current Compliance Status</b>	<b>No Violation Identified</b>
Qtrs with NC (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--
Statute	RCRA
Insp (5 Years)	2
Date of Last Inspection	12/08/2015
<b>Current Compliance Status</b>	<b>No Violation Identified</b>
Qtrs with NC (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	1
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

## Regulatory Information

Clean Air Act (CAA): Operating Minor (TX0000004824500047), Operating Major (TX0000004824500020)

Clean Water Act (CWA): Minor, Permit Effective (TXR15802T), Minor, Permit Effective (TXR05DZ91), Minor, Permit Effective (TXR15195O)

Resource Conservation and Recovery Act (RCRA): Inactive ( ) Other (TXD000792911), Active (HPA ) LQG Operating TSDF TSDF Transporter (TXD008097529)  
 Safe Drinking Water Act (SDWA): No Information

## Other Regulatory Reports

Air Emissions Inventory (EIS): 5650711

Greenhouse Gas Emissions (eGGRT): 1007458

Toxic Releases (TRI): 77640TXCRFNORTH

Compliance and Emissions Data Reporting Interface (CEDRI): CEDRI123189, CEDRI10002325, CEDRI97543

## Known Data Problems

## Facility/System Characteristics

### Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110000464024					N	29.883333	-93.958333
RMP	CAA	100000157297		ACTIVE			N		
CEDRI	CAA	CEDRI123189					N		
AIR	CAA	TX0000004824500047	Minor Emissions	Operating	CAASIP		N		
GHG	CAA	1007458	Supplier, Direct Emitter	Subject	General Stationary Fuel Combustion, Petroleum Refining, Petroleum Product Supply		N	29.890182	-93.948254
CEDRI	CAA	CEDRI10002325					N		
AIR	CAA	TX0000004824500020	Major Emissions	Operating	CAAMACT, CAANESH, CAANSPS, CAAPARGDC, CAASIP, CAATVP		N		
CEDRI	CAA	CEDRI97543					N		
EIS	CAA	5650711		OPERATING			N	29.883333	-93.958333
ICP	CWA	TXR15802T	Minor: General Permit Covered Facility	Effective	Storm Water Construction	03/04/2023	N	29.883055	-93.966388
ICP	CWA	TXR05DZ91	Minor: General Permit Covered Facility	Effective	Storm Water Industrial	08/13/2021	N	29.883055	-93.966388
ICP	CWA	TXR151950	Minor: General Permit Covered Facility	Effective	Storm Water Construction	03/05/2023	N	29.883055	-93.966388
TRI	EP313	77640TXCRFNORTH	Toxics Release Inventory	Last Reported for 2017			N	29.883333	-93.958333
RCR	RCRA	TXD000792911	Other	Inactive ( )			N	29.875511	-93.955136
RCR	RCRA	TXD008097529	LQG Operating TSDF TSDF Transporter	Active (HPA )			N	29.891407	-93.960747
TSCA	TSCA	TSCA77781					N		
TSCA	TSCA	TSCA6793					N		

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
TSCA	TSCA	200003013					N		
TSCA	TSCA	100607173					N		

## Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110000464024	MOTIVA - PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
RMP	CAA	100000157297	PORT ARTHUR REFINERY	2555 SAVANNAH AVENUE, PORT ARTHUR, TX 77641
CEDRI	CAA	CEDRI123189	PORT ARTHUR REFINERY	2100 HOUSTON AVE, PORT ARTHUR, TX 77640
AIR	CAA	TX0000004824500047	STAR ENTERPRISE	401 WEST 19TH STREET, PORT ARTHUR, TX 77641
GHG	CAA	1007458	MOTIVA ENTERPRISES LLC	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
CEDRI	CAA	CEDRI10002325	MOTIVA ENTERPRISES LLC	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
AIR	CAA	TX0000004824500020	PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
CEDRI	CAA	CEDRI97543	MOTIVA - PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
EIS	CAA	5650711	PORT ARTHUR REFINERY	AT THE NORTH END OF HOUSTON AVE, PORT ARTHUR, TX 77640
ICP	CWA	TXR15802T	PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640-3672
ICP	CWA	TXR05DZ91	PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640-3672
ICP	CWA	TXR151950	PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640-3672
TRI	EP313	77640TXCRFNORTH	MOTIVA-PORT ARTHUR REFINERY	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
RCR	RCRA	TXD000792911	STAR ENTERPRISES INC	401 W 19TH ST, PORT ARTHUR, TX 77640
RCR	RCRA	TXD008097529	MOTIVA ENTERPRISES PORT ARTHUR REFINERY	2100 HOUSTON AVE, PORT ARTHUR, TX 77640-3300
TSCA	TSCA	TSCA77781	MOTIVA ENTERPRISES, LLC	2055 SAVANNAH AVE., PORT ARTHUR, TX 77641
TSCA	TSCA	TSCA6793	MOTIVA ENTERPRISES LLC	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640
TSCA	TSCA	200003013	MOTIVA ENTERPRISES LLC	2100 HOUSTON AVENUE, PORT ARTHUR, JEFFERSON, TX 77640
TSCA	TSCA	100607173	MOTIVA ENTERPRISES LLC	2555 SAVANNAH AVE, PORT ARTHUR, TX 77640

## Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
TRI	77640TXCRFNORTH	2011	Meat Packing Plants
TRI	77640TXCRFNORTH	2211	Broadwoven Fabric Mills, Cotton
TRI	77640TXCRFNORTH	2911	Petroleum Refining
TRI	77640TXCRFNORTH	5171	Petroleum Bulk Stations & Terminals
AIR	TX0000004824500047	5171	Petroleum Bulk Stations & Terminals
ICP	TXR05DZ91	2911	Petroleum Refining
ICP	TXR151950	1629	Heavy Construction
ICP	TXR15802T	1541	Industrial Buildings And Warehouses
ICP	TXR15802T	1629	Heavy Construction

## Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RMP	100000157297	32411	Petroleum Refineries
GHG	1007458	324110	Petroleum Refineries
EIS	5650711	324110	Petroleum Refineries
TRI	77640TXCRFNORTH	311611	Animal (except Poultry) Slaughtering
TRI	77640TXCRFNORTH	313210	Broadwoven Fabric Mills
TRI	77640TXCRFNORTH	324110	Petroleum Refineries
TRI	77640TXCRFNORTH	424710	Petroleum Bulk Stations and Terminals
AIR	TX0000004824500020	324110	Petroleum Refineries
AIR	TX0000004824500047	999999	
RCR	TXD000792911	42271	
RCR	TXD008097529	32411	Petroleum Refineries





Statute	Source ID	System	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	TX0000004824500020	AIR	Stack Test	State	08/07/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	TV ACC Receipt/Review	State	07/28/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500020	AIR	Stack Test	State	07/20/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/20/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/20/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	TV ACC Receipt/Review	State	06/22/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500020	AIR	Stack Test	State	05/31/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	TV ACC Receipt/Review	State	05/19/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	05/05/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	02/21/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	02/21/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	02/21/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	02/20/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	TV ACC Receipt/Review	State	02/09/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500020	AIR	Stack Test	State	01/31/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/18/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/18/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/18/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/14/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/14/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/14/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/03/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/03/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/03/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	11/03/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	10/19/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	09/09/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	08/03/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	08/03/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	TV ACC Receipt/Review	State	07/19/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500020	AIR	FCE On-Site	State	07/19/2016	
CAA	TX0000004824500020	AIR	Stack Test	State	06/29/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	06/29/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	TV ACC Receipt/Review	State	06/20/2016	Finding: There are Facility Report Deviations









Statute	Source ID	System	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	TX0000004824500020	AIR	112(r)(7) Inspection	EPA	08/14/2014	
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/25/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/23/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass
CAA	TX0000004824500020	AIR	Stack Test	State	07/22/2014	Findings: Pass





Statute	Source ID	System	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>TV ACC Receipt/Review</i>	State	05/21/2014	<i>Finding: There are Facility Report Deviations</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/21/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500020</i>	AIR	<i>Stack Test</i>	State	05/15/2014	<i>Findings: Pass</i>
CAA / § 112[R][1]	3402059046	ICIS	112(r)(7) Inspection	EPA	08/14/2014	
CAA / § 112[R][7]	3400287707	ICIS	112(r)(7) Inspection	EPA	08/14/2014	
CWA / § 311	3601699577	ICIS	Evaluation	EPA	12/11/2018	
CWA / § 311	3601699578	ICIS	Evaluation	EPA	12/11/2018	
RCRA	TXD008097529	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	State	12/08/2015	No Violations Or Compliance Issues Were Found
RCRA	<i>TXD008097529</i>	RCR	<i>NON-FINANCIAL RECORD REVIEW</i>	State	07/24/2014	<i>No Violations Or Compliance Issues Were Found</i>
RCRA	TXD008097529	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	State	04/21/2014	Violations Or Compliance Issues Were Found

*Entries in italics are not counted in EPA compliance monitoring strategies or annual results.*

## Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CAA	TX0000004824500047	No	04/20/2019	0	04/19/2019
CAA	TX0000004824500020	Yes	04/20/2019	12	04/19/2019
CWA	TXR15802T	No	12/31/2018	0	04/19/2019



Statute	Program/Quarterly Violation Noncompliance Report History	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
CWA (Source ID: TXR151950)		01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Quarterly Noncompliance Report History											

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
RCRA (Source ID: TXD000792911)		07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18	10/01-12/31/18	01/01-03/31/19
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
RCRA (Source ID: TXD0008097529)		07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18	10/01-12/31/18	01/01-03/31/19
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified

## Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
CAA	AIR	TX0000004824500020	Notice of Violation	State	02/28/2019
CAA	AIR	TX0000004824500020	Notice of Violation	State	05/22/2018
CAA	AIR	TX0000004824500020	Notice of Violation	State	05/22/2014
CAA	AIR	TX0000004824500020	Notice of Violation	State	05/22/2014
RCRA	RCR	TXD008097529	WRITTEN INFORMAL	State	05/23/2014

## Formal Enforcement Actions (5 Years)

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Act Date
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A101401092017012	State		02/14/2018	1	02/14/2018
CAA	AIR	112[R] [7]	AIR/TX0000004824500020 RMP/100000157297	Administrative - Formal	06-2017-3335	EPA	Motiva Port Arthur RMP CAFO	03/29/2017	1	03/29/2017
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A431343412016039	State		10/11/2016	1	10/11/2016
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A916306472015117	State		10/11/2015	1	10/11/2015
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A391263572014164	State		10/01/2015	1	10/01/2015
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A975399162014286	State		04/09/2015	1	04/09/2015
CAA	ICIS	211	ICIS/37274	Administrative - Formal	EF-2015-8069	EPA	Shell (Equilon, Motiva and Deer Park Refining)	01/16/2015	1	01/16/2015
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A222439022012031	State		10/17/2014	1	10/17/2014
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A200438462012031	State		10/17/2014	1	10/17/2014
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A483353252014064	State		10/17/2014	1	10/17/2014



State	System	Law/Section	Source ID	Administrative Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A48542912013115	State	PORT ARTHUR REFINERY 482450002001333	08/15/2014	1	08/15/2014
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A0000482450002001329	State	PORT ARTHUR REFINERY 482450002001329	08/15/2014	1	08/15/2014
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A0000482450002001342	State	PORT ARTHUR REFINERY 482450002001342	07/11/2014	1	07/11/2014
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A0000482450002001346	State	PORT ARTHUR REFINERY 482450002001346	07/11/2014	1	07/11/2014
CAA	AIR	OTHER	AIR/TX0000004824500020	Administrative - Formal	TX000A485473862013347	State		07/11/2014	1	07/11/2014

## Environmental Conditions

### Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Waterbody Name (ICIS (Integrated Compliance Information System))	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
TXR15802T					CITY OUTFALL CANAL	No			Yes
TXR05DZ91						No			Yes
TXR151950						No			Yes

### Waterbody Designated Uses

Reach Code	Waterbody Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
		No	No	No	No	No	No
		No	No	No	No	No	No
		No	No	No	No	No	No

### Air Quality

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
Yes	Ozone	8-Hour Ozone (1997)
No	Lead	
No	Particulate Matter	
No	Carbon Monoxide	
No	Nitrogen Dioxide	
No	Sulfur Dioxide	



Chemical Name	2017	2016	2015	2014	2013	2012	2011	2010	2009
CARBON DISULFIDE	0	1	241	0	0	0			
CARBONYL SULFIDE									
CHLORINE	136	122	118	105		37	35	40	45
CHLOROBENZENE									
CHLORODIFLUOROMETHANE									
CHLOROTRIFLUOROMETHANE									
CHROMIUM									
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION)									265
COBALT									
COBALT COMPOUNDS		90	0	0		0	0		189,175
COPPER									
COPPER COMPOUNDS	4				0	0			
CRESOL (MIXED ISOMERS)									
CUMENE	447								98
CYCLOHEXANE									1,360
DICHLORODIFLUOROMETHANE									
DIOXIN AND DIOXIN-LIKE COMPOUNDS (in grams)	0	0	0	0	0	0	0	1	0
ETHYLBENZENE	4,665	4,404	5,380	3,369	2,753	4,523	7,009	2,508	4,414
ETHYLENE	639	119	730	90	1,880	992	968	1,546	27,463
ETHYLENE GLYCOL	0	0	0	2	2				0
HYDROCHLORIC ACID (1995 AND AFTER ACID AEROSOLS ONLY)	712	639	617	548	380				231
HYDROGEN CYANIDE	274,452								
HYDROGEN SULFIDE	28,756	26,855	30,434	28,791	24,063	21,635			
LEAD									
LEAD COMPOUNDS	752	571	1,608	740	653	2,149	4,800	4,449	735
MANGANESE									
MANGANESE COMPOUNDS									145
MERCURY									
MERCURY COMPOUNDS	558	429	2,708	590	382	1,394	3,485	48	143
METHANOL	6								278
METHYL ETHYL KETONE									
METHYL ISOBUTYL KETONE									
METHYL TERT-BUTYL ETHER									
MOLYBDENUM TRIOXIDE	0	0	0	2	1	4	172	358	101,072
N-BUTYL ALCOHOL									56
N-HEXANE	25,752	16,300	20,775	17,557	7,168	9,268	13,455	12,341	15,480
N-METHYL-2-PYRROLIDONE	0	0	0	0	0	0	0	916	0
NAPHTHALENE	400	3,345	2,804	352	388	371	667	626	523
NICKEL									
NICKEL COMPOUNDS	37	677	67	118	85	224	1,054		255,917

Chemical Name	2017	2016	2015	2014	2013	2012	2011	2010	2009
NITRATE COMPOUNDS	1,255,391	1,199,882	1,220,851	1,121,620	1,121,573	1,065,813	813,405	773,172	678,464
NITROBENZENE									
PHENANTHRENE									
PHENOL	731	20,207	15,661	265	253	251	1,537	315	517
PHOSPHORIC ACID									
PHOSPHORUS (YELLOW OR WHITE)									
POLYCYCLIC AROMATIC COMPOUNDS	43	314	42	40	40	41	27	26	25
PROPYLENE	5,291	2,624	19,612	2,297	8,095	2,551	1,687	36,205	112,679
SELENIUM									
SELENIUM COMPOUNDS									
SODIUM HYDROXIDE (SOLUTION)									
SODIUM SULFATE (SOLUTION)									
STYRENE	31	36	37	36	34	92	19	23	0
SULFURIC ACID (1994 AND AFTER ACID AEROSOLS ONLY)		33,639	30,310	27,337	31,493				2,243
TETRACHLOROETHYLENE	112	61	130	63	94	170	73	0	1
TOLUENE	16,058	15,082	13,925	11,823	9,030	13,493	7,121	5,824	17,307
TRICHLOROETHYLENE									
XYLENE (MIXED ISOMERS)	14,721	14,957	12,674	13,480	9,999	8,596	7,903	4,523	13,600
ZINC (FUME OR DUST)									
ZINC COMPOUNDS	0			0	0	0			

## Demographic Profile

### Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

General Statistics	
Total Persons	22,289
Population Density	970/sq.mi.
Percent Minority	90%
Households in Area	8,210
Housing Units in Area	9,862
Households on Public Assistance	148

Age Breakdown - Persons (%)	
Children 5 years and younger	1,724 (8%)
Minors 17 years and younger	6,076 (27%)
Adults 18 years and older	16,213 (73%)
Seniors 65 years and older	3,084 (14%)

Race Breakdown - Persons (%)	
White	4,585 (21%)

General Statistics	
Persons Below Poverty Level	12,021

Geography	
Radius of Selected Area	3 mi.
Center Latitude	29.883333
Center Longitude	-93.958333
Land Area	80%
Water Area	20%

Income Breakdown - Households (%)	
Less than \$15,000	2,210 (26.38%)
\$15,000 - \$25,000	1,248 (14.9%)
\$25,000 - \$50,000	2,602 (31.06%)
\$50,000 - \$75,000	1,162 (13.87%)
Greater than \$75,000	1,155 (13.79%)

Race Breakdown - Persons (%)	
African-American	13,360 (60%)
Hispanic-Origin	5,760 (26%)
Asian/Pacific Islander	859 (4%)
American Indian	171 (1%)
Other/Multiracial	3,314 (15%)

Education Level(Persons 25 & older) - Persons (%)	
Less than 9th Grade	1,551 (11.03%)
9th through 12th Grade	2,239 (15.93%)
High School Diploma	5,035 (35.82%)
Some College/2-year	4,377 (31.14%)
<u>B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More</u>	854 (6.08%)

## Detailed Facility Report

### Facility Summary

**PREMCOR REFINING GROUP INC -  
PORT ARTHUR REFINERY  
1801 GULFWAY DR, PORT ARTHUR,  
TX 77640**

FRS.(Facility Registry Service) ID:

110000464006

EPA Region: 06

Latitude: 29.868333

Longitude: -93.968333

Locational Data Source: EIS

Industry:

Indian Country: N

### Enforcement and Compliance Summary

--

Statute	CAA
Insp (5 Years)	2
Date of Last Inspection	08/15/2017
<b>Current Compliance Status</b>	<b>High Priority Violation</b>
Qtrs with NC (of 12)	12
Qtrs with Significant Violation	12
Informal Enforcement Actions (5 years)	19
Formal Enforcement Actions (5 years)	12
Penalties from Formal Enforcement Actions (5 years)	\$579,590
EPA Cases (5 years)	1
Penalties from EPA Cases (5 years)	\$50,000
Statute	CWA
Insp (5 Years)	4
Date of Last Inspection	08/13/2018
<b>Current Compliance Status</b>	<b>Violation Identified</b>
Qtrs with NC (of 12)	6
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	2
Penalties from Formal Enforcement Actions (5 years)	\$14,062
EPA Cases (5 years)	1
Penalties from EPA Cases (5 years)	\$0
Statute	RCRA
Insp (5 Years)	3
Date of Last Inspection	10/07/2015
Current Compliance Status	Violation
Qtrs with NC (of 12)	12
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	3
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

## Regulatory Information

Clean Air Act (CAA): Operating Major (TX0000004824500004), Operating Major (TX0000004824500746)

Clean Water Act (CWA): Major, Permit Effective (TX0005991)

Resource Conservation and Recovery Act (RCRA): Active (HPA ) LQG TSDf (TXD008090409)

Safe Drinking Water Act (SDWA): No Information

## Other Regulatory Reports

Air Emissions Inventory (EIS): 4863211

Greenhouse Gas Emissions (eGGRT): 1002657

Toxic Releases (TRI): 77640CLRKR1801S

Compliance and Emissions Data Reporting Interface (CEDRI): CEDRI110564

### Known Data Problems

## Facility/System Characteristics

### Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110000464006					N	29.868333	-93.968333
RMP	CAA	100000196218		ACTIVE			N		
RMP	CAA	100000116634		ACTIVE			N		
EIS	CAA	4863211		OPERATING			N	29.868333	-93.968333
AIR	CAA	TX0000004824500004	Major Emissions	Operating	CAAMACT, CAANESH, CAANSPS, CAAPARGDC, CAAPSD, CAASIP, CAATVP		N		
AIR	CAA	TX0000004824500746	Major Emissions	Operating	CAASIP		N		
CEDRI	CAA	CEDRI110564					N		
GHG	CAA	1002657	Supplier, Direct Emitter	Subject	General Stationary Fuel Combustion, Petroleum Refining, Petroleum Product Supply		N	29.866498	-93.965146
ICP	CWA	TX0005991	Major: NPDES Individual Permit	Effective		07/01/2019	N	29.855556	-93.965556
TRI	EP313	77640CLRKR1801S	Toxics Release Inventory	Last Reported for 2017			N	29.868333	-93.968333
RCR	RCRA	TXD008090409	LQG TSDF	Active (HPA )			N	29.846338	-93.9786
TSCA	TSCA	TSCA8552					N		
TSCA	TSCA	100607622					N		

### Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110000464006	PREMCOX REFINING GROUP INC - PORT ARTHUR REFINERY	1801 GULFWAY DR, PORT ARTHUR, TX 77640
RMP	CAA	100000196218	AIR PRODUCTS LLC (PORT ARTHUR II HYDROGEN/COGEN)	1801 SOUTH GULFWAY DRIVE, PORT ARTHUR, TX 77640
RMP	CAA	100000116634	VALERO PORT ARTHUR REFINERY	1801 S. GULFWAY DRIVE, PORT ARTHUR, TX 77640
EIS	CAA	4863211	VALERO PORT ARTHUR REFINERY	1801 S GULFWAY DRIVE, PORT ARTHUR, TX 77640
AIR	CAA	TX0000004824500004	VALERO PORT ARTHUR REFINERY	1801 GULFWAY DR, PORT ARTHUR, TX 77640
AIR	CAA	TX0000004824500746	VALERO PARTNERS PORT ARTHUR	1801 GULFWAY DR, PORT ARTHUR, TX 77640



System	Statute	Identifier	Facility Name	Facility Address
CEDRI	CAA	CEDRI110564	PREMCO REFINING GROUP INC - PORT ARTHUR REFINERY	1801 S GULFWAY DR, PORT ARTHUR, TX 77640
GHG	CAA	1002657	PREMCO REFINING GROUP INCORPORATED PORTARTHUR REFINERY	1801 SOUTH GULFWAY DRIVE, PORT ARTHUR, TX 77640
ICP	CWA	TX0005991	VALERO PT ARTHUR EFINERY	0.5 MILES N OF THE MLK BRIDGE ON ST HWY 82, CITY OF PORT ARTHUR, TX 77641
TRI	EP313	77640CLRKR1801S	PREMCO REFINING GROUP INC PORT ARTHUR	1801 S GULFWAY DR, PORT ARTHUR, TX 77640
RCR	RCRA	TXD008090409	THE PREMCO REFINING GROUP	1801 GULFWAY DR, PORT ARTHUR, TX 77640-4416
TSCA	TSCA	TSCA8552	PREMCO REFINING GROUP INC PORT ARTHUR	1801 SOUTH GULFWAY DRIVE, PORT ARTHUR, TX 77640
TSCA	TSCA	100607622	PREMCO REFINING GROUP INC PORT ARTHUR	1801 SOUTH GULFWAY DRIVE, PORT ARTHUR, TX 77640

## Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
TRI	77640CLRKR1801S	2911	Petroleum Refining
ICP	TX0005991	2911	Petroleum Refining

## Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RMP	100000116634	32411	Petroleum Refineries
RMP	100000196218	32512	Industrial Gas Manufacturing
GHG	1002657	324110	Petroleum Refineries
EIS	4863211	324110	Petroleum Refineries
TRI	77640CLRKR1801S	324110	Petroleum Refineries
AIR	TX0000004824500004	324110	Petroleum Refineries
AIR	TX0000004824500746	324110	Petroleum Refineries
RCR	TXD008090409	32411	Petroleum Refineries

## Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned			

## Enforcement and Compliance

### Compliance Monitoring History (5 years)

Statute	Source ID	System	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	11/26/2018	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	08/20/2018	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	08/13/2018	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	07/09/2018	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	06/27/2018	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	01/26/2018	Finding: There are Facility Report Deviations

Statute	Source ID	System	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	TX0000004824500004	AIR	Stack Test	State	11/14/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	11/14/2017	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	FCE On-Site	State	08/15/2017	
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	08/15/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	05/31/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	04/05/2017	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	10/21/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	10/20/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	07/29/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	07/25/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	Stack Test	State	07/11/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	05/06/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	05/06/2016	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	Stack Test	State	04/05/2016	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	10/27/2015	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	10/06/2015	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	Stack Test	State	09/03/2015	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	08/19/2015	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	08/19/2015	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	08/19/2015	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	08/14/2015	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	08/14/2015	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	05/20/2015	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	PCE On-Site	EPA	05/15/2015	
CAA	TX0000004824500004	AIR	Stack Test	State	04/17/2015	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	12/09/2014	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	Stack Test	State	10/16/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	10/16/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	10/16/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	10/16/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	Stack Test	State	10/16/2014	Findings: Pass Pollutants: FACIL
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	09/22/2014	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	PCE Off-Site	State	09/22/2014	
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	09/21/2014	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	PCE Off-Site	State	09/08/2014	
CAA	TX0000004824500004	AIR	PCE Off-Site	State	09/08/2014	
CAA	TX0000004824500004	AIR	PCE Off-Site	State	09/08/2014	
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	07/25/2014	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	PCE Off-Site	State	07/25/2014	
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	07/24/2014	Finding: There are Facility Report Deviations
CAA	TX0000004824500004	AIR	TV ACC Receipt/Review	State	07/11/2014	

Statute	Source ID	System	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	<i>TX0000004824500004</i>	AIR	<i>PCE Off-Site</i>	State	06/27/2014	
CAA	<i>TX0000004824500004</i>	AIR	<i>TV ACC Receipt/Review</i>	State	06/27/2014	<i>Finding: There are Facility Report Deviations</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>TV ACC Receipt/Review</i>	State	06/26/2014	<i>Finding: There are Facility Report Deviations</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Partial Evaluation</i>	EPA	06/18/2014	
CAA	<i>TX0000004824500004</i>	AIR	<i>PCE On-Site Record/Report Review</i>	EPA	06/18/2014	
CAA	<i>TX0000004824500004</i>	AIR	<i>TV ACC Receipt/Review</i>	State	06/14/2014	
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	06/04/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	06/04/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	06/04/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	06/04/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	05/20/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	05/20/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	05/20/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	05/20/2014	<i>Findings: Pass Pollutants: FACIL</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	05/20/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>Stack Test</i>	State	05/20/2014	<i>Findings: Pass</i>
CAA	<i>TX0000004824500004</i>	AIR	<i>PCE Off-Site</i>	State	05/16/2014	
CAA / § 112[R][7]	3600137433	ICIS	PCE On-Site	EPA	05/15/2015	
CWA	TX0005991	ICP	Evaluation	State	08/13/2018	
CWA	TX0005991	ICP	Evaluation	State	08/04/2016	
CWA	TX0005991	ICP	Evaluation	State	07/24/2014	
CWA	TX0005991	ICP	Evaluation	State	07/24/2014	
RCRA	TXD008090409	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	State	10/07/2015	Violations Or Compliance Issues Were Found
RCRA	TXD008090409	RCR	FOCUSED COMPLIANCE INSPECTION	State	04/30/2015	Violations Or Compliance Issues Were Found
RCRA	TXD008090409	RCR	FOCUSED COMPLIANCE INSPECTION	State	04/02/2015	Violations Or Compliance Issues Were Found

Entries in italics are not counted in EPA compliance monitoring strategies or annual results.

## Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CAA	TX0000004824500004	Yes	04/20/2019	12	04/19/2019
CAA	TX0000004824500746	No	04/20/2019	0	04/19/2019
CWA	TX0005991	No	12/31/2018	6	04/19/2019
RCRA	TXD008090409	No	04/20/2019	12	04/19/2019

## Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7
CAA (Source ID: TX0000004824500004)		07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18
Facility-Level Status		High Priority Violation	High Priority Violation	High Priority Violation	High Priority Violation	High Priority Violation	High Priority Violation	High Priority Violation
HPV History		Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State
Violation	Agency	Programs	Pollutants					





Statute	Program/Pollutant Type	Agency	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
RCRA	262.A: Generators - General	EPA	04/14/1997	→	→	→	→	→	→	→	→	→	→

## Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
CAA	AIR	TX0000004824500004	Notice of Violation	State	02/19/2019
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/29/2018
CAA	AIR	TX0000004824500004	Notice of Violation	State	05/30/2018
CAA	AIR	TX0000004824500004	Notice of Violation	State	05/30/2018
CAA	AIR	TX0000004824500004	Notice of Violation	State	05/14/2018
CAA	AIR	TX0000004824500004	Notice of Violation	State	12/18/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/30/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/30/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/23/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/23/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/23/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/01/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	05/24/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	03/16/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	03/16/2017
CAA	AIR	TX0000004824500004	Notice of Violation	State	07/25/2016
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/11/2014
CAA	AIR	TX0000004824500004	Notice of Violation	State	06/11/2014
CAA	AIR	TX0000004824500746	Notice of Violation	State	04/12/2018
RCRA	RCR	TXD008090409	WRITTEN INFORMAL	State	12/18/2015
RCRA	RCR	TXD008090409	WRITTEN INFORMAL	State	07/17/2015
RCRA	RCR	TXD008090409	WRITTEN INFORMAL	State	06/30/2015

## Formal Enforcement Actions (5 Years)

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date
CAA	AIR	112[R] [7]	AIR/TX0000004824500004	Administrative - Formal	06-2018-3316	EPA	Premcor (Valero) Refining RMP CAFO	06/06/2018	1	06/06/2018
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A436583092016257	State		07/12/2017	1	07/12/2017
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A566612192015106	State		03/04/2016	1	03/04/2016
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A594404042015259	State		03/01/2016	1	03/01/2016
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A711556802014322	State		09/15/2015	1	09/15/2015
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A303487242015048	State		08/17/2015	1	08/17/2015
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A515551432014085	State		04/09/2015	1	04/09/2015

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A309478032014119	State		03/13/2015	1	03/13/2015
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A403518692014176	State		02/13/2015	1	02/13/2015
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A0000482450000401166	State	VALERO PORT ARTHUR REFINERY 482450000401166	08/25/2014	1	08/25/2014
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A337388862013273	State		08/15/2014	1	08/15/2014
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A0000482450000401161	State	VALERO PORT ARTHUR REFINERY 482450000401161	08/15/2014	1	08/15/2014
CAA	AIR	OTHER	AIR/TX0000004824500004	Administrative - Formal	TX000A968575032009173	State		01/01/0001	1	05/12/2014
CWA	ICP	OTHER	NPDES/TX0005991	Administrative - Formal	TX-2016-1834-IWD-E	State		01/15/2019	1	01/15/2019
CWA	ICP	OTHER	NPDES/TX0005991	Administrative - Formal	TX-2015-0432-IWD-E	State		01/28/2016	1	01/28/2016
CWA	ICP	301/402	NPDES/TX0005991	Administrative - Formal	06-2015-1846	EPA	Premcor Refining Group, Inc.	09/02/2015	1	09/02/2015

## Environmental Conditions

### Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Waterbody Name (ICIS (Integrated Compliance Information System))	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
TX0005991			120402010300	Salt Bayou	JCDD #7 MAIN OUTFALL CANAL	303(D) Listed	5	TOTAL TOXICS	Yes

### Waterbody Designated Uses

Reach Code	Waterbody Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
12040201000569		No	Yes	Yes	No	No	No

### Air Quality

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
Yes	Ozone	8-Hour Ozone (1997)
No	Lead	
No	Particulate Matter	
No	Carbon Monoxide	
No	Nitrogen Dioxide	
No	Sulfur Dioxide	

# Pollutants

## Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

### Air Pollutant Report      TRI Pollution Prevention Report

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
77640CLRKR1801S	2017	698,413	77,950	0		3,848	780,211	90,941
77640CLRKR1801S	2016	570,889	72,584	0		199	643,672	61,330
77640CLRKR1801S	2015	470,270	78,639	0			548,909	107,625
77640CLRKR1801S	2014	458,232	58,836	0		0	517,068	64,100
77640CLRKR1801S	2013	481,631	68,388	0		0	550,019	86,580
77640CLRKR1801S	2012	601,613	122,566	0			724,179	91,719
77640CLRKR1801S	2011	542,383	25,008	0		0	567,391	231,096
77640CLRKR1801S	2010	143,099	29,654	0		0	172,753	295,189
77640CLRKR1801S	2009	157,593	38,282	0		0	195,875	188,533

## Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2017	2016	2015	2014	2013	2012	2011	2010	2009
1,2,4-TRIMETHYLBENZENE	6,501	982	791	1,020	1,087	1,040	554	916	1,334
1,3-BUTADIENE	886	219	178	108	98	118	112	115	255
2,4-DIMETHYLPHENOL	127			79	91	96	70	86	113
AMMONIA	22,813	20,820	22,508	23,290	23,220	25,335	22,475	20,729	22,195
ANTHRACENE	270	247	442	81	93	99	81	96	123
ASBESTOS (FRIABLE)	65,916								
BENZENE	21,032	18,919	16,444	11,803	14,588	15,079	12,709	13,372	14,768
BENZO(G,H,I)PERYLENE	7	6	0	1	1	1	1	1	1
BIPHENYL					4	4	5	5	5
CARBON DISULFIDE	3,604	3,352	3,095	3,350	3,503	3,532	3,086	3,156	3,424
CARBONYL SULFIDE	5,420	4,879	5,228	5,112	5,223	5,022	4,090	5,059	8,658
CERTAIN GLYCOL ETHERS									
CHLORINE							393	297	356
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION)					451	466	548	251	249
COBALT COMPOUNDS	4,194	28,061	51	19,605	27,556	19,374	10,242	22,494	31,348
COPPER COMPOUNDS									
CRESOL (MIXED ISOMERS)	377	275	130	108	120	120	88	93	113
CUMENE	829	214	660	119	155	153	73	152	210
CYANIDE COMPOUNDS	1,306	1,295	890	946	1,177	1,490	1,451	1,096	1,315
CYCLOHEXANE	15,865	8,735	6,863	5,838	16,730	18,131	4,211	15,115	10,795
DIETHANOLAMINE						0			



Chemical Name	2017	2016	2015	2014	2013	2012	2011	2010	2009
DIOXIN AND DIOXIN-LIKE COMPOUNDS (in grams)	1	1	0	1	1	0	0	0	1
ETHYLBENZENE	7,608	3,262	2,985	1,730	2,147	2,476	1,898	2,024	4,043
ETHYLENE	2,558	9,887	15,546	8,211	8,167	8,407	11,759	8,868	9,604
HYDROCHLORIC ACID (1995 AND AFTER ACID AEROSOLS ONLY)	2,603	2,549	127	139	160	202	196	153	175
HYDROGEN CYANIDE	425,755	351,780	239,669	325,622	319,597	410,470	398,797	509	3,135
HYDROGEN FLUORIDE	5	40	33	5	5	5	5		
HYDROGEN SULFIDE	18,377	30,466	31,792	9,085	9,290	24,382			
LEAD									
LEAD COMPOUNDS	360	338	1,074	473	231	542	3,356	1,619	491
MANGANESE COMPOUNDS					1,132	1,143	1,104	500	622
MERCURY									
MERCURY COMPOUNDS	10	9	192	108	14	11	9	12	18
METHANOL	2,232	477							
METHYL ETHYL KETONE									
METHYL TERT-BUTYL ETHER									
MOLYBDENUM TRIOXIDE	3,309	9,139	8,188	4,315	11,454	10,289	119,509	190,095	155,161
N-HEXANE	38,911	29,141	24,389	7,640	13,678	13,323	8,480	9,513	12,516
NAPHTHALENE	4,214	1,617	3,536	147	141	132	101	64	88
NICKEL COMPOUNDS	17,456	20,591	81,784	34,168	46,421	58,890	98,580	82,753	4,054
NITRATE COMPOUNDS	75,187	70,058	72,376	55,755	64,181	119,399	19,716	24,131	31,619
PHENANTHRENE	808	573	1,105	160	175	173	131	88	115
PHENOL	829	405	662	312	1,500	290	229	274	303
POLYCYCLIC AROMATIC COMPOUNDS	8,784	3,860	1,586	220	182	156	168	12	12
PROPYLENE	6,583	17,539	40,328	8,090	8,533	9,576	17,692	10,044	10,284
SODIUM NITRITE									
STYRENE	6,450	670	655	561	601	633	625	734	1,058
SULFURIC ACID (1994 AND AFTER ACID AEROSOLS ONLY)	42,399	34,430	28,455	29,135	31,630	37,868	36,093	33,468	34,350
TETRACHLOROETHYLENE	106	99	5	5	5	5	5		
TOLUENE	35,087	19,855	21,852	12,783	14,942	16,475	12,487	12,467	12,342
VANADIUM COMPOUNDS	34	2,668	16,260	5,588					
XYLENE (MIXED ISOMERS)	21,750	6,987	6,362	5,222	7,412	9,157	5,754	5,991	7,083
ZINC COMPOUNDS	589	557	292	234	903	1,834	1,603	1,589	2,072

## Demographic Profile

### Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

General Statistics	
Total Persons	9,925
Population Density	467/sq.mi.
Percent Minority	96%
Households in Area	4,034
Housing Units in Area	4,962
Households on Public Assistance	78
Persons Below Poverty Level	5,675

Geography	
Radius of Selected Area	3 mi.
Center Latitude	29.868333
Center Longitude	-93.968333
Land Area	76%
Water Area	24%

Income Breakdown - Households (%)	
Less than \$15,000	1,311 (30.97%)
\$15,000 - \$25,000	546 (12.9%)
\$25,000 - \$50,000	1,324 (31.28%)
\$50,000 - \$75,000	536 (12.66%)
Greater than \$75,000	516 (12.19%)

Age Breakdown - Persons (%)	
Children 5 years and younger	715 (7%)
Minors 17 years and younger	2,504 (25%)
Adults 18 years and older	7,421 (75%)
Seniors 65 years and older	1,779 (18%)

Race Breakdown - Persons (%)	
White	627 (6%)
African-American	8,800 (89%)
Hispanic-Origin	638 (6%)
Asian/Pacific Islander	33 (0%)
American Indian	21 (0%)
Other/Multiracial	444 (4%)

Education Level(Persons 25 & older) - Persons (%)	
Less than 9th Grade	485 (6.74%)
9th through 12th Grade	1,037 (14.41%)
High School Diploma	2,736 (38.02%)
Some College/2-year	2,458 (34.15%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	481 (6.68%)

**Executive Summary – Enforcement Matter – Case No. 50396**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2015-0594-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson 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:** September 11, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$46,876

**Amount Deferred for Expedited Settlement:** \$9,375

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$18,751

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$18,750

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50396**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2015-0594-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** March 5, 2015, March 9, 2015, March 10, 2015, March 18, 2015, and April 13, 2015

**Date(s) of NOE(s):** April 7, 2015, April 8, 2015, April 16, 2015, and May 5, 2015

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,857 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>"), 5,748.8 lbs of volatile organic compounds ("VOC"), 2,398 lbs of carbon monoxide ("CO"), 331 lbs of nitrogen oxides ("NO<sub>x</sub>"), and 94.2 lbs of hydrogen sulfide ("H<sub>2</sub>S") from Flare Nos. 103, 19, and 22, Emissions Point Numbers ("EPNs") F-103-FLARE, F-19-FLARE, and F-22-FLARE, respectively, during an emissions event (Incident No. 207996) that began on January 2, 2015 and lasted five hours and 26 minutes. The emissions event occurred when a maintenance contractor accidentally damaged wires in an electrical conduit for the K-1300 Wet Gas Compressor, causing it to trip offline which led to flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. O1498, Special Terms and Conditions ("STC") No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,764.16 lbs of SO<sub>2</sub>, 537.88 lbs of CO, 179.04 lbs of VOC, 150.19 lbs of NO<sub>x</sub>, 70.88 lbs of H<sub>2</sub>S, and 25.89 lbs of particulate matter ("PM") from Heater 147-F-1100, Heater 147-F-1200, Heater 843-H1, Heater 843-H3, Flare No. 23, Hydrocracking Unit ("HCU") 943 Flare, Heater 246-H1, and Sulfur Recovery Unit ("SRU") 545, EPNs E-01-147, E-02-147, E-01-843, E-03-843, E-23-FLARE, E-26-FLARE, E-01-246, and E-03-SCOT, respectively, during an emissions event (Incident No. 208007) that began on January 2, 2015 and lasted four hours and 30 minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

**Executive Summary – Enforcement Matter – Case No. 50396**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2015-0594-AIR-E**

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,909 lbs of SO<sub>2</sub>, 84 lbs of H<sub>2</sub>S, 50 lbs of CO, 31.11 lbs of VOC, and 6.9 lbs of NO<sub>x</sub> from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208135) that began on January 5, 2015 and lasted 12 hours and 48 minutes. The emissions event occurred when the Hot Low Pressure Separator Air Vapor Cooler, C-1221 of HCU 942, became plugged as a result of Incident No. 208007; the blockage caused a process safety valve to intermittently relieve to the flares. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,597.19 lbs of SO<sub>2</sub>, 145.51 lbs of CO, 41.26 lbs of VOC, and 20.47 lbs of NO<sub>x</sub> from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208163) that began on January 6, 2015 and lasted five minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 17.83 lbs of NO<sub>x</sub>, 5.11 lbs of CO, 0.87 lb of PM, 0.63 lb of VOC, and 0.1 lb of H<sub>2</sub>S from SRU 546, EPN E-04-SCOT, during an emissions event (Incident No. 208834) that began on January 17, 2015 and lasted 15 hours. The emissions event occurred during a shutdown of SRU 546; the shutdown was done to replace tubes in the amine reboiler that began leaking in early January but were not timely addressed by operators. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

**Executive Summary – Enforcement Matter – Case No. 50396**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2015-0594-AIR-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By February 9, 2015, issued a safety bulletin and reviewed the incident with contractors stressing the use of spotters while performing maintenance work in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 207996;
- b. By March 27, 2015, repaired the process safety valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208135;
- c. By March 20, 2015, reviewed the cause of the incident with each shift of operators and updated procedures for bringing HCU 942 back online in the future in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208135; and
- d. By April 8, 2015, updated and reviewed with operators the operating procedures for the lube oil system for HCU 942 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 208007 and 208163.

**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, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208834; and
  - b. Within 45 days, submit written certification to demonstrate compliance with a.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50396**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2015-0594-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** David Carney, Enforcement Division,  
Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

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

**Respondent:** J. Greg Gentry, Vice President and General Manager, The Premcor  
Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641

Paula LaRocca, Environmental Manager, The Premcor Refining Group Inc., P.O. Box  
909, Port Arthur, Texas 77641

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





**Attachment A**  
**Docket Number: 2015-0594-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>Thirty-Seven Thousand Five Hundred One Dollars (\$37,501)</b>
<b>SEP Offset Amount:</b>	<b>Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### **3. Records and Reporting**

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

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

### **4. Failure to Fully Perform**

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

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

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

### **5. Publicity**

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

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

## **6. Recognition**

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

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

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	11-May-2015			
	<b>PCW</b>	18-May-2015	<b>Screening</b>	18-May-2015	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	The Premcor Refining Group Inc.		
<b>Reg. Ent. Ref. No.</b>	RN102584026		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	50396	<b>No. of Violations</b>	5
<b>Docket No.</b>	2015-0594-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	David Carney
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$26,250
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$26,250
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Notes: Enhancement for five NOV's with same/similar violations, one NOV with dissimilar violations, six agreed orders containing denials of liability, and two agreed orders without denials of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$5,624
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$1,030  
 Estimated Cost of Compliance \$57,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$46,876
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$46,876

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$46,876
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$9,375
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Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$37,501
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Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E



Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	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	2	50%
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> )	6	-6%
	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> )	3	-6%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 185%

>> 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 five NOVs with same/similar violations, one NOV with dissimilar violations, six agreed orders containing denials of liability, and two agreed orders without denials of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 185%

>> Final Compliance History Adjustment

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

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Respondent The Premcor Refining Group Inc.

Case ID No. 50396

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. 01498, Special Terms and Conditions ("STC") No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,857 pounds ("lbs") of sulfur dioxide ("SO2"), 5,748.8 lbs of volatile organic compounds ("VOC"), 2,398 lbs of carbon monoxide ("CO"), 331 lbs of nitrogen oxides ("NOx"), and 94.2 lbs of hydrogen sulfide ("H2S") from Flare Nos. 103, 19, and 22, Emissions Point Numbers ("EPNs") F-103-FLARE, F-19-FLARE, and F-22-FLARE, respectively, during an emissions event (Incident No. 207996) that began on January 2, 2015 and lasted five hours and 26 minutes. The emissions event occurred when a maintenance contractor accidentally damaged wires in an electrical conduit for the K-1300 Wet Gas Compressor, causing it to trip offline which led to flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

\$1,875

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

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on February 9, 2015, prior to the Notice of Enforcement ("NOE") dated April 7, 2015.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$250	2-Jan-2015	9-Feb-2015	0.10	\$1	\$0	\$1
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for DELAYED costs

Estimated cost to issue a safety bulletin and review the incident with contractors stressing the use of spotters while performing maintenance work in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 207996. The Date Required is the date of the emissions event and the Final Date is the compliance date.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$1



Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,764.16 lbs of SO2, 537.88 lbs of CO, 179.04 lbs of VOC, 150.19 lbs of NOx, 70.88 lbs of H2S, and 25.89 lbs of particulate matter ("PM") from Heater 147-F-1100, Heater 147-F-1200, Heater 843-H1, Heater 843-H3, Flare No. 23, Hydrocracker Unit ("HCU") 943 Flare, Heater 246-H1, and Sulfur Recovery Unit ("SRU") 545, EPNs E-01-147, E-02-147, E-01-843, E-03-843, E-23-FLARE, E-26-FLARE, E-01-246, and E-03-SCOT, respectively, during an emissions event (Incident No. 208007) that began on January 2, 2015 and lasted four hours and 30 minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

\$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

Annual	
Quarterly	X
Monthly	
Bi-monthly	
Bi-annual	
Other	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% \$937

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

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on April 8, 2015, prior to the NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$20 Violation Final Penalty Total \$6,563

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

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$1,500	2-Jan-2015	8-Apr-2015	0.26	\$20	\$0	\$20
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for DELAYED costs**  
 Estimated cost to update and review with operators the operating procedures for the lube oil system for HCU 942 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 208007 and 208163. The Date Required is the date of the first emissions event and the Final Date is the compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

**Approx. Cost of Compliance** \$1,500 **TOTAL** \$20

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,909 lbs of SO2, 84 lbs of H2S, 50 lbs of CO, 31.11 lbs of VOC, and 6.9 lbs of NOx from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208135) that began on January 5, 2015 and lasted 12 hours and 48 minutes. The emissions event occurred when the Hot Low Pressure Separator Air Vapor Cooler, C-1221 of HCU 942, became plugged as a result of Incident No. 208007; the blockage caused a process safety valve to intermittently relieve to the flares. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

Regulatory Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannually	
annually	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Adjustment

\$937

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

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on March 27, 2015, prior to the NOE dated April 8, 2015.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Yes

Estimated EB Amount \$779

Violation Final Penalty Total \$6,563

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

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$50,000	5-Jan-2015	27-Mar-2015	0.22	\$37	\$740	\$777
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		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling	\$250	5-Jan-2015	20-Mar-2015	0.20	\$3		\$3
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

**Notes for DELAYED costs**

Estimated cost to repair the process safety valve (completed March 27, 2015) and to review the cause of the incident with each shift of operators and update procedures for bringing HCU 942 back online in the future (completed March 20, 2015) in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208135. The Date Required is the date of the emissions event and the Final Dates are the compliance dates.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$50,250

**TOTAL**

\$779

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Respondent The Premcor Refining Group Inc.

Case ID No. 50396

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,597.19 lbs of SO2, 145.51 lbs of CO, 41.26 lbs of VOC, and 20.47 lbs of NOx from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208163) that began on January 6, 2015 and lasted five minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		30.0%
Potential				

Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

100% of time	
75% of time	
50% of time	x
25% of time	
10% of time	
10% of days	
10% of violations	
10% of violations	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

\$1,875

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

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on April 8, 2015, prior to the NOE dated April 16, 2015.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 4

Percent Interest	5.0
Years of Depreciation	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Economic benefit included in Violation No. 2.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 17.83 lbs of NOx, 5.11 lbs of CO, 0.87 lb of PM, 0.63 lb of VOC, and 0.1 lb of H2S from SRU 546, EPN E-04-SCOT, during an emissions event (Incident No. 208834) that began on January 17, 2015 and lasted 15 hours. The emissions event occurred during a shutdown of SRU 546; the shutdown was done to replace tubes in the amine reboiler that began leaking in early January but were not timely addressed by operators. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

Quarterly	
Monthly	
Quarterly	X
Semi-annual	
Annual	
Bi-annual	
Bi-Quarterly	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

\$0

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

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$229

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	17-Jan-2015	18-Dec-2015	0.92	\$229	\$0	\$229

#### Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208834. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$229





# Compliance History Report

**PUBLISHED** Compliance History Report for CN601420748, RN102584026, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601420748, The Premcor Refining Group Inc.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	34.58
<b>Regulated Entity:</b>	RN102584026, Valero Port Arthur Refinery	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	46.11
<b>Complexity Points:</b>	30	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	02 - Oil and Petroleum Refineries				
<b>Location:</b>	1801 GULFWAY DRIVE, PORT ARTHUR, TEXAS 77640-4416, JEFFERSON COUNTY				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

**ID Number(s):**

- |   |  |
|---|--|
| <b>AIR OPERATING PERMITS</b> PERMIT 3423                            | <b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER JE0042B                          |
| <b>AIR OPERATING PERMITS</b> PERMIT 1498                            | <b>AIR OPERATING PERMITS</b> PERMIT 2227                                     |
| <b>AIR OPERATING PERMITS</b> PERMIT 2228                            | <b>AIR OPERATING PERMITS</b> PERMIT 2229                                     |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD008090409           | <b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30004 |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> PERMIT 50350                  | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 17038                             |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 6825A                          | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12454A                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12553A                   | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 13635A                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 13698A                   | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 28778                             |
| <b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER JE0042B                | <b>AIR NEW SOURCE PERMITS</b> AFS NUM 4824500004                             |
| <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT N65                        | <b>AIR NEW SOURCE PERMITS</b> PERMIT 80812                                   |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 84929                    | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 84905                             |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 86757                          | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 87917                             |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 91727                    | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 91911                             |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 94365                    | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX49M1                           |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103875                   | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 131468                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 112591                   | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 118687                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 109221                   | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 114829                            |
| <b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30004 | <b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER JE0042B                        |
| <b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00987               |  |

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	June 26, 2015				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	June 26, 2010 to June 26, 2015				

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

**Name:** David Carney **Phone:** (512) 239-2583

**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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498, GTC OP  
FOP O1498, STC 18 OP  
NSR Permit 6825A, SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498 OP  
FOP O1498, GTC OP  
Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery. Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.
- 2 Effective Date: 02/18/2012 ADMINORDER 2011-1355-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 G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498 STC 18 OP  
FOP O1498, General Terms and Conditions OP  
NSR Permit 6825A, SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O2228 OP  
FOP O2228, STC 14 OP  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O2228, General Terms and Conditions OP  
FOP O2228, STC 14 OP  
Description: Failed to prevent unauthorized emissions.
- 3 Effective Date: 08/15/2014 ADMINORDER 2013-1862-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
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 60.482-5(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 5A PERMIT

Description: Failure to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. B19g1

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 14A PERMIT  
Special Condition 18 OP

Description: Failure to orientate the inlet/outlet sampling taps on the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual.

A8 1G

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable limit for VOC at Cooling Tower 136B, Emission Point Number (EPN F-136BCT), from March 13, 2012, through June 1, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

4 Effective Date: 02/13/2015 ADMINORDER 2014-0903-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

5 Effective Date: 03/13/2015 ADMINORDER 2014-0630-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(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

6 Effective Date: 04/09/2015 ADMINORDER 2014-0465-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	August 02, 2010	(842714)
Item 2	November 15, 2010	(871779)
Item 3	November 30, 2010	(872652)
Item 4	April 15, 2011	(906545)
Item 5	October 25, 2011	(956400)
Item 6	October 29, 2011	(956377)
Item 7	November 02, 2011	(951193)
Item 8	November 29, 2011	(963859)
Item 9	January 17, 2012	(976419)
Item 10	February 17, 2012	(983674)
Item 11	February 21, 2012	(987303)
Item 12	March 16, 2012	(994426)
Item 13	March 23, 2012	(988369)
Item 14	April 30, 2012	(988371)
Item 15	May 17, 2012	(995645)
Item 16	August 07, 2012	(1019646)
Item 17	August 14, 2012	(1023815)
Item 18	August 28, 2012	(1023318)
Item 19	September 11, 2012	(1023427)
Item 20	October 11, 2012	(1036849)
Item 21	October 13, 2012	(1028000)
Item 22	October 15, 2012	(1036124)
Item 23	November 20, 2012	(1042742)
Item 24	February 20, 2013	(1051546)
Item 25	April 30, 2013	(1086243)

Item 26	August 08, 2013	(1109778)
Item 27	August 17, 2013	(1113514)
Item 28	August 26, 2013	(1113154)
Item 29	August 27, 2013	(1115289)
Item 30	October 30, 2013	(1123618)
Item 31	February 27, 2014	(1140405)
Item 32	February 28, 2014	(1152033)
Item 33	April 21, 2014	(1163529)
Item 34	May 08, 2014	(1165599)
Item 35	May 16, 2014	(1164072)
Item 36	May 20, 2014	(1166837)
Item 37	May 27, 2014	(1163802)
Item 38	June 04, 2014	(1171088)
Item 39	July 02, 2014	(1178891)
Item 40	August 22, 2014	(1191121)
Item 41	September 08, 2014	(1191077)
Item 42	September 12, 2014	(1192217)
Item 43	September 16, 2014	(1196076)
Item 44	September 25, 2014	(1196875)
Item 45	September 29, 2014	(1197191)
Item 46	October 16, 2014	(1190360)
Item 47	October 27, 2014	(1203120)
Item 48	December 15, 2014	(1211921)
Item 49	January 13, 2015	(1215946)
Item 50	February 03, 2015	(1222026)
Item 51	April 17, 2015	(1245963)
Item 52	April 21, 2015	(1245925)
Item 53	April 23, 2015	(1246737)
Item 54	May 08, 2015	(1251886)

**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:	07/02/2014	(1173802)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 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)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 1A OP Special Condition 3A PERMIT Special Condition 5A PERMIT Special Condition 6A PERMIT			
	Description:	Failure to maintain a minimum of 300 British Thermal Units per standard cubic feet (BTUs/scf) net heating value for the gas sent to the Pressure Flare 13 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 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 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 1A OP Special Condition 3A PERMIT Special Condition 5A PERMIT			

Special Condition 6B PERMIT

Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-01498 semi-annual deviation reports covering the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 19B PERMIT

Description: Failure to degas liquid sulfur to a H2S content of 100 parts per million by weight (ppmw) prior to loading into tank trucks as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 25C PERMIT  
Special Condition 3A PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46H OP  
Special Condition 5A PERMIT

Description: Failure to make the first attempt of repair within five days as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 PERMIT  
Special Condition 18 OP

Description: Failure to maintain the pressure drop minimum value of 6.5 inches of water in the wet gas scrubber as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2013, through June 30, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3A PERMIT  
Special Condition 5B PERMIT

Description: Failure to maintain compliance with MACT UUU concentration limit for SO2 (250ppm at zero excess O2) as reported in the FOP O-01498 semi-annual deviation report for the reporting period January 1, 2013, through June 30, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report all instances of deviations as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

2 Date: 07/30/2014 (1179598) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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 60.107a(f)(1)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 OP  
Special Condition 13 OP  
Special Condition 3A PERMIT

Description: Failure to use a flow sensor with a measurement sensitivity of no more than 5% of the flow rate or 10 cubic feet per minute, which ever is greater, for Flare 26 as reported in the FOP O-3423 semiannual deviation report (SDR) covering the compliance period of May 16, 2013, through November 15, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 3A PERMIT

Description: Failure to limit the refinery fuel gas to no more than 162 ppmv determined hourly on a 3-hour rolling average basis as reported in the FOP O-3423 semi-annual deviation reports for the reporting periods of May 16, 2013, through November 15, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)

General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 13 OP  
Special Condition 24C and D PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits as reported in the FOP - O3423 in the semiannual deviation reports covering the compliance period of May 16, 2013, through May 15, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-03423 semi-annual deviation report covering the reporting period of May 16, 2013, through November 15, 2013.

3 Date: 09/19/2014 (1192635) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 40(E) PERMIT

Description: Failure to submit performance test reports for SRU 543 and 544 in a timely manner.

4 Date: 09/26/2014 (1195799) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOP O-02227 covering the reporting periods of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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 Y 63.563(a)(4)(i)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11B(2) PERMIT  
Special Condition 13 OP  
Special Condition 1A OP

Description: Failure to ensure the marine vessels loaded are leak tight by obtaining a passing annual vapor tightness test for determination of cargo tank pressure as reported in the semiannual deviation reports for FOP O-02227 covering the compliance period of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

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



Special Condition 5 PERMIT  
 Description: Failure to maintain the six-minute average temperature above the minimum one hour average temperature maintained during the last satisfactory stack test as reported in the semiannual deviation report for FOP O-02227 covering the compliance period of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit an application to the executive director for a revision to a permit for those activities at a site which change, add, or remove one or more permit terms or conditions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Failure to report a deviation and accurately certify compliance in the FOP O-02227 for the reporting periods of June 12, 2013, through June 11, 2014.

5 Date: 12/10/2014 (1209630)

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 QQQ 60.692-5(d)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 13 OP

Description: Failure to operate the RTO at all times while emissions are routed to it as reported on the SDR covering the compliance period of May 21, 2013, through November 20, 2013.

6 Date: 05/27/2015 (1241778)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Failure to prevent the release of unauthorized VOC emissions from the Coker vents to the atmosphere.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 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)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits at DCU-843 and HCU-942.

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 60.104(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(ii)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 15 OP  
 Special Condition 1A OP  
 Special Condition 3A PERMIT  
 Special Condition 25C and 25D PERMIT

Description: Failure to maintain the 1-hour permit limit of 160 parts per million by volume (ppmv) and 3-hour rolling average of 162 ppmv of Hydrogen Sulfide (H<sub>2</sub>S) on January 21, 2014.

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 QQQ 60.692-2(a)(5)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 15 OP  
 Special Condition 3F PERMIT

Description: Failure to make the first attempt at repair within 24 hours of the failed visual

Inspection of the drain clean out on March 26, 2014.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 15 OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT  
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

#### F. Environmental audits:

Notice of Intent Date: 08/21/2009 (775707)

Disclosure Date: 09/08/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)

Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26

Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)

No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)

No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)

No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)

No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)

Disclosure Date: 01/28/2013

Viol. Classification: Minor

Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)

Disclosure Date: 07/23/2014

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)

Description: Failed to have Tank Nos 926, 2110, and 2133 inspected for their 10 year internal inspection.

**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



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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** THE PREMCOR REFINING GROUP INC

**Reg Entity Add:** 1801 SOUTH GULFWAY DRIVE

**Reg Entity City:** PORT ARTHUR

**Reg Entity No:** RN102584026

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**EPA Case No:** 06-2013-0905

**Order Issue Date (yyyymmdd):** 20130401

**Case Result:**

**Statute:** RCRA **Sect of Statute:** 3013

**Classification:** Minor

**Program:** Solid Waste Management **Citation:**

**Violation Type:**

**Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Compliance Order

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**EPA Case No:** 06-2011-0975

**Order Issue Date (yyyymmdd):** 20111118

**Case Result:**

**Statute:** RCRA **Sect of Statute:** 3013

**Classification:** Minor

**Program:** RCRA Corrective Action **Citation:**

**Violation Type:**

**Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE PREMCOR REFINING  
GROUP INC.  
RN102584026**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0594-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 The Premcor Refining Group Inc. ("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 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about April 12, 13, 21, and May 10, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Six Thousand Eight Hundred Seventy-Six Dollars (\$46,876) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eighteen Thousand Seven

- Hundred Fifty-One Dollars (\$18,751) of the administrative penalty and Nine Thousand Three Hundred Seventy-Five Dollars (\$9,375) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. 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.
  8. 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).
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. By February 9, 2015, issued a safety bulletin and reviewed the incident with contractors stressing the use of spotters while performing maintenance work in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 207996;
    - b. By March 27, 2015, repaired the process safety valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208135;
    - c. By March 20, 2015, reviewed the cause of the incident with each shift of operators and updated procedures for bringing Hydrocracking Unit ("HCU") 942 back online in the future in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208135; and
    - d. By April 8, 2015, updated and reviewed with operators the operating procedures for the lube oil system for HCU 942 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 208007 and 208163.
  10. 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 Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.



12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. 01498, Special Terms and Conditions ("STC") No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 9, 2015. Specifically, the Respondent released 8,857 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>"), 5,748.8 lbs of volatile organic compounds ("VOC"), 2,398 lbs of carbon monoxide ("CO"), 331 lbs of nitrogen oxides ("NO<sub>x</sub>"), and 94.2 lbs of hydrogen sulfide ("H<sub>2</sub>S") from Flare Nos. 103, 19, and 22, Emissions Point Numbers ("EPNs") F-103-FLARE, F-19-FLARE, and F-22-FLARE, respectively, during an emissions event (Incident No. 207996) that began on January 2, 2015 and lasted five hours and 26 minutes. The emissions event occurred when a maintenance contractor accidentally damaged wires in an electrical conduit for the K-1300 Wet Gas Compressor, causing it to trip offline which led to flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 5, 2015. Specifically, the Respondent released 6,764.16 lbs of SO<sub>2</sub>, 537.88 lbs of CO, 179.04 lbs of VOC, 150.19 lbs of NO<sub>x</sub>, 70.88 lbs of H<sub>2</sub>S, and 25.89 lbs of particulate matter ("PM") from Heater 147-F-1100, Heater 147-F-1200, Heater 843-H1, Heater 843-H3, Flare No. 23, HCU 943 Flare, Heater 246-H1, and Sulfur Recovery Unit ("SRU") 545, EPNs E-01-147, E-02-147, E-01-843, E-03-843, E-23-FLARE, E-26-FLARE, E-01-246, and E-03-SCOT, respectively, during an emissions event (Incident No. 208007) that began on January 2, 2015 and lasted four hours and 30 minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 18, 2015. Specifically, the Respondent released 7,909 lbs of SO<sub>2</sub>, 84 lbs of H<sub>2</sub>S, 50 lbs of CO, 31.11 lbs of VOC, and 6.9 lbs of NO<sub>x</sub> from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208135) that

began on January 5, 2015 and lasted 12 hours and 48 minutes. The emissions event occurred when the Hot Low Pressure Separator Air Vapor Cooler, C-1221 of HCU 942, became plugged as a result of Incident No. 208007; the blockage caused a process safety valve to intermittently relieve to the flares. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 10, 2015. Specifically, the Respondent released 12,597.19 lbs of SO<sub>2</sub>, 145.51 lbs of CO, 41.26 lbs of VOC, and 20.47 lbs of NO<sub>x</sub> from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208163) that began on January 6, 2015 and lasted five minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 13, 2015. Specifically, the Respondent released 17.83 lbs of NO<sub>x</sub>, 5.11 lbs of CO, 0.87 lb of PM, 0.63 lb of VOC, and 0.1 lb of H<sub>2</sub>S from SRU 546, EPN E-04-SCOT, during an emissions event (Incident No. 208834) that began on January 17, 2015 and lasted 15 hours. The emissions event occurred during a shutdown of SRU 546; the shutdown was done to replace tubes in the amine reboiler that began leaking in early January but were not timely addressed by operators. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2015-0594-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208834; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and 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:

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

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.
7. This Agreed 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 Agreed 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
9. 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

*Penny Moore J*  
For the Executive Director

1/22/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 application submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeing other relief as authorized by law.

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

*J. Greg Gentry*  
Signature

11/5/15  
Date

J. Greg Gentry  
Name (Printed or typed)  
Authorized Representative of  
The Premcor Refining Group Inc.

Vice President and General Manager  
Title

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



**Attachment A**  
**Docket Number: 2015-0594-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>Thirty-Seven Thousand Five Hundred One Dollars (\$37,501)</b>
<b>SEP Offset Amount:</b>	<b>Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703



### **3. Records and Reporting**

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

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

### **4. Failure to Fully Perform**

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

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

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

### **5. Publicity**

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

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

## **6. Recognition**

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

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

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

**Executive Summary – Enforcement Matter – Case No. 47768**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2013-1862-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Valero Port Arthur, 1801 Gulfway Drive, Port Arthur, Jefferson County

**Type of Operation:**

Refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-2300-AIR-E, 2013-2180-AIR-E, 2013-0839-AIR-E, and 2014-0465-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 9, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$55,063

**Amount Deferred for Expedited Settlement:** \$11,012

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$22,026

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

Payment Plan: N/A

**SEP Conditional Offset:** \$22,025

Name of SEP: Southeast Texas Regional Planning Commission

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

***Investigation Information***

**Executive Summary – Enforcement Matter – Case No. 47768**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2013-1862-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 14, 2013 to June 13, 2013 and September 6, 2013

**Date(s) of NOE(s):** August 29, 2013 and October 16, 2013

***Violation Information***

1. Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or closed-vented [30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS (“CFR”) §§ 60.482-5(a) and 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review (“NSR”) Permit Nos. 6825A, PSDTX49, and N65, Special Conditions (“SC”) No. 5.A., and Federal Operating Permit (“FOP”) No. O1498, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 18].
2. Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit (“CRU”) 1344 Unit appeared to be located on a dead leg and not on a return line header [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A].
3. Failed to comply with the emissions rate for volatile organic compounds (“VOC”). Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1].
4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.6 pounds (“lbs”) of sulfur dioxide (“SO<sub>2</sub>”), 2.5 lbs of hydrogen sulfide (“H<sub>2</sub>S”), 2.4 lbs of nitrogen oxides (“NO<sub>x</sub>”), 17.2 lbs of carbon monoxide (“CO”) and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO<sub>2</sub>, 10.3 lbs of NO<sub>x</sub>, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H<sub>2</sub>S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to

**Executive Summary – Enforcement Matter – Case No. 47768**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2013-1862-AIR-E**

blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On April 30, 2013, a training document was issued to retrain operators regarding two coke drums in blowdown and eliminating blowing the water seal; and
- b. On September 11, 2013, emergency procedures were published to allow quenching two coke drums without flaring from the water seal drum and how to handle high coke drum level/pressure during the coking cycle by safely mitigating a high foam level and taking a coke drum to blowdown without flaring.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
  - a. Within 90 days:
    - i. Equip connectors in the central valve pump station with a closed-purged, closed-loop, or closed-vent system;
    - ii. Correctly place the CRU 1344 Unit cooling tower inlet/outlet sample taps to ensure a representative sample is obtained; and
    - iii. Demonstrate compliance with maximum allowable emission rates for VOC from Emission Point Number F-136BCT.
  - b. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision a.

**Executive Summary – Enforcement Matter – Case No. 47768**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2013-1862-AIR-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Katie Hargrove, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-2569; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565  
**Respondent:** J. Greg Gentry, Vice President and General Manager, The Premcor  
Refining Group Inc., 1801 Gulfway Drive, Port Arthur, Texas 77640  
**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2013-1862-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>Forty-Four Thousand Fifty-One Dollars (\$44,051)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Two Thousand Twenty-Five Dollars (\$22,025)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants’ homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703



The Premcor Refining Group Inc.  
Agreed Order - Attachment A

### 3. Records and Reporting

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

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

### 4. Failure to Fully Perform

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

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

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

### 5. Publicity

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

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

#### **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

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

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	9-Sep-2013	<b>Screening</b>	25-Sep-2013	<b>EPA Due</b>	26-May-2014
	<b>PCW</b>	14-Mar-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	The Premcor Refining Group Inc.
<b>Reg. Ent. Ref. No.</b>	RN102584026
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47768	<b>No. of Violations</b>	4
<b>Docket No.</b>	2013-1862-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katie Hargrove
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$28,000**

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

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

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$28,000**

**Notes**  
Enhancement for four NOVs with same or similar violations, seven agreed orders and one final judgement containing a denial of liability, and two agreed orders without a denial of liability. Reduction for seven notices of intent to conduct an audit, three disclosures of violations, and participation in an environmental management system.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$937**

**Economic Benefit** **0.0%** Enhancement **Subtotal 6** **\$0**

Total EB Amounts **\$1,129**  
Approx. Cost of Compliance **\$12,000**  
*\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$55,063**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$55,063**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$55,063**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$11,012**

Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$44,051**

**Screening Date** 25-Sep-2013

**Docket No.** 2013-1862-AIR-E

**PCW**

**Respondent** The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

**Case ID No.** 47768

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102584026

**Media [Statute]** Air

**Enf. Coordinator** Katie Hargrove

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	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> )	7	-7%
	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> )	3	-6%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	Yes	-10%
	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)** 217%

>> **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 four NOVs with same or similar violations, seven agreed orders and one final judgement containing a denial of liability, and two agreed orders without a denial of liability. Reduction for seven notices of intent to conduct an audit, three disclosures of violations, and participation in an environmental management system.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 217%

>> **Final Compliance History Adjustment**

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

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.482-5(a) and 63.648(a), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 5.A., and Federal Operating Permit ("FOP") No. O1498, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18

Violation Description

Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or close-vented.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

134 Number of violation days

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

Violation Base Penalty \$7,500

Two quarterly events are recommended based off the May 14, 2013 investigation start date to the September 25, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$400

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 47768  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 1

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

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	OneTime Costs	EB Amount
Equipment	\$3,500	14-May-2013	31-Dec-2014	1.63	\$19	\$381	\$400
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to equip sampling connections in the central valve pump station with a closed-purged, closed-loop, or closed-vent system. The date required is the investigation start date and the final date is the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	OneTime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

**TOTAL**

\$400

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c), 101.20(3), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. Q1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A.

Violation Description

Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit ("CRU") 1344 Unit appeared to be located on a dead leg and not on a return line header.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

134 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$408

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

# Economic Benefit Worksheet

**Respondent:** The Premcor Refining Group Inc.

**Case ID No.:** 47768

**Reg. Ent. Reference No.:** RN102584026

**Media:** Air

**Violation No.:** 2

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	14-May-2013	31-Dec-2014	1.63	\$408	n/a	\$408
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to correctly place the CRU 1344 cooling tower inlet/outlet sample taps to ensure a representative sample. The date required is the investigation date and the final date is the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$408



Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1

Violation Description Failed to comply with the emissions rate for volatile organic compounds ("VOC"). Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 47

mark only one with an x	daily		Violation Base Penalty \$15,000
	weekly		
	monthly	X	
	quarterly		
	semiannual		
	annual		
	single event		

Two monthly events are recommended from the first day of emissions released on March 13, 2012 through the last day of emissions released on June 1, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$280

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.

**Case ID No.** 47768

**Reg. Ent. Reference No.** RN102584026

**Media** Air

**Violation No.** 3

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	13-Mar-2012	31-Dec-2014	2.90	\$280	n/a	\$280

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure compliance with the VOC annual emission rates. The date required is the first date of noncompliance and the final date is estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,000

**TOTAL**

\$280

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), Tex. Health & Safety Code 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos: 6825A, PSDTX49, and N65, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.6 pounds ("lbs") of sulfur dioxide ("SO2"), 2.5 lbs of hydrogen sulfide ("H2S"), 2.4 lbs of nitrogen oxides ("NOx"); 17.2 lbs of carbon monoxide ("CO"), and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO2, 10.3 lbs of NOx, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H2S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

Number of violation days 1

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes

The Respondent completed corrective actions on September 11, 2013 before the NOE was issued on October 16, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$6,563

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

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.

**Case ID No.** 47768

**Req. Ent. Reference No.** RN102584026

**Media** Air

**Violation No.** 4

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	25-Feb-2013	11-Sep-2013	0.54	\$41	\$0	\$41

**Notes for DELAYED costs**

Estimated costs to publish emergency procedures and training documents to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$41

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.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN601420748, RN102584026, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601420748, The Premcor Refining Group Inc.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 41.48
<b>Regulated Entity:</b>	RN102584026, VALERO PORT ARTHUR REFINERY	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 55.00
<b>Complexity Points:</b>	30	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	1801 GULFWAY DR PORT ARTHUR, TX 77640-4416, JEFFERSON COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

### ID Number(s):

<b>AIR OPERATING PERMITS PERMIT 3423</b>	<b>AIR OPERATING PERMITS ACCOUNT NUMBER JE0042B</b>
<b>AIR OPERATING PERMITS PERMIT 1498</b>	<b>AIR OPERATING PERMITS PERMIT 2227</b>
<b>AIR OPERATING PERMITS PERMIT 2228</b>	<b>AIR OPERATING PERMITS PERMIT 2229</b>
<b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008090409</b>	<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30004</b>
<b>INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50350</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 17038</b>
<b>AIR NEW SOURCE PERMITS PERMIT 6825A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 12454A</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 12553A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 13635A</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 13698A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 28778</b>
<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0042B</b>	<b>AIR NEW SOURCE PERMITS AFS NUM 4824500004</b>
<b>AIR NEW SOURCE PERMITS EPA PERMIT N65</b>	<b>AIR NEW SOURCE PERMITS PERMIT 80812</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 84929</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 84905</b>
<b>AIR NEW SOURCE PERMITS PERMIT 86757</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 87917</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 91727</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 91911</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 94365</b>	<b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX49M1</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 103875</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 112591</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 109221</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 114829</b>
<b>IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30004</b>	<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0042B</b>
<b>POLLUTION PREVENTION PLANNING ID NUMBER P00987</b>	

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** December 20, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 20, 2008 to December 20, 2013

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

**Name:** Katie Hargrove

**Phone:** (512) 239-2569

### 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  |
| 3) If <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator                                     | N/A |

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

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

- 1 Effective Date: 01/30/2009 ADMINORDER 2007-1455-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:O-01498, General Terms and Conditions OP  
Description: Failure to properly report an emissions event.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP  
O-01498, Special Condition 18A OP  
Description: Failure to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:7600A, Special Condition 1 PERMIT  
O-01498, General Terms and Conditions OP  
O-01498, Special Condition 18A OP  
Description: Failure to properly operate Tank 283 and Tank 284.
- 2 Effective Date: 02/22/2009 ADMINORDER 2008-0742-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit a final report in a timely manner.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:6825A/PSD-TX-49, SPECIAL CONDITION 5A PERMIT  
O-01498, SPECIAL CONDITION 18 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP  
Description: Failure to maintain emission rates below the allowable emission limits.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
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)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP

Description: Failure to maintain emission rates below the allowable emission limits

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP

Description: Failure to maintain an emission rate below the allowable emission limit.

3 Effective Date: 06/01/2009 ADMINORDER 2008-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

4 Effective Date: 08/31/2009 ADMINORDER 2009-0151-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 G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 108928.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 111065.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 113023.

5 Effective Date: 09/23/2009 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 4, 2003, referred to as investigation no. 28570. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 44442, 44448, 44454, 44459, 44462, 44472, 44477, 44496, 44498, 44512, 44517, 44519, 44532, 44535, 44550, 44557 . . .

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA

Description: Failure to satisfy the condition of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate



Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:5215A, SC1 PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC19 PERMIT

PSD-TX-49, SC 19 PERMIT

Description: Failure to comply with requirements of a permit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible Permit, 6825A SC 5B PERMIT  
PSD-TX-49, SC5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA  
Description: Failure to satisfy the condition of a standard exemption.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA  
Description: Failure to meet the conditions of a standard exemption.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5 PERMIT  
Standard Exemption No. 88 PA  
Description: Failure to maintain emission rate below allowable limit and meet the conditions of a standard exemption.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an upset within 24 hours of the event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to report all information required for an emissions event.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about August 12, 1998. By an August 31, 1998 letter to the Defendants, The TCEQ listed the violations observed during the investigation. A copy of the August 12, 1998 investigation, without attachments, is attached as Appendix A and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about March

12, 1999. By a March 22, 1999 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the March 22, 1999, letter to the Defendants is attached as Appendix C and incorporated herein for all purposes.  
Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about June 17, 1999. The TCEQ describes the violation observed during the investigation in a July 9, 1999, Enforcement Action Referral. A copy of the July 9, 1999, Enforcement Action Referral, without attachments, is attached as Appendix D and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about June 14, 1999 and August 4, 1999. By June 30, 1999 and August 24, 1999, letters to the Defendants, the TCEQ listed the violations observed during the two investigations. A copy of the June 14, 1999 investigation, without attachments, is attached as Appendix E and incorporated . . . .

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:SC39A PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about July 20, 2000. By a September 7, 2000, letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the July 20, 2000 investigation, without attachments, is attached as Appendix I and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:NA PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about November 3, 2000, and March 26, 2001. By April 21, 2001 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the November 3, 2000 investigation, without attachments, is attached as Appendix K and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 3, 2001. By April 24, 2001 letter to the Defendants, the TCEQ listed the violation observed during the investigation. A copy of the April 3, 2001 investigation, without attachments, is attached as Appendix N and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about November 12, 2003, referred to as investigation no. 258663. The investigation describes the violation in narrative form and identifies the violation by tracking number 150854 in the investigation. A copy of investigation no. 258663, without attachments . . . .

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 20, 2004 referred to as investigation no. 270296. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 161061 and 161062 in the investigation. A copy of investigation no. 270296, without attachments . . . .

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A Special Condtion 5B PA

PSD-TX-49 Special Condtion 5B PA

Description: Failure to prevent unauthorized emissions release at the facility.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 20, 2005, referred to as investigation no. 276009. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 188937, 188938, 188940, 188941, 188942, 188943, 188944, 188945,

188946, 188947, 188948, 188949, 188950, and . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 25A PERMIT

Description: Failure to prevent visible emissions at the Atmospheric Vacuum Unit (AVU)-146 H-101 Heater.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38026).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 24, 2005, referred to as investigation no. 346253. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 190534, 190543, 190551, and 190558 in the investigation. A copy of investigation no. 346253, without attachments . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Atmospheric Vacuum Unit (AVU) 146 during incident No. 32824.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report an emission event (Incident No. 33539) within 24 hours

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 17C PA

Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Scot 1 Incinerator during incident No. 33539 and failure to continuously monitor from hydrocarbon layer thickness by electronic gauge.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 8, 2005, referred to as investigation no. 348169. The investigation describes the violations in narrative form and identifies the violation by tracking numbers 208879 in the investigation. A copy of investigation no. 348169, without attachments, is attached as Appendix U . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to

implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about June 30, 2005, referred to as investigation no. 396901. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 210570 and 210577 in the investigation. A copy of investigation no. 396901, without attachments, is attached as Appendix V . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 40540, 40543, 51468, and 53830.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 27, 2005, referred to as investigation no. 402102. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 212393 and 212460 in the investigation. A copy of investigation no. 402102, without attachments, is attached as Appendix X and incorpo

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 51075, 51078, 51081, 51084, and 51087.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 26, 2005, referred to as investigation no. 403310. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 213083, 213088, and 213090 in the investigation. A copy of investigation no. 403310, without attachments . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.211(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an initial notification for an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 8, 2005, referred to as investigation no. 337449. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 214475 and 214478 in the investigation. A copy of investigation no. 337449, without attachments, is attached as Appendix Y . . . .

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain the CO 9 Boiler bypass valve to prevent unauthorized emissions during normal operation from April 2004 to the end of February 2005. B13

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 29, 2005, referred to as investigation no. 418593. The investigation describes the violations in narrative form and identifies the violations by tracking number 218082 in the investigation. A copy of investigation no. 418593, without attachments, is



attached as Appendix Z and . . . .

6 Effective Date: 03/20/2010 ADMINORDER 2009-0511-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 G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT  
O-01498 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.

7 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498, GTC OP  
FOP O1498, STC 18 OP  
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498 OP  
FOP O1498, GTC OP

Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery. Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.

8 Effective Date: 02/18/2012 ADMINORDER 2011-1355-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 G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498 STC 18 OP

FOP 01498, General Terms and Conditions OP  
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228 OP  
FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228, General Terms and Conditions OP  
FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 18, 2009	(726815)
Item 2	March 03, 2009	(736950)
Item 3	March 05, 2009	(737300)
Item 4	March 20, 2009	(739247)
Item 5	April 02, 2009	(741291)
Item 6	June 29, 2009	(760309)
Item 7	August 26, 2009	(763057)
Item 8	August 28, 2009	(761367)
Item 9	August 31, 2009	(762200)
Item 10	October 07, 2009	(775036)
Item 11	October 13, 2009	(766946)
Item 12	October 14, 2009	(767494)
Item 13	November 06, 2009	(764488)
Item 14	December 09, 2009	(784945)
Item 15	December 11, 2009	(783903)
Item 16	December 21, 2009	(781035)
Item 17	December 23, 2009	(785403)
Item 18	January 29, 2010	(786198)
Item 19	February 01, 2010	(788081)
Item 20	March 19, 2010	(795261)
Item 21	May 06, 2010	(800545)
Item 22	May 24, 2010	(801617)
Item 23	June 01, 2010	(788840)
Item 24	June 02, 2010	(803054)
Item 25	June 07, 2010	(825637)
Item 26	June 11, 2010	(824255)
Item 27	August 02, 2010	(842714)
Item 28	November 15, 2010	(871779)
Item 29	November 30, 2010	(872652)
Item 30	April 15, 2011	(906545)
Item 31	October 25, 2011	(956400)
Item 32	October 29, 2011	(956377)

Item 33	November 02, 2011	(951193)
Item 34	November 29, 2011	(963859)
Item 35	January 17, 2012	(976419)
Item 36	February 17, 2012	(983674)
Item 37	February 21, 2012	(987303)
Item 38	March 16, 2012	(994426)
Item 39	March 23, 2012	(988369)
Item 40	April 30, 2012	(988371)
Item 41	May 17, 2012	(995645)
Item 42	August 07, 2012	(1019646)
Item 43	August 14, 2012	(1023815)
Item 44	August 28, 2012	(1023318)
Item 45	September 11, 2012	(1023427)
Item 46	October 11, 2012	(1036849)
Item 47	October 13, 2012	(1028000)
Item 48	October 15, 2012	(1036124)
Item 49	November 20, 2012	(1042742)
Item 50	February 20, 2013	(1051546)
Item 51	April 30, 2013	(1086243)
Item 52	August 08, 2013	(1109778)
Item 53	August 17, 2013	(1113514)
Item 54	August 26, 2013	(1113154)
Item 55	August 27, 2013	(1115289)
Item 56	October 30, 2013	(1123618)

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

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

- 1 Date: 05/09/2013 (1076957) CN601420748
- 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)  
General Terms and Conditions OP  
Special Condition 14B PERMIT  
Special Condition 18 OP
- Description: Failure to sample the cooling water for total dissolved solids (TDS).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3A PERMIT  
Special Condition 5B PERMIT
- Description: Failure to maintain the 12-hour average concentration of Sulfur Dioxide (SO2) at or below 250 ppmv as reported in the FOP O-2229 semi-annual deviation report for the reporting period of January 1, 2012, through December 31, 2012.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 25C PERMIT
- Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-2229 semi-annual deviation reports for the reporting periods of

January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT  
Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOPs O-02229 covering the reporting periods of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.354(2)  
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 60.482-7(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 46F PERMIT  
Special Condition 5A PERMIT  
Description: Failure to monitor a valve in VOC service as reported in the deviation reports for FOP O-02229 covering the reporting period of July 1, 2012, through December 31, 2012.

2

Date: 08/29/2013 (1104962) CN601420748  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 42F PERMIT  
Description: Failure to limit Continuous Emission Monitoring System (CEMS) downtime to less than 5% as reported in the Federal Operating Permit (FOP) O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 6B PERMIT  
Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 46E PA  
Special Condition 5A PA  
Special Conditions 1A OP

Description: Failure to install a plug, cap, or blind on an open-ended line for the FOP O-01498 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.340  
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)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 6A PERMIT

Description: Failure to maintain the net heating value of the flare gas above 300 British Thermal Units (BTU) per standard cubic feet (SCF) as reported as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 25C PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 23B PERMIT

Description: Failure to maintain the tail gas incinerator (TGI) Hydrogen Sulfide (H2S) concentrations below 5.0 parts per million (ppm) at 3% Oxygen as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 3A PERMIT

Description: Failure to install, operate, calibrate, and maintain an instrument for continuously monitoring and recording the concentration of NOx emissions into the atmosphere as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 5B PERMIT

Description: Failure to limit the Sulfur Dioxide (SO<sub>2</sub>) concentration at or below 250 ppmv at zero percent excess air as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart J 60.103  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 3A PERMIT

Description: Failure to comply with the Carbon Monoxide (CO) emission standard of 500 ppm per 1-hour as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 24C PERMIT

Description: Failure to maintain the NO<sub>x</sub> emissions from the Hydrocracker Unit furnace as reported as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

3 Date: 11/22/2013 (1124668) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Condition OP  
Special Condition 14 OP  
Special Condition 1A OP

Description: Failure to maintain the temperature of the Regenerative Thermal Oxidizer (RTO) in the Waste Water Treatment Unit (WWTU) above 1400 F on April 14, 2013, from 1300 hours to 1500 hours.

4 Date: 11/26/2013 (1133465)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent nuisance conditions.

#### F. Environmental audits:

Notice of Intent Date: 01/10/2008 (616179)

Disclosure Date: 01/28/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to identify and monitor all new equipment added or incorporated into the LDAR program.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Part 60, Subpart VV 60.482-6

40 CFR Part 63, Subpart H 63.167

Description: Failure to equip open-ended line with a cap, blind flange, or second valve.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

Description: Failure to repair leaks within 15 days after detection, and make first attempt at repairs no later than 5 days.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)

Description: Failure to develop a difficult-to-monitor valve monitoring plan.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-8  
40 CFR Part 63, Subpart H 63.169

Description: Failure to monitor components in heavy liquid service using Method 21 within 5 days of detecting a leak by AVO methods.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-9  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(7)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(8)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(9)

Description: Failure to repair or replace components during a process unit shutdown, and some delay and repair records were not consistently documented, including not identifying a DOR reason or not signing the DOR.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)

Description: Failure to properly use 40 CFR 60 Appendix A - Method 21 to identify leaking sources, valves, and pumps.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to maintain documentation of a signed list of no detectable emission equipment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)

Description: Failure to include in the semiannual reports the number of non-repaired components or the facts explaining delay of repair for newly designed DOR components, or to report the data by the month.

Notice of Intent Date: 08/21/2009 (775707)

Disclosure Date: 09/08/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)  
Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26  
Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)

No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)

No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)

No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)  
No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)  
Disclosure Date: 01/28/2013

Viol. Classification: Minor  
Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)  
No DOV Associated

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

1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

**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



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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** THE PREMCOR REFINING GROUP INC

**Reg Entity Add:** 1801 SOUTH GULFWAY DRIVE

**Reg Entity City:** PORT ARTHUR

**Reg Entity No:** RN102584026

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**Customer Name:** The premcor Refining Group, Inc.

**Customer No:** CN601420748

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**EPA Case No:** 06-2013-0905

**Order Issue Date (yyyymmdd):** 20130401

**Case Result:**

**Statute:** RCRA **Sect of Statute:** 3013

**Classification:** Minor

**Program:** Solid Waste Managemen **Citation:**

**Violation Type:**

**Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Compliance Order

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**Customer Name:** Valero Energy Corporation

**Customer No:** CN600127468

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**EPA Case No:** 06-2011-0975

**Order Issue Date (yyyymmdd):** 20111118

**Case Result:**

**Statute:** RCRA **Sect of Statute:** 3013

**Classification:** Minor

**Program:** RCRA Corrective Action **Citation:**

**Violation Type:**

**Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE PREMCOR REFINING  
GROUP INC.  
RN102584026**

§  
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§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-1862-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 The Premcor Refining Group Inc. ("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 refinery at 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about September 3, 2013 and October 21, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifty-Five Thousand Sixty-Three Dollars (\$55,063) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Two Thousand Twenty-Six Dollars (\$22,026) of the administrative penalty and Eleven Thousand Twelve Dollars (\$11,012) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Two Thousand Twenty-Five Dollars (\$22,025) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. 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.
8. 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).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On April 30, 2013, a training document was issued to retrain operators regarding two coke drums in blowdown and eliminating blowing the water seal; and
  - b. On September 11, 2013, emergency procedures were published to allow quenching two coke drums without flaring from the water seal drum and how to handle high coke drum level/pressure during the coking cycle by safely mitigating a high foam level and taking a coke drum to blowdown without flaring.
10. 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 Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-5(a) and 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 5.A., and Federal Operating Permit ("FOP") No. O1498, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, as documented during an investigation conducted on May 14, 2013 to June 13, 2013. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or close-vented.
2. Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A., as documented during an investigation conducted on May 14, 2013 to June 13, 2013. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit ("CRU") 1344 Unit appeared to be located on a dead leg and not on a return line header.
3. Failed to comply with the emissions rate for volatile organic compounds ("VOC"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, as documented during an investigation conducted on May 14, 2013 to June 13, 2013. Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), FOP No. O1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, as documented during an investigation conducted on September 6, 2013. Specifically, the Respondent released 229.6 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>"), 2.5 lbs of hydrogen sulfide ("H<sub>2</sub>S"), 2.4 lbs of nitrogen oxides ("NO<sub>x</sub>"), 17.2 lbs of carbon monoxide ("CO") and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO<sub>2</sub>, 10.3 lbs of NO<sub>x</sub>, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H<sub>2</sub>S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance

practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2013-1862-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 (Jurisdiction and Stipulations) above, Twenty-Two Thousand Twenty-Five Dollars (\$22,025) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Agreed Order:
    - i. Equip connectors in the central valve pump station with a close-purged, closed-loop, or closed-vent system;
    - ii. Correctly place the CRU 1344 Unit cooling tower inlet/outlet sample taps to ensure a representative sample is obtained; and
    - iii. Demonstrate compliance with maximum allowable emission rates for VOC from Emission Point Number F-136BCT, in accordance with NSR Permit Nos. 6825A, PSDTX49, and N65.

- b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

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

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed 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.

7. This Agreed 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 Agreed 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Davis  
For the Executive Director

6/4/14  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, 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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

[Signature]  
Signature

4/3/14  
Date

J. Greg Gentry  
Name (Printed or typed)  
Authorized Representative of  
The Premcor Refining Group Inc.

VP + General Manager  
Title

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



**Attachment A**  
**Docket Number: 2013-1862-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>Forty-Four Thousand Fifty-One Dollars (\$44,051)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Two Thousand Twenty-Five Dollars (\$22,025)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator

will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### **3. Records and Reporting**

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

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

### **4. Failure to Fully Perform**

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

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

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

### **5. Publicity**

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

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

## **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

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

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



OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

APR 30 2013

Mr. Seledonio Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Boulevard  
Port Arthur, TX 77640-5603

Dear Mr. Quesada:

The Department has reviewed the Port Arthur Housing Authority's (PAHA) application for the disposition of 1 non-dwelling and 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001. The Special Applications Center (SAC) received this application on December 11, 2012, via the Public and Indian Housing Information Center (PIC), Application DDA0004944. Supplemental information was received through February 6, 2013.

I am pleased to approve your request to dispose of 1 non-dwelling and 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments at the Fair Market Value (FMV) of \$1,670,000, or higher, via a public bid, as described in the application. If no bids are received for FMV or higher, please consult with the HUD Houston Program Center and this office.

Notwithstanding this approval, the PAHA shall not proceed to enter into any long-term ground lease or disposition agreement until all residents have been relocated.

According to the Office of the Chief Financial Officer, there is no outstanding debt on Carver Terrace Apts., TX034000001. The PAHA will realize net proceeds from this disposition. In the application, the PAHA proposes to use the net proceeds of sale to acquire or develop other single family public housing units in a future Phase 3 development. PAHA is also developing 360 units, including 156 public housing units, in Phase 1 and Phase 2 developments of the Park Central and Edison Square projects. This use of proceeds for single family public housing units meets the requirements of the statute, and is approved.

Approval of your application is based on the Department's understanding of your submission, as outlined in the enclosed memorandum from me to the HUD Houston Program Center. Its staff is available to provide any technical assistance necessary for your agency to proceed with the disposition.

The disposition of these units will affect the PAHA's operating subsidy eligibility significantly. Please contact the HUD financial analyst in the HUD Houston Program Center for additional information about this.

Please make sure that your annual Capital Fund Building and Unit Certification is updated properly to reflect these changes.

If you are interested in applying for housing choice vouchers in connection with the units approved for disposition, you must submit an application to the HUD Houston Program Center Office of Public Housing for review and approval in accordance with the procedures in HUD Notice 2012-9, or HUD's current Notice outlining the application procedures.

In accordance with 24 CFR § 970.35 of the regulation, your agency is required to inform the HUD Houston Program Center of the status of the project. When the disposition has been achieved, please submit a report to the HUD Houston Program Center confirming the action and certifying compliance with all applicable requirements. Files must be maintained which are sufficient for audit purposes and must be made available upon request.

The PAHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the HUD Houston Program Center approval so that the status of the units and acres of land in PIC is changed to "removed from inventory."

As the PAHA starts the process of implementation, I urge you to continue to maintain an open dialogue with your residents and local officials. If you have to modify your plans, the HUD Houston Program Center stands ready to assist you.

Sincerely,



Ainars Rodins, P.E.  
Director

Enclosure





OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

APR 30 2013

MEMORANDUM FOR: Daniel Rodriguez, Program Center Coordinator, Office of Public Housing, 6EPH

FROM: Ainars Rodins, P.E., Director, Special Applications Center (SAC), PIA

SUBJECT: Approval for the Port Arthur Housing Authority's (PAHA) Request for the Disposition of 1 Non-Dwelling Building, 46 Dwelling Buildings Containing 204 Dwelling Units and 8 Acres of Underlying Land at Carver Terrace Apartments, TX034000001.

The SAC received this application on December 11, 2012, via the Public and Indian Housing Information Center (PIC), DDA0004944. Supplemental information was received through February 6, 2013. The Environmental Assessment was completed by the City of Port Arthur on November 19, 2012, in accordance with 24 CFR Part 58. A Request for Release of Funds (RROF) was submitted on December 10, 2012, and was signed off on by the Houston Program Center on January 25, 2013.

The Houston Program Center provided a certification stating that the subject submission accurately describes the project proposed for disposition, and the reasons provided by the Port Arthur Housing Authority (PAHA) to support the proposed action are correct and factual. On February 25, 2013, the Houston Fair Housing and Equal Opportunity Center (FHEO), Program Compliance Branch, recommended the disposition approval.

Advance drafts of this memorandum and the approval letter were sent to the PAHA for their comments on March 21, 2013. The PAHA responded with comments on March 25, 2013. Advance drafts were sent to the Fort Worth HUB and the Houston Program Center for their comments on March 21, 2013; no comments were received.

Under 24 CFR § 970.7(a)(1), in order for a demolition or disposition application to be approved after November 24, 2006, the effective date of this regulation, a Public Housing Agency (PHA) must provide a "certification that the PHA has described the demolition or disposition in the PHA Annual Plan and timetable under 24 CFR Part 903, and that the description in the PHA Annual Plan is identical to the application submitted pursuant to this part and otherwise complies with Section 18 of the Act (42 U.S.C. 1437p) and this part." The Houston Program Center approved the PAHA's agency plan on October 18, 2012, which includes the subject action.

### Description of Development

The PAHA proposed the disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001. Details of the proposed disposition are as follows:

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	24	120	60	0	204
Proposed Units	24	120	60	0	204
Existing Land				8 Acres	
Proposed Land				8 Acres	
Number of Dwelling Buildings Existing					46
Number of Dwelling Buildings Proposed					46
Number of Non-Dwelling Buildings Existing					1
Number of Non-Dwelling Buildings Proposed					1
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

### History of the Development

The PAHA has not received any Inventory Removal approvals from HUD for Carver Terrace Apts, TX034000001.

### Reason for Action (Justification)

The PAHA proposed the disposition based on 24 CFR § 970.17(a), which requires the PHA to certify that the retention of the property is not in the best interests of the residents or the PHA because conditions in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the PHA.

The Carver Terrace was built in 1953, on the western edge of the City of Port Arthur's historical neighborhood, adjacent to Texaco and Gulf oil refineries. There were many commercial businesses in the historic Westside neighborhood. Many residents worked at the plants and more than 8,000 worked at the refineries. Investment in the refineries, and technological changes, have reduced the permanent workforce needed to about 2,500 persons. Most of these are highly skilled engineering and technical jobs beyond the reach of public housing residents. Many white citizens fled the neighborhood and retail investment shifted to areas closer to wealthier neighborhoods. The loss of local employment, and increases in crime rates, have caused steep declines in population in the Westside neighborhood. Sixteen handwritten notes from current residents of Carver Terrace in support of the proposed disposition were included with the application. These notes made clear that the Carver Terrace development was an adverse environment in which to live. Many expressed fears about the safety of their children at the project. We concur with the PAHA's determination that the disposition is in the best interests of the residents and the PHA because, due to changes in the neighborhood, the project no longer provides a healthy living environment.

### **Appraisal**

The PAHA submitted an appraisal with the application. Tim N. Treadway, an independent appraiser, determined the Fair Market Value (FMV) to be \$1,670,000, as of September 25, 2012.

### **Method of Sale**

The PAHA proposed the disposition via a public bid at FMV or higher.

### **Use of Proceeds**

According to the Office of the Chief Financial Officer, there is no outstanding debt on Carver Terrace Apts., TX034000001. The PAHA will realize net proceeds from this disposition. In the application, the PAHA proposes to use \$837,632 from gross proceeds for relocation and transaction costs. Net proceeds of sale would be used to acquire or develop other single family public housing units. We determined that this use of proceeds meet the requirements of the statute.

### **Relocation**

When the application was developed and transmitted to the Department, 184 units proposed for disposition were occupied. The PAHA has submitted a certification regarding relocation as required by 24 CFR § 970.21(e) (f). The PAHA estimated the relocation cost for the remaining residents to be \$787,532, which includes moving expenses and counseling\ advisory services. The housing resources offered will be other public housing and Housing Choice Vouchers.

### **Resident Consultation**

1. Project(s) Specific Resident Organization(s): Carver Terrace
2. PHA-wide Resident Organization: None
3. Resident Advisory Board (RAB) in accordance with 24 CFR § 903.13: RAB

24 CFR § 970.9 requires that an application for disposition be developed in consultation with the tenants of the project involved, any tenant organization at the project involved and any PHA-wide organizations that will be affected by the activity.

The PAHA met with the residents on August 15, 2012, August 29, 2012, September 12, 2012, October 29, 2012 and November 30, 2012 to discuss the proposed disposition. On October 5, 2012, PAHA met with the Carver Terrace Resident Council, the RAB and the residents to address questions concerning the disposition. The agenda, a sign-in-sheet and resident comments were included in the application. The resident comments described unacceptable conditions prevailing at Carver Terrace, and expressed the hope that moving would improve their situation.

### **Offer for Sale to the Resident Organization**

24 CFR § 970.9(b) (1) of the regulations requires that a public housing agency offer the opportunity to purchase the property proposed for disposition to any eligible resident organization, eligible resident management corporation as defined in 24 CFR Part 964, or to a nonprofit organization acting on behalf of the residents, if the resident entity has expressed an interest in purchasing the property for continued use as low-income housing. The PAHA made a formal offer for purchase of the subject property to the Carver Terrace Resident Council (CTRC) and the RAB via a letter dated October 10, 2012, the 30-day time period to express an interest to purchase the development expired on November 10, 2012. As no response was received from the CTRC or the RAB, The PAHA has satisfied the requirements of 24 CFR § 970.9(b) (1). We concur with the PAHA's determination that it has complied with the requirements of 24 CFR § 970.9.

### **Mayor/Local Government Consultation**

As required by 24 CFR § 970.7(a) (14), the application package includes a letter of support from the Honorable Deloris Prince, Mayor of the City of Port Arthur Texas, dated November 20, 2012.

### **Board Resolution**

As required by the 24 CFR § 970.7(a) (13), the PAHA's Board of Commissioners approved the submission of the application for disposition of the proposed property on December 7, 2012, via Resolution Number 12072012-01. The last resident consultation was on November 30, 2012. The consultation with the local government took place on September 13, 2012.

### **Approval**

We have reviewed the application and find it to be consistent with Section 18 of the Act, and the implementing regulations, 24 CFR Part 970, including requirements related to resident consultation, relocation and opportunity to purchase the property by the resident organization. Based upon our review, and finding that the requirements of 24 CFR Part 970 and Section 18 of the Act have been met, the disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, as previously identified and described in the application, at the FMV of \$1,670,000, or higher, via a public bid, is hereby approved. If the PAHA fails to receive any bids at FMV or higher, please inform this office as to the PAHA plans.

The PHA has current plans to develop 360 units of the following types off-site in the Phase 1 Park Central, and the Phase 2 Edison Square, developments, as identified below. The \$832,368 in estimated net proceeds from the sale of Carver Terrace would be dedicated to development of single family public housing units planned for a future Phase 3 project. This use of proceeds is also approved.

Total Units to be Redeveloped 360	Less than 80% of Area Median Income		Market Rate
	ACC	Non-ACC	
Rental	156	188	16

Notwithstanding this approval, the PHA shall not proceed to enter into any long-term ground lease or disposition agreement until all residents have been relocated.

### **Operating Subsidy**

In accordance with 24 CFR § 990.114, the disposition of these units will affect the PAHA's operating subsidy eligibility significantly. The PAHA was advised to contact the HUD financial analyst in the Houston Program Center for additional information.

### **Housing Choice Vouchers**

If the PAHA is interested in applying for housing choice vouchers in connection with the units approved for disposition, it will need to submit an application to the Houston Program Center. The PAHA should submit its application in response to HUD Notice 2012-9, or HUD's current Notice outlining the application procedures.

### **PIC and Monitoring**

The PAHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the Houston Program Center approval so that the status of the units and acres of land in PIC is changed to "removed from inventory."

It is the Houston Program Center's responsibility to monitor this activity based on its latest risk assessment. The Houston Program Center must verify that the actual data is being entered in PIC by the PAHA as the actions occur to ensure the Department is not over paying in operating subsidy, and the Capital Fund formula data is correct. Since this action expects to generate net proceeds of \$832,368, it is the Houston Program Center's responsibility to verify the funds were used as approved, and the PAHA's records are adequately documented to support this assertion.





OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

JUN 16 2014

Mr. Seledonio Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Boulevard  
Port Arthur, TX 77640-5603

Dear Mr. Quesada:

On May 7, 2014, the Special Applications Center (SAC) received the Port Arthur Housing Authority's (PRHA) request for an amendment to the disposition approved on April 30, 2013 at Carver Terrace Apartments TX034000001. Supplemental information was received through June 6, 2014.

On April 30, 2013, the Department approved the PRHA's disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, at the Fair Market Value (FMV) of \$1,670,000, or higher, via a public bid as identified below:

**Original Approval (PIC application: DDA0004944)**

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	24	120	60	0	204
Proposed Units	24	120	60	0	204
Existing Land				8 Acres	
Proposed Land				8 Acres	
Number of Dwelling Buildings Existing					46
Number of Dwelling Buildings Proposed					46
Number of Non-Dwelling Buildings Existing					1
Number of Non-Dwelling Buildings Proposed					1
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

Of the 204 units, 24 units are at the Lincoln Square Townhomes, and the remainder at Carver Terrace.

## Current Request

In the current request, the PRHA is seeking to modify the disposition approval in order to proceed with the sale of the property to the highest and only bidder, The Premcor Refining Group, Inc., for a purchase price of \$800,000, subject to certain conditions, which more accurately reflects the value of the property.

The RROF for the environmental review done for the April 30, 2013 letter was approved by the Houston Field Office on January 25, 2013. Another environmental assessment was completed in October 2013. A new environmental assessment has recently been completed in accordance with 24 CFR Part 58.47 and the notice is being republished. The Notice of Intent to Request Release of Funds includes an estimated demolition cost for the buildings approved for disposition of \$750,000.

As part of the environmental review process under 24 C.F. R parts 50 and 58 for the disposition and demolition of the property, the U.S. Department of Housing and Urban Development (HUD) Regional Environmental Officer determined that due to the health and safety threats caused by the close proximity of the refineries certain mitigation efforts must be implemented to protect the neighboring residences. The following mitigation efforts and property conditions are being imposed:

- The property will be converted to vacant land in perpetuity, enforced as a condition of sale through a deed restriction;
- The property must be fenced off to prevent unauthorized uses after it is vacant;
- A historic marker must be created for the Carver Terrace and Lincoln Square public housing projects to commemorate the important history of this community.

Upon disposition and demolition of the property the land must remain a vacant green space to create an environmental buffer between the refineries and the adjacent residences. In order for the PAHA to comply with this restriction upon acquisition by Valero/Premcor Refining Group Inc., the property must be subject to a deed restriction. The deed use restriction is the only mitigation measure that will allow the City of Port Arthur to reach a Finding of No Significant Impact for the property. Unfortunately, the deed use restriction prevents any future development on the property, severely devaluing the property well below its original appraised FMV.

Despite the PAHA's negotiations with The Premcor Refining Group Inc. in an effort to increase the purchase price of the property, the environmental issues and the required deed use restriction prevented the PAHA getting a higher purchase price. The purchaser requires that the PHA must demolish and carry out site preparation of the land they will acquire. Premcor's bid expires on June 23, 2014.

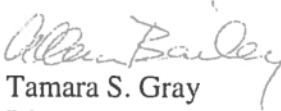
Under the terms and conditions of The Premcor Refining Group., Inc's bid, the gross proceeds will be deposited in an escrow account to be used for the demolition of the property. Following demolition any remaining net proceeds will be used to develop replacement public housing or housing exclusively used for Section 8 units at Edison Square, a mixed-finance project or alternate locations. The PAHA closed on Park Central, the other mix-finance project to which net proceeds from the disposition may be applied.



The SAC has completed its review and based on the information provided by the PAHA, your request to amend the disposition approval, to sell the property to The Premcor Refining Group, Inc., for a purchase price of \$800,000 is approved. These funds may be used to pay for the cost of demolition. Following demolition the use of any remaining net proceeds to develop replacement public housing or housing exclusively used as Section 8 units at Edison Square, and Park Central is also approved. The approval may be modified if further issues emerge during completion of the current environment review process.

A copy of this modification will be forwarded to the HUD Houston Program Center for their records. If you have any questions regarding this modification, please contact Sunny Grover, Public Housing Revitalization Specialist at (312) 913-8329.

Sincerely,

  
for Tamara S. Gray  
Director



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

OFFICE OF PUBLIC HOUSING

MAR 12 2015

Mr. Seledonio Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Boulevard  
Port Arthur, TX 77640-5603

Dear Mr. Quesada:

On January 28, 2015 the Special Applications Center received a request to further modify the disposition approval for the Carver Terrace Apartments property, because the intended sale of the property was not consummated.

On April 30, 2013, the Department originally approved the Port Arthur Housing Authority (PRHA)'s disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, at the Fair Market Value (FMV) of \$1,670,000, or higher, via a public bid as identified below:

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	24	120	60	0	204
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Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

Of the 204 units, 24 units are at the Lincoln Square Townhomes, and the remainder at Carver Terrace.

On May 7, 2014, the Special Applications Center (SAC) received the Port Arthur Housing Authority's (PRHA) request for an amendment to the disposition approved on April 30, 2013 at Carver Terrace Apartments. The proposal was to sell the property to the only bidder, the neighboring Premcor Refining Group, for a purchase price of \$800,000. This purchaser required that the PHA must demolish the structures and carry out site preparation of the land, using the proceeds from sale for this purpose. This was approved on June 16, 2014.

The RROF for the environmental review done for the April 30, 2013 letter was approved by the Houston Field Office on January 25, 2013. Another environmental assessment was completed in October 2013. A new environmental assessment was completed in accordance with 24 CFR Part 58.47 and the notice was republished. The Notice of Intent to Request Release of Funds included an estimated demolition cost for the buildings approved for disposition of \$750,000.

As part of the environmental review process under 24 C.F. R parts 50 and 58 for the disposition and demolition of the property, the U.S. Department of Housing and Urban Development (HUD) Regional Environmental Officer determined that due to the health and safety threats caused by the close proximity of the refineries certain mitigation efforts must be implemented to protect the neighboring residences. The following mitigation efforts and property conditions were imposed:

- The property will be converted to vacant land in perpetuity, enforced as a condition of sale through a deed restriction;
- The property must be fenced off to prevent unauthorized uses after it is vacant;
- A historic marker must be created for the Carver Terrace and Lincoln Square public housing projects to commemorate the important history of this community.

Upon disposition and demolition of the property the land must remain a vacant green space to create an environmental buffer between the refineries and the adjacent residences. Attaching this deed use restriction to the sale is the only mitigation measure that would allow the City of Port Arthur to reach a Finding of No Significant Impact for the property. Such a deed use restriction prevents any future development on the property, severely devaluing the property well below its original appraised FMV.

Presented with this deed restriction, the Valero/Premcor Refining Group Inc. withdrew its offer to purchase the property. The deed restriction would make the property of little or no use to the neighboring refinery.

### **Current Request**

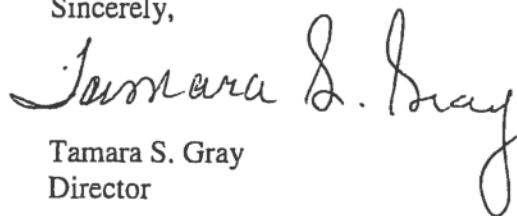
The continued presence of the vacant and deteriorated structures on this land poses serious health and safety concerns. The PAHA has used most of its non-federal funds to fill financing gaps for the development of replacement units for the Park Central and Edison Square property. PAHA states that the Carver Terrace structures must be demolished as soon as possible.

The SAC has completed its review and based on the information provided by the PAHA, the request to amend the disposition approval, to instead demolish the buildings and units on this property, and to continue to see a buyer for the vacant land that will remain, is hereby approved.

The SAC is unable at this time to approve the proposed use of public housing Operating Fund Reserves to pay for the cost of demolition, which had been estimated to be \$750,000. Prior to carrying out the demolition, PAHA must receive approval from the Department that the sources of funds proposed are eligible to be used for this purpose.

A copy of this modification will be forwarded to the HUD Houston Program Center for their records. If you have any questions regarding this modification, please contact Sunny Grover, Public Housing Revitalization Specialist at (312) 913-8329.

Sincerely,

A handwritten signature in cursive script that reads "Tamara S. Gray". The signature is written in black ink and is positioned to the right of the typed name.

Tamara S. Gray  
Director



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(H09917)**  
PIC Main

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 Application: DDA0004944  
 Demolition / Disposition Application

Application Type: Disposition Processor: SAC-Chicago  
 Application Status: HQ Approved Status Date: 11/07/2012

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Section	Section Type	Status	Status Date
Section 1: General Information	Required	Modified	11/07/2012
Section 2: Long-Term Possible Impact of Proposed Action	Required	Modified	12/05/2012
Section 3: Board Resolution, Environmental Review, and Local Government Consultation	Required	Modified	12/07/2012
Section 4: Description of Property TX034000001 CARVER TERRACE APTS	Required	Modified	12/05/2012
Section 5: Description of Proposed Removal Action TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 6: Relocation TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 7: Resident Consultation TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 8: Offer of Sale TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 9: Certification of Compliance TX034000001 CARVER TERRACE APTS	Required	Modified	11/07/2012

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**Application Status**  
 Application Type: Disposition Processor: SAC-Chicago  
 Reviewer: Lois Johnson  
 Application Status: HQ Approved Status Date: 11/07/2012

**Section 1: General Information**

OMB Approval No. 2577-0075 (exp. 07/31/2008)

Public reporting burden for this collection of information is estimated to average 16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required to request permission to demolish or sell all or portion of a development (i.e., dwelling units, non-dwelling property or vacant land) owned and operated by a Housing Authority. The information requested in the application is based on requirements of Section 18 of the United States Housing Act of 1937, as amended and 24 CFR Part 970. HUD will use the information to determine whether, and under what circumstances, to permit HAs to demolish or sell all or a portion of a public housing development. Responses to the collection of information are statutory and regulatory to obtain a benefit. Approval of this application does not substitute approval for funding of the demolition or disposition action. The information requested does not lend itself to confidentiality.

1. Housing Authority: TX034 Port Arthur Housing Authority 2. Date of Application: 12/07/2012

3. Address: 920 DEQUEEN Boulevard  
 City/Locality: PORT ARTHUR  
 State: Texas Zip Code: 77640-5603  
 4. Phone No: (409) 982 - 6442 Ext. Fax No: (409) 983 - 7803  
 Email Address: Cele.Quesada@pahousing.org

5. Executive Director's Name: Seledonio Quesada  
 Phone No: (409) 984 - 2621 Ext. Fax No: (409) 983 - 7803  
 Email Address: Cele.Quesada@pahousing.org

6. Primary Contact's Name: Seledonio Quesada  
 Phone No: (409) 984 - 2621 Ext. Fax No: (409) 983 - 7803  
 Email Address: Cele.Quesada@pahousing.org

\* Designates a required field.

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**Application Status**

Application Type:	Disposition	Processor:	SAC-Chicago
		Reviewer:	Lois Johnson
Application Status:	HQ Approved	Status Date:	11/07/2012

**Section 2: Long-Term Possible Impact of Proposed Action**  
 Enter the total number of units proposed for removal **204**

1. Performance Funding Subsidy (PFS)

In FY 2012 , this HA received \$ 385 per unit in PFS funds.  
 The HA realizes that after this activity takes place, PFS will decrease by \$ 78540 / year.

2. Capital Fund Program

In FY 2012 , this HA received \$ 1080 per unit in Capital funds.  
 The HA realizes that after this activity takes place, Capital funding will decrease by \$ 220320 / year.

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**Application Status**

Application Type: Disposition      Processor: SAC-Chicago  
 Reviewer: Lois Johnson

Application Status: HQ Approved      Status Date: 11/07/2012

**Section 3: Board Resolution, Environmental Review, and Local Government Consultation**

- |                                       |   |
|---------------------------------------|---|
| 1. Board Resolution Number<br>1207201 | 2. Date of Board Resolution<br>12/07/2012 |
|---------------------------------------|---|

3. Who is conducting the environmental review?

- Field Office under 24 CFR Part 50
- Responsible Entity under 24 CFR Part 58

If the environmental review is to be performed by a responsible entity, name the entity.

City of Port Arthur

4. Jurisdictions covered by the HA (list all cities, counties, etc.):

City of Port Arthur

5. Letter of Support from Appropriate Government Official is dated :11/20/2012.

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 Development: TX034000001 CARVER TERRACE APTS

**Application Status**

Application Type: Disposition Processor: SAC-Chicago  
 Reviewer: Lois Johnson  
 Application Status: HQ Approved Status Date: 11/07/2012

**Section 4: Description of Property**

- 1. Development Name: CARVER TERRACE APTS
- 2. Development Number: TX034000001
- 3. Date of Full Availability: 12/28/1953
- 4. No. of Residential Buildings: 46
- 5. No. of Non-Residential Buildings: 0
- 6. Date Constructed:
- 7. Scattered Site: N
- 8. Single Family Houses: Duplexes:  
3-Plexes: 4-Plexes:
- 9. Row House: 24 Walk-Up: 180  
High Rise: 0
- 10. Total Acres of the Development: 8.00

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**11. Existing Unit Distribution**

	General Occupancy	Elderly/Disabled Units	Total Units Being Used for Non-Dwelling Purposes	Merged Units	Total Existing Units	Approved Units yet to be Removed	Total Adjusted Units
0 Bdrm	0	0	0	0	0	0	0
1 Bdrm	0	0	0	0	0	0	0
2 Bdrms	0	0	0	0	0	0	0
3 Bdrms	0	0	0	0	0	0	0
4 or more Bdrms	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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**Application Status**

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 Reviewer: Lois Johnson

Application Status: HQ Approved      Status Date: 11/07/2012

**Section 5: Description of Proposed Removal Action**

**1. Proposed Action By Building Type**

Calendar Year:

**Available Buildings :**  
 (Building Number\Building Number  
 Entrance\Address Line1 Text)

**Proposed Buildings :**  
 (Building Number\Building Number  
 Entrance\Address Line1 Text)

01 \8 \1100 CARVER TERRACE / 2012	
02 \8 \1102 CARVER TERRACE / 2012	^
03 \8 \1104 CARVER TERRACE / 2012	
04 \8 \1106 CARVER TERRACE / 2012	v

# indicates Non Dwelling Building Structures

**2. Proposed Action By Unit Designation**

Select the building number(s):

\* - indicates the building has units that are assigned in this application.

@ - indicates the building is proposed in this application.

**No Units Information Found**

**Available Units :**  
 (Unit Number\Unit Designation\Bedroom Count)

**Proposed Units :**  
 (Unit Number\Unit Designation\Bedroom Count)

**3. Proposed Action for Non Residential Inventory**

**A. Acres included in Proposed Disposition**

Calendar Year: 2012

Number of Acres : 8.00

**B. Buildings included in Proposed Disposition**

Calendar Year : 2012

Number of Non-Dwelling Buildings without PIC building numbers : 1

4.

*Intentionally deleted to conform to HUD-52860*

5. If the proposed action involves a partial removal of a Development, a site map is required  
*Attach a copy of the site map and reference it as Section 5, line 5*

6. If the proposed action involves a partial removal of a development, attach a description of the property to be removed along with a narrative explaining why the PHA is proposing to remove this portion of the development and if disposition is for vacant land, attach the legal description of each parcel of vacant land. Reference this attachment as Section 5, line 6

7. Which of the following describe the proposed disposition? (Check that which applies)

- A. Disposition at Fair Market Value (FMV)  
 B. Disposition at less than Fair Market Value (e.g. donation)  
 C. Disposition which includes an exchange of property

*If B and/or C are checked, provide a justification and reference it as Section 5, line 7.*

8. What is the value of the property subject to disposition:

**\$ 1670000.00**

*Attach evidence verifying the value (e.g. executive summary of the appraisal) and reference it as Section 5, line 8*

9. Was an appraiser used to determine the value of the property listed at Number 8?

**Yes**

If so, name of appraiser who conducted the appraisal:

**The Gerald A. Teel Company, Inc.**

Date of appraisal:

**09/25/2012**

10. Calculation of Net Proceeds

Estimated Sales Price **\$1670000.00** - Debt \$ - Cost & Fees **\$837632.00** = Estimated Net Proceeds **\$832,368.00**

*Attach an itemization of costs and fees (including relocation, moving, and counseling costs) to be paid out of gross proceeds and reference it as Section 5, line 10*

11. How will the Net Proceeds be used?

*Attach a narrative providing details concerning the use of Net Proceeds and reference it as Section 5, line 11*

12. What is the estimated cost of demolition?

(Include professional fees, hazardous waste removal, building and site improvement, demolition costs, and seeding and sodding of land. Do not include relocation costs or site improvements such as landscaping, playground, retaining walls, streets, sidewalks, etc.)

(a) \$ **354,250.00**

(b) Indicate the source of funds:

- Operating Funds for FY  
 CFP Funds for FY  
 CDBG Funds  
 Other

*If Other, attach a narrative explaining how the PHA will fund the demolition and reference it as Section 5, line 12*

13. General Timetable: The HA is to provide a brief timetable based on the number of days after approval of the application that the following major actions will occur:

- A. Begin relocation of residents 150 B. Complete relocation of residents 485  
C. Execution of contract for removal (e.g. sales contract or demolition contract) 515 D. Actual Removal Action (e.g. demolition or sale closing) 730
- 

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**Marie Butler**  
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 Application: DDA0004944  
 Development: TX034000001 CARVER TERRACE APTS

**Application Status**

Application Type: Disposition Processor: SAC-Chicago  
 Reviewer: Lois Johnson

Application Status: HQ Approved Status Date: 11/07/2012

**Section 6: Relocation**

1. Occupied units:
- a. Of the 204 units proposed for removal, 184 are occupied as of the date of this application. Attach a narrative explaining the circumstances that resulted in the units becoming vacant and the relocation of the residents and reference it as Section 6, line 1(a).
  - b. Of the 204 total units in the development, 0 units will remain after removal.
  - c. Of the 0 units that will remain after removal, 0 are occupied as of the date of this Application.

*If any units are listed as occupied in 1(a), complete questions 2-8*

2. How many individuals will be affected by this action? **188**

3. How will counseling and advisory services be provided?  
 Attach a narrative explaining and reference it as Section 6, line 3.

4. What housing resources are expected to be used for relocation?  
 Other Public Housing     Section 8     Other  
 Attach a narrative explaining and reference it as Section 6, line 4.

7. Total cost of relocation expenses

	Per Unit Cost x	No. of Units =	Total
5. Estimated cost of counseling and advisory services	\$2,489.00	188	\$467,932.00
6. Estimated cost of moving expenses	\$1,700.00	188	\$319,600.00
		<b>\$787,532.00</b>	

8. What sources of funding will be used to pay for relocation activities?
- Operating Funds for FY:
  - Capital Fund for FY: 2011
  - Other
- If Other, provide an attachment explaining and reference it as Section 6, line 8.*

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**Section 7: Resident Consultation**

1. Describe how the residents of the development were informed and consulted about the proposed action.

*Attach a narrative explaining the PHA's consultation with the residents of the affected Development and reference it as Section 7, line 1*

***If proposed action is for Demolition and/or Disposition under Section 18 of the Act, complete questions 2-5***

2. Resident Council (at development): Provide the name of the Resident Council representing the residents of the development      **Carver Terrace Resident Council**

*Attach a narrative explaining the PHA's consultation with the Resident Council of the affected Development and reference it as Section 7, line 2*

3. Resident Council (PHA-jurisdiction-wide): Provide the name of the PHA-wide Resident Council representing the interests of the residents of the development      **None**

*Attach a narrative explaining the PHA's consultation with Resident Council (PHA jurisdiction-wide), and reference it as Section 7, line 3*

4. Resident Advisory Board (RAB) (as defined by 24 CFR 903.13):  
*Attach a narrative explaining the PHA's consultation with the RAB and reference it as Section 7, line 4.*

5. Did you receive any written comments from the residents, the Resident Council(s), or the RAB?       Yes     No

*If yes, attach the comments, along with any evaluation the PHA has made of those comments and reference it as Section 7, line 5*

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**Section 8: Offer of Sale**

1. Is the PHA exercising any of the exceptions to the offer of sale requirement permitted by 24 CFR 970.9(b)(3):  Yes  No

Note: Additional options may be displayed upon selecting an answer

3. State the names of all Established Eligible Organizations (as defined by 24 CFR 970.9(c)) for the affected development, including the following organizations (if none, state none):

Resident Council: **Carver Terrace Resident Council**  
 Resident Management Corporation: **None**  
 Outside Organization acting on behalf of residents: **None**

4. The PHA sent an initial written notification of the sale of the development to each Established Eligible Organization on **10/10/2012**

5. The PHA received a written initial expression of interest from one or more Eligible Established Organization within 30 days of the date it sent its notification  Yes  No

6. The PHA received a proposal to purchase the development from an Eligible Established Organization within 60 days of the date that it provided the organization with all necessary terms and information  Yes  No

7. The PHA  Accepted or  Rejected the organization's proposal to purchase the development.

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**Application Status**

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 Reviewer: Lois Johnson  
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**Section 9: Certification of Compliance**

1. Attach the applicable PHA Certification of Compliance from the HUD-52860 for the applicable removal action and reference it as Section 9, Line 1: Certification of Compliance

**PHA Certification of Compliance: HUD 52860**

- Section 18 Demolition/Disposition
- Section 18 Disposition 24 CFR Subpart F
- De Minimis Exception to Demolition
- Section 32 Homeownership
- Section 33 Required Conversion
- Section 22 Voluntary Conversion
- Eminent Domain

[These Certifications can be found at the SAC web site](#)

2. Attach any applicable addendum(s) from the HUD-52860 (as identified below) for the specific removal action for which you are applying for and reference it as Section 9, Line 2: Addendums

**The new HUD-52860 form and its addendums include:**

- HUD-52860-B: Total Development Cost (TDC) Calculation** Attach for all Demolition actions and for all Disposition actions where the justification is obsolescence
- HUD-52860-C: Homeownership** Attach for all actions involving homeownership
- HUD-52860-D: Required Conversion** Attach for all actions involving the required conversion of public housing units
- HUD-52860-E: Voluntary Conversion** Attach for all actions involving the voluntary conversion of public housing units
- HUD-52860-F: Eminent Domain** Attach for all disposition actions involving eminent domain proceedings

[These Forms can be found at the SAC web site](#)

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**Summary of Demolition and/or Disposition Activity**

[View Land Information](#)

Development	0-Bdrm Units	1-Bdrm Units	2-Bdrm Units	3-Bdrm Units	4 & 4+ Units	Total Resid. Units	Total Non-Resid. Units	Resid. Bldgs.	Non-Resid. Bldgs.	Total Bldgs.	Acres Disposed
TX034000001 CARVER TERRACE APTS	0	24	120	60	0	204	0	46	1	47	8.00
<b>Totals:</b>	<b>0</b>	<b>24</b>	<b>120</b>	<b>60</b>	<b>0</b>	<b>204</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>47</b>	<b>8</b>

Application Submission

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 Reviewer: Lois Johnson  
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Upload Inventory Removal Application Supporting Documentation

Attachment Type: [Please Select]

Enter Description:

The recommended maximum attachment file size is 8 megabytes. Files larger than 8 MB in size may take longer to upload or may not get uploaded.

Select File:

Allowed file types: doc, docx, xls,xlsx, pdf, gif, jpeg, bmp, png, mpp, rtf, ppt, pptx, txt, zip

Applicat

*Supporting Documents for DDA 0004944*

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Se	<a href="#">Download</a>	<a href="#">Delete</a>
	<a href="#">Download</a>	<a href="#">Delete</a>
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	<a href="#">Download</a>	<a href="#">Delete</a>
Approval Letter	<a href="#">Download</a>	<a href="#">Delete</a>
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Attachment hook 02	<a href="#">Download</a>	<a href="#">Delete</a>
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Attachment hook 05	<a href="#">Download</a>	<a href="#">Delete</a>
Attachment hook 06	<a href="#">Download</a>	<a href="#">Delete</a>
Attachment hook 07	<a href="#">Download</a>	<a href="#">Delete</a>

Attachment hook 08	MAYOR 20121120	02/25/2019-23:50:34	Marie Butler	<a href="#">Download</a>	<a href="#">Delete</a>
Attachment hook 09	PHA CERT 20121207	02/25/2019-23:52:23	Marie Butler	<a href="#">Download</a>	<a href="#">Delete</a>

## Development Attachments

Section	Development	Description	Date - Time	Owner Name	Download	Delete
Section 5, Line 7 : Sale Justification	CARVER TERRACE APTS	Description of Disposition	12/07/2012-16:23:52	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 8 : Appraisal	CARVER TERRACE APTS	Appraisal Summary	12/07/2012-16:25:51	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 10 : Net Proceeds Calculation	CARVER TERRACE APTS	Costs and Fees	12/07/2012-16:30:59	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 11 : Net Proceeds Usage	CARVER TERRACE APTS	Use of Proceeds	12/07/2012-16:32:08	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 12 : Source of Funds	CARVER TERRACE APTS	Demolition	12/07/2012-16:33:59	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 12 : Source of Funds	CARVER TERRACE APTS	Demolition Quote	12/07/2012-16:35:00	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 13 : Timetable	CARVER TERRACE APTS	Timeline	12/07/2012-16:38:47	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 1(a) : Occupied Units as of The Date of This Application	CARVER TERRACE APTS	Relocation Plan	12/07/2012-16:40:34	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 3 : Counseling Services	CARVER TERRACE APTS	Counseling Services	12/07/2012-16:42:53	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 4 : Housing Resources	CARVER TERRACE APTS	Relocation Resources	12/07/2012-16:45:34	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 8 : Relocation Funding	CARVER TERRACE APTS	Sources for Relocation	12/07/2012-16:50:04	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 1 : Consultation Process	CARVER TERRACE APTS	Resident Consultation	12/07/2012-16:51:52	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 2 : Consultation with Resident Council	CARVER TERRACE APTS	Resident Council Consultation	12/07/2012-16:59:48	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 4 : Consultation with Resident Advisory Board (RAB)	CARVER TERRACE APTS	Resident Meeting Agenda	12/07/2012-17:01:15	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 4 : Consultation with Resident Advisory Board (RAB)	CARVER TERRACE APTS	RAB Consultation	12/07/2012-17:02:33	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 5 : Written Comments	CARVER TERRACE APTS	Resident Letters	12/07/2012-17:05:22	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 8, Line 3 : Established Organization	CARVER TERRACE APTS	Resident Organizations	12/07/2012-17:07:20	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 8, Line 4 : Initial Written Notification	CARVER TERRACE APTS	Offer of Sale	12/07/2012-17:08:23	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 8, Line 3 : Established Organization	CARVER TERRACE APTS	Resident Organizations	12/07/2012-17:16:08	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 9, Line 1 : Certification of Compliance	CARVER TERRACE APTS	Certificate of Compliance	12/07/2012-17:21:22	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>

**Self Contained Appraisal Report**

**Of**

**Carver Terrace & Lincoln Square Apartments  
1400 DeWalt  
Port Arthur, Jefferson County, Texas**

**Prepared for**

**ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642**

**GATCO File No.: H12505**



**THE GERALD A. TEEL COMPANY, INC.**

*Real Estate Consultants and Appraisers*

September 27, 2012

Mr. Chris Akbari  
ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642

Re: Carver Terrace/Lincoln Square Apartments

Dear Mr. Akbari:

In fulfillment of the agreement outlined in the letter of engagement dated September 17, 2012, this letter is to transmit the attached report of our appraisal of the property rights identified within the report concerning the referenced above, as of, September 25, 2012. The report sets forth supporting data and reasoning which form the basis of our opinion of the market value.

The value opinion reported is qualified by certain definitions, limiting conditions, and certifications which are set forth within this report. The reader is directed to review all assignment conditions set forth in the introduction section of this report. Those included are the General Assumptions, General Limiting Conditions, Extraordinary Assumptions, and any Hypothetical Conditions which may affect the final opinion of value.

This report was prepared for and invoiced to ITEX Property Management LLC. It is intended only for use by ITEX Property Management LLC. It may not be distributed to or relied upon by other persons or entities without our written permission.

The property was inspected by David D. Magnuson, and the appraisal was developed by Tim N. Treadway and David D. Magnuson. If you have any questions concerning the report, please contact our office.

The Gerald A. Teel Company appreciates the opportunity to provide these real estate valuation and consultation services. We look forward to working with you in the future.

**THE GERALD A. TEEL COMPANY, INC.**

BY: Tim N. Treadway, MAI, CCIM, Partner  
State Certified TX 1323331-G

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

Market Value

<b>Project:</b>	Carver Terrace/Lincoln Square	
<b>Location:</b>	1400 DeWalt Avenue Port Arthur, Texas 77640	
<b>Year of Construction:</b>	1952	
<b>Effective Age (after repair):</b>	40 Years	(60 Yrs Econ. Life)
<b>Total Number of Rentable Units:</b>	204	
<b>Number of Residential Buildings:</b>	24 + office/maint bldgs (2)	
<b>Net Rentable Area:</b>	139,160 SQ FT	
<b>Average Size Unit:</b>	682 SQ FT	
<b>Land Area:</b>	8.0690	351,486 SQ FT
<b>Estimated Land Value (as if vacant):</b>	\$160,000	\$0.46 /SQ FT

Market Values

	<u>Land As-Is</u>	<u>Land As If Vacant Hypothetical Vacant Land</u>
Indicated Value By Sales Comparison Approach:	\$1,670,000	
Indicated Value By Sales Comparison Approach:		\$160,000
<b>Final Value Estimate:</b>	<b>\$1,670,000</b> <b>\$8,186 /Unit</b>	
<b>As-Is Valuation Date</b>	<b>September 25, 2012</b>	

## SIGNIFICANT ISSUES

- This is a property in two locations about two blocks away from each other. This valuation is for both sites and their improvements. The property is known as Carver Terrace for the DeWalt address, and Lincoln Square for the site on Abe Lincoln Avenue.
- The subject property is an older project that has historically been operated as a low income project by the Port Arthur Housing Authority. Though originally built in a very solid manner, its age and styling leaves it less competitive to newer properties. We noted a fairly new roof and what appeared to be newer condensing units. The interiors showed signs of functional obsolescence with small closets, lack of dryer connections, worn-out counters/cabinetry, and kitchen styling that does not accommodate full size appliances in some cases. As if frozen in a different time, clothes lines adorn the courtyard and are still used due to lack of dryers. One of the questions to be answered in this report will be whether or not the existing improvements offer any remaining contributory value to a renovator, or if the property has more value as vacant land.
- The property is nearly 100% occupied due to the tenants paying little or no rent (housing authority owns). Were the property to be offered on market terms and rents, it would have difficulty being competitive in its current configuration and with its existing amenities and finish appointments, and considering its age and functional obsolescence.
- One building is burned containing eight units, and two more units are burned in another building.
- We have relied on the PCNA by JPS & Associates for the unit mix, count, unit square footages, and deferred maintenance. The land area in the PCNA was disregarded as it appeared to be incomplete (not containing both parcels).
- The Income Approach is typically used on income properties but not used herein because of the large amount of repair needs and functional obsolescence. A typical buyer would not be able to continue with the current tenant set because the government pays for their rent; however, the property is operating. There could be many forms of renovation and associated costs with the buyer pool for this sort of asset (poor location, fair to poor condition, costly repair needs as indicated by the PCNA). Some buyers might spend less and attempt to eke out some remaining life. Some buyers might spend more to remove most of the obstacles and reposition the property. This is beyond the scope of the report to determine every possible repair or renovation proposition. Brokers for this type of property tend to sell these assets on a price per unit basis, with an eye to the replacement value of the shell more so than income characteristics. As such, the Sales Comparison Approach is used herein to estimate value.



**Section 5, Line 10**

Itemization of Costs and Fees

Sales purchase price (FMV)	\$ 1,670,000
Less: Moving Costs (\$ 1,200 p/family)	\$ 225,600*
Security and Utility Deposits Contingency	\$ 94,000
Relocation Counseling Costs (\$ 2,489 p/family)	\$ 467,932*
Realtor Commission (3%)	\$ 50,100
 NET PROCEEDS	 <u>\$ 832,368</u>

\* Based on occupancy of 188 families as of the date of submission of the Disposition Application

Port Arthur Housing Authority  
Carver Terrace/Lincoln Square Disposition Application  
December 2012



**PHA Certification of Compliance**  
**Section 18 Demolition/Disposition**

*Acting on behalf of the Board of Commissioners of the Port Arthur Housing Authority (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated November 7, 2012 and known as DDA # 0004944, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:*

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) If this proposed removal action involves a disposition and the PHA did not claim an exemption to the Offer of Sale requirement, this PHA sent all required initial written notifications (as described at 24 CFR 970.11) of the proposed sale of the Development to all Established Eligible Organization and the PHA certifies that either it did not receive a response from any notified organization within a 30-day time frame or each notified Established Eligible Organization waived its opportunity to purchase the Development or otherwise rejected the Offer of Sale. The PHA further certifies that it maintains documentation of all documents required by 24 CFR 970.11 on file at its primary business office;
- 5) If an appraisal was submitted at Section 5, the PHA verified that the appraiser was licensed/certified in the state in which the PHA property and received a certification from the appraiser that the appraisal was conducted using generally accepted appraisal methods and maintains this written documentation on file at its central office;
- 6) All dwelling units at the affected development are vacant and have been approved by HUD for demolition, OR, if any dwelling units at the affected development are occupied:
  - The PHA created a Relocation Plan in compliance with all applicable federal, state, and local laws (to the extent those requirements apply), including, without limitation, the Act, 24 CFR 970.21, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office;
  - The PHA will notify each family residing in a unit affected by this proposed removal action at least 90 days prior to the displacement date, except in cases of imminent threat to health and safety and such notice;
  - The PHA will provide for all actual and reasonable relocation expenses of each resident displaced by this proposed removal action, including residents requiring reasonable accommodation because of disabilities;
  - The PHA will offer any necessary counseling for residents displaced by this proposed removal action;
  - The PHA will not commence the demolition or complete the disposition of any occupied building until all residents residing in the units affect by this proposed removal action are actually relocated;
  - The PHA will provide each family affected by this proposed removal action with comparable housing that meets Housing Quality Standards (HQS) and that is located in an area that is generally not less desirable than the location of the displaced person's housing. This comparable housing may include: (a) actual relocation into the private rental market with Housing Choice Voucher assistance; (b) actual relocation into housing with project-based assistance; or (c) other PHA properties;
- 7) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 8) The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or 24 CFR Part 50;
- 9) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office;
- 10) The PHA will comply with all reporting and recordkeeping requirements of HUD (including the requirements set forth at 24 CFR 970.35) and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and

recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives any approvals to this action from the SAC;

- 11) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements;
- 12) The PHA will not take any action to commence the proposed removal action, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD.
- 13) The PHA certifies that the reason(s) for this proposed removal action is as described in Exhibit A, attached to and made a part of this Certification.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official: Cele Quesada

Title: Executive Director

Signature



Date

12.7.12



DELORIS "BOBBIE" PRINCE, MAYOR  
WILLIE "BAE" LEWIS, MAYOR PRO TEM

COUNCIL MEMBERS:

RAYMOND SCOTT, JR.  
ELIZABETH "LIZ" SEGLER  
HAROLD DOUCET, SR.  
MORRIS ALBRIGHT, III  
ROBERT E. WILLIAMSON  
DERRICK FREEMAN  
KERRY "TWIN" THOMAS



FLOYD JOHNSON  
CITY MANAGER

SHERRI BELLARD  
CITY SECRETARY

VAL TIZENO  
CITY ATTORNEY

November 20, 2012

Mr. Seldonio (Cele) Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Blvd  
Port Arthur, TX 77640

Dear Mr. Quesada:

It is with great pleasure that I write to express my enthusiastic support for this Disposition Application. This application would permit the Port Arthur Housing Authority ("PAHA") to dispose of Carver Terrace and Lincoln Square, which is comprised of 204 family units located in Port Arthur, Texas and redevelop affordable housing options at off-site locations in the city.

I acknowledge the consultation process that has occurred with the Housing Authority over the past several months, and I will continue to support the redevelopment of Carver Terrace and Lincoln Square through a collaborative effort between our agencies. I look forward to working closely with your agency to advance this important redevelopment project for the City and the Housing Authority in Port Arthur.

Sincerely,

A handwritten signature in cursive script that reads "Deloris Prince".

Deloris Prince  
Mayor



PORT ARTHUR HOUSING AUTHORITY  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
FRIDAY, DECEMBER 7, 2012

RESOLUTION NO. 12072012-01

**CARVER TERRACE/LINCOLN SQUARE DISPOSITION APPLICATION**

**WHEREAS**, the Port Arthur Housing Authority (the "**Housing Authority**") desires to dispose of 204 units at Carver Terrace and Lincoln Square, consisting of approximately 8 acres, more or less due to adverse neighborhood conditions that affect the quality of life for residents; and

**WHEREAS**, the disposition will allow the Housing Authority desires to redevelop public housing units at off-site locations that will be more effectively operated as low-income housing developments; and

**WHEREAS**, the Housing Authority desires to offer the Carver Terrace and Lincoln Square properties for sale at fair market value to facilitate the redevelopment of the Carver Terrace/Lincoln Square units at off-site locations; and

**WHEREAS**, the Department of Housing and Urban Development ("**HUD**") requires the Housing Authority to submit an application to the Special Applications Center prior to the undertaking of any disposition activities; and

**WHEREAS**, the Housing Authority held multiple meetings with the residents to discuss the demolition and/or disposition application and the relocation plan; and

**WHEREAS**, the Housing Authority met with the Resident Council and Resident Advisory Board members on October 5, 2012, to discuss the disposition in accordance with HUD requirements and offered the property for sale as required; and

**WHEREAS**, the Housing Authority met with the City of Port Arthur on multiple occasions including September 13, 2012, to discuss the potential demolition and/or disposition in accordance with HUD requirements;

**BE IT THEREFORE RESOLVED** by the Board of Commissioners of the Port Arthur Housing Authority, that the Executive Director is hereby authorized to execute documents, provide certifications and submit the disposition application for the Carver Terrace and Lincoln Square properties to the Special Applications Center of the Department of Housing and Urban Development.

EXECUTED THIS 7TH DAY OF DECEMBER 2012.

  
\_\_\_\_\_  
CHAIR

ATTEST:

  
\_\_\_\_\_  
SECRETARY





**FHEO CHECKLIST  
REVIEWING DEMOLITION/DISPOSITION APPLICATIONS**

**Please provide all requested information and any supporting data in the "COMMENTS" column. Further justification may be submitted as an attachment to the checklist.**

NAME OF PHA: Port Arthur Housing Authority

ADDRESS OF PHA: 920 DeQueen Blvd, Port Arthur, TX 77640

PHA CONTACT PERSON: Seledonio Quesada, Executive Director

DATE OF REVIEW: 2/22/2013

FHEO LOCAL OFFICE CONDUCTING REVIEW: Houston FHEO

NAME OF FHEO ANALYST: Carolyn Greer

NAME OF FHEO REVIEWING OFFICIAL: Christina Lewis, Houston FHEO Director

PHONE NUMBER OF FHEO REVIEWING OFFICIAL: 713-718-3189

NAME OF LOCAL PIH REVIEWER: \_\_\_\_\_

PHONE NUMBER OF LOCAL PIH REVIEWER: \_\_\_\_\_

DATE APPLICATION RECEIVED FROM SAC: 1/8/2013

DATE FHEO REVIEW DUE: 2/23/2013

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

I. General Considerations	Comments			
1. Is this a demolition or a disposition application or both?	Disposition			
2. What is the underlying rationale and justification for the proposed demolition/disposition? (See section 5, items 6 and 7 of the applicant's narrative).	Carver Terrace and Lincoln Square are properties located near two oil refineries (Motiva and Valero). The census tract and PH properties are about 99% minority (African American). There is a lack of employment for those with limited skills and businesses have moved out of the area; there are limited retail stores and social services; there is poor air quality and safety and environmental hazards due to the petrochemical industry; there is deteriorating infrastructure and an increase in crime, decay and blight. The west side location is not conducive to a residential community.			
3. Comparison of Demographic Characteristics of the Population of the Proposed Demo/Dispo Units with Surrounding Areas				
	<b>Demo/Dispo Project %</b>	<b>Census Tract %</b>	<b>PHA-Wide Inventory %</b>	<b>PHA Jurisdictional Area %</b>
White	3%	.79%	%	36.1%
Black or African American	86%	96%	86%	40.7%
Asian	0%	0%	0%	5.9%
American Indian or Alaska Native	0%	.21%	0%	0.7%
Native Hawaiian or Other Pacific Islander	0%	0%	0%	0.1%
Hispanic or Latino	21%	2.2%	14%	29.6%

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

4. How many units are in the PHA's overall housing unit inventory? Please indicate by unit bedroom (BD) type. (See PIC data).	Total # of units: 302	
	# 0 - 0 BD	Carver Terrace/Lincoln Square; Lakeview Palms; Scattered Sites
	# 42 - 1 BD	
	# 154 - 2 BD	
	# 106 - 3 BD	
	# 0 - 4 BD	
# 0 - 5 BD		
5. How many units are currently occupied by tenants? Please indicate by unit bedroom (BD) type. (See PIC Special Report run for this information).	Total # of units: 292	
	# 0 - 0 BD	10 of the 3-bedroom units are vacant due to fire damage. Those units are uninhabitable.
	# 42 - 1 BD	
	# 154 - 2 BD	
	# 96 - 3 BD	
	# 0 - 4 BD	
# 0 - 5 BD		
<b>II. Project/Description of Proposed Demolition/Disposition</b>		<b>Comments</b>
6. What is the name and address of the project(s)? (See section 4 of the application).	Carver Terrace - 1400 Dewalt Ave., Port Arthur, TX; Lincoln Square - 1300 Lincoln Ave., Port Arthur, TX	
7. What is the total number of building(s) in the project? (See section 5, paragraph 3 of the application).	Total # of buildings: 46	
8. What is total number of units proposed for demo/dispo, and the breakdown of the loss of units for the proposed demo/dispo by unit bedroom (BD) type? (See Section 5, paragraph 2 of the application).	Total # of units: 204	
	# 0 - 0BD	
	# 24 - 1BD	
	# 120 - 2BD	
	# 60 - 3BD	
	# 0 - 4BD	
# 0 - 5BD		

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

9. How many units are occupied/vacant by each unit bedroom BD type in the project(s) to be demolished/disposed? (See PIC Special Report run for this breakdown).	Total # of units: 194 Occupied	
	# 0 - 0BD	There are 10 3-bedroom units that are vacant due to fire damage.
	# 24 - 1BD	
	# 120 - 2BD	
	# 50 - 3BD	
	# 0 - 4BD	
	# 0 - 5BD	
10. Is there a percentage loss of units for the proposed demo/dispo by unit bedroom (BD) type for the entire project? (Calculate based on information provided in sections 4 and 5 of the application).	0 % - 0BD	
	12 % - 1BD	
	59 % - 2BD	
	29 % - 3BD	
	0 % - 4BD	
	0 % - 5BD	
	11. Is there a percentage loss of units for the proposed demo/dispo of the total number of units for the PHA's housing inventory by unit bedroom (BD) size? (Calculate based on information in this checklist).	0 % - 0BD
57 % - 1BD		
78 % - 2BD		
57 % - 3BD		
0 % - 4BD		
0 % - 5BD		
12. Is there a percentage loss of UFAS accessible units by unit bedroom (BD) type for the entire project? (See PIC data).		0 % - 0BD
	12.5 % - 1BD	
	1.6 % - 2BD	
	0 % - 3BD	
	0 % - 4BD	
	0 % - 5BD	

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

13. If the answer to question 12 is yes, what is the percentage loss of UFAS accessible units by unit bedroom (BD) type for the PHA's entire housing inventory?	0 % - 0BD	
	7.14 % - 1BD	
	1.2 % - 2BD	
	0 % - 3BD	
	0 % - 4BD	
	0 % - 5BD	

14. List the civil rights characteristics (race, national origin, familial status, and/or disability, etc.) of the project's current residents by unit size. (See PIC Special Report run for this information). Please use Section VI, Additional Comments & Analysis on page 12, if you need additional space.

0Bedroom	Hispanic	White Non-Hispanic	African American Non-Hispanic	Asian Non-Hispanic	Other (e.g., Families with Children, Disabled individuals, etc.) <u>See Page 12</u>
0Bedroom	0%	0%	0%	0%	
1Bedroom	4%	4%	92%	0%	
2Bedroom	11%	3%	86%	0%	
3Bedroom	14%	0%	86%	0%	
4Bedroom	0%	0%	0%	0%	
5Bedroom	0%	0%	0%	0%	

III. Civil Rights/Affirmatively Furthering Fair Housing (AFFH) <sub>xx</sub>	Comments
15. Does the PHA have any outstanding lawsuits, consent decrees, settlement so, please describe the relationship agreements, VCAs, letters of findings or pending investigations? If so, please describe the relationship between these actions and the demo/dispo application. These actions could serve as the basis for disapproving the demo/dispo application depending on the factual and legal circumstances.	No.

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>16. Under section 7 "Resident Consultation" in the applicant's narrative, do tenants raise any civil rights/fair housing issues or concerns? Were these issues and concerns adequately addressed by the PHA in their narrative?</p>	<p>No.</p>
<p>17. How does this proposed demo/disposition affect the PHA's obligation to affirmatively further fair housing under 24 CFR 903.7(o)? If applicable, does the application narrative indicate that tenants will have realistic choices to live in higher opportunity areas (e.g., better quality public elementary schools, greater public transportation, employment, health care, retail, recreational and cultural opportunities)?</p>	<p>The PHA will issue vouchers to tenants. This will give them greater opportunities for mobility and housing choice in surrounding areas that provide better housing, schools, transportation, employment, social services, etc.</p>
<p>18. If applicable, has the applicant's narrative described sufficient counseling and advisory services to affected tenants that promote fair housing choice and the opportunity to assist residents obtain housing in high opportunity areas? (See section 6, item 3 of the application).</p>	<p>Yes.</p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>19. If applicable, does the proposed demo/dispo create the conditions for minority de-concentration among the PHA's existing tenant population? (See the information contained in this application and the application narrative).</p>	<p>Yes, vouchers will give tenants greater opportunities for housing choice outside segregated areas. The use of a relocation mobility housing counseling agency will provide assistance to all voucher recipients to help them relocate to areas of higher opportunity.</p>
<p>20. Identify and analyze any potential discriminatory effects that the proposed demo/dispo may have upon the supply, location, availability, or affordability of housing for protected class members under the federal civil rights laws, including but not limited to discriminatory effects prohibited by 24 CFR 1.4. To the extent that such discriminatory effects are identified, consider less discriminatory alternatives and identify concrete steps reasonably calculated to avoid, minimize, or mitigate the discriminatory effects.</p>	<p>There will be a loss of five (5) accessible units for persons who are disabled. The PHA has not clearly indicated how these units will be replaced.</p>
<p>21. Are there any objections raised by third party advocacy groups or other interested parties (e.g., legal aid organizations local community groups etc.) regarding the proposed demo/disposition that are not stated in the application? (Notify SAC personnel of these objections).</p>	<p>No.</p>



**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>22. Are there any objections raised by third party advocacy groups or other interested parties (e.g., legal aid organizations local community groups etc.) regarding the proposed demo/disposition that are not stated in the application? (Notify SAC personnel of these objections).</p>	<p>Duplicate question as #21 - No</p>
<p><b>IV. Relocation Plan (If Applicable)</b></p>	<p align="center"><b>Comments</b></p>
<p>23. Please indicate the anticipated types of proposed relocation housing opportunities, the numbers of tenants for each type of relocation housing opportunity, and the types of relocation services that will be offered (See section 6 of the application and the accompanying narrative).</p>	<p><input type="checkbox"/> A: newly constructed PHA building(s) with comparable rents and amenities.</p> <p>Total # of tenants:</p>
	<p><input type="checkbox"/> B: rehabilitated public housing within the PHA's jurisdiction with comparable rents and amenities.</p> <p>Total # of tenants:</p>
	<p><input checked="" type="checkbox"/> C. private housing through HCV assistance</p> <p>Total # of tenants: 188</p>
	<p><input checked="" type="checkbox"/> D: placement in existing vacant PHA units within the PHA's jurisdictional area with comparable rents and amenities.</p> <p>Total # of tenants: 6</p>
	<p><input checked="" type="checkbox"/> E. counseling and advisory services</p>
	<p><input checked="" type="checkbox"/> F. relocation expenses (moving expenses, rent subsidies, security deposit, etc.)</p>
	<p><input checked="" type="checkbox"/> G. other relocation services (please specify) <u>Utility deposits; asst. to the disabled</u></p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>24. If comparable replacement housing is already planned, evaluate the applicant's narrative concerning the proposed quality, rent levels, services, amenities of the housing, and its geographical area. (See section 6 of the application). Is the replacement housing comparable to or better than the existing proposed demo/dispo housing?</p>	<p>The PHA plans to give Housing Choice Vouchers to the residents. Vouchers will give tenants greater housing opportunity choices outside the impacted area. The housing mobility counseling program will provide assistance in locating housing in areas of increased opportunity. See #25</p>
<p>25. Will the proposed replacement housing project, if applicable, be located in a housing market area that is less minority concentrated? (Consider the applicant's narrative and Census data by census tract).</p>	<p>The PHA narrative (Section 6, Line 3) indicated they will build 300 new units of replacement housing but did not indicate a location or provide any additional details. Mr. Seledonio Quesada, PAHA Executive Director, said 150 of those new units will be low rent housing and project a two year period for completion.</p>
<p>26. Has the application described how many new replacement housing units by bedroom size will meet the accessibility requirements of section 504 of the Rehabilitation Act of 1973? Has the application also specifically described if the replacement housing will fulfill the 5 percent, two percent requirements by bedroom size? If existing accessible housing units are identified as replacement units, where is the location of these units and what are available bedroom sizes?</p>	<p>No. However, the Executive Director stated the 5% and 2% requirements will be met for the projected 150 low rent replacement housing. He said relocating disabled tenants could be placed at one of their four multifamily affordable housing complexes: Valley View - 23 accessible units; Brittany Place - 22 accessible units; Bellbrook - 14 accessible units; and Lakeview - 13 accessible units.</p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>27. If relocation to private housing is contemplated, will tenants have a realistic opportunity to move to higher opportunity areas (e.g., areas with better schools, employment, transportation opportunities) based on the extent of assistance offered (HCVs, housing market area rents, counseling services, and other relocation assistance) described in section 6 of the application?</p>	<p>Yes, See #24.</p>
<p>28. Please comment on the likely housing market areas/communities where tenants will relocate through HCV assistance or other HUD assistance programs and the extent of improved housing choices and opportunities under the relocation plan.</p>	<p>Surrounding communities and cities have greater opportunities for employment, better schools, transportation, retail, and social services. Some of these areas include Bridge City, Groves, Nederland, Orange, Port Neches, Beaumont, etc. The relocation plan will provide needed services for the move, including moving expenses, utility and security deposits, and assistance for disabled individuals.</p>
<p>29. Discuss the strength of the applicant's narrative in section 6 in describing assistance for individuals with disabilities in finding accessible housing (e.g., HCVs, agreements with private landlords, assistance with reasonable modifications)? What types of specific assistance and their projected costs are discussed?</p>	<p>Disabled individuals will receive one-on-one counseling to locate accessible housing units and transportation will be provided to visit prospective units. Landlords will be given incentives to modify units to make them accessible. There was no discussion of projected costs.</p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

30. List the demographic characteristics (race, national origin, familial status, and/or disability, etc.) of the PHA's HCV program. (See PIC Special Report Run for this information).	<b>Hispanic</b>	<b>White Non-Hispanic</b>	<b>African American Non-Hispanic</b>	<b>Other</b> (e.g. Families with Children, Disabled individuals, etc.) <u>See Page 12</u>
	4%	10%	83%	0%
31. List the demographic characteristics (race, national origin, familial status, and/or disability, etc.) of the PHA's HCV waiting list.	<b>Hispanic</b>	<b>White Non-Hispanic</b>	<b>African American Non-Hispanic</b>	<b>Other</b> (e.g. Families with Children, Disabled individuals, etc.) <u>See Page 12</u>
	3%	11%	85%	%
32. Please describe what affirmative steps the PHA has taken in the past to assist HCV individuals find housing in high opportunity areas? What new efforts or strategies are contemplated in the application narrative?				
33. Are displaced tenants given preference to any Site Based Waiting Lists managed by the PHA?				

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

34. In your opinion, is this relocation plan acceptable? Please elaborate on the reasons why or why not.

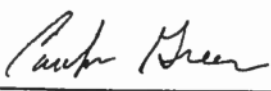
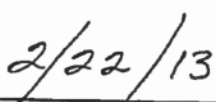
Yes. The plan adheres to regulations in 24 CFR 970.21. The plan includes the number of occupied and vacant units, a proposed month by month relocation schedule, counseling services for displaced residents, relocation moving expenses, proposed schedule of notices to residents, assistance to the disabled tenant population, etc. Housing Choice Vouchers will give tenants greater opportunities for housing choice.

**V. Additional Comments & Analysis. Please use additional sheets if necessary.**

In particular, focus on any changes, modifications, or conditions to the proposed application that would improve fair housing choice for residents, or that would avoid, minimize, or mitigate any discriminatory effects of the proposed demolition/disposition application.

#14 - Families with Children: 88.3% occupy 2 bedroom units and all 50 3 bedroom units are occupied by families with children. The disabled population for the complex occupies 33% of the 1 bedroom units, 7.5% of the 2 bedroom units and 6% of the 3 bedroom units. ----- #30 - There are 74% of families with children with vouchers and there are 19% of disabled individuals with vouchers. #31 - There are 15 individuals who are disabled and on the HCV waiting list (.9%) and 994 families are on the HCV waiting list (64.5%). -----  
Concerns: The complex will lose five accessible units and it is not clear how they will be replaced. Those tenants who reside in those accessible units will be relocated to other available accessible housing within the PHA portfolio or through landlords given incentives for accessible units. The Executive Director has stated they have three possible sites as replacement locations and propose building 300 new units as replacement housing and 150 will be low rent public housing units. He believes the process will cover a two-year period. He was advised that new construction rental projects must meet site and neighborhood standards prior to committing funds for the project.

Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist

<b>For HUD - Office of Fair Housing and Equal Opportunity Use Only</b>	
Recommendation for Approval/Disapproval: Approval (Indicate only one)	
Carolyn Greer	
FHEO Reviewer	(print name)
Houston	
FHEO Local Field Office	
	
Signature of FHEO Reviewer	Date





**U.S. Department of Housing and Urban Development**  
Houston Field Office, Region VI  
Office of Fair Housing & Equal Opportunity  
1301 Fannin, Suite 2200  
Houston, Texas 77002  
(713) 718-3199 - FAX (713) 718-3255  
www.hud.gov

MEMORANDUM FOR: Dan Rodriguez, Director, Houston Public Housing Program, 6EPH

FROM: Christina Lewis, Director, Houston FHEO

DATE: February 25, 2013

SUBJECT: Disposition Application, Port Arthur Housing Authority, Carver Terrace & Lincoln Square Apartments

We have reviewed the application in accordance with 24 CFR 970.21 and 24 CFR 1.4. The application has been approved with the following concerns:

- The application indicates there will be a loss of five (5) accessible units from Carver Terrace and Lincoln Square Apartments. The Port Arthur Housing Authority has not clearly indicated how these accessible units will be replaced.

If you have any questions regarding this review, please contact Carolyn Greer at (713) 718-3188.

cc: Carolyn Turner



Our Office approved the following document/s for the PHA on 10/18/2012 for Demolition/Disposition, which includes the subject development(s).

Agency Annual Plan

Significant amendment to Annual Plan.

The PHA is not a Qualified PHA, as defined by HERA, and the PHA did not submit an Annual Plan or significant amendment to that Plan that includes a description of the proposed demolition and/or disposition action.

**Environmental Review (ER) Compliance (Please check the Box that Applies)**

The Environmental Review (ER) was completed by this Office on (DATE) under 24 CFR part 50 for the proposed demolition and/or disposition action.

This Office found that the proposed action is environmentally acceptable.  
Indicate any mitigation or environmental conditions for approval

This office found that the proposed action is not environmentally acceptable.

The ER was done by City of Port Arthur under 24 CFR part 58 on 11/19/2012, and a Request for Release of Funds (RROF) was submitted on 12/10/2012,

The RROF was approved by this office on 01/25/2013.

The RROF was not approved by this office because:

The ER was performed by Name of the Responsible Entity under 24 CFR Part 58 on (DATE), and the Responsible Entity has advised this office that the Responsible Entity has made a determination that the project or activity is exempt under 24 CFR § 58.34(a)(12), because the project or activity is categorically excluded under 24 CFR § 58.35(a)(4) or (5) and none of the related environmental laws are triggered.

To my knowledge, an ER was not performed for this proposed demolition and/or disposition action and my office has not signed off on any such review.

**Expenditure of Public Housing Funds at the Project:**

According to the files in our office, this PHA has expended, by year, the following funds at the subject development(s):





U.S. Department of Housing and Urban Development  
Houston Field Office, Region VI  
Office of Public Housing  
1301 Fannin, Suite 2200  
Houston, Texas 77002  
(713) 718-3319  
www.hud.gov

March 21, 2013

MEMORANDUM FOR: The Demolition/Disposition File for Port Arthur Housing Authority  
(PAHA)

ATTENTION: Lois Williams-Johnson, PH Revitalization Specialist, SAC, PIA

FROM: Daniel Rodriguez, Program Center Coordinator, Houston Program Center, Office of  
Public Housing, 6EPH

  
\_\_\_\_\_  
Signature

SUBJECT: Demolition/Disposition Application Submitted by the Port Arthur Housing  
Authority, on December 12, 2012 for Carver Terrace Apts., TX03400000,  
(PIC Application DDA0004944)

This certification is being submitted to assist the Special Application Center's (SAC) in processing demolition and/or disposition applications based on revised criteria. Specifically, the SAC **will not process** an application that it finds to be substantially incomplete or otherwise deficient on a substantial item including:

- 24 CFR § 970.7(a)(1): Action is not in PHA Plan or Significant Amendment to Plan; and
- 24 CFR § 970.7(a)(15): Application is submitted before an (approved) environmental review of the proposed demo and/or disposition action has been done in accordance with 24 CFR parts 50 or 58.

Thus, I am submitting this application to assist the SAC in verifying the above two items as of the submission date of the demolition and/or disposition application noted above.

**Agency Plan Compliance (Please check the Box that Applies)**

- The PHA is a Qualified PHA, as defined by the Housing and Economic Recovery Act of 2008 (HERA) and therefore is not required to submit an Annual Plan to HUD.
- A description of the proposed demolition and/or disposition action is included in the following document/s submitted by the PHA to our office on 07/17/2012.
- Annual Plan
- Significant amendment to Annual Plan.





**EXECUTIVE DIRECTOR**  
CELE QUESADA

**COMMISSIONERS**

CLONIE AMBROISE, CHAIRMAN  
ROBERT REID, VICE-CHAIRMAN  
BART BRAGG  
MELVIN GETWOOD  
BRENDA ROY

April 11, 2014

Tamara S. Gray  
Director  
Special Applications Center  
U.S. Department of Housing and Urban Development  
77 West Jackson Boulevard, Room 2401  
Chicago, Illinois 60604-3507

Re: Port Arthur Housing Authority ("PAHA")  
Disposition Approval for Carver Terrace Apartments Application DDA0004944

Dear Ms. Gray:

This letter requests a modification of the terms of the above-referenced disposition approval. This request involves a change in the method of sale and an update regarding the entity to which PAHA will dispose Carver Terrace Apartments. All of the remaining terms of HUD's previous disposition approval will remain in effect.

On April 30, 2013, the Special Applications Center ("SAC") approved the disposition of Carver Terrace Apartments, which includes 1 non-dwelling unit and 46 dwelling buildings containing 204 dwelling units on 8 acres of underlying land (the "Property"). SAC's approval, attached hereto as Exhibit A, provided that the Property would be disposed of at fair market value of \$1,670,000, or higher, via public bid. For the reasons set forth below, PAHA seeks to modify the disposition approval and proceed with the sale of the Property to the highest and only bidder, The Premcor Refining Group, Inc., for a purchase price of \$800,000, which more accurately reflects the value of the Property.

As discussed in SAC's April 30, 2013 approval, the Property is severely dilapidated and unsuitable for residential use. The Property was built in 1953, on the western edge of the City of Port Arthur's historical Westside neighborhood, adjacent to the Texaco and Gulf Oil refineries. The former Texaco oil refinery is now owned by Motiva (Shell/ Saudi Aramco) and the former Gulf oil refinery is now owned by America's largest domestic refiner, Valero Energy Corporation ("Valero"). The expansion of the refineries over the years has caused process units, pipelines, and storage tanks to be placed much closer to the Property, threatening the safety and health of the residents. In fact, the Phase I Environmental Assessment for the Property, dated March 17, 2014, indicates that the Property has been associated with 191 upset emissions events since January 2007, the largest of those occurring in September 2013. The Property is now located in a distressed area plagued by limited employment opportunities, a lack of major investments and commercial activity, increases in crime rates, and serious health and safety concerns. For these reasons, PAHA seeks to dispose of the Property.

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR**  
920 DeQueen Blvd. • P. O. Box 2295 • Port Arthur, TX 77643  
Phone: (409) 982-6442 • 1(800) 590-6442 • FAX: (409) 983-7803

PAHA released an Invitation for Bids No. B13041, followed by two addendums, attached hereto at Exhibit B, for the disposition of the Property. In response, PAHA received only one bid from The Premcor Refining Group, Inc., which is owned by Valero, for \$800,000 and attached hereto as Exhibit C. As part of the environmental review process under 24 C.F.R parts 50 and 58 for the disposition and demolition of the Property, the U.S. Department of Housing and Urban Development ("HUD") Regional Environmental Officer determined that, due to the health and safety threats caused by the close proximity of the refineries, certain mitigation efforts must be implemented to protect the neighboring residences. Upon disposition and demolition of the Property, the land must remain a vacant green space to create an environmental buffer between the refineries and the adjacent residences. In order to comply with this restriction, upon acquisition by Valero/Premcor Refining Group, Inc., the Property must be subject to a deed restriction requiring it to remain a vacant green space. The deed use restriction is the only mitigation measure that will allow the City of Port Arthur to reach a Finding of No Significant Impact for the Property. Unfortunately, the deed use restriction, preventing any future development on the Property, severely devalues the Property well below its originally appraised fair market value.

Despite PAHA's negotiations with The Premcor Refining Group, Inc. in an effort to increase the purchase price of the Property, the environmental issues and the required deed use restriction significantly devalue it. As such, PAHA seeks approval to dispose of the Property at less than fair market value to The Premcor Refining Group, Inc., subject to the above-described deed use restriction.

Consistent with HUD requirements and SAC's April 30, 2013 approval as well as the terms and conditions of The Premcor Refining Group, Inc's bid, the gross proceeds will be deposited in an escrow account to be used for the demolition of the Property. Following demolition, any remaining net proceeds will be used to develop replacement public housing or other affordable housing units at Edison Square, a mixed-finance project, or alternate locations. PAHA closed on Park Central, the other mixed-finance project to which net proceeds from the disposition of the Property were to be applied, on March 14, 2014.

Your expedited consideration would be greatly appreciated as the bid holding period is time sensitive. Please feel free to contact me if you have any questions or would like to discuss our request.

Sincerely,



Seledonio Quesada  
Executive Director

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR**  
920 DeQueen Blvd. • P. O. Box 2295 • Port Arthur, TX 77643  
Phone: (409) 982-6442 • 1(800) 590-6442 • FAX: (409) 983-7803

Section 5, Line 7

Description of Disposition

The Port Arthur Housing Authority (PAHA) proposes to dispose of the Carver Terrace and Lincoln Square properties due to a change in the neighborhood, the location of the development is no longer conducive to residential use.

Carver Terrace was built in 1953 on the western edge of the City of Port Arthur's historic Westside neighborhood. At the time, the Westside was a thriving residential neighborhood near property owned by two large oil refineries – Texaco and Gulf. There were many commercial businesses on the Westside and particularly along Houston Avenue. Many Westside residents worked at the plants and many workers rode their bicycles to work. At one time more than 8,000 people worked for these refineries. After WWII unskilled workers with good reputations could be hired in labor gangs and trained by the refineries.

Many of these employees were members of labor unions particularly OCAW, Pipefitters, Machinists, IBEW, Boiler Makers, and Carpenters. The area became characterized by extensive labor unrest and work stoppages became both numerous and violent. In addition, as technology changed companies began reducing the number of workers and particularly those with limited or out-of-date skills. Companies even elected to out-source many skilled workers to independent contractors. The owners of these refineries have changed and have expanded on their own property to such an extent that process units, pipelines and storage tanks are now much closer to Carver Terrace.

The former Texaco refinery, now Motiva (Shell/Saudi Aramco), is the largest refinery in the United States and the former Gulf refinery is now owned by America's largest domestic refiner – Valero. These companies have invested billions in Port Arthur but the combined permanent workforce is estimated at approximately 2,500. The engineering and technical employees of these companies are among the highest paid in America but there are no opportunities for those with limited skills or those with skills in construction/turnaround trades. The air quality in Port Arthur has improved substantially however there is great concern for fence line residents living in Carver Terrace due to occasional upsets.

The integration of the public schools in the mid-sixties has impacted Port Arthur. Many white citizens began moving to nearby cities where a heavy concentration of white citizens lived. This resulted in a serious erosion of the tax base and deep feelings of resentment. The major retail investments in recent years have shifted from the Downtown/Westside to US-69 which is closer to the wealthier neighborhoods in Port Arthur and the other South and Mid-County cities. The loss of ready access to local employment, emergence of large discount retailers on US-69 and increases in crime rates has caused steep declines in the population and businesses on the historic Westside and Downtown area. The recent industrial expansions have dramatically increased tax revenue for schools and City services but student test scores remain low and the City infrastructure needs to revive these areas need major infusions of capital.

The Port Arthur's Carver Terrace/Lincoln Square public housing developments are now located in a dilapidated and declining area of Port Arthur with no job opportunities, limited retail stores and social services.

Port Arthur Housing Authority  
Carver Terrace/Lincoln Square Disposition Application  
December 2012

PAHA intends to dispose of the property at Fair Market Value (FMV) which is estimated at \$1,670,000 based on an appraisal prepared by The Gerald A. Teel Company, Inc. dated September 25, 2012. Accordingly, PAHA will offer the property for sale to interested parties at FMV; however the likely buyer for the property will be the adjacent refinery or a consortium of local refineries with the intent to convert the space into a green belt and create a natural barrier between the oil refinery and the adjacent residential community.



**Self Contained Appraisal Report**

**Of**

**Carver Terrace & Lincoln Square Apartments  
1400 DeWalt  
Port Arthur, Jefferson County, Texas**

**Prepared for**

**ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642**

**GATCO File No.: H12505**



**THE GERALD A. TEEL COMPANY, INC.**

*Real Estate Consultants and Appraisers*

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September 27, 2012

Mr. Chris Akbari  
ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642

Re: Carver Terrace/Lincoln Square Apartments

Dear Mr. Akbari:

In fulfillment of the agreement outlined in the letter of engagement dated September 17, 2012, this letter is to transmit the attached report of our appraisal of the property rights identified within the report concerning the referenced above, as of, September 25, 2012. The report sets forth supporting data and reasoning which form the basis of our opinion of the market value.

The value opinion reported is qualified by certain definitions, limiting conditions, and certifications which are set forth within this report. The reader is directed to review all assignment conditions set forth in the introduction section of this report. Those included are the General Assumptions, General Limiting Conditions, Extraordinary Assumptions, and any Hypothetical Conditions which may affect the final opinion of value.

This report was prepared for and invoiced to ITEX Property Management LLC. It is intended only for use by ITEX Property Management LLC. It may not be distributed to or relied upon by other persons or entities without our written permission.

The property was inspected by David D. Magnuson, and the appraisal was developed by Tim N. Treadway and David D. Magnuson. If you have any questions concerning the report, please contact our office.

The Gerald A. Teel Company appreciates the opportunity to provide these real estate valuation and consultation services. We look forward to working with you in the future.

**THE GERALD A. TEEL COMPANY, INC.**

BY: Tim N. Treadway, MAI, CCIM, Partner  
State Certified TX 1323331-G

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

Market Value

Project:	Carver Terrace/Lincoln Square	
Location:	1400 DeWalt Avenue Port Arthur, Texas 77640	
Year of Construction:	1952	
Effective Age (after repair):	40 Years	(60 Yrs Econ. Life)
Total Number of Rentable Units:	204	
Number of Residential Buildings:	24 + office/maint bldgs (2)	
Net Rentable Area:	139,160 SQ FT	
Average Size Unit:	682 SQ FT	
Land Area:	8.0690	351,486 SQ FT
Estimated Land Value (as if vacant):	\$160,000	\$0.46 /SQ FT

**Market Values**

	<u>Land As-Is</u>	<u>Land As If Vacant Hypothetical Vacant Land</u>
Indicated Value By Sales Comparison Approach:	\$1,670,000	
Indicated Value By Sales Comparison Approach:		\$160,000
<b>Final Value Estimate:</b>	<b>\$1,670,000</b> <b>\$8,186 /Unit</b>	
As-Is Valuation Date	September 25, 2012	

## SIGNIFICANT ISSUES

- This is a property in two locations about two blocks away from each other. This valuation is for both sites and their improvements. The property is known as Carver Terrace for the DeWalt address, and Lincoln Square for the site on Abe Lincoln Avenue.
- The subject property is an older project that has historically been operated as a low income project by the Port Arthur Housing Authority. Though originally built in a very solid manner, its age and styling leaves it less competitive to newer properties. We noted a fairly new roof and what appeared to be newer condensing units. The interiors showed signs of functional obsolescence with small closets, lack of dryer connections, worn-out counters/cabinetry, and kitchen styling that does not accommodate full size appliances in some cases. As if frozen in a different time, clothes lines adorn the courtyard and are still used due to lack of dryers. One of the questions to be answered in this report will be whether or not the existing improvements offer any remaining contributory value to a renovator, or if the property has more value as vacant land.
- The property is nearly 100% occupied due to the tenants paying little or no rent (housing authority owns). Were the property to be offered on market terms and rents, it would have difficulty being competitive in its current configuration and with its existing amenities and finish appointments, and considering its age and functional obsolescence.
- One building is burned containing eight units, and two more units are burned in another building.
- We have relied on the PCNA by JPS & Associates for the unit mix, count, unit square footages, and deferred maintenance. The land area in the PCNA was disregarded as it appeared to be incomplete (not containing both parcels).
- The Income Approach is typically used on income properties but not used herein because of the large amount of repair needs and functional obsolescence. A typical buyer would not be able to continue with the current tenant set because the government pays for their rent; however, the property is operating. There could be many forms of renovation and associated costs with the buyer pool for this sort of asset (poor location, fair to poor condition, costly repair needs as indicated by the PCNA). Some buyers might spend less and attempt to eke out some remaining life. Some buyers might spend more to remove most of the obstacles and reposition the property. This is beyond the scope of the report to determine every possible repair or renovation proposition. Brokers for this type of property tend to sell these assets on a price per unit basis, with an eye to the replacement value of the shell more so than income characteristics. As such, the Sales Comparison Approach is used herein to estimate value.

**Section 5, Line 10**

Itemization of Costs and Fees

Sales purchase price (FMV)	\$ 1,670,000
Less: Moving Costs (\$ 1,200 p/family)	\$ 225,600*
Security and Utility Deposits Contingency	\$ 94,000
Relocation Counseling Costs (\$ 2,489 p/family)	\$ 467,932*
Realtor Commission (3%)	\$ 50,100
 NET PROCEEDS	 <u>\$ 832,368</u>

\* Based on occupancy of 188 families as of the date of submission of the Disposition Application

**Section 5, Line 11**

Use of Net Proceeds

The Port Arthur Housing Authority proposes to use the net proceeds from the disposition of Carver Terrace and Lincoln Square to develop and/or acquire public housing units under an ACC agreement or housing assisted by the Housing Choice Voucher Program in accordance with Section 18(a)(5).

While PAHA intends to leverage the funds, to the maximum extent feasible and possibly develop more units, at a minimum, PAHA expects to develop and/or acquire at least seven (7) ACC or Project-based Housing Choice Voucher units with the net proceeds. The hard cost of construction is anticipated to be approximately \$120,000 per unit. These units will be single family homes located throughout the City of Port Arthur on either PAHA owned or City owned lots. Some or all of these homes may also be potential homeownership units under a Section 32 Homeownership Program.

PAHA further intends to combine the estimated \$ 832,368 in net proceeds from Carver Terrace and Lincoln Square with additional PAHA and non-PHA sources funds which may include, but is not limited to: Operating Reserves, Capital Funds, Replacement Housing Factor Funds, Capital Fund Financing Program, Operating Fund Financing Program, Low-income Housing Tax Credits, conventional mortgage(s) and/or grant funds to develop and/or acquire additional public housing single family homes up to the PAHA's Fair Cloth limit. However, as mentioned above, PAHA will dedicate the net proceeds from Carver Terrace and Lincoln Square to either ACC units or housing assisted by the Housing Choice Voucher Program as required under Section 18(a)(5).

**Section 5, Line 12**

Demolition

The estimated cost of demolition of Carver Terrace and Lincoln Square is \$354,250 based on a quote from a local contractor, C.A.R.E.S., dated October 3, 2012, which is attached and included herein.

The Port Arthur Housing Authority will not be responsible for the demolition of the buildings at Carver Terrace and Lincoln Square under the terms of the Master Development Agreement for Carver Terrace and Lincoln Square. In accordance with the said MDA, the developer, ITEX Development LLC, has assumed the responsibility for the demolition of the buildings and will include it as an overall project cost that will be funded through non-PAHA sources.

# C.A.R.E.S.

Clean Air Remediation Environmental Services

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## **PROPOSAL**

**October 3, 2012**

**Owner/Owner Representative**

Cisco Abshire

REFERENCE: Carver Terrace Apartment Complex and Lincoln Square Complex Texas

SCOPE OF WORK: Removal and disposal of ACM white fibrous pipe insulation and transite vent pipes throughout complex. Demolition and disposal of Buildings, interior sidewalks, parking lots, etc.

Sir/Madam

We propose to furnish all labor, materials and transportation for the clean up and disposal of asbestos containing materials from the above-mentioned areas as per specifications.

Asbestos Removal and disposal of materials.....	\$9,250.00
Carver Terrace Demolition .....	\$295,000.00
Lincoln Square Demolition .....	\$50,000.00
Total.....	\$354,250.00

- A). Project coordination with Contractor and/or Contractor representative.
- B). A full time licensed Superintendent will be at the job site for the extent of the entire project. Additionally, CARES foremen and abatement technicians are licensed and experienced and provide the labor portion for successfully completing each project.
- C). Air Monitoring-OSHA conducted for the project is the Owner responsibility.
- D). A full week notice to CARES will be required to efficiently expedite mobilization.
- E). Labor is based on working Friday and Saturday, 10+ hours per day, for site preparation and removal.
- G). CARES will subcontract the waste hauling and disposal to an independent, certified and licensed firm specializing in waste transporting. The waste will be disposed of in a federal/state-approved landfill
- H) ANY ADDITIONAL WORK, WILL BE CHARGED TO THE GM, OR OWNERS.
- I). OWNER IS RESPONSIBLE FOR NOTIFICATION FEES BY LAW.
- J.) OWNER IS RESPONSIBLE FOR DISCONNECTS AND CAPPING OF ALL UTILITES (WATER, GAS, SEWER, ELECTRIC, ETC.)

**Sylvester White**

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**Section 5, Line 13**

General Timeline

The Port Arthur Housing Authority will submit the disposition application to the HUD Special Applications Center by December 7, 2012 and proposes the following schedule:

December 7, 2012	Disposition application received by SAC/HUD
January 1, 2013	PAHA or its developer partner contracts for the development of Housing Mobility Program aimed at providing Counseling Services to Carver Terrace and Lincoln Square residents
March 1, 2013	SAC/HUD approval of disposition application
March 2, 2013	PAHA notifies residents of the HUD approval of disposition application
August 1, 2013	Resident Relocation commences
December 1, 2013	Issue Request For Proposals (RFP) for Realtor Services
June 30, 2014	Resident Relocation completed
August 1, 2014	Execution of a sales agreement with Realtor to sell property
February 28, 2015	Closing on sale of property

**Section 6, Line 1(a)**

Relocation Plan

The Port Arthur Housing Authority (PAHA) has developed this relocation plan in anticipation of the disposition application for 204 family public housing units at Carver Terrace and Lincoln Square in the City of Port Arthur. As a result, the PAHA will apply to the Department of Housing and Urban Development for tenant protection vouchers for the residents upon approval of the disposition application; however this relocation plan is not contingent upon the receipt of said tenant protection vouchers. This disposition application for the Carver Terrace and Lincoln Square properties is based on an estimate of 188 families for the relocation calculation purposes, although PAHA expects the actual number of families in occupancy to vary slightly at the time of approval.

The goals of this relocation plan are to:

1. Fully comply with the requirements of Section 18 of the United States Housing Act of 1937;
2. Provide opportunities for increased housing choice and housing mobility for existing public housing residents;
3. Develop a relocation plan that provides detailed information on all relocation issues and options;
4. Communicate this plan to residents and the community; and
5. Revise this plan, as necessary, based on the feedback and comments from residents, advocacy groups and HUD.

All residents will be surveyed to determine their housing preferences. Upon approval of the disposition application, residents will be properly notified in accordance with Section 18 resident relocation requirements including a 90-day notice and a 30-day notice.

Eligible households that opt for a Section 8 Housing Choice Voucher, will receive a voucher which they can use to relocate to an apartment in the private housing market in accordance with the Authority's Section 8 Administrative Plan. PAHA's attrition rate for the Section 8 Housing Choice Voucher program is approximately twenty (20) vouchers per month. Accordingly, if all 188 families were eligible and choose a Section 8 voucher, it would take approximately ten (10) months from the date the disposition application is approved to accumulate the required vouchers at the typical turnover rate. PAHA will approach the relocation process in three phases. Phase I is expected to be comprised of 80 families, while 60 families will be relocated in Phase II and the remaining families, approximately 50, will be relocated in Phase III. PAHA will strive to strategically relocate families on a building-by-building basis to maximize efficiencies and minimize security issues. As units become vacant, they will be promptly secured and utilities will be disconnected.

PAHA anticipates that not all residents will be eligible or choose a Section 8 voucher. Residents that are not eligible for a Section 8 Housing Choice Voucher for reasons such as over-income or residents that prefer to remain in public housing, shall be moved to the top of the PAHA waiting list in accordance with the Authority's Admissions and Continued Occupancy Policy and shall be offered public housing units at Lakeview Palms or Scattered Sites as they become available.

Residents will be provided with relocation assistance for actual and reasonable expenses. Residents may choose from two options for this assistance:

1. Based on the guidelines established in the Federal Highway Administration's Fixed Residential Moving Cost Schedule (2012) as may be amended, residents may receive a flat fee based on the number of rooms and be responsible for their own relocation.
2. Residents may request that PAHA move their possessions using its contracted moving company within a 50 mile radius. This service shall be coordinated by the PAHA and shall not result in any out-of-pocket expense to the resident.

Although residents will be expected to pack their own personal belongings, all packing supplies will be provided by PAHA. The contracted moving company may also pack and unpack household goods, if requested due to a disability or hardship of the resident. Packing/unpacking requests will be considered on a case-by-case basis.

Security and Utility deposits will be considered an "actual and reasonable" relocation expense. Payments will be made in accordance with 24 CFR 970.21(e) (2). PAHA shall pay such deposits directly to the utility company or landlord with subsequent returns or refunds back to the PAHA. The resident shall hold no interest in a utility or security deposit paid by the PAHA.

#### **Schedule**

March 1, 2013	HUD Approval of Disposition Application
March 1, 2013	Apply for Tenant Protection Vouchers/Accumulate Section 8 vouchers from attrition
March 2, 2013	Notify Residents of HUD Approval
April 1, 2013	Implement Housing Mobility Program w/Resident kick-off meeting
May 1, 2013	Issue 90 day relocation notices for Phase I families (approximately 80)
July 1, 2013	Issue 30 day relocation notices Phase I families (approximately 80)
July 1, 2013	Issue Phase I families Section 8 vouchers (approximately 80)
August 1, 2013	Commence relocation - Relocate 20 families
September 1, 2013	Issue 90 day relocation notices for Phase II families (approximately 60)
September 1, 2013	Relocate 20 families
October 1, 2013	Issue 30 day relocation notices for Phase II families (approximately 60)
October 1, 2013	Issue Phase II families Section 8 vouchers (approximately 60)
October 1, 2013	Relocate 20 families
November 1, 2013	Issue 90 day relocation notices for Phase III families (approximately 50)
November 1, 2013	Relocate 20 families
December 1, 2013	Relocate 20 families
January 1, 2014	Issue 30 day notices for Phase II families (approximately 50)
January 1, 2014	Issue Phase III families Section 8 vouchers (approximately 50)
January 1, 2014	Relocate 20 families
February 1, 2014	Relocate 20 families
March 1, 2014	Relocate 20 families
April 1, 2014	Relocate 20 families

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May 1, 2104	Relocate 20 families
June 1, 2014	Relocate 8 families
June 30, 2014	Relocation complete

### **Counseling**

The Port Arthur Housing Authority will implement a Housing Mobility Program to de-concentrate poverty and reduce racial segregation in the voucher program. Under this approach, PAHA will hire a Housing Mobility Counselor to lead the in-house effort and will be supported by four (4) case managers assigned to the Carver Terrace/Lincoln Square residents. A Case Manager will be available to provide counseling to every affected household. This case manager will be knowledgeable of relocation requirements under Section 18 of the United States Housing Act of 1937 and will promote increased housing choices and housing mobility for existing public housing residents. Case managers will also be available to address resident questions and concerns as they arise.

PAHA is particularly interested in assuring that households that choose to exercise their mobility option have a wide range of neighborhood choices and that this initiative contributes to the de-concentration of low-income households in the City. PAHA will assist households in identifying areas with better employment opportunities, better schools, social services and public transportation systems.

### **Special Circumstances**

Residents who are currently over/under housed and reside in units which do not have the appropriate number of bedrooms for the family size shall be appropriately housed during the relocation process to the maximum extent feasible. This group does not include any household with an approved reasonable accommodation request for an additional bedroom.

Residents whose income exceeds 50% of the Area Median Income (AMI) will not be eligible to receive a Section 8 Voucher. Those residents shall be offered a comparable public housing unit at another PAHA property of the appropriate bedroom size.

### **Section 6, Line 3**

#### Relocation Counseling Services

The Port Arthur Housing Authority is excited to partner with HCP (Housing Choice Partners) to develop and lead its relocation and housing mobility counseling services for the Carver Terrace and Lincoln Square residents. HCP is a Chicago-based private non-profit fair housing agency. The mission of HCP is to promote racial and economic diversity by utilizing affirmative fair housing strategies to encourage voucher holders to move to areas of opportunity. Programs to de-concentrate poverty and reduce racial segregation in public housing and the voucher program are called mobility programs.

HCP has nine years of direct experience in working with the demolition of public housing and the relocation of residents with a voucher. HCP worked with the Chicago Housing Authority (CHA) as it demolished and replaced thousands of units of public housing under its Plan for Transformation. HCP helped move about 1000 public housing families into the private housing market using vouchers. Approximately 45% of those families went to low poverty or opportunity areas with HCP assistance.

HCP has direct experience in administration of a housing subsidy program. HCP subsidizes 70 units of project-based housing in the Cook County suburbs under a contract with the State of Illinois. The program is called the Rental Housing Support Program and it works essentially as a project-based Section 8 program however, the subsidy funding comes from the State. HCP provides landlord outreach to identify units for the program, refers eligible clients from a wait list, conducts inspections, income certifications, etc. The units are located in all parts of the region including over 40 different communities.

HCP has many years direct experience in developing mobility programs. HCP worked with CHA, the Housing Authority of Cook County and others, assisting them to develop new mobility programs. Right now HCP is implementing a Chicago region-wide demonstration program funded by HUD and private foundations to test several approaches to streamlining portability, regionalizing project-based units and of course, promoting mobility. Eight PHAs in the Chicagoland region are participating. HCP is now 17 years old, is the longest running mobility program in the country.

#### **HCP Services for PAHA**

HCP proposes to assist the Port Arthur Housing Authority (PAHA) through ITEX, the developer under contract with the PAHA. PAHA and/or ITEX will dispose of or demolish 204 units of public housing in the Carver Terrace and Lincoln Square developments and build approximately 300 new units of replacement housing. The residents of Carver Terrace and Lincoln Square must be relocated to new housing as a result of the disposition/demolition and they will be offered a housing choice voucher to allow them to move into the private housing market.

ITEX and PAHA want to be sure their residents are provided with a wide range of housing choices including areas they may not be familiar with, so that the resident's fair housing rights are respected. To that end, HCP will provide consulting services so that a mobility program can be created to serve each of the approximately 200 residents guaranteeing that they have adequate time and assistance in choosing a new home.

HCP will act as a consultant and will work with ITEX, PAHA, residents, advocates and others to create a plan for an enhanced mobility program to encourage affected residents to learn about and move to areas of the Port Arthur region that are more racially diverse, have lower poverty rates and greater opportunity in terms of school quality, job access and transportation.

Task 1. HCP will learn about the Port Arthur area including a visit to the area.

Task 2. During the visit HCP will provide an introduction to mobility to ITEX, PAHA and others and discuss the various tasks involved in developing a quality program including material development, landlord outreach, tenant education, search assistance, and follow up services usually provided as part of a mobility program.

Task 3. Develop a time-line for services, and a budget and staffing plan to implement the program.

Task 4. Help define what an opportunity area is including maps and tract lists.

Task 5. Provide PAHA staff training on all aspects of the program.

Task 6. Work with PAHA staff to develop a counseling protocol including a database tracking system to capture activity and outcomes for each resident.

Task 7. Work with PAHA staff to create a landlord outreach plan so that available units in opportunity areas are available when residents need them.

Task 8. Work with PAHA staff to develop a series of workshops including materials to educate residents on opportunity areas but also on how to be successful tenants.

Task 9. Work with PAHA staff to develop a listing of support services for residents in various opportunity communities.

Task 10. Work with PAHA staff to set up follow up services post move so that the residents transition successfully into their new communities.

Task 11. HCP will be available for consultation during program implementation. Implementation will include providing workshops to residents, individual one on one needs assessments, landlord outreach

and unit identification, search assistance with residents, assistance with voucher paperwork when a unit is identified, assistance with the move and post-move support services.

Task 12. HCP will provide a final written report on the project and its outcomes. It is anticipated that some percentage of residents will move to opportunity areas and some will not.

HCP is anticipating a minimum one year time line—six months for planning and development of the program and six months of implementation. The final report should be delivered within three months following the final resident moves.

**Section 6, Line 4**

Relocation Resources

The Port Arthur Housing Authority (PAHA) will utilize public housing and Housing Choice vouchers to provide replacement housing for displaced residents from Carver Terrace and Lincoln Square. Counseling services will be provided to residents through the development of a Housing Mobility Program by PAHA that is aimed at offering residents greater choices in relocating to higher "opportunity" areas within the City and surrounding areas. The Opportunity areas will be identified based on a number of factors including: lower poverty rates, lower minority concentration, better schools, access to transportation and employers.

PAHA will hire a Housing Mobility Counselor to lead and implement the Housing Mobility Program in-house and utilize four (4) existing Housing Choice Voucher (HCV) staff to carry out the relocation activities for the residents of Carver Terrace and Lincoln Square. PAHA will have the Housing Mobility Counselor assigned to the relocation effort for approximately 18 months from the development of the Housing Mobility Program until the completion of the relocation process. Additionally, four (4) HCV case managers assigned to this relocation effort for a one-year term.

It is anticipated that Housing Choice Partners (HCP) will oversee the counseling services in a consulting role; however PAHA will also have an in-house team leader that is a Housing Mobility Program Specialist assigned to this project as well. The Housing Mobility Program Specialist will work closely with the HCV supervisory staff that oversees the HCV case managers in the issuance of the vouchers as well as the coordination of all aspects of the resident relocation. PAHA will create a cross functional team comprised senior staff from the Finance, Operations and HCV departments as well as the HCV case managers to meet on a weekly basis to review the status of the relocation activities and work closely to resolve issues as they arise in an effort to expedite relocation for the families. Good internal communication is instrumental in the success of the overall relocation and PAHA is committed to providing outstanding service to the Carver Terrace and Lincoln Square residents.



Section 6, Line 8

Sources For Relocation

The Port Arthur Housing Authority (PAHA) has two primary sources of funds immediately available for the relocation costs of the Carver Terrace and Lincoln Square families, namely Operating Fund Reserves for the Fiscal Year Ending September 30, 2012 which are estimated to be in excess of \$1,000,000 as well as \$672,965 in unobligated Capital Funds, FY2009 through 2012, and an additional \$150,000 in FY2013 and 2014 Capital Funds for resident relocation as outlined in the Agency's 2012 PHA Plan and as approved by HUD. Additionally, PAHA's Master Development Agreement for the Redevelopment of Carver Terrace and Lincoln Square will fund \$40,000 in Housing Mobility Consulting Services contract as part of the overall Predevelopment Budget. Combined, these resources far exceed the projected relocation costs of approximately \$ 787,458 needed for the affected families as a result of this disposition activity.

Sources

Operating Fund Reserves	\$1,000,000
Capital Funds	\$ 937,458
Development Project Cost	\$ 40,000
Total Sources	<u>\$1,827,458</u>

Uses

Mobility Consulting Services	\$ 236,000
HVC Case Managers Salary/Benefits (4)	\$ 226,858
Supplies	\$ 5,000
Moving Costs	\$ 225,600
Security and Utility Deposit Contingency	\$ 94,000
Total Uses	<u>\$ 787,458</u>

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## **Section 7, Line 1**

### Resident Consultation

The Port Arthur Housing Authority (PAHA) held a series of five (5) resident meetings at Carver Terrace to discuss the pending demolition and/or disposition application for Carver Terrace and Lincoln Square. The meetings were held on the following dates: August 15, 2012 @ 2:00pm; August 29, 2012 @ 2:00pm; August 29, 2012 @ 6:00pm; September 12, 2012 @ 2:00pm and September 12, 2012 at 6:00pm, October 29, 2012 @ 2:00pm, and a final resident meeting November 30, 2012 @ 2:00pm. Additionally, a Resident Council and Resident Advisory Board meeting was held on October 5, 2012 at 12:00pm to offer the property for sale to resident organizations as required in accordance with HUD disposition regulations.

At the first meeting held on August 15, 2012 @ 2:00pm the PAHA introduced its plan to demolish or dispose of the Carver Terrace and Lincoln Square properties. The meeting was well attended with over 130 persons in attendance. Mr. Cele Quesada, PAHA Executive Director, covered the following topics: Rationale, Resident Consultation Process, Resident Relocation Plan, Relocation Expenses, Timeline and Voucher Issuance Process. At the end of the meeting questions were taken and written comments were encouraged to be submitted to PAHA. Several questions were raised regarding the timing of the issuance of the vouchers and how the relocation expenses would be handled. PAHA committed to providing more information on both topics at the next resident meeting scheduled for August 29, 2012.

Excerpts from the August 15, 2012 Question and Answer portion of the resident meeting are as follows:

Tenant: "Where does the deposit go?"

Ms. Sherri Sengsouvanna: "If you move to a new unit then your deposit will go with you, or if you choose to switch to HVC program you will get your deposit back. "

Tenant: "Can we take our Section 8 Voucher to Houston?"

Ms. Elaina Lee: "All vouchers are given the option to port anywhere in the United States."

Tenant: "Ms. Noel told me to talk to you (to Mr. Quesada). Can I move?"

Ms. Lee: "Under the Relocation Plan you will have to wait until the application is approved and you receive a voucher. If you move, you will not be eligible for a Tenant Protection Voucher."

Tenant: "What if you are already on the Section 8 waitlist?"

Mr. Quesada: "You have to wait until you are called in if you are on the Section 8 waitlist."

Ms. Lee: "It could be a while."

Mr. Quesada: "You have to request for a transfer and you will be put on a waitlist to be transferred."

Tenant: "Where do I sign up or who do I talk to so I can transfer?"

Mr. Quesada: "Talk to Ms. Noel and tell her that transfer so she can put you on the waitlist."

Mr. Quesada: "You will get an opportunity to move and to be on a Section 8 voucher program to pay your rent. We will explain how this program works. You will complete an application for HUD in or about September and in three months after that we should have response from HUD if it will be ok be

ok to move people. Then in the first of the year we will hire someone to move the people or you will receive check to do it yourself. Right now we are asking if you have questions or comments. You will get help with deposit for rent, water, and lights. This meeting is for you to ask questions.”

Tenant: “Explain, what is section 8?”

Mr. Quesada: “This program you will get a voucher. It will help pay your rent in an apartment or house. We will explain everything to you.”

Tenant: “Will I get help filling out application for Section 8?”

Mr. Quesada: “Yes we will help you one-on-one and explain and give you an appointment.”

Tenant: “Do all qualify for houses in Sec 8? What if I want a house?”

Mr. Quesada: Depending on if you are eligible or if want a house or apartment, a portion of the house will be paid, but you will be responsible for water, gas and other utilities. Right now you are paying minimum amount for an apartment. In a house you will pay more. You will have the first option to move. Depending on your income that is how you will be charged for.”

Tenant: “Will we get help with filling out application?”

Mr. Quesada: “Yes. We will help you step by step.”

At the August 29<sup>th</sup> meeting, Mr. Quesada recapped some of the highlights from the prior meeting for those who were unable to attend and turned the meeting over the Ms. Shanel Dixon, HCV Manager, to review the voucher issuance process with the attendees. Residents were provided handouts that outlined the income limits and guidelines for the Housing Choice Voucher Program. Ms. Sherri Sengsouvanna, Operations Analyst, committed to providing residents with a draft relocation plan at the next meeting for review and comment. Excerpts from the August 29, 2012 Question and Answer portion of the resident meeting are as follows:

Tenant: “When we get the vouchers will they be for the new homes or to move somewhere else?”

Mr. Quesada: “To move somewhere else. We can’t move you into the new homes until they are built, but they will be available for to move into if you choose to come back to this area once they are built.”

Tenant: “How will this effect what we pay in rent?”

Mr. Quesada: “The Section 8 program will subsidize your rent and you could possibly pay the same amount in rent. With that being said, moving into a house or an apartment you may have to pay your own utilities.”

Tenant: “So will we have to find our own place to live?”

Mr. Quesada: “You will have to find your own place to live, but we are working to find landlords in the community so when this comes about that you will have choices for better housing.”

Tenant: “Do we have to remain in Port Arthur? Can we move out of state?”

Mr. Quesada: “The Section 8 program is a national program making it allowable for you to move anywhere in the country.”

Ms. Dixon: “You will be notified to come in for a pre-eligibility meeting to verify your information to see if you qualify for the program. Within thirty days you will be notified by mail whether you are deemed eligible or ineligible for the program. You will have the opportunity for an informal review if you are

deemed ineligible. We will bring you back in once you qualify for the program to receive your voucher and teach you how to use it.”

Tenant: “Do we have to bring in all the information to the meeting again? We already brought to y’all when we came here.”

Ms. Dixon: “Yes, we have to do criminal background on all members of the household over the age of 18 years. We check to see if you’ve been evicted from Section 8 or Public Housing, and if you fall with in the income limits of the program.”

Tenant: “What will happen to those tenants that are out here now that were evicted from Section 8?”

Ms. Dixon: “You will have the opportunity to come in and have us hear your case.”

Tenant: “I was on the Section 8 program and I moved into Public Housing. My Section 8 Voucher was taken away from me. Would I still qualify for the program? This happened a year ago.”

Ms. Dixon: “You would not qualify for Section 8 we would have to move to another Public Housing location.”

Ms. Lee: “This meeting is for general information, if you have personal questions then, we will answer those in a separate meeting in private.”

Tenant: “Are going to build apartments?”

Mr. Quesada: “We are going to build apartments and houses.”

Ms. Sherri Sengsouvanha: “No one will be economically harmed with this demolition process and we are working hard to make sure you understand this process and your concerns are heard. We understand that your lives are being disturbed by this process and we want to commit to you in helping you transition into a home that you can be proud of that doesn’t look anything like Carver Terrace or a Public Housing unit.”

The draft Relocation Plan was distributed to residents at September 12, 2012 resident meeting. Excerpts from the September 12, 2012 Question and Answer portion of the resident meeting are as follows:

Tenant: “What if we do not want to stay in Port Arthur?”

Mr. Quesada: “Depending on where you want to go there is portability that will allow you to take your voucher with you where you want to go. If you have a location that you want to go to, we will contact that housing authority for you and we will make sure we work out that paperwork.”

Tenant: “So now it’s changed, we can move out of the area.”

Mr. Quesada: “No, it’s always been that way.”

Tenant: “Before it was stated that we had to stay in the golden triangle area.”

Mr. Quesada: “We obviously want to keep you in our community, but you are welcome to move out of our area. We will be teaching you about the Section 8 program, other opportunities, and better environment.”

Tenant: “Will we have time to relocate?”

Mr. Quesada: “Yes. We will provide case management and will be working with landlords in nice locations to let them know that we are working with you to move you into those areas with better employment opportunities. We have to be good tenants. Make sure you abide by your lease; you may not qualify to take part in this opportunity if you don’t abide by your lease, pay your rent, and don’t

cause commotion for the complex. We have been driving by and seeing a lot of trash especially in family areas. You will be held responsible for your area if you allow it to stay messy. We have to work together and help each other out. Please report to management if you see trash being frequently dumped in your area."

Paula Watts: "There is a charge for picking up trash in front of your unit whether you did it or not. We will charge you, so report who is doing it so that they get the charge."

Tenant: "It used to be that the people that are downstairs were responsible for the trash in the front and the people upstairs were responsible for the trash in the back. Is it still that way?"

Mr. Quesada: "We are all responsible for the front and the back."

Ms. Noel Ozen: "Another thing we will be looking at is your community service hours."

Tenant: "What does "on time" mean about the rent?"

Mr. Quesada: "On time" means you pay by the fifth."

Tenant: "What if we don't get paid until after the fifth?"

Ms. Ozen: "Then you would pay the late charge."

Ms. Watts: "In regards to delinquent rent, it is, for the first time in months, extremely low and I want to commend y'all. Most of you are paying your rent on time. You are doing a great job."

Tenant: "What do you mean by community service?"

Ms. Ozen: "If you are able to work, but are not currently working. Everyone knows if you have community service, you have eight hours per month."

Ms. Sherri Sengsouvana: Discussion of mobility plan...."You will get at least two notices. A ninety day relocation notice will be sent out after we get approved and then a thirty day notice to actually move."

Ms. Watts: "In regards to delinquent rent, it is, for the first time in months, extremely low and I want to commend y'all. Most of you are paying your rent on time. You are doing a great job."

Mr. Quesada: Introduces Ms. Shanel Dixon, Section 8 Coordinator, Ms. Tanika Traveler, Executive Assistant, and Ms. Valeria Brown, Quality Control Officer.

Ms. Tanisha Moore: Announcement to pick up school supplies.

Mr. Quesada: Discussion of the trash problems and community services.

Pastor Starks: "If you need help with your community service hours we can help with that. We provide services for the kids and if you would like to help, let us know."

Tenant: "I need a little more clarification of the Section 8 Program. What is Section 8?"

Mr. Quesada: "Section 8 subsidizes your rent depending on your income whether you want to live in a house or apartment in our community or even if you want to move outside of our jurisdiction."

Excerpts from the October 29, 2012 resident meeting are as follows:

Mr. Quesada: "We will not issue voucher until HUD have approved the application. We will ask immediately for what is called a tenant protection voucher. We will start talking to you about what the section 8 voucher is and how it works. We have also started looking within our community of housing location for the relocation process. Even though we have to wait on the approval we have already started the process of finding relocation housing within our community."

Ms. Dixon- Speaks with the tenants on what they should expect on the section 8 program. They will receive a letter from the admission department to come in for an orientation meeting. At that time we

be begin our verification process which consist of – back ground check of everyone over the age of 18 in the household, do you owe monies to other housing authorities, have you ever been cancelled from the section 8 program or other housing programs including evictions, and income requirements. After all verification has been verified you will receive a letter within 30 days notifying you if you meet requirements for the program. If you are ineligible you will receive a letter stating why and notifying you that you have the right to request a hearing. If you are eligible you will processed on to the voucher issuance portion.

Tenant- “What are the income requirements?”

Ms. Dixon: “See attachments FY 2012 Income Limits Documentation System.”

Ms. Dixon: Explains the income handout to tenants.

Tenant: “Do we also have the option to stay on public housing?”

MS. Elaina: “Section 8 does not have a flat rent. That is why the income is so important.”

Quesada: “Most....tenants will be eligible for the voucher program.”

Residents generally wanted to know what the next steps would be. Mr. Quesada assured them PAHA would continue to communicate regularly throughout the process but the earliest that anyone could move would be early or mid-2013.

A final resident meeting was held on November 30, 2012 to distribute the draft copies of the draft disposition application. At this meeting residents were encouraged to provide written comments on the application for consideration. PAHA received numerous letters from residents in support of the application, several of which are included herein and made a part thereof.

In summary, the Port Arthur conducted an in depth series of resident meetings over the course of a four month period to provide a high level of resident consultation and engagement in the development of this application. Residents are very supportive of the proposed disposition application and eager to begin the relocation process upon HUD approval.



**Section 7, Line 2**

Resident Council Consultation

The Port Arthur Housing Authority met with the Resident Advisory Board (RAB) and the Carver Terrace Resident Council on October 5, 2012 to discuss the disposition of Carver Terrace and Lincoln Square. At this meeting, the Offer of Sale to the residents. Nine residents attended the meeting representing the RAB and the Carver Terrace Resident Council.

Mr. Cele Quesada, PAHA Executive Director opened the meeting and welcomed the attendees. Mr. Quesada advised the group the purpose of the meeting was to consult with the organized resident groups representing Carver Terrace and Lincoln Square regarding PAHA's proposed disposition of the property. Mr. Quesada proceeded to review the Offer of Sale to the Residents in detail with the group. Residents were informed the property was valued at \$1,670,000 and they would have 30 days to respond to PAHA if they were interested in purchasing the property. One resident inquired as to whether they would receive Section 8 vouchers if the residents purchased the property and Mr. Quesada responded that Section 8 vouchers would only be provided to the current residents if the Housing Authority receives HUD approval to sell the property to an outside entity. If the residents purchase the property, they would not receive Section 8 vouchers for relocation purposes.

On October 10, 2012, the PAHA issued a First Amended and Restated Offer of Sale to the RAB and the Carver Terrace Resident Council due to an administrative error in the estimated cost of capital improvements for the property as communicated in the October 5, 2012, letter. The First Amended and Restated Offer of Sale was hand delivered on October 10, 2012, to all applicable residents.

PAHA did not receive any response from the RAB or Carver Terrace Resident Council within the 30 day period. As noted in the Offer of Sale, *"If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier."* Accordingly, PAHA has met its requirements to consult with the RAB and provide sufficient time to respond to the Offer of Sale for this property.





# **CARVER TERRACE/LINCOLN SQUARE DISPOSITION MEETING AGENDA**

## **RESIDENT ADVISORY BOARD & RESIDENT COUNCIL**

**October 5, 2012 @ 12:00pm**

Location: Port Arthur Housing Authority Admin. Office  
920 Dequeen Blvd  
Port Arthur, TX

### **Agenda**

1. Disposition of Carver Terrace and Lincoln Square
2. Resident Consultation Requirement
3. Offer of Sale to Resident Organization(s)
4. 30 Days to Respond
5. Questions & Answers



**Section 7, Line 4**

Resident Advisory Board (RAB) Consultation

The Port Arthur Housing Authority met with the Resident Advisory Board (RAB) and the Carver Terrace Resident Council on October 5, 2012 to discuss the disposition of Carver Terrace and Lincoln Square. At this meeting, the Offer of Sale to the residents. Nine residents attended the meeting representing the RAB and the Carver Terrace Resident Council.

Mr. Cele Quesada, PAHA Executive Director opened the meeting and welcomed the attendees. Mr. Quesada advised the group the purpose of the meeting was to consult with the organized resident groups representing Carver Terrace and Lincoln Square regarding PAHA's proposed disposition of the property. Mr. Quesada proceeded to review the Offer of Sale to the Residents in detail with the group. Residents were informed the property was valued at \$1,670,000 and they would have 30 days to respond to PAHA if they were interested in purchasing the property. One resident inquired as to whether they would receive Section 8 vouchers if the residents purchased the property and Mr. Quesada responded that Section 8 vouchers would only be provided to the current residents if the Housing Authority receives HUD approval to sell the property to an outside entity. If the residents purchase the property, they would not receive Section 8 vouchers for relocation purposes.

On October 10, 2012, the PAHA issued a First Amended and Restated Offer of Sale to the RAB and the Carver Terrace Resident Council due to an administrative error in the estimated cost of capital improvements for the property as communicated in the October 5, 2012, letter. The First Amended and Restated Offer of Sale was hand delivered on October 10, 2012, to all applicable residents.

PAHA did not receive any response from the RAB or Carver Terrace Resident Council within the 30 day period. As noted in the Offer of Sale, *"If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier."* Accordingly, PAHA has met its requirements to consult with the RAB and provide sufficient time to respond to the Offer of Sale for this property.



10:00 AM Carver Terrace  
Meeting Apartment.

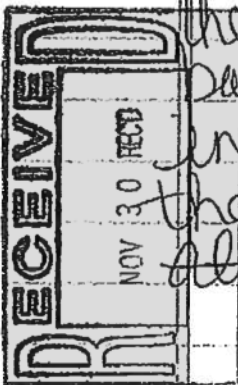
Nov. 30, 2012

(b)(6)

I am looking forward to moving the apartment in Carver Terrace are not up to par at all. So much fighting, shooting. My child can't go outside and play. So I with the disposition / demolition of Carver Terrace, I also have had mold in my apartment me and my child have been sick and forward to the doctor for 3 years I had lived out here I applied for Section 8 2 years ago at Lamar. I have not got anything in the mail at all. Back in 2010 I paid off my balance from Gulf Breeze Apartment Mrs. Pat didn't turn in that important so Celia Quesada & Joe put me on the top of the list for Public Housing. I also applied for Section 8 at the Housing Authority a few year back due to Mrs. Pat not turning in the paper work I didn't get that also. So I have been through a lot.

Thank you.

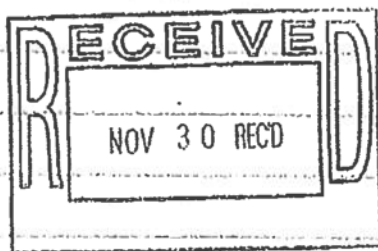
(b)(6)



Its time for a Fresh Start for all  
People living out here. There is so  
much Drugs & violence & Drama going  
on. I ready to move, because im  
beyond tired of all of it.

Everyone who works out here never  
see what happens when the office  
closes at 5pm. I have a few ~~the~~ ideas  
on how to fix, but none will get done.

Anyone who dosent want to move is  
crazy. Its time for a change but the  
bad part is, yall are move the bad with  
the good so anyone yall move will  
trash-out the new places.

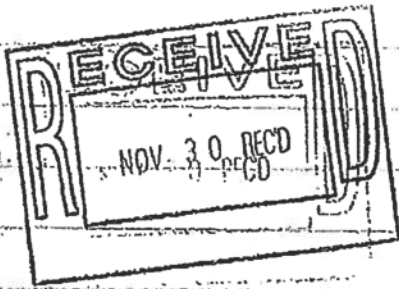


*Joseph Sufor*

(b)(6)

(b)(6)

I [redacted] agree that they should move us out because it is bad to me and my kids health

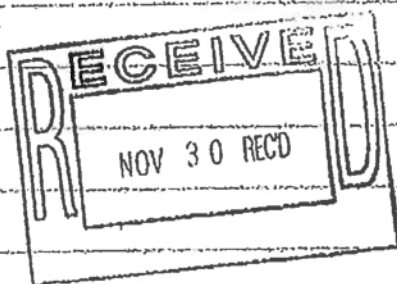




(b)(6)

I appreciate everything that you guys have done for me. I am glad that they are going to move us to other apts. and are giving an opportunity to better ~~o~~ self and have better living conditions.

Thank you



I support Ann's to move from CAROLINA Terrace

(b)(6)

(b)(6)

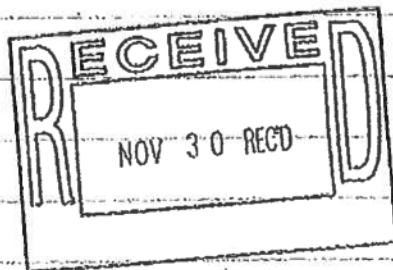
RECEIVED  
NOV 30 RECD

I know All Apartments are not  
the same. It's not the place  
it's the people. I work and  
stay in, play ~~the~~ games with  
the kids. They are so bored, because  
they ~~can't~~ <sup>can't</sup> go out side half the  
~~time~~  
time. I don't mind what  
you all do with it, because I  
won't be back

(b)(6)

11-30-2012

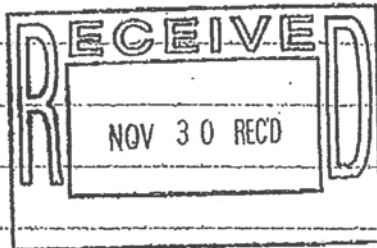
(b)(6)



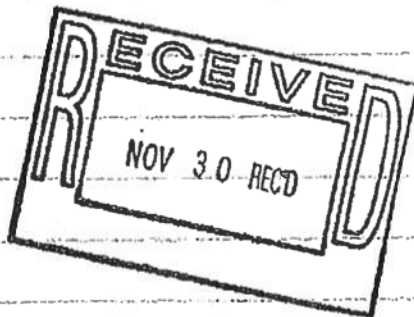
I know that you-all need to  
close Carver-Terr Apt down, for a  
better inuonment, and better living  
for poor people.

(b)(6)

(b)(6)



I'm ready to move out of  
Conver Terrace now!!! This is not  
where I want my family to be  
anyway. I've been suppose receive  
a voucher to move + have not  
yet possess one!!! The referees  
are cause health issues with me.



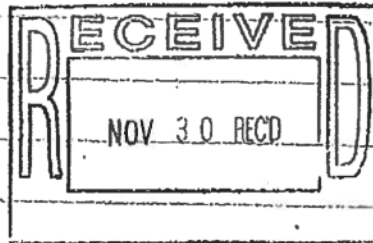
Question: When can I move?  
What do I need to do to rust the  
process, since I've been waiting for  
about 2 years for my voucher?

(b)(6)

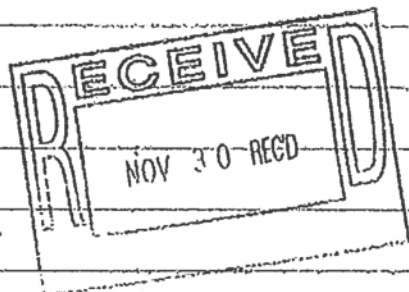
(b)(6)

I am For it. I believe it would  
benefit my family to move into  
a better environment. I believe  
that people with no infractions  
should get vouchers first.

I would like the whole idea.



I <sup>(b)(6)</sup> believe that  
is has been time to due away with  
these apartments, not only are the  
apartments old, but It's time  
to move some of the people  
around. It's too crime infested  
I barely feel safe letting my  
children play outdoors. Also  
the inside of these apartments  
are mold infested, their are too  
many roaches and the air around  
here is keeping my children and  
myself sick. I'm expecting another  
baby real soon. One of my main  
concerns are moving people  
around to have less crime  
around this side of town.



(b)(6)

(b)(6)

11/30/2012

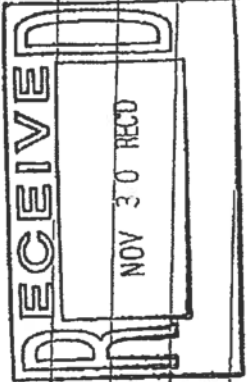
Nov. 30, 2012

(b)(6)

This

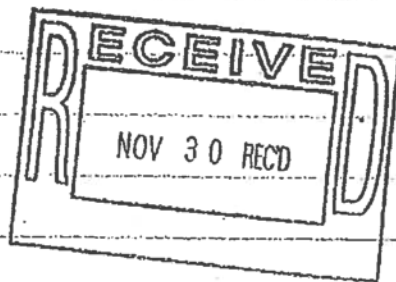
(b)(6)

Please help me move from  
Port Arthur help me I have  
3 kids and one on the way  
the community is horrible and  
everything falling apart in my apart-  
ment. please help me





my name is (b)(6) and I live  
in unit (b)(6) I think it would be a  
great ideal to move us out of the  
area because its ~~so~~ always loud  
people fighting and I just hate how  
it looks inside and out evry thing  
including jobs are distance from us  
I'm just sick of being here period!!  
I would love to live comfortable  
and in a peaceful area.



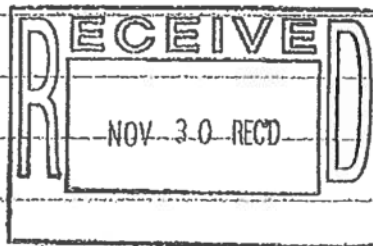
To Whom this may concern,

I think that it is a good thing for Housing to get rid of Carver Terrace finally. Only because people have been here for a lot of years and will feel good about getting out of here.

(b)(6)

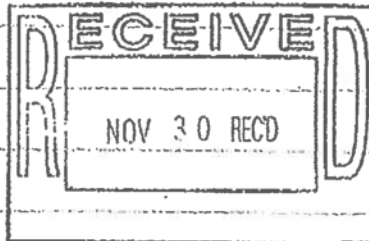
(b)(6)

1106 Carver Terrace



T. support for us to move from CARLER Terrace.

(b)(6)

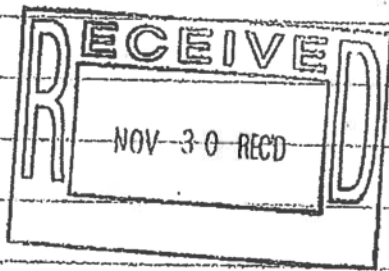


Drugs  
Fighting  
~~Violence~~

I am (b)(6) in (b)(6) i dont have no  
problem but i am glad they are doing thiz. All  
apartment is not the same But thiz is not a place  
tha kids to hang ~~up~~ out have fun. They got nothing  
but fighting, gang bang, shooting nd i am not really  
safe with my kids to play outside cause of safety  
problem. Thanks for what yall have done but i  
just lettin yall know

(b)(6)

(b)(6) Apartment



**Section 8, Line 3**

Resident Organizations

<b>Resident Council and Resident Advisory Board Members</b>		
	<b>Name</b>	<b>Address</b>
<b>Carver Terrace Council</b>		
President	Shilah Guidry	(b)(6) Port Arthur, TX 77642
Vice President	Angela Mathes	(b)(6) Port Arthur, TX 77642
Secretary	Shayla Lewis	(b)(6) Port Arthur, TX 77642
<b>Resident Advisory Board (RAB)</b>		
	Shilah Guidry	(b)(6) Port Arthur, TX 77640
	Angela Mathes	(b)(6) Port Arthur, TX 77642
	Shayla Lewis	(b)(6) Port Arthur, TX 77642
	Karen Love Lady	(b)(6) Port Arthur, TX 77640
	Jimmie Hayes	(b)(6) Port Arthur, TX 77640
	Willie Carrier	(b)(6) Port Arthur, TX 77640
	Bessie Bob	(b)(6) Port Arthur, TX 77640
	Robert Benbow	(b)(6) Port Arthur, TX 77640
	Rufus Landry	(b)(6) Port Arthur, TX 77640



**COMMISSIONERS**

REV. RONNIE LINDEN, CHAIRMAN  
CLONIE AMBROISE , VICE-CHIRMAN  
BART BRAGG  
FARHANA SWATI  
BRENDA ROY

**EXECUTIVE DIRECTOR**  
CELE QUESADA

October 10, 2012

Port Arthur Housing Authority Resident Advisory Board  
and  
Carver Terrace and Lincoln Square Resident Council

RE: First Amended and Restated Offer of Sale - Carver Terrace and Lincoln Square

Dear Resident Advisory Board and Carver Terrace/Lincoln Square Resident Council Members:

The Port Arthur Housing Authority (PAHA) is providing this First Amended and Restated Offer of Sale due to an updated cost estimate for the rehabilitation of Carver Terrace and Lincoln Square as noted herein. The PAHA planning to submit a disposition application to the Department of Housing and Urban Development for the Carver Terrace and Lincoln Square properties, said properties are collectively known as HUD AMP #TX034000001 and consist of 204 total public housing family units. As a result, the Housing Authority is required to offer the properties for sale to any Resident Management Corporation, Resident Council or Resident Cooperative of the affected developments.

The Carver Terrace development is located at 1400 Dewalt Avenue, Port Arthur, TX. It consists of 180 units (24 one bedroom, 96 two bedroom and 60 three bedroom apartments) in 23, two story structures. The Lincoln Square development is within a block of Carver Terrace at 14<sup>th</sup> Street and Abe Lincoln, Port Arthur, TX. It consists of 24 units (24 two bedroom apartments) in 2, two story

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR**  
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structures. The HUD project number for both developments is TX034; AMP number is TX034000001. Carver Terrace and Lincoln Square are currently 94% occupied.

It is the PAHA's intention is to dispose of these structures and use the proceeds to build at least 204 rental units at off-site locations consisting of a combination of new multi-family units, elderly units and single family homes. The bedroom sizes of the new units will be contingent upon the results of a market study and the available financing sources.

Carver Terrace was built in 1953 and underwent a substantial rehabilitation to replace stairwells in 2005. Lincoln Square was built in 1972. An appraisal was performed in the September 2012, which put the value of the property at \$ 1,670,000. The PAHA's consultants have estimated the capital improvement costs for these developments to be approximately \$ 20.6 million to rehabilitate. The Carver Terrace development has been found to be free of lead paint, but there is friable asbestos in the roof flashing material, transite vent pipe and insulation material, all of which have been identified as an Asbestos Containing Material (ACM). The cost for abatement is included in the repair estimate. Ten units have substantial fire damage and are not available for occupancy. The fire damages are included in the cost estimate. The Lincoln Square development has been found to be free of lead paint and asbestos.

Resident groups desiring technical assistance or further information may contact Cele Quesada, Executive Director, Port Arthur Housing Authority at (409) 984-2621. Resident groups requesting technical assistance from the Department of Housing and Urban Development may contact Dan Rodriguez, Director of Public Housing, Houston Field Office at (713) 718-3175.

The PAHA requires your response within 30 days of the date of this letter expressing your interest in pursuing the purchase of this property or waiving your opportunity to purchase. If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier. You may respond earlier than 30 days.

If you choose to accept our offer of sale, you will be given sixty days from the date of your letter of interest to develop and submit a formal proposal.

The PAHA expects to get an offer for at least the appraised value of the property. If you plan to offer less than that amount, you will have to demonstrate the commensurate public value.

Your proposal will have to contain the following information at a minimum:

- A. The length of time the organization has been in existence;
- B. A description of current or past activities which demonstrate the entity's organizational and management capability or the planned acquisition of such capability through a partner or other outside entities;

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- C. A statement of financial capability;
- D. A description of involvement of any non-resident organization (non-profit, for profit, governmental or other entities), if any, the proposed division of responsibilities between these two, and the non-resident organization's financial capabilities;
- E. A plan for financing the purchase of the property and a firm commitment for funding resources necessary to purchase the property and pay for any necessary repairs;
- F. A plan for the low-rent housing use of the property;
- G. The proposed purchase price in relation to the appraised value;
- H. Justification for purchase at less than the fair market value, if appropriate;
- I. Estimated time schedule for completing the transaction;
- J. The response to the PAHA's terms of sale;
- K. A resolution from the resident organization's Board approving the proposal; and
- L. A proposed date of settlement, generally not to exceed six months from the date of PAHA approval of the proposal, or such period as the PAHA may determine to be reasonable.

The Port Arthur Housing Authority has up to 60 days to evaluate the proposal. The resident organization will be formally informed of PAHA's decision within 14 days, i.e., the most amount of time that the PAHA can take is 74 days before giving the resident organization a formal decision.

The resident organization may appeal our decision to the local HUD Office. The appeal to HUD must be made within 30 days of the PAHA's formal reply.

The Port Arthur Housing Authority looks forward to receiving your feedback. Please contact me directly with any questions that you may have at (409) 984-2621 (office).

Sincerely,



Cele Quesada  
Executive Director

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Phone: (409) 982-6442 • 1(800) 590-6442 • FAX: (409) 983-7803







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CLONIE AMBROISE, VICE-CHIRMAN  
BART BRAGG  
FARHANA SWATI  
BRENDA ROY

**EXECUTIVE DIRECTOR**  
CELE QUESADA

October 5, 2012

Port Arthur Housing Authority Resident Advisory Board  
and  
Carver Terrace and Lincoln Square Resident Council

RE: Offer of Sale - Carver Terrace and Lincoln Square

Dear Resident Advisory Board and Carver Terrace/Lincoln Square Resident Council Members:

The Port Arthur Housing Authority (PAHA) is planning to submit a disposition application to the Department of Housing and Urban Development for the Carver Terrace and Lincoln Square properties, said properties are collectively known as HUD AMP #TX034000001 and consist of 204 total public housing family units. As a result, the Housing Authority is required to offer the properties for sale to any Resident Management Corporation, Resident Council or Resident Cooperative of the affected developments.

The Carver Terrace development is located at 1400 Dewalt Avenue, Port Arthur, TX. It consists of 180 units (24 one bedroom, 96 two bedroom and 60 three bedroom apartments) in 23, two story structures. The Lincoln Square development is within a block of Carver Terrace at 14<sup>th</sup> Street and Abe Lincoln, Port Arthur, TX. It consists of 24 units (24 two bedroom apartments) in 2, two story

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structures. The HUD project number for both developments is TX034; AMP number is TX034000001. Carver Terrace and Lincoln Square are currently 94% occupied.

It is the PAHA's intention is to dispose of these structures and use the proceeds to build at least 204 rental units at off-site locations consisting of a combination of new multi-family units, elderly units and single family homes. The bedroom sizes of the new units will be contingent upon the results of a market study and the available financing sources.

Carver Terrace was built in 1953 and underwent a substantial rehabilitation to replace stairwells in 2005. Lincoln Square was built in 1972. An appraisal was performed in the September 2012, which put the value of the property at \$ 1,670,000. The PAHA's consultants have estimated the capital improvement costs for these developments to be approximately \$ 56.3 million to rehabilitate. The Carver Terrace development has been found to be free of lead paint, but there is friable asbestos in the roof flashing material, transite vent pipe and insulation material, all of which have been identified as an Asbestos Containing Material (ACM). The cost for abatement is included in the repair estimate. Ten units have substantial fire damage and are not available for occupancy. The fire damages are included in the cost estimate. The Lincoln Square development has been found to be free of lead paint and asbestos.

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The PAHA requires your response within 30 days of the date of this letter expressing your interest in pursuing the purchase of this property or waiving your opportunity to purchase. If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier. You may respond earlier than 30 days.

If you choose to accept our offer of sale, you will be given sixty days from the date of your letter of interest to develop and submit a formal proposal.

The PAHA expects to get an offer for at least the appraised value of the property. If you plan to offer less than that amount, you will have to demonstrate the commensurate public value.

Your proposal will have to contain the following information at a minimum:

- A. The length of time the organization has been in existence;
- B. A description of current or past activities which demonstrate the entity's organizational and management capability or the planned acquisition of such capability through a partner or other outside entities;

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- C. A statement of financial capability;
- D. A description of involvement of any non-resident organization (non-profit, for profit, governmental or other entities), if any, the proposed division of responsibilities between these two, and the non-resident organization's financial capabilities;
- E. A plan for financing the purchase of the property and a firm commitment for funding resources necessary to purchase the property and pay for any necessary repairs;
- F. A plan for the low-rent housing use of the property;
- G. The proposed purchase price in relation to the appraised value;
- H. Justification for purchase at less than the fair market value, if appropriate;
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- L. A proposed date of settlement, generally not to exceed six months from the date of PAHA approval of the proposal, or such period as the PAHA may determine to be reasonable.

The Port Arthur Housing Authority has up to 60 days to evaluate the proposal. The resident organization will be formally informed of PAHA's decision within 14 days, i.e., the most amount of time that the PAHA can take is 74 days before giving the resident organization a formal decision.

The resident organization may appeal our decision to the local HUD Office. The appeal to HUD must be made within 30 days of the PAHA's formal reply.

The Port Arthur Housing Authority looks forward to receiving your feedback. Please contact me directly with any questions that you may have at (409) 984-2621 (office).

Sincerely,



Cele Quesada  
Executive Director

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**Section 8, Line 3**

The Port Arthur Housing Authority has determined the following two organizations, Carver Terrace Resident Council and the Resident Advisory Board, represent all of the resident organizations for Carver Terrace and Lincoln Square.

<b>Carver Terrace Resident Council and Resident Advisory Board Members</b>		
	<b>Name</b>	<b>Address</b>
<b>Carver Terrace Resident Council</b>		
President	Shilah Guidry	(b)(6) Port Arthur, TX 77642
Vice President	Angela Mathes	(b)(6) Port Arthur, TX 77642
Secretary	Shayla Lewis	(b)(6) Port Arthur, TX 77642
<b>Resident Advisory Board (RAB)</b>		
	Shilah Guidry	(b)(6) Port Arthur, TX 77640
	Angela Mathes	(b)(6) Port Arthur, TX 77642
	Shayla Lewis	(b)(6) Port Arthur, TX 77642
	Karen Love Lady	(b)(6) Port Arthur, TX 77640
	Jimmie Hayes	(b)(6) Port Arthur, TX 77640
	Willie Carrier	(b)(6) Port Arthur, TX 77640
	Bessie Bob	(b)(6) Port Arthur, TX 77640
	Robert Benbow	(b)(6) Port Arthur, TX 77640
	Rufus Landry	(b)(6) Port Arthur, TX 77640



# Port Arthur Housing Authority

Invitation for Bid No. B13041

Sale of Carver Terrace  
and Lincoln Square



**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square**

The Port Arthur Housing Authority (PAHA) will accept sealed bids from bidders interested in purchasing Carver Terrace, a public housing multi-family development located at 1400 Dewalt Avenue, Port Arthur, Texas. Carver Terrace consists of 180 units (24 one bedroom, 96 two bedroom and 60 three bedroom apartments) in 23 buildings. The property is brick construction. Also for public sale is the Lincoln Square public housing multi-family development. Lincoln Square is located approximately two blocks away from the Carver Terrace site, at 1400 Abe Lincoln Avenue, and is also a brick construction with 24 two-bedroom units in two buildings. The properties are combined and will be sold as a single lot. The sale is to the highest and best offer acceptable to the Port Arthur Housing Authority and the Department of Housing and Urban Development, with a restriction to demolish all buildings within 90 days. The property is located in the City of Port Arthur, Jefferson County, Texas as identified herein and available to all persons, business and individual regardless of income on a cash only basis.

This IFB contains submission requirements, terms and conditions and other pertinent information for submitting a proper and responsive bid.

Bids must be enclosed in a sealed envelope and labeled as follows in the UPPER left corner:

Sale of Carver Terrace and Lincoln Square

Property Address: 1400 Dewalt Avenue and 1400 Abe Lincoln Avenue, Port Arthur, Texas

IFB No. B13041

Due Date and Time: September 19, 2013, 4:00 PM (CST).

Written bids in sealed envelopes must be delivered to the Port Arthur Housing Authority, September 19, 2013 before 4:00 PM at the Port Arthur Housing Authority, Attn: Procurement Officer, 920 DeQueen Blvd, Port Arthur, TX 77640.

Bids will be evaluated according to the criteria stated in the IFB.

**GENERAL INFORMATION AND REQUIREMENTS**

**Definitions**

Offeror/Bidder As used herein the terms Offeror and Bidder are interchangeable.

Offer/Bid As used herein the terms Offer and Bid are interchangeable.

**General Information and Requirements**

All bids will be considered for the purchase of Carver Terrace and Lincoln Square in Port Arthur, Texas. All bids are subject to staff analysis. The Port Arthur Housing Authority reserves the right to reject any and all bids and to waive or refuse to waive any technicalities at its discretion.

Based on an independent appraisal dated September 27, 2012 performed by The Gerald A. Teel Company, Inc., the determined Fair Market Value of the Carver Terrace and Lincoln Square



property is \$1,670,000. The Port Arthur Housing Authority hereby offers the property to the highest bidder via this public bid process at FMV or higher. All buildings must be demolished within 90 days of receipt of the Notice of Acceptance of Offer from PAHA of the successful bidder.

Bids will be time stamped upon receipt. Tie bids will be decided according to the earliest time stamp.

Bidders may submit only one bid under this solicitation. Each bidder must submit with the sealed bid a bid deposit in the amount of \$1,000.00. The bid deposit is non refundable for the accepted bid and will be applied to the purchase price. The balance of the purchase price will be due within three (3) business days after receipt of the Notice of Acceptance of Offer. The Notice of Acceptance of Offer is issued by the Port Arthur Housing Authority via email and posted in the Port Arthur Housing Authority's lobby. All payments shall be in the form of a cashier's check, money order or certified check payable to the Port Arthur Housing Authority.

In the event the bidder fails to submit the balance due, within the specified three (3) business days' time period after receipt of Notice of Acceptance of Offer, the Port Arthur Housing Authority may, at its sole discretion, declare the bid unresponsive and void and notify bidder via email. In such event, the bid deposit will be forfeited and the Port Arthur Housing Authority will make an award to the next highest responsive bidder.

The bid deposit will be held until the real estate closing occurs.

The bidder has an opportunity to inspect the real estate described above and all conditions affecting the purchase of the premises described herein, including but not limited to all easements, access to the land and the quality and merchantability of Port Arthur Housing Authority's Title to the premises.

The bidder shall inspect the property at their own risk. The Port Arthur Housing Authority will not be responsible for any claims for injury while inspecting the properties.

The property is being sold in "As Is". The bidder acknowledges that no representations, warranties or guarantees with respect to the condition of the property have been made by the Port Arthur Housing Authority.

It is the responsibility of the bidder to examine applicable zoning ordinances. The Port Arthur Housing Authority expressly disclaims any responsibility for any bids predicated on a use forbidden by the applicable zoning.

The Port Arthur Housing Authority conveys real estate by General Warranty Deed. The Port Arthur Housing Authority will provide the buyer with a title commitment policy in the amount of the accepted bid. The cost of title commitment policy will be the responsibility of the Port Arthur Housing Authority. Possession will be delivered upon closing.

A bid may be withdrawn at any time prior to the bid opening date and time stated in the Notice, provided a request to withdraw the bid is executed in writing by the bidder and filed prior to the bid opening. Such withdrawal of a bid will not prejudice the right of the bidder to file a new bid prior to the specified bid opening date and time. All bids shall be deemed valid for 90 days after the bids are opened unless extended by the Port Arthur Housing Authority in writing.

The Port Arthur Housing Authority reserves the right to reject any and all bids and to waive or refuse to waive any technicalities at its discretion. The award will be based on the highest bid submitted by a responsive bidder. The amount must be written in words and figures in the proper place. If the written words and figures are not consistent, the bid will be rejected. If the bidder submits a bid with percentages, cost plus or any other calculation except for a firm fixed price, the bid will be automatically rejected as non-responsive.

In submitting the bid, the undersigned bidder declares that the only person or parties interested in the bid as principal are those named herein and that such bid is made without collusion with any other parties, firm or corporation. Employees of the Port Arthur Housing Authority and of the U. S. Department of Housing and Urban Development along with members of their immediate families are ineligible to submit a bid.

The undersigned further declares that they have carefully inspected in detail the described property and have familiarized themselves with all of the conditions affecting the sale and understands that, in submitting the bid, they waive all rights to plead any misunderstanding regarding the same.

In the event this bid is awarded to a bidder, it shall constitute a contract between the parties hereto but such contract shall not be assigned or transferred by the undersigned without the express written consent of the Port Arthur Housing Authority, which may consent may be granted or denied at its sole discretion for any reason whatsoever.

BID FORM

_____ Bidder (Individual or Entity Name Printed)	_____ Signature
_____ Print Street Address	_____ Print Name
_____ Print City, State, Zip	_____ Date Signed
_____ Telephone Number	_____ Fax Number
_____ E-mail Address	

In submitting this bid the undersigned declares that the only persons or parties interested in the property as principals are those named herein. The undersigned hereby requests that the named Grantee for the purpose of taking title to the property be shown as follows:

\_\_\_\_\_  
(Grantee(s) Name)

The undersigned submits a bid to purchase the Real Estate as described herein:

Property: Carver Terrace and Lincoln Square

Address of Property: 1400 Dewalt Avenue

City/ State/Zip: Port Arthur, TX 77643

Amount of Deposit \$ \_\_\_\_\_

Amount of Bid (written in figures) \$ \_\_\_\_\_

Amount of Bid (written in words) \$ \_\_\_\_\_

***Both written words and figures must be consistent to be considered a valid bid.***

**DECLARATION:**

I, the above named grantee and/or bidder certify by submission of this bid/offer, that I am not an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development nor am I immediate family member of an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development.

An immediate family member includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Bidder's Signature: \_\_\_\_\_

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**Note: BID MUST BE SIGNED AND NOTARIZED TO BE VALID**

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_

(Notary Public)

My Commission Expires: \_\_\_\_\_

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR  
920 DeQueen Blvd.  
Port Arthur, TX 77640**

**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square  
Addendum No. 1  
September 16, 2013**

The due date/time for this IFB are extended as follows:

Sale of Carver Terrace and Lincoln Square

Property Address: 1400 Dewalt Avenue and 1400 Abe Lincoln Avenue, Port Arthur, Texas

IFB No. B13041

Due Date and Time: December 19, 2013, 4:00 PM (CST).

Written bids in sealed envelopes must be delivered to the Port Arthur Housing Authority, December 19, 2013 before 4:00 PM at the Port Arthur Housing Authority, Attn: Procurement Officer, 920 DeQueen Blvd, Port Arthur, TX 77640.

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR  
920 DeQueen Blvd.  
Port Arthur, TX 77640**

**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square  
Addendum No. 2  
November 6, 2013**

The purpose of this Addendum is to provide the attached map and legal description of the Carver Terrace and Lincoln Square properties.

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR  
920 DeQueen Blvd.  
Port Arthur, TX 77640**

**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square  
Addendum No. 3  
December 13, 2013**

The purpose of this Addendum is to provide additional information on the aforesaid Invitation to Bid. All information provided herein supplements information previously provided in the said IFB. In the event of a conflict between the documents, the most recent issued document shall govern.

1. The Port Arthur Housing Authority will entertain any and all bids for the disposition of Carver Terrace and Lincoln Square.
2. The Port Arthur Housing Authority reserves the right to accept a bid at lower than Fair Market Value if said bid is deemed to be in the best interest of PAHA, subject to approval by the Port Arthur Housing Authority Board of Commissioners and the Department of Housing and Urban Development.
3. All buildings shall be demolished within 90 days of receipt of the Notice of Acceptance of Offer from PAHA of the successful bidder unless the successful bidder requests a waiver to this requirement and justification for the same. Any waiver of this criteria is subject to approval by both PAHA and the Department of Housing and Urban Development during the bid holding period and shall not be deemed approved until receipt of Notice from PAHA.
4. Bidders, at their option, may also submit a bid that is conditional upon taking title to the property following the demolition of said buildings by PAHA provided the bidder includes the actual cost of demolition in the bid which will be finalized upon receipt of public bids for the same by PAHA.
5. The Port Arthur Housing Authority intends to restrict the use of the properties to green space to prohibit the construction of any future residential housing to the maximum extent permitted by the Department of Housing and Urban Development.
6. All Bidders shall agree to hold their bid prices and honor their bids for a period of 180 days from the date bids are due to the Port Arthur Housing Authority to allow for an adequate review period by the Department of Housing and Urban Development. An additional 90 day extension option shall be available upon mutual agreement of both parties.
7. The bid deadline is hereby extended to December 23, 2013 at 2pm CST.

**II. BID FORM**

Bidder's (s) Name: \_\_\_\_\_

Bidder's (s) Address: \_\_\_\_\_

\_\_\_\_\_

Bidder's (s) Phone Number: \_\_\_\_\_

Bidder's (s) Email: \_\_\_\_\_

In submitting this bid the undersigned declares that the only persons or parties interested in the property as principals are those named herein. The undersigned hereby requests that the named Grantee for the purpose of taking title to the property be shown as follows:

\_\_\_\_\_

(Grantee(s) Name)

The undersigned submits a bid to purchase the Real Estate as described herein:

Property: Carver Terrace and Lincoln Square

Address of Property: 1400 Dewalt Avenue

City/ State/Zip: Port Arthur, TX 77643

IFB# \_\_\_\_\_

**AMOUNT OF DEPOSIT:** \$ \_\_\_\_\_

**AMOUNT OF BID** \_\_\_\_\_

Amount in written words

Both written words and figures must be consistent to be considered a valid bid.

**Alternate(s)/Optional:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR



**DECLARATION:**

I, the above named grantee and/or bidder certify by submission of this bid/offer, that I am not an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development nor am I immediate family member of an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development.

An immediate family member includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Bidder's Signature \_\_\_\_\_

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Note: BID MUST BE SIGNED AND NOTARIZED TO BE VALID

Subscribed and Sworn to before me this \_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

**Instructions: Please fill in (type) all information required in this form.**

Exhibit C

BID FORM

THE PREMIER REFINING GROUP INC.  
Bidder (Individual or Entity Name Printed)

[Signature]  
Signature

ONE VALERO WAY  
Print Street Address

JAMES V. SRGALL  
Print Name

SAN ANTONIO, TX 78249  
Print City, State, Zip

12-12-13  
Date Signed

210-345-4510  
Telephone Number

210-370-4590  
Fax Number

JAMES.HINES@VALERO.COM  
E-mail Address

In submitting this bid the undersigned declares that the only persons or parties interested in the property as principals are those named herein. The undersigned hereby requests that the named Grantee for the purpose of taking title to the property be shown as follows:

THE PREMIER REFINING GROUP INC.

(Grantee(s) Name)

The undersigned submits a bid to purchase the Real Estate as described herein:

Property: Carver Terrace and Lincoln Square  
Address of Property: 1400 Dewalt Avenue  
City/ State/Zip: Port Arthur, TX 77643

Amount of Deposit \$ 1,000.00

Amount of Bid (written in figures) \$ 800,000.00

Amount of Bid (written in words) \$ Eight Hundred Thousand Dollars

Both written words and figures must be consistent to be considered a valid bid.

THE ATTACHED EXHIBIT A IS HEREBY INCORPORATED FOR ALL PURPOSES

HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR

DECLARATION:

I, the above named grantee and/or bidder certify by submission of this bid/offer, that I am not an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development nor am I immediate family member of an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development.

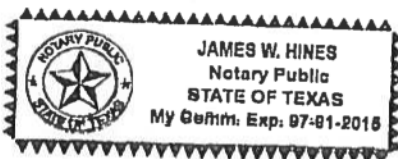
An immediate family member includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Bidder's Signature: [Handwritten Signature]

DATED: This 12 day of December, 2013.

**Note: BID MUST BE SIGNED AND NOTARIZED TO BE VALID**

Subscribed and Sworn to before me this 12 day of December 2013.



[Handwritten Signature]

(Notary Public)

My Commission Expires: 7-1-2015

**EXHIBIT "A"**

To Bid Form

Submitted by The Premcor Refining Group Inc.  
[Bid No. B13041 – Sale of Carver Terrace and Lincoln Square,  
located in Port Arthur, Jefferson County, Texas]

Notwithstanding any provisions to the contrary contained in the foregoing Invitation for Bid No. B13041, as amended by Addendum No. 1 dated September 16, 2013, Addendum No. 2 dated November 6, 2013, and Addendum No. 3 dated December 13, 2013 (as so amended, the "invitation for Bid"), the foregoing offer made by The Premcor Refining Group Inc. ("Premcor") is made with the following amendments to the terms of the Invitation for Bid. In the event of any conflicts between the terms of the Invitation for Bid and the terms of this Exhibit "A", the terms of this Exhibit "A" shall control. Upon any acceptance of Premcor's bid by the Port Arthur Housing Authority ("PAHA"), the following shall amend the provisions of the Invitation for Bid and become part of the resulting contract (the "Contract") between the parties:

1. **Demolition.** Premcor shall not demolish any buildings on the subject property or perform any other demolition activities described in the Invitation for Bid. Instead, the demolition shall be PAHA's responsibility, and within one (1) year after the date of the Notice of Acceptance of Offer, PAHA shall demolish all buildings located on the subject property and perform all other related demolition responsibilities related to the subject property, including without limitation, the following, all pursuant to applicable federal, state, local and municipal laws, statutes, rules, regulations and ordinances: remove all structures, including foundations; remove all meters; backfill the land as required with topsoil and grade the land such that water shall not pool or stand; perform final, smooth grading to eliminate tripping points; remove and properly dispose of all lead and asbestos located on the subject property; and properly isolate all utilities back to the property line (collectively, "Demolition"). If the Demolition is not completed within the above one-year period, Premcor may terminate the Contract by sending a written notice to PAHA within thirty (30) days after the end of the one-year period, upon which termination the deposit shall be retained by PAHA and the Purchase Price Balance (less any such amounts used by PAHA for Demolition prior to such termination date) shall be refunded to Premcor.
2. **Escrow by Title Company.** The balance of the purchase price (the "Purchase Price Balance") shall be held in escrow by a title company (mutually acceptable to Premcor and PAHA) (the "Title Company") until the closing, provided that the Purchase Price Balance may be used by PAHA for the costs of the Demolition prior to closing.
3. **Title Commitment; Survey.** Prior to closing, (i) PAHA shall cause the Title Company to issue to Premcor a commitment for title insurance (the "Commitment"), together with copies of all exception documents referenced therein, in connection with the title policy of insurance that will be issued at closing, and (ii) Premcor may cause the subject property to be surveyed, such survey ("Survey") to be at Premcor's sole cost and expense. Also, Premcor may terminate the Contract, by sending a written notice to PAHA prior to closing, if Premcor objects to a title or survey issue revealed by the Commitment or the Survey (after the expiration of a reasonable cure period), upon which termination the deposit shall be retained by PAHA and the Purchase Price Balance (less any such amounts used by PAHA for Demolition prior to such termination date) shall be refunded to Premcor. Upon closing, the title policy issued to Premcor shall not include any exceptions for "rights of parties in possession" or similar language.
4. **Inspection.** Premcor may terminate the Contract based on Premcor's inspection of the subject property by sending a written notice to PAHA within thirty (30) days after Premcor's receipt of the Notice of Acceptance of Offer, in which

event the deposit shall be retained by PAHA and the Purchase Price Balance (less any such amounts used by PAHA for Demolition prior to such termination date) shall be refunded to Premcor.

5. Closing. The closing of this transaction shall occur on the later of (i) thirty (30) days after Premcor receives a written notice from PAHA that the Demolition (including final site grading) is complete or (ii) sixty (60) days after Premcor's receipt of the title commitment, exception documents, and Survey described above.

Final Report  
Housing Mobility Program  
to  
ITEX

Chris Akbari, Executive Vice-President  
and the

Port Arthur Housing Authority  
Seledonio Quesada, Executive Director

From

**Housing Choice Partners**

Christine Klepper, Executive Director

April 10, 2014





## Executive Summary

In 2013, the Port Arthur Housing Authority (PAHA) received HUD approval to dispose of 204 units of public housing at Carver Terrace/Lincoln Square in the southwest portion of Port Arthur, Texas. Carver Terrace/Lincoln Square is a development located very near the Motiva Oil Refinery (the largest in the country) and other toxic sites, while also being isolated from grocery stores and commerce. PAHA applied for and received approval from HUD for \$20 million dollars in Community Development Block Grant (CDBG) disaster relief money related to Hurricane Ike to develop new replacement housing for Carver Terrace residents.

During this same period, fair housing issues surfaced in the State of Texas. As a result of the new focus, PAHA determined that fair housing assistance would be beneficial in relocating Carver Terrace residents. HCP was hired as a consultant to assist with the relocation efforts.

HCP's role in this project was to help set up a mobility program that would be carried out by local PAHA staff. HCP would monitor the progress of the program until the last residents were relocated. The program would assist participants in understanding their fair housing rights and would provide expanded housing choice in opportunity areas of the region.

HCP assisted PAHA staff in developing the mobility program and in implementing it. A definition of opportunity areas was developed along with needed written materials/forms and a tracking system. Staff training was conducted and a work plan/timeline was implemented to guide the project. PAHA staff administered resident surveys, workshops, landlord outreach, community tours, one-on-one counseling and handled all the administrative tasks associated with relocation.

The new multi-family site consisting of 184 mixed-income replacement rental units was approved by HUD by the end of the project. Another 104 unit elderly site is currently under review by PAHA and its developer partner, ITEX. All of the former Carver Terrace and Lincoln Square residents have relocated, including 49 movers (representing 33% of the total) to opportunity communities—areas where there is greater racial diversity, less poverty, and greater employment and educational choice.

Those who moved to opportunity areas saw the biggest gains in racial and economic diversity (as might be expected compared to those who stayed in traditional areas). They moved from an area averaging 96% African American population and 55% poverty to areas post-move averaging 19% African American and 15% poverty. That's an 80% increase in racial diversity and a 73% increase in economic diversity on average.

Those who stayed in traditional areas improved their diversity “score” too but far less than those who moved to opportunity areas. Traditional movers went from the average 96% African American population and 55% poverty to areas post-move averaging 50% African American and 32% poverty. That’s a 48% increase in racial diversity and a 42% increase in economic diversity on average (see chart below).

Residents also reported very high levels of satisfaction with the move process (90%), mobility assistance (100%), their new neighborhoods (80%) and new units (75%).

HCP was pleased to be a part of the innovative team assembled in Port Arthur. Seeing the challenges facing this area was both a humbling and enlightening experience resulting in a great deal of learning on the part of HCP and that of the PAHA staff and its residents.

**Carver Terrace/Lincoln Square  
Movers by Type of Move**

Move	Pre move poverty rate by census tract (Carver Terrace)	Pre move African American population by census tract (Carver Terrace)	Post move average poverty rate by census tract	Post move average African American population by census tract	Change in poverty rate	Change in African American population
Opportunity Movers (49)	55%	96%	15%	19%	-73%	-80%
Traditional Movers (97)	55%	96%	32%	50%	-42%	-48%
All Movers (146)	55%	96%	27%	40%	-51%	-58%

## Background Information

This report documents the efforts of the Port Arthur Housing Authority (PAHA) in relocating residents of its Carver Terrace/Lincoln Square public housing development.

In 2013 PAHA received HUD approval to dispose of 204 units of public housing at Carver Terrace/Lincoln Square in the southwest portion of Port Arthur, Texas. New mixed income developments will replace the old public housing properties.

PAHA is a relatively small housing authority administering about 300 units of public housing and over 2600 housing choice vouchers for use in the private rental market.

Port Arthur Texas is a community of approximately 54,000 residents, located in Jefferson County near the Louisiana state line on the Gulf of Mexico. Port Arthur is south of Beaumont, Texas and just over an hour southeast of Houston. The residents of the community are approximately 40% African American, 30% Hispanic and 25% White with a growing Hispanic and shrinking White population.

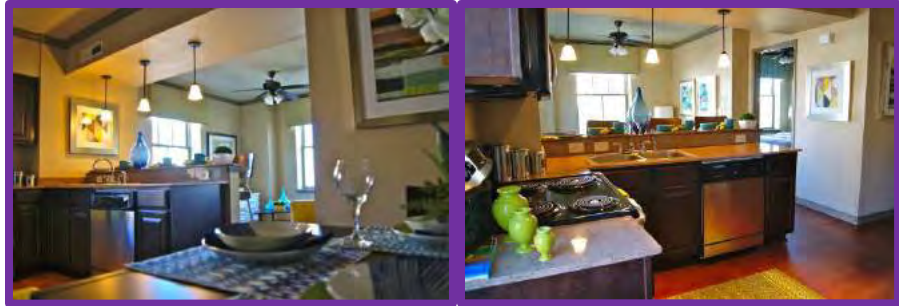
The family poverty rate is approximately 22%. The median income is \$30,957 and the median value of a home or condo is \$66,836, both low compared to the rest of the state. Lamar State College is located in Port Arthur as is Motiva Oil Refinery, the largest refinery in the United States.

Hurricanes Rita (2005) and Ike (2008) did a great deal of damage to Port Arthur and the surrounding gulf communities. Several redevelopment efforts, funded by HUD CDBG Disaster Relief money, were implemented to rebuild parts of the community.

The ITEX Group is a Port Arthur company that focuses on property management, real estate development and investment, new construction and rehab of residential, mostly multi-family housing. They manage 4000 units in communities such as Port Arthur, Houston, Galveston, Fort Worth and Beaumont, Texas and some properties in Louisiana as well. They employ green initiatives and specialize in constructing and managing affordable and mixed income housing

ITEX recently completed a \$10 million renovation of an historic hotel in Galveston Texas reserving 43 of 83 units for those earning less than 80% of the area median income (see photos on page 6). ITEX is also the developer for two mixed income developments that will replace the Carver Terrace/Lincoln Square public housing developments in Port Arthur.

**ITEX Group, renovation of the Jean Lafitte Hotel in Galveston, Texas. It's now a mixed income complex in the heart of the City.**



**Carver Terrace/Lincoln Square**

Carver Terrace/Lincoln Square is a development located very near the Motiva Oil Refinery and the area is isolated from grocery stores and commerce, and is near other toxic sites. Smoke stacks are located near Carver Terrace.

Once PAHA received HUD approval to dispose of the development and relocate current residents, PAHA and ITEX developed a plan to build new replacement housing, after which site selection began. Two parcels of land were identified in Port Arthur to build one elderly and one family development. A third initiative was also identified to build single family homes on the west side of Port Arthur with the hope that the investment there could help to generate other investment in the area (this idea ultimately wasn't included due, in part, to the lack of financial feasibility).

PAHA applied for and received approval from HUD for \$20 million dollars in CDBG disaster relief money to develop new replacement housing for Carver Terrace residents. Carver Terrace is in the process of being sold. PAHA received a bid from one of the local refineries and is currently working with HUD to approve the bid.



**Carver Terrace/Lincoln Square Apartments in Port Arthur, Texas.**



**Lake View Palms, another housing development owned by PAHA.**

## **Fair Housing Issues**

During this same period, the State of Texas was the subject of a fair housing complaint to HUD because of a lack of affirmative effort on the part of various Texas agencies to promote greater housing choice when utilizing HUD funds, particularly using HUD CDBG disaster relief funds. The complaint was filed by fair housing advocates and resulted in an agreement by the State of Texas to implement a variety of new activities to ensure that the State was in compliance with federal fair housing law. Incidentally, Galveston, Houston and Vidor, Texas also have a history of issues with regard to fair housing.

As a result of the new fair housing agreement, ITEX and PAHA determined that they needed fair housing assistance in relocating the Carver Terrace residents. HCP was hired as a consultant to assist with the relocation efforts.

HCP of Illinois, Inc. is an 18 year old, private non-profit organization located in Chicago, Illinois. HCP's mission is to reduce intergenerational poverty by promoting expanded housing choice for low-income households. HCP has a great deal of experience in assisting households to access better areas and in helping public housing authorities implement effective programs. HCP provides direct services and consulting to achieve its goals.

## **PAHA Mobility Program Implementation**

A mobility program was created to assure residents of Carver Terrace of their fair housing rights, Mobility programs generally work to expand fair housing choice beyond racially segregated, high poverty areas to areas of opportunity. Where people live generally determines overall life outcomes and recent studies have shown that economic mobility and health outcomes are stunted when low income households live and raise children in highly segregated and poverty concentrated areas (see *Stuck in Place*, a book by Patrick Sharkey and *Housing Voucher Mobility: An Overlooked Fair Housing Issue*, by Alexander Polikoff, John Marshal Law Review).

HCP and other affordable housing advocates see mobility programs as one strategy to change life trajectories. Assisting low-income households to move to areas of opportunity where schools are better, crime lower, good employment more plentiful and where health outcomes will likely be improved is what HCP does best.

HCP's role in this project was to help set up a mobility program that would be carried out by local PAHA staff. HCP would monitor the progress of the program until the last residents were relocated.

HCP began by visiting Port Arthur to learn about the community, the region, the residents and Carver Terrace itself. A meeting was held with city and housing authority officials, various State of Texas agency representatives and others to hear about what is required under the fair housing agreement signed by the State of Texas. A tour of the area followed and ITEX and PAHA staff were introduced. This activity occurred in November/December, 2012.

The team that worked on the relocation/mobility program included Sherri Sengsouvana, a consultant working with PAHA and ITEX on disposition and development, and Seledonio Quesada, the PAHA Executive Director. Karen Bell, who had experience in running a similar mobility program in Rockford, Illinois, was added to the housing authority staff to coordinate the mobility program and provide direct service to clients. Ms. Bell was to be assisted by other PAHA staff as needed. The project began in November, 2012 and wrapped up in March, 2014. PAHA applied for and received relocation vouchers from HUD for all the Carver Terrace families (191) and those vouchers were issued between July and November, 2013.

### **Definition of Opportunity Area**

HCP's next step was learning about the demographics and suggesting a definition of what constitutes an opportunity area in Port Arthur and the surrounding region. Local representatives accepted HCP's suggestion that the average African American and poverty rates would be a good determiner and maps were created to show what Port Arthur and the region would look like with that definition in place.

Port Arthur is 40% African American and it has a 22% family poverty rate according to data from the 2010 census. The region, including Hardin, Orange and Jefferson Counties, is 29% African American and 17% poverty. For the purpose of the relocation/mobility effort, two definitions were used, one for moves within Port Arthur and one for the rest of the region.

The maps prepared for the project and attached to this report, show each census tract in the area. If the tract is less than the average race and poverty figures, it's considered an opportunity area. If the tract is greater than the average, on either count, it's considered a traditional area. The theory is based on the assumption that if there were no discrimination (and no long-term effects of past discrimination) everyone would live in all parts of the region in direct proportion to their general numbers in the area. This has been a common method to determine opportunity areas over the years. New and more sophisticated methods are now available, but at the time that data was expensive and difficult to obtain.

## **Process and Material Development**

### **Basic decisions**

HCP put a number of decisions relating to successful implementation before the PAHA team.

1. Exception rents. Higher rents help households move into better areas.
2. Workshops. A series of workshops was recommended including topics such as landlord/tenant rights and responsibilities, financial management, home maintenance, building community and schools matter. Residents can be more successful in the private market with this knowledge.
3. Time Frame. Additional search time is helpful to allow residents to explore areas they might not be familiar with throughout the region. Providing 120-180 days search time was recommended.

Because of sequestration, exception rents weren't possible but PAHA did implement extended search time and was enthusiastic about providing workshops.

### **Work Plan and Timeline**

After several meetings with PAHA staff, a work plan and timeline were developed. All anticipated activities were outlined, responsible staff was assigned and a deadline for completion was created.

The work plan began in April, 2013 with development of a questionnaire for Carver Terrace households that would be used to learn more about the residents and their needs in relocating. The questionnaire was used at a resident meeting in May to educate households on the relocation plan and to encourage them to sign up for the mobility program. A total of 136 out of 192 families at Carver Terrace signed up for the Housing Mobility Program (HMP). The remaining residents relocated without the assistance of the mobility program.

All employees of PAHA attended a training session to learn about the program. The training included the history of fair housing and mobility, what the goals for the program would be and what would be happening in the next year in terms of mobility.

After the initial training, regular weekly meetings were held with involved staff to ensure that all goals were being met and if necessary, to make adjustments. Overall the timeline worked very well and goals were met (with the exception of those related to workshops and discussed in the next section).

HCP also compiled a notebook documenting the program for on-going mobility training for new staff. The notebook began with HCP sample forms, which were replaced by Port Arthur documents as they were developed so the complete PAHA program is contained for the future in one place.

### **Mobility Counseling and Workshops**

During April and May 2013, workshop using PowerPoint and handouts were completed including local information on schools, employment, crime and other benefits of moving to opportunity areas.

Several additional topics were developed including home maintenance and tenant rights and responsibilities. Other workshop topics such as schooling, financial management and building community were not developed because of time limitations, which became apparent early in the process.

Vouchers began to be issued in June, 2013 but there was sparse attendance at initial workshops because families were more focused on moving (and rightly so). In the end about 56 households attended an orientation, 35 attended a home maintenance course, and 10 attended the tenant rights and responsibilities workshop presented by attorney Tai Ho from Lone Star Legal Aid (thanks to the Dallas Inclusive Communities Project for assisting us in developing this relationship).

No other workshops were offered and only a few community tours were completed, because the move process moved so quickly that there wasn't enough time to organize and educate residents on all their options. Karen Bell did all the mobility counseling for the program, which was primarily conducted on a one on one basis.

PAHA staff did all the relocation administration including conducting eligibility, issuing vouchers, handling the moving expenses and security/utility deposits, plus the usual inspections, rent determinations and landlord contracts. PAHA was also simultaneously issuing vouchers to people on their wait list so it was a very busy time.

Ms. Bell, who had an office on-site, spent a lot of time giving out basic information and keeping everyone on track. Moves from Carver Terrace were done building by building and once moves started to occur, safety became a consideration so finding good units quickly was critical. Most HMP households who relocated needed a two-bedroom unit with a few 1 and 3 bedroom households included as well.



Landlord outreach was done both in person, and on the phone and materials were developed for this task as well. A list of developments in the area was also created (ITEX had a good beginning on this task completed already). All information was shared with interested residents.

## Results

Of the 136 households who participated in the mobility program, 39 moved to an opportunity area. Another 10 households who were not part of the mobility program also moved to an opportunity area. Out of a total of 146 moves, 49 were to opportunity areas, 33.5% of the total (see maps attached).

- Looking only at those who moved to opportunity areas, we find that they moved from tracts averaging 96% African American and 55% poverty to tracts averaging only 19% African American and 15% poverty, an enormous improvement in racial diversity.
- Looking only at those who moved to traditional areas, we find they went from the same 96% African American and 55% poverty tracts, to tracts that averaged 50% African American and 32% poverty post move. Far less racial and economic diversity was found in these post move neighborhoods.
- And if we look at all residents who moved, they went from a census tract averaging 96% African American and 55% poverty to areas averaging 40% African American and 26% poverty, a very significant improvement in terms of greater racial and economic diversity.

**Opportunity movers vs traditional movers.** Clearly the biggest gains are in the group who moved to opportunity areas. Those households saw an 80% increase in racial diversity and a 73% increase in economic diversity on average compared to those who stayed in traditional areas where their racial and economic diversity "score" was raised by 48% and 42% respectively, still significant but not as impressive as those who moved to opportunity areas.

**Mobility program participants vs non-mobility program participants.** If we look at those who moved who participated in the mobility program we have 108 in total—39 went to opportunity areas while 69 stayed in traditional areas. Those who moved as part of the mobility program (even those who stayed in traditional areas which is their choice) also showed gains in racial and economic diversity. Those households saw a 60% increase in racial diversity and a 53% increase in economic diversity on average.

If we look only at those who didn't participate in the mobility program, we get 10 who moved to opportunity areas and 28 who stayed in traditional areas. This group increased their diversity scores by 52% in terms of racial diversity and 47% in terms of economic diversity (see chart).

Those who participated in the mobility program did better than those who didn't by 8% on the racial diversity score and 6% on the economic score.

**Carver Terrace/Lincoln Square Movers by Type of Move**

	Pre move poverty rate by census tract (Carver Terrace)	Pre move African American population by census tract (Carver Terrace)	Post move average poverty rate by census tract	Post move average African American population by census tract	Change in poverty rate	Change in African American population
Opportunity Movers (49)	55%	96%	15%	19%	-73%	-80%
Traditional Movers (97)	55%	96%	32%	50%	-42%	-48%
All Movers (146)	55%	96%	27%	40%	-51%	-58%

<b>Carver Terrace/Lincoln Square Moves by Program (mobility vs non mobility)</b>						
	Pre move poverty rate by census tract (Carver Terrace)	Pre move African American population by census tract (Carver Terrace)	Post move average poverty rate by census tract	Post move average African American population by census tract	Change in poverty rate	Change in African American population
HMP participant movers (108)	55%	96%	26%	38%	-53%	-60%
Non HMP participant movers (38)	55%	96%	29%	46%	-47%	-52%
All Movers (146)	55%	96%	27%	40%	-51%	-58%

A number of families moved to Southwood Crossing, an ITEX development in Port Arthur which is a mixed income (LIHTC), fairly new development, in an opportunity area. While greater de-concentration would have been preferable, the development—a gated community—has many amenities including a baseball field and basketball court, pool, community gardens, several playgrounds and high end finished (see photos).



In addition to the local moves just discussed, an additional 14 residents ported out of the Port Arthur area, 16 moved to other public housing units, and 15 weren't assisted (some of those were evictions).

The move process went quickly as noted previously because residents were anxious to move and knew for quite some time that relocation was coming. In fact, the average process time from the issuance of the voucher to the contract with a landlord was only 46 days including about 16 days of processing time for paperwork, inspections and rent determination.

### **Survey of Residents**

A simple two page letter/survey was sent to residents who moved, a total of 146.

- Most former residents of Carver Terrace reported that they were happy to be able to move to a better environment-- one resident said "To move to a better neighborhood was a blessing for me and my family."
- Over half the respondents said they already had a location/unit in mind when they were issued their voucher and because of the need to relocate quickly, mobility became a secondary consideration in some instances. Mobility programs generally work better in a situation where there isn't pressure to relocate from public housing, when there's more time to consider where to move, and to really explore new areas.
- Most respondents cited moving to a safer area as their most important priority which is consistent with other mobility program findings. Better schools was the second most mentioned factor along with a better quality unit.
- Almost all residents report being highly satisfied with their new neighborhood and new unit, with a majority giving a 10 to each (on a scale of 1-10 with 10 meaning the resident loves the neighborhood/unit). Residents made statements like "quiet and peaceful" area, "lots of privacy", "less noise and violence", "no drama" and also commented about

liking their neighbors. Several stated they were happy to be near more stores, schools and jobs.

- Almost all respondents said the housing authority was helpful and that they were “patient and understanding” and “I couldn’t ask for anything better”. They said that Ms. Bell (the mobility counselor) was on site and easy to reach and one resident commented “She’s very helpful and serious about her job—love her.” Another said “Ms. Dixon was wonderful.”
- A few residents commented that they couldn’t reach their case worker and that transportation was an issue for them in getting moved.

Overall the mobility program was successful and residents are in much better areas and units, and more integrated into the community. Residents reported very high levels of satisfaction with the move process (90%), mobility counseling (100%), their new neighborhoods (80%) and new units (75%).

While some follow up visits were completed, we urge PAHA to finish up the visits and to monitor the success over time of these families. Moving families to better areas is one step, but keeping them there over time is what leads to better life outcomes for low income residents.

PAHA, under all the circumstances, invested in better outcomes and expanded housing choice and it paid off for everyone. The State of Texas can now point to this effort to “affirmatively further fair housing” and hopefully use this experience to do more of the same. We also urge Port Arthur to continue using the Housing Mobility Program for all its voucher holders.

### **New Mixed Income Replacement Housing**

Most of the Carver Terrace/Lincoln Square families are interested to learn about and possibly move into the new mixed income developments that will replace Carver Terrace/Lincoln Square when they’re ready. HCP was able to assist PAHA in answering HUD’s questions about the proposed sites for those new developments and now the project is moving along.

HUD recently completed a civil rights review of PAHA (not prompted by a complaint but a regular part of HUD procedures). Site selection was a stated fair housing concern. Port Arthur is a majority minority community with few sites available for development in predominantly white, low poverty areas. Without a regional approach to development (which was encouraged by fair housing advocates) in a community like Port Arthur, options are limited.

HUD had concerns about the number of affordable and comparable rental options in opportunity areas if the two proposed developments would not be specifically located in those opportunity areas. The PHA would need to demonstrate that *“sufficient, comparable opportunities exist for housing for minority families, in the income range to be serviced by the proposed project, outside areas of minority concentration.”*

The proposed elderly development, Edison Square, is located in the midst of a middle class neighborhood with access to grocery stores, a hospital and senior center. The tract is 56%

African American and 20% poverty (not the desired levels of diversity) but HUD ultimately approved that site when it was demonstrated that sufficient affordable housing was available in opportunity areas of the community for elderly residents including Low Income Housing Tax Credit properties and other private market units.

The proposed multi-family site, Park Central, is located in a tract that's 65% African American and 12.4% poverty (again not the desired level of racial diversity). PAHA showed that there were comparable affordable units in opportunity areas (the mobility program also proved that) and that the site is in a growth corridor and ultimately HUD approved this site too.

HCP helped make the affordable rents argument by providing median rents and the number of affordable units by tract for the areas in and around Port Arthur. The assistance of fair housing advocates, in particular Texas Appleseed, and the Inclusive Communities Project in Dallas, was sought and they helped in evaluating the sites in the very beginning of the project. Texas Appleseed also assisted in writing a statement to HUD. Both developments were approved with regard to fair housing issues.

An environmental review was also just completed by HUD and both Edison Square and Park Central were approved on those grounds too and are now moving ahead. PAHA closed on Park Central and construction commenced in March 2014. PAHA has closed on the land for Edison Square and is currently seeking additional funding since the Port Arthur City Council did not approve the Low-income tax credits for Edison Square. However, PAHA is confident the Edison Square site will close in mid to late 2014 as either 104 units of elderly housing or a phased approach based on financial resources. Hopefully two beautiful new developments will be available soon in much better locations than the old Carver Terrace/Lincoln Square.

## **Conclusion**

HCP was pleased to be a part of the innovative team assembled in Port Arthur. Learning about the challenges facing this area was a fascinating experience. We learned a lot and we think the staff and the residents in Port Arthur did too.

We encourage PAHA to continue to provide follow up services to those who moved to opportunity areas in particular to assure their success. We also hope that all the effort put into developing the mobility program will continue for those who are part of the overall voucher program. With new affirmatively furthering fair housing rules from HUD, mobility will be an important strategy to fulfill HUD's mandate.

The best part of this project though is that the residents had a good experience in relocating and they are much better off today than before the process started. Some of these residents may move to one of the new mixed income developments that will be built in the coming year and we wish them, PAHA, ITEX and others the best in these future endeavors. We look forward to hearing about the grand opening of Park Central and Edison Square!

## **Attachments**

Opportunity Maps— Jefferson County, Hardin County, Orange County, Port Arthur, Beaumont and Partial Orange County

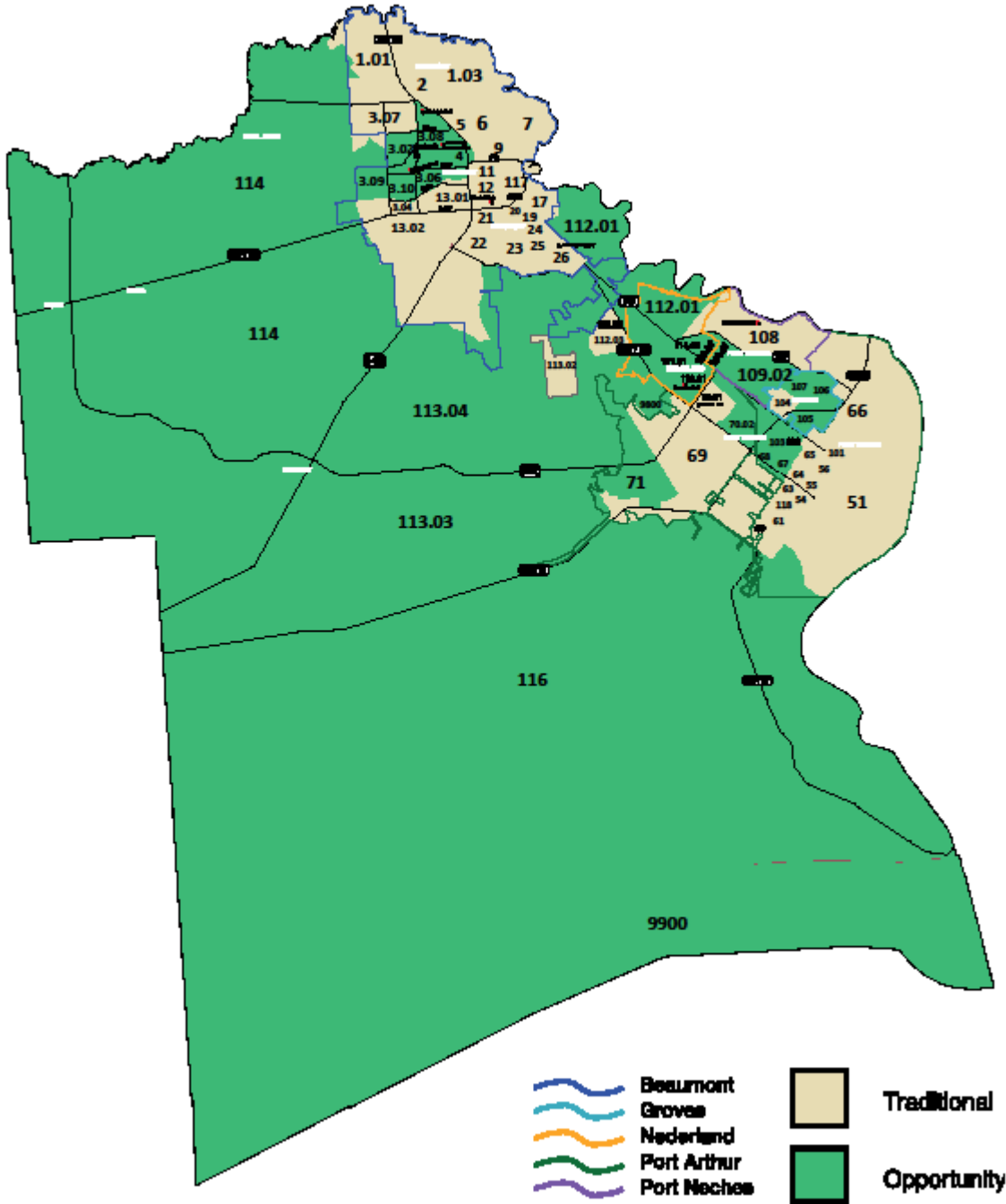
Opportunity moves

Non-mobility participant moves

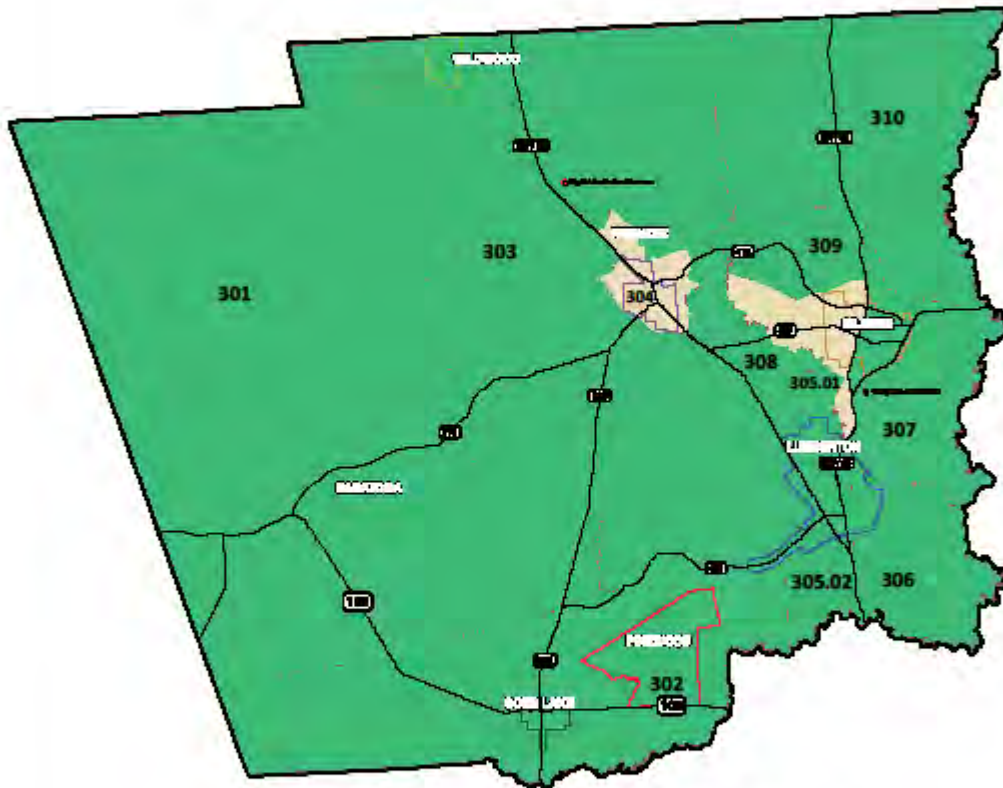
Mobility participant moves

All moves

Port Arthur Housing Authority—Housing Mobility Program  
Jefferson County Opportunity Areas by Census Tract

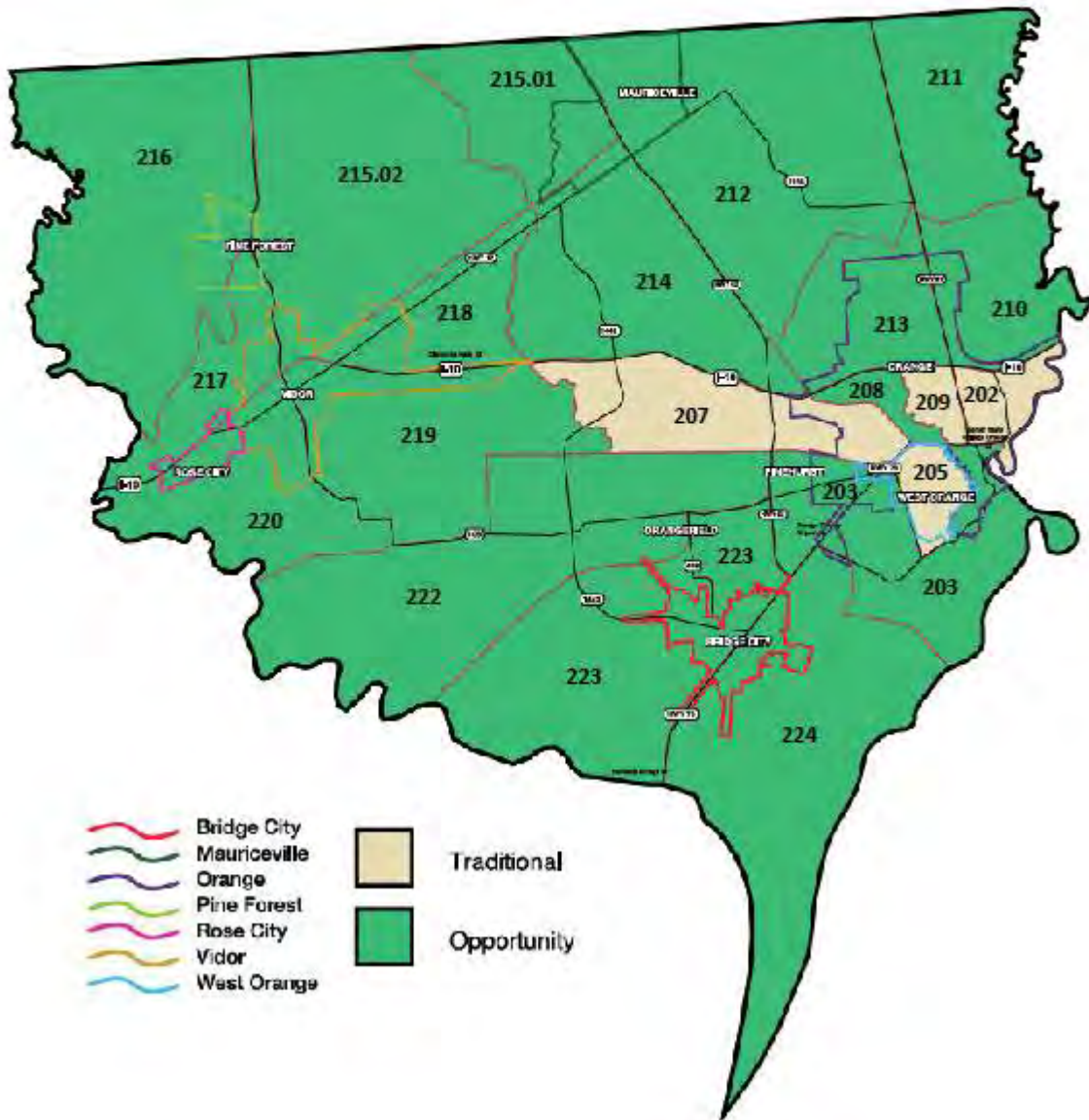


**Port Arthur Housing Authority  
Housing Mobility Program  
Hardin County Opportunity Areas**

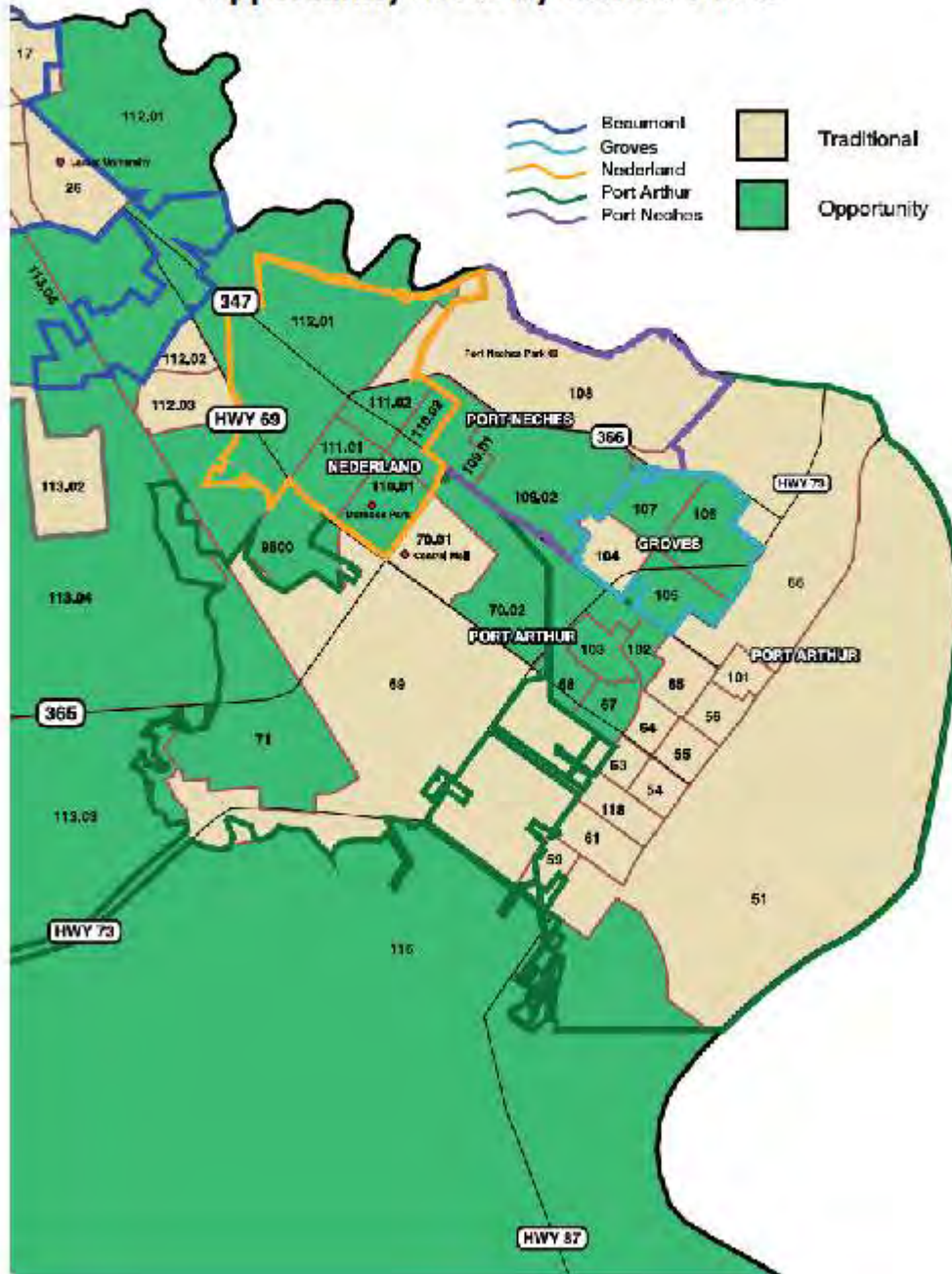




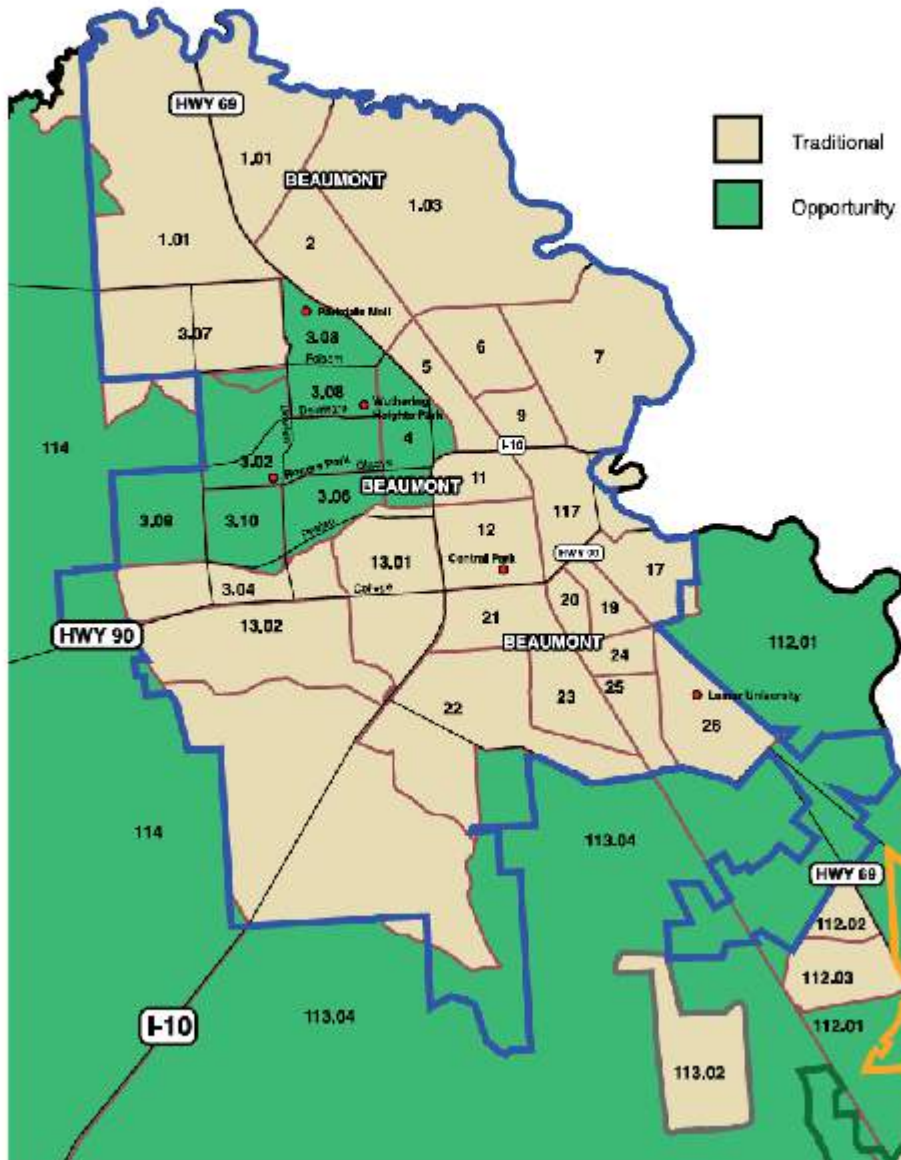
### Port Arthur Housing Authority Housing Mobility Program Orange County by Census Tract



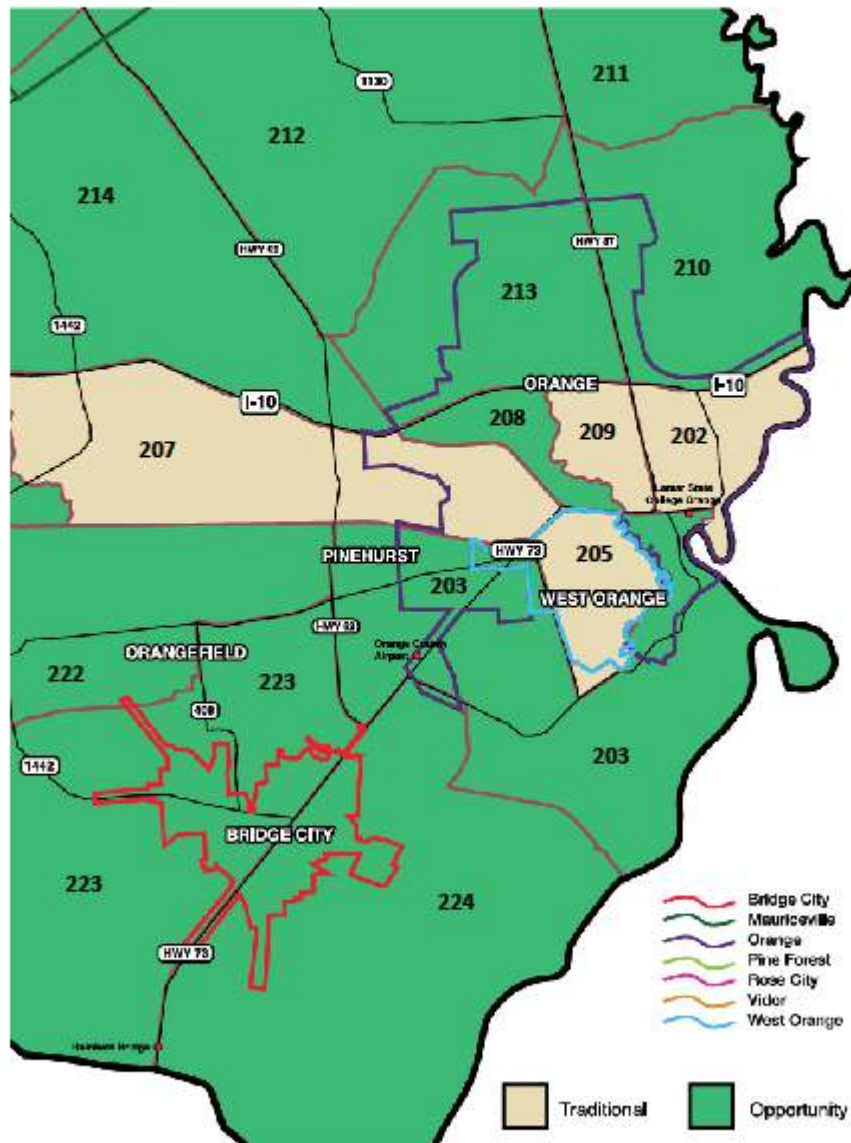
### Port Arthur Housing Authority—Housing Mobility Program Port Arthur and Surrounding Community Opportunity Areas by Census Tracts



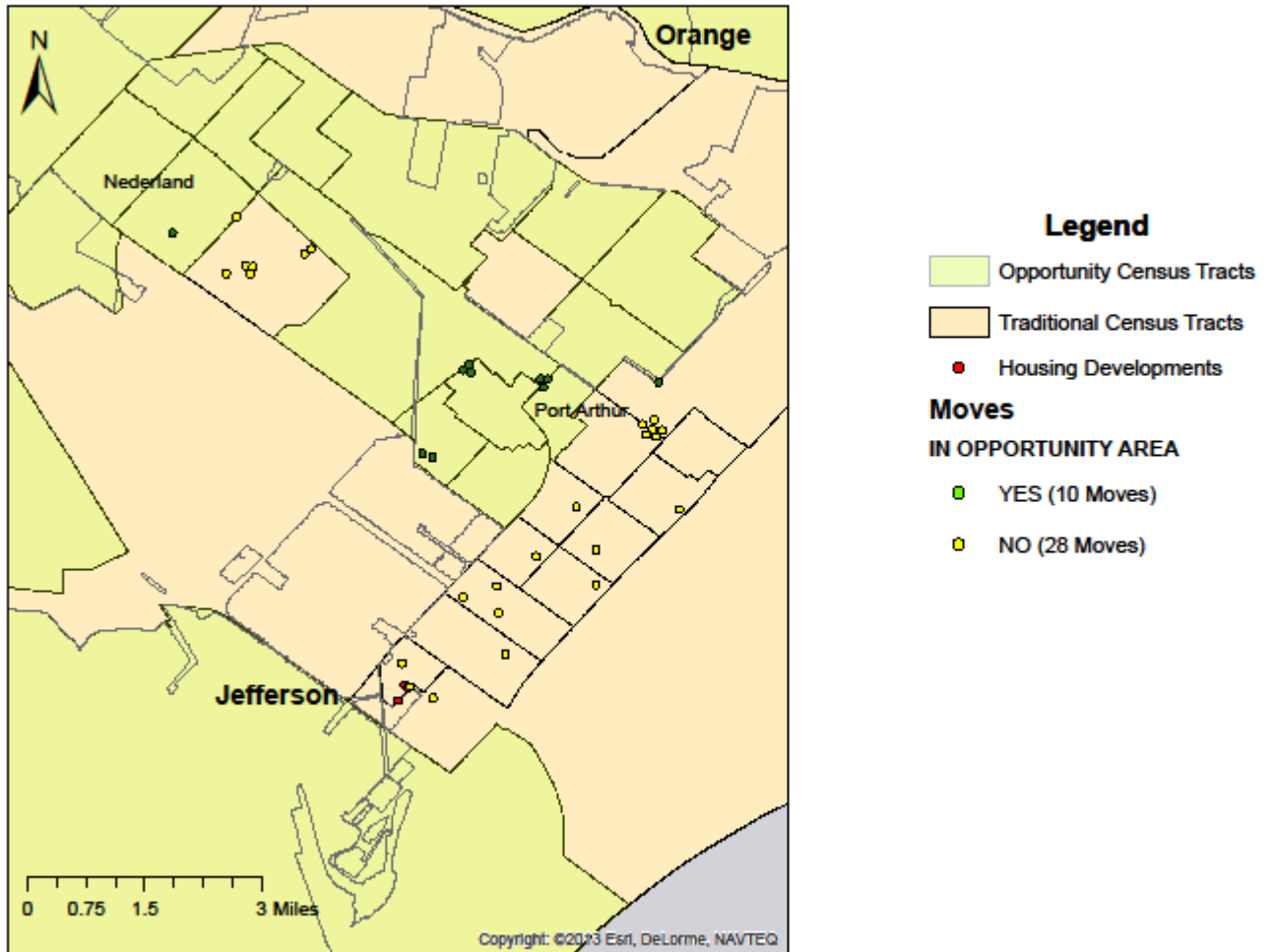
**Port Arthur Housing Authority  
Housing Mobility Program  
Beaumont Opportunity Areas by Census Tract**



Port Arthur Housing Authority  
 Housing Mobility Program  
 Partial Orange County by Census Tract



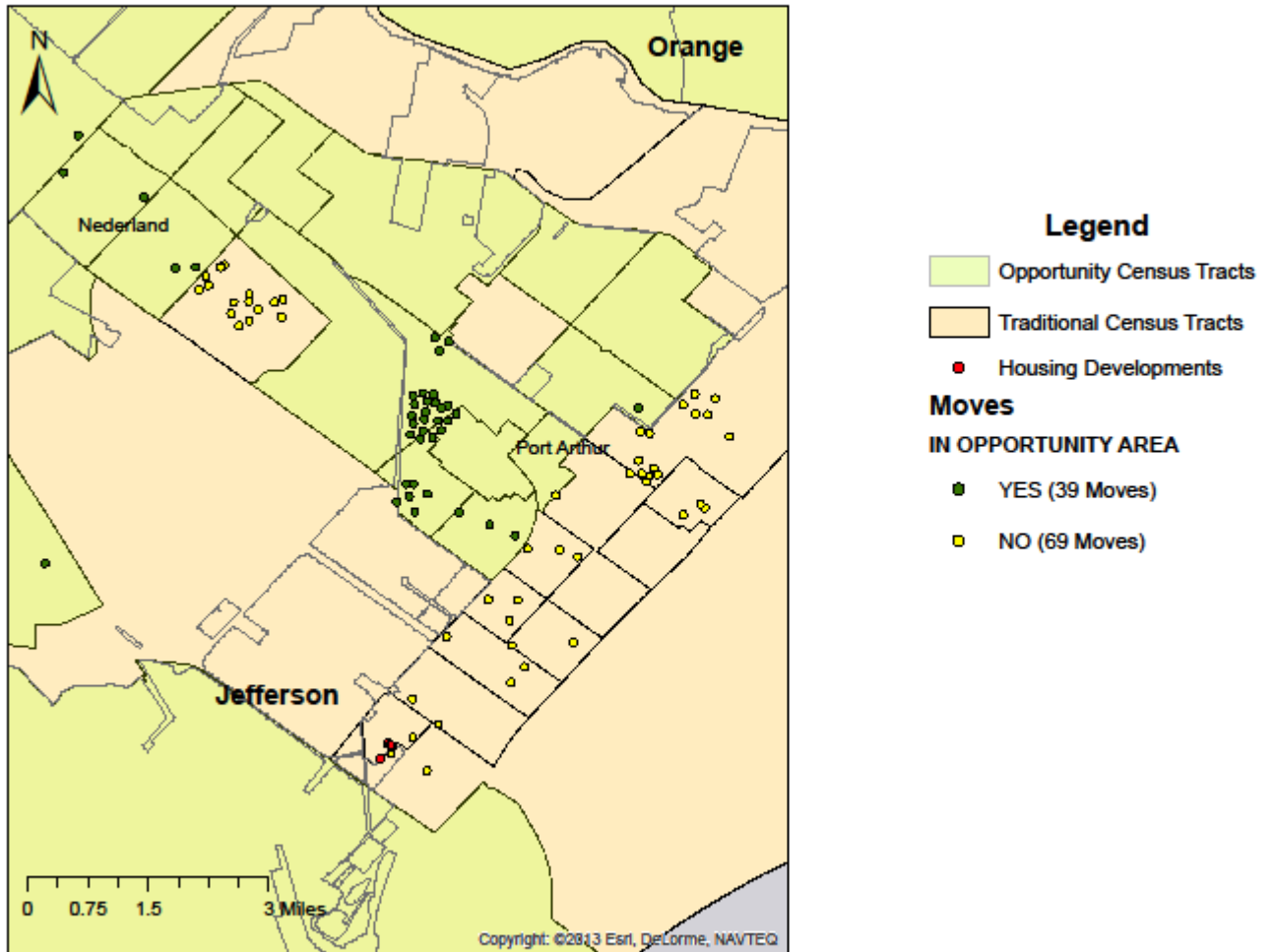
## Port Arthur Housing Authority, Non-Housing Mobility Program Participants



Prepared by Housing Choice Partners  
401 S. LaSalle St., Suite 1101  
Chicago, IL 60605  
3/20/2014

Data sources: U.S. Census Bureau TIGER/Line® 2013 County Shapefiles; Texas State Data Center, TIGER/Line® - Texas 2010 Redistricting County Shapefiles

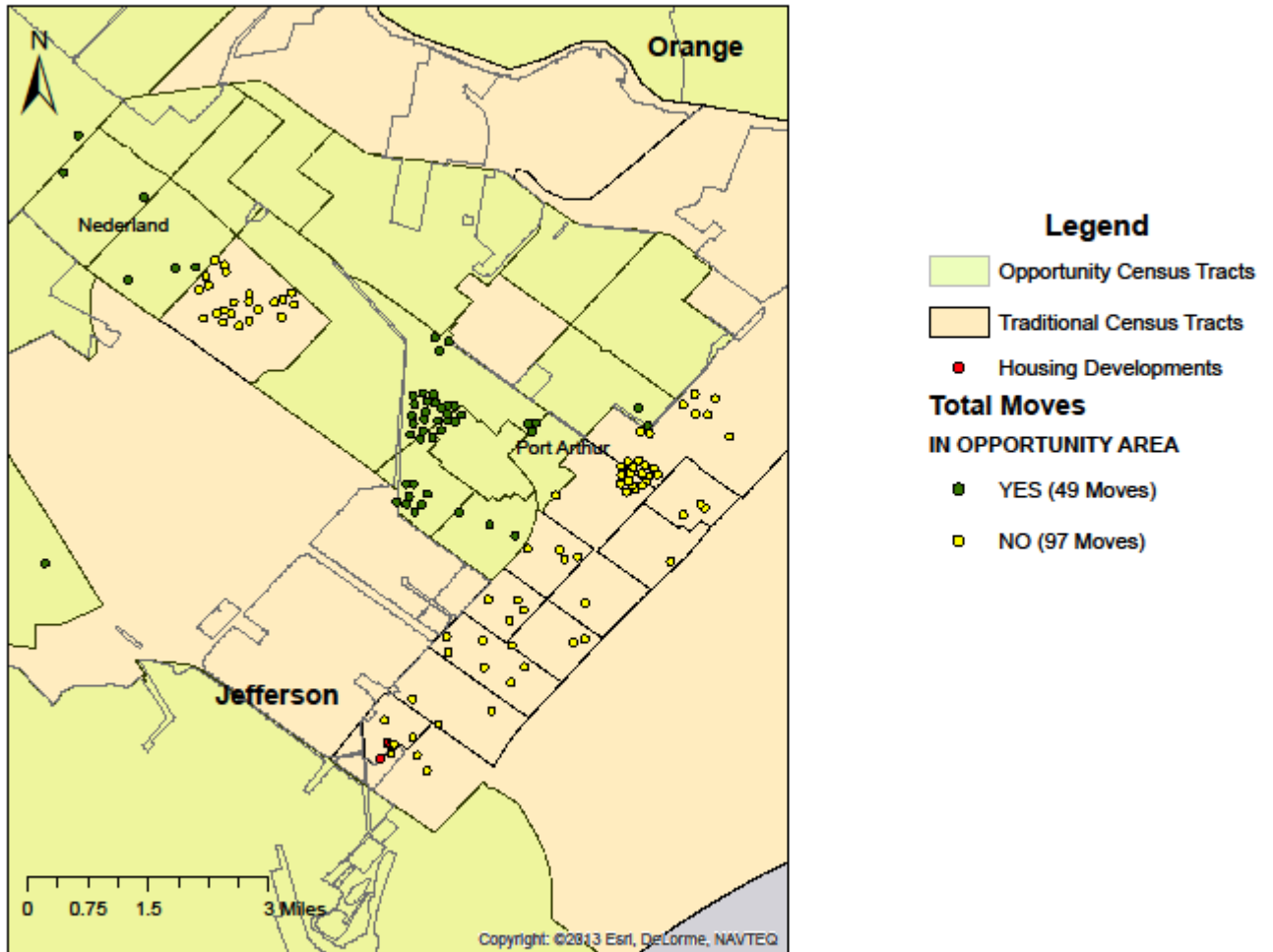
## Port Arthur Housing Authority, Housing Mobility Program Participants



Prepared by Housing Choice Partners  
401 S. LaSalle St., Suite 1101  
Chicago, IL 60605  
3/20/2014

Data sources: U.S. Census Bureau TIGER/Line® 2013 County Shapefiles; Texas State Data Center, TIGER/Line® - Texas 2010 Redistricting County Shapefiles

## Port Arthur Housing Authority, Housing Mobility Program and Non-Housing Mobility Participants



Prepared by Housing Choice Partners  
401 S. LaSalle St., Suite 1101  
Chicago, IL 60605  
3/20/2014

Data sources: U.S. Census Bureau TIGER/Line® 2013 County Shapefiles; Texas State Data Center, TIGER/Line® - Texas 2010 Redistricting County Shapefiles



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## Complaint Status

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<b>Complaint Received Date:</b>	01/20/2017
<b>Number Complaining:</b>	1
<b>Status:</b> ?	CLOSED
<b>Status Date:</b> ?	03/10/2017
<b>Nature:</b> ?	DUST
<b>Frequency:</b> ?	CURRENT
<b>Duration:</b> ?	
<b>Media:</b> ?	AIR
<b>Program:</b> ?	AIR QUALITY - HIGH LEVEL
<b>Priority:</b> ?	Within 30 Calendar Days
<b>Effect:</b> ?	ENVIRONMENTAL
<b>Receiving Water Body:</b> ?	
<b>Regulated Entity:</b> ?	PORT ARTHUR REFINERY
<b>County:</b> ?	JEFFERSON

**Description:**

Complainant stated that there is soot on their cars and outdoor furniture.

**Comment:**

THIS COMPLAINT HAS BEEN ASSIGNED AND WILL BE FURTHER INVESTIGATED BY AN ENVIRONMENTAL INVESTIGATOR.

**Action Taken:**

MORE INFORMATION WILL BE AVAILABLE UPON APPROVAL OF THE INVESTIGATION REPORT.

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## Complaint Status

<b>Complaint Tracking #:</b> <a href="#">?</a> 247613	
<b>Complaint Received Date:</b> 11/23/2016	
<b>Number Complaining:</b> 8	
<b>Status:</b> <a href="#">?</a>	CLOSED
<b>Status Date:</b> <a href="#">?</a>	11/30/2016
<b>Nature:</b> <a href="#">?</a>	ODOR
<b>Frequency:</b> <a href="#">?</a>	CURRENT
<b>Duration:</b> <a href="#">?</a>	ACTUAL
<b>Media:</b> <a href="#">?</a>	AIR
<b>Program:</b> <a href="#">?</a>	AIR QUALITY - HIGH LEVEL
<b>Priority:</b> <a href="#">?</a>	Within 1 Working Day
<b>Effect:</b> <a href="#">?</a>	ENVIRONMENTAL
<b>Receiving Water Body:</b> <a href="#">?</a>	
<b>Regulated Entity:</b> <a href="#">?</a> PORT ARTHUR REFINERY	
<b>County:</b> <a href="#">?</a> JEFFERSON	

**Description:**

THE COMPLAINANT STATED THAT THERE'S A STRONG PUNGENT ODOR IN HER AREA CAUSING NOSE/EYES TO BURN.

**Comment:**

MORE INFORMATION WILL BECOME AVAILABLE UPON APPROVAL OF THE INVESTIGATION REPORT.

**Action Taken:**

THIS COMPLAINT HAS BEEN ASSIGNED AND WILL BE FURTHER INVESTIGATED BY AN ENVIRONMENTAL INVESTIGATOR.

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## Complaint Status

<b>Complaint Tracking #:</b> ?	248249
<b>Complaint Received Date:</b>	12/06/2016
<b>Number Complaining:</b>	1
<b>Status:</b> ?	CLOSED
<b>Status Date:</b> ?	04/24/2017
<b>Nature:</b> ?	ODOR
<b>Frequency:</b> ?	CURRENT
<b>Duration:</b> ?	
<b>Media:</b> ?	AIR
<b>Program:</b> ?	AIR QUALITY - HIGH LEVEL
<b>Priority:</b> ?	Within 30 Calendar Days
<b>Effect:</b> ?	ENVIRONMENTAL
<b>Receiving Water Body:</b> ?	
<b>Regulated Entity:</b> ?	PORT ARTHUR REFINERY
<b>County:</b> ?	JEFFERSON

**Description:**

THE COMPLAINANT REPORTED A FOUL SMELL, LIKE SPOILED MILK. THERE WAS A RECENT SPILL FROM A NEARBY REFINERY. SEE ATTACHED EMAIL FOR MORE INFORMATION.

**Comment:**

MORE INFORMATION WILL BECOME AVAILABLE UPON APPROVAL OF THE INVESTIGATION REPORT.

**Action Taken:**

THIS COMPLAINT HAS BEEN ASSIGNED AND WILL BE FURTHER INVESTIGATED BY AN ENVIRONMENTAL INVESTIGATOR.

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## Complaint Status

**Complaint Tracking #:** [?](#) 248836  
**Complaint Received Date:** 12/12/2016  
**Number Complaining:** 1

**Status:** [?](#) CLOSED  
**Status Date:** [?](#) 03/31/2017

**Nature:** [?](#) ODOR  
**Frequency:** [?](#) CURRENT  
**Duration:** [?](#) ACTUAL  
**Media:** [?](#) AIR  
**Program:** [?](#) AIR QUALITY - HIGH LEVEL  
**Priority:** [?](#) Within 30 Calendar Days  
**Effect:** [?](#) ENVIRONMENTAL

**Receiving Water Body:** [?](#)

**Regulated Entity:** [?](#) PORT ARTHUR REFINERY  
**County:** [?](#) JEFFERSON

### Description:

PUNGENT ODOR EMITTED BY LOCAL REFINERY IMPACTING NEIGHBORHOOD.

### Comment:

MORE INFORMATION WILL BECOME AVAILABLE UPON APPROVAL OF THE INVESTIGATION REPORT.

### Action Taken:

THIS COMPLAINT HAS BEEN ASSIGNED AND WILL BE FURTHER INVESTIGATED BY AN ENVIRONMENTAL INVESTIGATOR.

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## Complaint Status

<b>Complaint Tracking #:</b> ? 268181	
<b>Complaint Received Date:</b> 09/19/2017	
<b>Number Complaining:</b> 1	
<b>Status:</b> ?	CLOSED
<b>Status Date:</b> ?	09/22/2017
<b>Nature:</b> ?	SMOKE
<b>Frequency:</b> ?	CURRENT
<b>Duration:</b> ?	ACTUAL
<b>Media:</b> ?	AIR
<b>Program:</b> ?	AIR QUALITY - HIGH LEVEL
<b>Priority:</b> ?	Immediate Response required
<b>Effect:</b> ?	ENVIRONMENTAL
<b>Receiving Water Body:</b> ?	
<b>Regulated Entity:</b> ? VALERO PORT ARTHUR REFINERY	
<b>County:</b> ? JEFFERSON	

**Description:**

STATED THAT A TANK AT VELERO EXPLODED AND WAS ON FIRE. ODORS WERE COMING FROM FIRE. THERE WAS A SHELTER IN PLACE CALLED FOR THE AREA.

**Comment:**

MORE INFORMATION WILL BECOME AVAILABLE UPON APPROVAL OF THE INVESTIGATION REPORT.

**Action Taken:**

THIS COMPLAINT HAS BEEN ASSIGNED AND WILL BE FURTHER INVESTIGATED BY AN ENVIRONMENTAL INVESTIGATOR.

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## Complaint Status

<b>Complaint Tracking #:</b> ? 129781	
<b>Complaint Received Date:</b> 09/19/2009	
<b>Number Complaining:</b> 1	
<b>Status:</b> ?	CLOSED
<b>Status Date:</b> ?	09/28/2009
<b>Nature:</b> ?	OTHER
<b>Frequency:</b> ?	CURRENT
<b>Duration:</b> ?	
<b>Media:</b> ?	AIR
<b>Program:</b> ?	AIR QUALITY - HIGH LEVEL
<b>Priority:</b> ?	Refer or Do Not Respond
<b>Effect:</b> ?	ENVIRONMENTAL
<b>Receiving Water Body:</b> ?	
<b>Regulated Entity:</b> ? VALERO PORT ARTHUR REFINERY	
<b>County:</b> ? JEFFERSON	

**Description:**

BIG GREEN/YELLOW CLOUD (H2S) BILLOWED OUT OF THE REFINERY.

**Comment:**

PORT ARTHUR, TEXAS

Investigator's Comments

An email message was sent to the complainant on September 23, 2009. A copy of the email is included below.

"We received your complaint regarding visible emissions from Valero Port Arthur Refinery. Upon reviewing the events that occurred on September 19, 2009, it was determined Valero experienced an emissions event at the Fluid Catalytic Cracking Unit. Valero has reported an emissions event initial report regarding this incident. A final report will be entered within 14 days. The emissions event will be reviewed under the TCEQ emission event regulations. Thank you for your interest in this matter. If you have additional questions, please email me or contact me at (409) 898-3838."

**Action Taken:**

INCIDENT FORWARDED TO A. ODSTRCIL AND THE AIR SECTION MANAGER.



## List of Administrative Orders Issued

Date Range Selected : 09/01/1998 - 6/10/2016

PGM	Case No.	Respondent Name	TCEQ ID	Docket#	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Offset
AQ	5041	MONDRAGONS PAINT AND BODY	JH0401I	2000-1043-AIR-E	JOHNSON	08/31/2001	\$5,000	\$0	\$5,000	\$0
AQ	36370	Monsanto Ag Products LLC	2701	2008-1314-AIR-E	FLOYD	03/23/2009	\$1,875	\$375	\$1,500	\$0
AQ	5897	MONT BELVIEU COMPLEX	12790	2002-1214-AIR-E	CHAMBERS	08/29/2003	\$1,875	\$375	\$1,500	\$0
AQ	7336	MONT BELVIEU FRACTIONATOR	107	2001-0339-AIR-E	CHAMBERS	01/07/2002	\$2,250	\$450	\$1,800	\$0
AQ	49672	Montgomery Materials, LLC		2014-1723-AIR-E	MONTGOMERY	05/21/2015	\$2,188	\$437	\$1,751	\$0
AQ	43078	MONTOYA, JESUS		2011-2251-AIR-E	TRINITY	10/02/2013	\$2,625	\$0	\$2,625	\$0
AQ	5206	MONTWOOD CHEVRON	EE0893Q	2001-0242-AIR-E	EL PASO	01/07/2002	\$750	\$150	\$600	\$0
AQ	24582	Monument Chemical Houston, Ltd.	HG0929Q	2005-0287-AIR-E	HARRIS	12/30/2005	\$7,140	\$1,428	\$2,856	\$2,856
AQ	42292	Monument Chemical Houston, Ltd.	1596	2011-1443-AIR-E	HARRIS	03/18/2012	\$6,950	\$1,390	\$5,560	\$0
AQ	4591	MOONEY AIRPLANE	2092	1999-1187-AIR-E	KERR	04/20/2000	\$2,500	\$500	\$2,000	\$0
AQ	24034	Moore Wallace North America, Inc.	1684	2005-0170-AIR-E	HARRIS	09/30/2005	\$6,000	\$1,200	\$4,800	\$0
AQ	4817	MOORES ORCHARD PLANT	13134	2000-0429-AIR-E	FORT BEND	01/08/2001	\$2,500	\$500	\$2,000	\$0
AQ	4818	MOORES ORCHARD PLANT	13134	2001-0244-AIR-E	FORT BEND	08/20/2001	\$2,500	\$0	\$2,500	\$0
AQ	5236	MORALES PLATING	KB0193S	2001-0197-AIR-E	KAUFMAN	05/10/2002	\$4,000	\$800	\$3,200	\$0
AQ	13305	Morgan Trailer MFG. CO.	NB0102T	2004-0278-AIR-E	NAVARRO	10/25/2004	\$5,400	\$1,080	\$4,320	\$0
AQ	5570	MORGANS POINT COMPLEX	12140	2002-0145-AIR-E	HARRIS	10/03/2002	\$750	\$150	\$600	\$0
AQ	5514	MORITZ CHEVROLET	26214	2001-1363-AIR-E	TARRANT	05/10/2002	\$450	\$90	\$360	\$0
AQ	38863	MORRIS, GARRY		2009-2035-AIR-E	GRAYSON	06/18/2010	\$1,125	\$225	\$900	\$0
AQ	46280	MORROW, SHAUN		2013-0387-AIR-E	TARRANT	08/08/2013	\$750	\$150	\$600	\$0
AQ	40198	Moss Bluff Hub LLC	2587	2010-1322-AIR-E	LIBERTY	02/20/2011	\$3,375	\$675	\$2,700	\$0
AQ	42999	Moss Bluff Hub LLC	2587	2011-2161-AIR-E	LIBERTY	07/06/2012	\$36,720	\$7,344	\$29,376	\$0
AQ	47377	Moss Bluff Hub LLC	LH0112H	2013-1502-AIR-E	LIBERTY	01/25/2014	\$5,850	\$1,170	\$4,680	\$0
AQ	28468	Moss Bluff HUB Partners, L.P.	20205	2006-0231-AIR-E	LIBERTY	08/28/2006	\$70,000	\$0	\$70,000	\$0
AQ	5332	MOSS BLUFF NATURAL GAS STORAGE FACILITY	20205	2001-0613-AIR-E	LIBERTY	01/28/2002	\$5,000	\$1,000	\$4,000	\$0
AQ	9685	MOTHERAL PRINTING COMPANY	TA0849S	2003-1222-AIR-E	TARRANT	05/09/2005	\$11,155	\$0	\$5,578	\$5,577
<b>AQ</b>	<b>6494</b>	<b>Motiva Enterprises LLC</b>	<b>JE0095D</b>	<b>2002-1272-AIR-E</b>	<b>JEFFERSON</b>	<b>01/08/2004</b>	<b>\$39,750</b>	<b>\$0</b>	<b>\$19,875</b>	<b>\$19,875</b>

\* There are Multiple Respondent Names associated to this Case No.



**Singles Program**

**List of Administrative Orders Issued**

Date Range Selected : 09/01/1998 - 6/10/2016

PGM	Case No.	Respondent Name	TCEQ ID	Docket#	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Offset
AQ	40397	Motiva Enterprises LLC	1386	2010-1514-AIR-E	JEFFERSON	05/08/2011	\$85,125	\$17,025	\$34,050	\$34,050
AQ	46192	Motiva Enterprises LLC	1386	2013-0304-AIR-E	JEFFERSON	11/01/2013	\$22,500	\$4,500	\$9,000	\$9,000
AQ	32602	Motiva Enterprises LLC	8404	2007-0203-AIR-E	JEFFERSON	10/25/2007	\$14,085	\$2,817	\$5,634	\$5,634
AQ	37907	Motiva Enterprises LLC	8404	2009-1043-AIR-E	JEFFERSON	06/18/2010	\$312,272	\$62,454	\$124,909	\$124,909
AQ	9617	Motiva Enterprises LLC	JE0095D	2003-1186-AIR-E	JEFFERSON	04/29/2005	\$656,397	\$0	\$328,199	\$328,198
AQ	43465	Motiva Enterprises LLC	3387	2012-0331-AIR-E	JEFFERSON	10/17/2014	\$34,300	\$6,860	\$13,720	\$13,720
AQ	43911	Motiva Enterprises LLC	1386	2012-0735-AIR-E	JEFFERSON	12/19/2013	\$101,038	\$0	\$50,519	\$50,519
AQ	31014	Motiva Enterprises LLC	8404	2006-1513-AIR-E	JEFFERSON	06/19/2008	\$368,445	\$73,689	\$147,378	\$147,378
AQ	43036	Motiva Enterprises LLC	8404	2011-2212-AIR-E	JEFFERSON	08/02/2012	\$10,062	\$2,012	\$4,025	\$4,025
AQ	34615	Motiva Enterprises LLC	JE0095D	2007-1497-AIR-E	JEFFERSON	07/03/2008	\$222,268	\$44,453	\$88,908	\$88,907
AQ	46719	Motiva Enterprises LLC	1386	2013-0885-AIR-E	JEFFERSON	08/15/2014	\$35,689	\$7,137	\$14,276	\$14,276
AQ	48836	Motiva Enterprises LLC	3387	2014-0837-AIR-E	JEFFERSON	10/01/2015	\$72,905	\$14,581	\$29,162	\$29,162
AQ	48364	Motiva Enterprises LLC	1386	2014-0336-AIR-E	JEFFERSON	10/17/2014	\$67,500	\$0	\$33,750	\$33,750
AQ	48031	Motiva Enterprises LLC	8404	2013-2189-AIR-E	JEFFERSON	07/11/2014	\$50,438	\$0	\$25,219	\$25,219
AQ	29560	Motiva Enterprises LLC	8404	2006-0613-AIR-E	JEFFERSON	11/09/2007	\$18,944	\$0	\$18,944	\$0
AQ	42299	Motiva Enterprises LLC	1386	2011-1461-AIR-E	JEFFERSON	06/03/2013	\$92,450	\$18,490	\$36,980	\$36,980
AQ	33184	Motiva Enterprises LLC	357	2007-0586-MLM-E	JEFFERSON	02/25/2008	\$29,362	\$5,872	\$11,745	\$11,745
AQ	46398	Motiva Enterprises LLC	1386	2013-0551-AIR-E	JEFFERSON	11/11/2013	\$30,000	\$6,000	\$24,000	\$0
AQ	34450	Motiva Enterprises LLC	8404	2007-1335-AIR-E	JEFFERSON	04/14/2008	\$24,700	\$4,940	\$9,880	\$9,880
AQ	16787	Motiva Enterprises LLC	JE0095D	2004-0898-AIR-E	JEFFERSON	03/21/2005	\$20,000	\$0	\$20,000	\$0
AQ	35503	Motiva Enterprises LLC	8404	2008-0389-AIR-E	JEFFERSON	09/22/2008	\$9,350	\$1,870	\$3,740	\$3,740
AQ	30745	Motiva Enterprises LLC	357	2006-1259-AIR-E	JEFFERSON	02/18/2007	\$2,500	\$500	\$2,000	\$0
AQ	39238	Motiva Enterprises LLC	8404	2010-0381-AIR-E	JEFFERSON	10/25/2010	\$97,167	\$19,433	\$38,867	\$38,867
AQ	44757	Motiva Enterprises LLC	8404	2012-1628-AIR-E	JEFFERSON	09/30/2013	\$28,688	\$5,737	\$11,476	\$11,475
AQ	22443	Motiva Enterprises LLC	JE0095D	2004-2026-AIR-E	JEFFERSON	12/15/2005	\$4,975	\$0	\$4,975	\$0
AQ	50435	Motiva Enterprises LLC	8404	2015-0630-AIR-E	JEFFERSON	10/11/2015	\$6,563	\$1,312	\$2,626	\$2,625
AQ	24634	Motiva Enterprises LLC	JE0095D	2005-0347-AIR-E	JEFFERSON	11/06/2005	\$10,659	\$0	\$10,659	\$0

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AQ	11950	Motiva Enterprises LLC	8404	2004-0045-AIR-E	JEFFERSON	11/11/2004	\$38,475	\$0	\$19,238	\$19,237
AQ	27494	Motiva Enterprises LLC	8404	2005-2011-AIR-E	JEFFERSON	02/18/2008	\$32,980	\$0	\$32,980	\$0
AQ	41593	Motiva Enterprises LLC	8404	2011-0688-AIR-E	JEFFERSON	01/27/2012	\$10,000	\$0	\$10,000	\$0
AQ	49471	Motiva Enterprises LLC	1386	2014-1514-AIR-E	JEFFERSON	04/09/2015	\$40,000	\$0	\$40,000	\$0
AQ	4558	MR MUFFLER & BRAKE SHO	GB0648H	1999-1150-AIR-E	GALVESTON	05/22/2000	\$1,000	\$200	\$800	\$0
AQ	47223	Multisources, LTD	106315L001	2013-1335-AIR-E	FAYETTE	12/19/2013	\$7,875	\$1,575	\$6,300	\$0
AQ	50103	MUNOZ, BENJAMIN	R0410783420 2	2015-0258-AIR-E	TARRANT	11/22/2015	\$5,250	\$1,050	\$4,200	\$0
AQ	26126	MUNOZ, FERNANDO JR	ZA0147B	2005-1124-AIR-E	ZAPATA	03/23/2006	\$2,910	\$582	\$2,328	\$0
AQ	34346	Murphy Oil USA, Inc.		2007-1242-AIR-E	EL PASO	09/22/2008	\$7,520	\$1,504	\$6,016	\$0
AQ	43675	Nabors Well Services Co.	93058	2012-0487-AIR-E	TARRANT	09/30/2012	\$3,280	\$656	\$2,624	\$0
AQ	44582	NAJERA, FELIPE	R0510610411 0	2012-1445-AIR-E	ANDERSON	10/26/2012	\$875	\$0	\$875	\$0
AQ	46711	Nalco Company LLC	107923	2013-0799-AIR-E	GRAY	01/02/2014	\$1,250	\$250	\$1,000	\$0
AQ	32831	Nalco Company LLC	FG0025L	2007-0306-AIR-E	FORT BEND	09/21/2007	\$4,750	\$950	\$3,800	\$0
AQ	34378	Name: UNITED STATES ALUMINUM CORPORATION - TEXAS	34802	2007-1266-AIR-E	ELLIS	04/03/2008	\$27,900	\$5,580	\$11,160	\$11,160
AQ	50709	NAPCO Precast, LLC	129264	2015-0946-AIR-E	BEXAR	10/19/2015	\$1,875	\$375	\$1,500	\$0
AQ	50216	National Oilwell Varco, L.P.	106552	2015-0388-AIR-E	TARRANT	07/19/2015	\$2,550	\$510	\$2,040	\$0
AQ	36109	National Oilwell Varco, L.P.	1084	2008-1084-AIR-E	HARRIS	01/30/2009	\$1,140	\$228	\$912	\$0
AQ	27288	National Oilwell Varco, L.P.	ML0047G	2005-1770-AIR-E	MIDLAND	06/15/2006	\$23,000	\$4,600	\$9,200	\$9,200
AQ	47573	National Oilwell Varco, L.P.	2820	2013-1673-AIR-E	TOM GREEN	05/24/2014	\$14,625	\$2,925	\$11,700	\$0
AQ	44099	National Oilwell Varco, L.P.	1084	2012-0969-AIR-E	HARRIS	12/09/2013	\$3,500	\$700	\$2,800	\$0
AQ	35121	National Oilwell Varco, L.P.	1818	2007-2023-AIR-E	HARRIS	07/21/2008	\$12,445	\$2,489	\$9,956	\$0
AQ	42599	National Oilwell Varco, L.P.	1084	2011-1739-AIR-E	HARRIS	04/21/2012	\$6,650	\$1,330	\$5,320	\$0
AQ	28822	National Oilwell Varco, L.P.	HG0878I	2006-0285-AIR-E	HARRIS	09/21/2006	\$85,625	\$17,125	\$34,250	\$34,250
AQ	6878	NATIONSRENT	EE1314K	1998-0158-AIR-E	EL PASO	04/09/1999	\$750	\$0	\$750	\$0
AQ	5546	NATIONSRENT	EE1314K	2002-0095-AIR-E	EL PASO	11/02/2002	\$2,500	\$0	\$2,500	\$0

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PGM	Case No.	Respondent Name	TCEQ ID	Docket#	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Offset
AQ	48953	The Lubrizol Corporation	1935	2014-0971-AIR-E	HARRIS	07/17/2015	\$15,000	\$3,000	\$6,000	\$6,000
AQ	42502	The Lubrizol Corporation	1582	2011-1637-AIR-E	HARRIS	06/07/2012	\$3,425	\$685	\$2,740	\$0
AQ	40884	The Lubrizol Corporation	HG0459J	2010-2043-AIR-E	HARRIS	07/02/2011	\$17,450	\$3,490	\$6,980	\$6,980
AQ	26727	The Lubrizol Corporation	HG0459J	2005-1554-AIR-E	HARRIS	06/15/2006	\$53,400	\$10,680	\$21,360	\$21,360
AQ	50544	The Lubrizol Corporation	1930	2015-0765-AIR-E	HARRIS	02/04/2016	\$30,000	\$6,000	\$12,000	\$12,000
AQ	30859	THE METHODIST HOSPITAL	HX2687K	2006-1372-AIR-E	HARRIS	04/13/2007	\$32,000	\$6,400	\$0	\$25,600
AQ	6999	THE PIT PROS	DB4948P	1998-1121-AIR-E	DALLAS	02/12/2000	\$1,250	\$0	\$1,250	\$0
AQ	49315	The Praxis Companies, LLC	18756	2014-1336-AIR-E	ELLIS	04/27/2015	\$9,150	\$1,830	\$7,320	\$0
AQ	3168	The Premcor Refining Group Inc.	2303A	2003-0053-AIR-E	JEFFERSON	10/10/2003	\$8,000	\$1,600	\$3,200	\$3,200
AQ	50107	The Premcor Refining Group Inc.	1498	2015-0292-AIR-E	JEFFERSON	08/17/2015	\$7,125	\$1,425	\$2,850	\$2,850
AQ	34572	The Premcor Refining Group Inc.	1498	2007-1455-AIR-E	JEFFERSON	01/30/2009	\$14,641	\$0	\$7,321	\$7,320
AQ	48021	The Premcor Refining Group Inc.	1498	2013-2180-AIR-E	JEFFERSON	08/25/2014	\$30,500	\$0	\$15,250	\$15,250
AQ	48619	The Premcor Refining Group Inc.	6825A	2014-0630-AIR-E	JEFFERSON	03/13/2015	\$41,250	\$8,250	\$16,500	\$16,500
AQ	35830	The Premcor Refining Group Inc.	6825A	2008-0742-AIR-E	JEFFERSON	02/22/2009	\$46,213	\$0	\$23,107	\$23,106
AQ	34459	The Premcor Refining Group Inc.	6825A	2007-1358-AIR-E	JEFFERSON	04/14/2008	\$30,400	\$0	\$15,200	\$15,200
AQ	47768	The Premcor Refining Group Inc.	1498	2013-1862-AIR-E	JEFFERSON	08/15/2014	\$55,063	\$11,012	\$22,026	\$22,025
AQ	37432	The Premcor Refining Group Inc.	6825A	2009-0511-AIR-E	JEFFERSON	03/20/2010	\$24,750	\$0	\$12,375	\$12,375
AQ	48895	The Premcor Refining Group Inc.	6825A	2014-0903-AIR-E	JEFFERSON	02/13/2015	\$25,000	\$0	\$12,500	\$12,500
AQ	3167	The Premcor Refining Group Inc.	1134	2002-0429-AIR-E	JEFFERSON	03/20/2003	\$9,375	\$0	\$4,775	\$4,600
AQ	33805	The Premcor Refining Group Inc.	6825A	2007-0956-AIR-E	JEFFERSON	02/25/2008	\$25,150	\$5,030	\$10,060	\$10,060
AQ	48490	The Premcor Refining Group Inc.	6825A	2014-0465-AIR-E	JEFFERSON	04/09/2015	\$200,000	\$0	\$100,000	\$100,000
AQ	32479	The Premcor Refining Group Inc.	6825	2007-0149-AIR-E	JEFFERSON	01/12/2008	\$64,625	\$0	\$32,313	\$32,312
AQ	35546	The Premcor Refining Group Inc.	6825A	2008-0435-AIR-E	JEFFERSON	12/04/2008	\$54,688	\$0	\$27,344	\$27,344
AQ	50396	The Premcor Refining Group Inc.	1498	2015-0594-AIR-E	JEFFERSON	03/04/2016	\$46,876	\$9,375	\$18,751	\$18,750
AQ	36095	The Premcor Refining Group Inc.	6825A	2008-1043-AIR-E	JEFFERSON	06/01/2009	\$17,100	\$3,420	\$6,840	\$6,840
AQ	29721	The Premcor Refining Group Inc.	JE0042B	2006-0738-AIR-E	JEFFERSON	09/21/2007	\$43,437	\$0	\$21,719	\$21,718
AQ	51274	The Premcor Refining Group Inc.	6825A	2015-1423-AIR-E	JEFFERSON	03/01/2016	\$7,500	\$1,500	\$3,000	\$3,000

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AQ	42206	The Premcor Refining Group Inc.	6825A	2011-1355-AIR-E	JEFFERSON	02/18/2012	\$30,000	\$6,000	\$12,000	\$12,000
AQ	49681	The Premcor Refining Group Inc.	2228	2014-1747-AIR-E	JEFFERSON	09/15/2015	\$35,438	\$7,087	\$14,176	\$14,175
AQ	32927	The Premcor Refining Group Inc.	2229	2007-0385-AIR-E	JEFFERSON	12/20/2007	\$56,166	\$0	\$28,083	\$28,083
AQ	37110	The Premcor Refining Group Inc.	6825A	2009-0151-AIR-E	JEFFERSON	08/31/2009	\$19,600	\$3,920	\$7,840	\$7,840
AQ	25058	The Premcor Refining Group Inc.	JE0042B	2005-0585-AIR-E	JEFFERSON	06/15/2006	\$6,860	\$1,372	\$2,744	\$2,744
AQ	4496	THE SHERWIN-WILLIAMS GARLAND FACILITY	13425	2001-1002-AIR-E	DALLAS	02/11/2002	\$2,500	\$0	\$2,500	\$0
AQ	4495	THE SHERWIN-WILLIAMS GARLAND FACILITY	13425	2001-0010-AIR-E	DALLAS	07/23/2001	\$3,125	\$0	\$3,125	\$0
AQ	4494	THE SHERWIN-WILLIAMS GARLAND FACILITY	13425	1999-0999-AIR-E	DALLAS	05/01/2000	\$2,500	\$500	\$2,000	\$0
AQ	9674	The University of Texas Southwestern Medical Center	DB2459D	2003-1216-AIR-E	DALLAS	07/30/2004	\$2,550	\$510	\$0	\$2,040
AQ	4445	THE USED CAR FACTORY P8788	TA3129P	1999-0616-AIR-E	TARRANT	08/26/2000	\$375	\$0	\$375	\$0
AQ	4741	THELIN RECYCLING	TA3987H	2002-0856-AIR-E	TARRANT	03/20/2003	\$1,250	\$0	\$1,250	\$0
AQ	34200	Thelin Recycling Company, L.P.	TA3987H	2007-1092-AIR-E	TARRANT	02/25/2008	\$9,100	\$1,820	\$7,280	\$0
AQ	13747	Therma Foam, Inc.	TA0374V	2004-0356-AIR-E	TARRANT	10/25/2004	\$4,800	\$960	\$3,840	\$0
AQ	29722	Thomas Steel Drums, Inc.	49060	2006-0804-AIR-E	TARRANT	02/05/2007	\$1,120	\$224	\$896	\$0
AQ	3210	THOMPSON BROWNFIELD BATTERY	17855	2000-0715-AIR-E	TERRY	06/08/2001	\$7,000	\$0	\$7,000	\$0
AQ	7289	THOMPSONVILLE COMPRESSION STATION	19058	2000-1208-AIR-E	JIM HOGG	11/18/2001	\$7,500	\$1,500	\$6,000	\$0
AQ	48272	THORNBURG, RIP		2014-0254-AIR-E	ERATH	09/19/2014	\$10,000	\$0	\$10,000	\$0
AQ	7276	THREE RIVERS PLANT	1997	2000-0999-AIR-E	LIVE OAK	06/08/2001	\$6,750	\$1,350	\$5,400	\$0
AQ	3709	Ticona Polymers, Inc.	1336	1999-0019-AIR-E	NUECES	02/11/2002	\$191,800	\$0	\$95,915	\$95,885
AQ	22279	Tierra DH Pump, Inc.	EE2122O	2004-1968-AIR-E	EL PASO	08/20/2006	\$1,250	\$0	\$1,250	\$0
AQ	27319	Tiffany Brick Co., L.P.	BC0018F	2005-1900-AIR-E	BASTROP	03/23/2006	\$5,200	\$1,040	\$4,160	\$0
AQ	19151	Tige Boats, Inc.	JI0080S	2004-1363-AIR-E	TAYLOR	06/09/2005	\$2,600	\$520	\$2,080	\$0
AQ	35609	Tige Boats, Inc.	2674	2008-0526-AIR-E	TAYLOR	08/15/2008	\$5,000	\$1,000	\$4,000	\$0
AQ	34513	Tige Boats, Inc.	2674	2007-1406-AIR-E	TAYLOR	02/08/2008	\$4,750	\$950	\$3,800	\$0
AQ	50408	Tige Boats, Inc.	2674	2015-0602-AIR-E	TAYLOR	08/17/2015	\$7,125	\$1,425	\$5,700	\$0

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**19301**  
**Prince Hall**  
**RFAD #2**

Texas Housers  
1800 W. Sixth Street  
Austin, Texas  
78703

May 1st, 2019

Marni Holloway  
Director of Multifamily Finance  
TDHCA  
221 E 11th St  
Austin, TX  
78701  
Email: marni.holloway@tdhca.state.tx.us  
CC: Miranda Sprague, apps@itexgrp.com

**RE: Third party Request for Administrative Deficiency for Prince Hall, TDHCA #19301**

As required by 10 TAC S11.101(a)(3) of the 2019 Qualified Allocation Plan, ITEX and their consultants -- henceforth referred to as "the Applicant" -- disclosed the presence of a number of Neighborhood Risk Factors and requested that, given the evidence supplied, TDHCA consider a request for exemption. They disclose a number of factors, including:

1. The proximity of Motiva and Valero (formerly Texaco and Gulf) refineries.
2. A census tract with poverty in excess of 40%
3. 2x average concentration of HTC units

Texas Housers exists to support low-income Texans' efforts to achieve the American dream of a decent, affordable home in a quality neighborhood and we strongly urge TDHCA not to grant any such exemption that would allow for the use of additional funding to go towards supporting subsidized housing at a site such as Prince Hall.

**1. The Refineries**

The Applicant is requesting a waiver based on the proximity to refining facilities. The proximity to these refineries should disqualify recapitalizing this housing. Included with this letter is the documentation (Attachment 1) to demolish the former Carver Terrace housing development located immediately next to Prince Hall. These two developments are in the same census tract that is in question. It was demolished in 2016 and HUD committed the land to open space in perpetuity because of both the substantial environmental hazard of the refineries and the overall state of the neighborhood being unsuitable for such a development. In their application, the Applicant offers their proximity as a benefit to the site, calling them "major employment centers for the area." According to a 2013 memorandum from HUD from that document:

*“The Carver Terrace was built in 1953, on the western edge of the City of Port Arthur’s historical neighborhood, adjacent to Texaco and Gulf oil refineries. There were many commercial businesses in the historic Westside neighborhood. Many residents worked at the plants and more than 8,000 worked at the refineries. Investment in the refineries, and technological changes, have reduced the permanent workforce needed to about 2,500 persons. Most of these are highly skilled engineering and technical jobs beyond the reach of public housing residents. Many white citizens fled the neighborhood and retail investment shifted to areas closer to wealthier neighborhoods. The loss of local employment, and increases in crime rates, have caused steep declines in population in the Westside neighborhood.” (Attachment 2)*

The industry has changed and the refineries do not offer the low-income residents of Prince Hall the opportunity that they once did. Residents are currently left with only the negative externalities of the petrochemical industry nearby.

Furthermore the application for #19301 does not disclose the environmental concerns and dire state of the neighborhood for the 2016 demolition of nearby Carver Terrace. It references new developments in Port Arthur but omits the fact that those new developments were built to accommodate residents being relocated away from the Prince Hall neighborhood. This is especially concerning when it was the Applicant or a related subsidiary, also named ITEX, that was contracted to demolish Carver Terrace. In the attached article, “Carver Terrace comes down amid former councilman’s concerns,” Chris Akbari is interviewed regarding the demolition of the former site. (Attachment 3) Chris Akbari also writes the attached “Request for Exemption of Undesirable Site Feature...” letter to TDHCA in regards to waiving the concerns associated with the Prince Hall site for Application #19301. (Attachment 4)

That the application mentions nearby land -- within 500 feet -- owned by Motiva that contains no industrial operations, and characterizes this disclosure as “an abundance of caution.” This is disingenuous at best, considering the history of the neighborhood and the Applicants historical involvement. It currently serves as a parking lot as, again, nearly all of the workers at the refinery live elsewhere.

Furthermore, the Applicant has not included images from Google Maps aerial imagery possibly because it still shows piles of debris and rubble of the former Carver Terrace in mid demolition -- again, immediately adjacent to Prince Hall. (Attachment 5)

## **2. Poverty in the Census Tract**

The Applicant is requesting a waiver for the high poverty rate that exists in the census tract where Prince Hall is located. The Applicant states that, according to the TDHCA demographics, the census tract in question (48245005900) has experienced an

approximate 21% reduction in poverty since 2013. This is an incomplete understanding. A look at the population totals for that census tract reveal that it is shrinking and has lost 17% of its population over the same period of time (Attachment 6). It is true that poverty has fallen in the tract but poverty falls when low income people leave for better opportunity elsewhere. Poverty also falls in a census tract after a subsidized housing development is demolished and its residents are given relocation assistance to leave and find a safer home in a better neighborhood, as was the case with neighboring Carver Terrace.

This alternate narrative -- low income people leaving for better opportunity elsewhere -- fits with HUD's assessment and its description of a neighborhood that has little to offer its low income residents. The applicant has not included any argument to address HUD's overall characterization of the neighborhood being unsuitable for this type of housing or evidence of substantial changes on investment in the neighborhood, community, or local economy that would change this situation.

### **3. Concentration**

If anything is to be understood from the HUD memo, it is that the neighborhood that is currently home to Prince Hall and formerly home to its neighbor, Carver Terrace, is unfit for low income people to thrive. To continue to support a substandard development in an area that already has twice the state average per capita, goes against the purpose of the tax credit program.

### **Conclusion**

It is alarming that TDHCA would allow an applicant to recapitalize a housing development next door to a property that the same Applicant demolished for area environmental hazards and substandard neighborhood conditions as recently as 2016. The tax credit program exists to invest in the futures of many low income Texans -- that we might provide safe homes and opportunity for them and their families. To squander that investment by continuing to support housing in the shadow of the largest American oil refinery, where HUD has documented concern for the hazardous conditions, is of concern to taxpayers and humanitarians alike. Any additional funds that are directed towards this property should be in the form of vouchers to allow residents to move, support services to facilitate that move, and buying the property out to commit it to green space.

**Attachment 1**

**Full Document**



OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

APR 30 2013

Mr. Seledonio Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Boulevard  
Port Arthur, TX 77640-5603

Dear Mr. Quesada:

The Department has reviewed the Port Arthur Housing Authority's (PAHA) application for the disposition of 1 non-dwelling and 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001. The Special Applications Center (SAC) received this application on December 11, 2012, via the Public and Indian Housing Information Center (PIC), Application DDA0004944. Supplemental information was received through February 6, 2013.

I am pleased to approve your request to dispose of 1 non-dwelling and 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments at the Fair Market Value (FMV) of \$1,670,000, or higher, via a public bid, as described in the application. If no bids are received for FMV or higher, please consult with the HUD Houston Program Center and this office.

Notwithstanding this approval, the PAHA shall not proceed to enter into any long-term ground lease or disposition agreement until all residents have been relocated.

According to the Office of the Chief Financial Officer, there is no outstanding debt on Carver Terrace Apts., TX034000001. The PAHA will realize net proceeds from this disposition. In the application, the PAHA proposes to use the net proceeds of sale to acquire or develop other single family public housing units in a future Phase 3 development. PAHA is also developing 360 units, including 156 public housing units, in Phase 1 and Phase 2 developments of the Park Central and Edison Square projects. This use of proceeds for single family public housing units meets the requirements of the statute, and is approved.

Approval of your application is based on the Department's understanding of your submission, as outlined in the enclosed memorandum from me to the HUD Houston Program Center. Its staff is available to provide any technical assistance necessary for your agency to proceed with the disposition.



The disposition of these units will affect the PAHA's operating subsidy eligibility significantly. Please contact the HUD financial analyst in the HUD Houston Program Center for additional information about this.

Please make sure that your annual Capital Fund Building and Unit Certification is updated properly to reflect these changes.

If you are interested in applying for housing choice vouchers in connection with the units approved for disposition, you must submit an application to the HUD Houston Program Center Office of Public Housing for review and approval in accordance with the procedures in HUD Notice 2012-9, or HUD's current Notice outlining the application procedures.

In accordance with 24 CFR § 970.35 of the regulation, your agency is required to inform the HUD Houston Program Center of the status of the project. When the disposition has been achieved, please submit a report to the HUD Houston Program Center confirming the action and certifying compliance with all applicable requirements. Files must be maintained which are sufficient for audit purposes and must be made available upon request.

The PAHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the HUD Houston Program Center approval so that the status of the units and acres of land in PIC is changed to "removed from inventory."

As the PAHA starts the process of implementation, I urge you to continue to maintain an open dialogue with your residents and local officials. If you have to modify your plans, the HUD Houston Program Center stands ready to assist you.

Sincerely,



Ainars Rodins, P.E.  
Director

Enclosure



OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

APR 30 2013

MEMORANDUM FOR: Daniel Rodriguez, Program Center Coordinator, Office of Public Housing, 6EPH

FROM: Ainars Rodins, P.E., Director, Special Applications Center (SAC), PIA

SUBJECT: Approval for the Port Arthur Housing Authority's (PAHA) Request for the Disposition of 1 Non-Dwelling Building, 46 Dwelling Buildings Containing 204 Dwelling Units and 8 Acres of Underlying Land at Carver Terrace Apartments, TX034000001.

The SAC received this application on December 11, 2012, via the Public and Indian Housing Information Center (PIC), DDA0004944. Supplemental information was received through February 6, 2013. The Environmental Assessment was completed by the City of Port Arthur on November 19, 2012, in accordance with 24 CFR Part 58. A Request for Release of Funds (RROF) was submitted on December 10, 2012, and was signed off on by the Houston Program Center on January 25, 2013.

The Houston Program Center provided a certification stating that the subject submission accurately describes the project proposed for disposition, and the reasons provided by the Port Arthur Housing Authority (PAHA) to support the proposed action are correct and factual. On February 25, 2013, the Houston Fair Housing and Equal Opportunity Center (FHEO), Program Compliance Branch, recommended the disposition approval.

Advance drafts of this memorandum and the approval letter were sent to the PAHA for their comments on March 21, 2013. The PAHA responded with comments on March 25, 2013. Advance drafts were sent to the Fort Worth HUB and the Houston Program Center for their comments on March 21, 2013; no comments were received.

Under 24 CFR § 970.7(a)(1), in order for a demolition or disposition application to be approved after November 24, 2006, the effective date of this regulation, a Public Housing Agency (PHA) must provide a "certification that the PHA has described the demolition or disposition in the PHA Annual Plan and timetable under 24 CFR Part 903, and that the description in the PHA Annual Plan is identical to the application submitted pursuant to this part and otherwise complies with Section 18 of the Act (42 U.S.C. 1437p) and this part." The Houston Program Center approved the PAHA's agency plan on October 18, 2012, which includes the subject action.

### Description of Development

The PAHA proposed the disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001. Details of the proposed disposition are as follows:

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	24	120	60	0	204
Proposed Units	24	120	60	0	204
Existing Land				8 Acres	
Proposed Land				8 Acres	
Number of Dwelling Buildings Existing					46
Number of Dwelling Buildings Proposed					46
Number of Non-Dwelling Buildings Existing					1
Number of Non-Dwelling Buildings Proposed					1
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

### History of the Development

The PAHA has not received any Inventory Removal approvals from HUD for Carver Terrace Apts, TX034000001.

### Reason for Action (Justification)

The PAHA proposed the disposition based on 24 CFR § 970.17(a), which requires the PHA to certify that the retention of the property is not in the best interests of the residents or the PHA because conditions in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the PHA.

The Carver Terrace was built in 1953, on the western edge of the City of Port Arthur's historical neighborhood, adjacent to Texaco and Gulf oil refineries. There were many commercial businesses in the historic Westside neighborhood. Many residents worked at the plants and more than 8,000 worked at the refineries. Investment in the refineries, and technological changes, have reduced the permanent workforce needed to about 2,500 persons. Most of these are highly skilled engineering and technical jobs beyond the reach of public housing residents. Many white citizens fled the neighborhood and retail investment shifted to areas closer to wealthier neighborhoods. The loss of local employment, and increases in crime rates, have caused steep declines in population in the Westside neighborhood. Sixteen handwritten notes from current residents of Carver Terrace in support of the proposed disposition were included with the application. These notes made clear that the Carver Terrace development was an adverse environment in which to live. Many expressed fears about the safety of their children at the project. We concur with the PAHA's determination that the disposition is in the best interests of the residents and the PHA because, due to changes in the neighborhood, the project no longer provides a healthy living environment.

### **Appraisal**

The PAHA submitted an appraisal with the application. Tim N. Treadway, an independent appraiser, determined the Fair Market Value (FMV) to be \$1,670,000, as of September 25, 2012.

### **Method of Sale**

The PAHA proposed the disposition via a public bid at FMV or higher.

### **Use of Proceeds**

According to the Office of the Chief Financial Officer, there is no outstanding debt on Carver Terrace Apts., TX034000001. The PAHA will realize net proceeds from this disposition. In the application, the PAHA proposes to use \$837,632 from gross proceeds for relocation and transaction costs. Net proceeds of sale would be used to acquire or develop other single family public housing units. We determined that this use of proceeds meet the requirements of the statute.

### **Relocation**

When the application was developed and transmitted to the Department, 184 units proposed for disposition were occupied. The PAHA has submitted a certification regarding relocation as required by 24 CFR § 970.21(e) (f). The PAHA estimated the relocation cost for the remaining residents to be \$787,532, which includes moving expenses and counseling\ advisory services. The housing resources offered will be other public housing and Housing Choice Vouchers.

### **Resident Consultation**

1. Project(s) Specific Resident Organization(s): Carver Terrace
2. PHA-wide Resident Organization: None
3. Resident Advisory Board (RAB) in accordance with 24 CFR § 903.13: RAB

24 CFR § 970.9 requires that an application for disposition be developed in consultation with the tenants of the project involved, any tenant organization at the project involved and any PHA-wide organizations that will be affected by the activity.

The PAHA met with the residents on August 15, 2012, August 29, 2012, September 12, 2012, October 29, 2012 and November 30, 2012 to discuss the proposed disposition. On October 5, 2012, PAHA met with the Carver Terrace Resident Council, the RAB and the residents to address questions concerning the disposition. The agenda, a sign-in-sheet and resident comments were included in the application. The resident comments described unacceptable conditions prevailing at Carver Terrace, and expressed the hope that moving would improve their situation.

### **Offer for Sale to the Resident Organization**

24 CFR § 970.9(b) (1) of the regulations requires that a public housing agency offer the opportunity to purchase the property proposed for disposition to any eligible resident organization, eligible resident management corporation as defined in 24 CFR Part 964, or to a nonprofit organization acting on behalf of the residents, if the resident entity has expressed an interest in purchasing the property for continued use as low-income housing. The PAHA made a formal offer for purchase of the subject property to the Carver Terrace Resident Council (CTRC) and the RAB via a letter dated October 10, 2012, the 30-day time period to express an interest to purchase the development expired on November 10, 2012. As no response was received from the CTRC or the RAB, The PAHA has satisfied the requirements of 24 CFR § 970.9(b) (1). We concur with the PAHA's determination that it has complied with the requirements of 24 CFR § 970.9.

### **Mayor/Local Government Consultation**

As required by 24 CFR § 970.7(a) (14), the application package includes a letter of support from the Honorable Deloris Prince, Mayor of the City of Port Arthur Texas, dated November 20, 2012.

### **Board Resolution**

As required by the 24 CFR § 970.7(a) (13), the PAHA's Board of Commissioners approved the submission of the application for disposition of the proposed property on December 7, 2012, via Resolution Number 12072012-01. The last resident consultation was on November 30, 2012. The consultation with the local government took place on September 13, 2012.

### **Approval**

We have reviewed the application and find it to be consistent with Section 18 of the Act, and the implementing regulations, 24 CFR Part 970, including requirements related to resident consultation, relocation and opportunity to purchase the property by the resident organization. Based upon our review, and finding that the requirements of 24 CFR Part 970 and Section 18 of the Act have been met, the disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, as previously identified and described in the application, at the FMV of \$1,670,000, or higher, via a public bid, is hereby approved. If the PAHA fails to receive any bids at FMV or higher, please inform this office as to the PAHA plans.

The PHA has current plans to develop 360 units of the following types off-site in the Phase 1 Park Central, and the Phase 2 Edison Square, developments, as identified below. The \$832,368 in estimated net proceeds from the sale of Carver Terrace would be dedicated to development of single family public housing units planned for a future Phase 3 project. This use of proceeds is also approved.

Total Units to be Redeveloped 360	Less than 80% of Area Median Income		Market Rate
	ACC	Non-ACC	
Rental	156	188	16

Notwithstanding this approval, the PHA shall not proceed to enter into any long-term ground lease or disposition agreement until all residents have been relocated.

### **Operating Subsidy**

In accordance with 24 CFR § 990.114, the disposition of these units will affect the PAHA's operating subsidy eligibility significantly. The PAHA was advised to contact the HUD financial analyst in the Houston Program Center for additional information.

### **Housing Choice Vouchers**

If the PAHA is interested in applying for housing choice vouchers in connection with the units approved for disposition, it will need to submit an application to the Houston Program Center. The PAHA should submit its application in response to HUD Notice 2012-9, or HUD's current Notice outlining the application procedures.

### **PIC and Monitoring**

The PAHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the Houston Program Center approval so that the status of the units and acres of land in PIC is changed to "removed from inventory."

It is the Houston Program Center's responsibility to monitor this activity based on its latest risk assessment. The Houston Program Center must verify that the actual data is being entered in PIC by the PAHA as the actions occur to ensure the Department is not over paying in operating subsidy, and the Capital Fund formula data is correct. Since this action expects to generate net proceeds of \$832,368, it is the Houston Program Center's responsibility to verify the funds were used as approved, and the PAHA's records are adequately documented to support this assertion.





OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

JUN 16 2014

Mr. Seledonio Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Boulevard  
Port Arthur, TX 77640-5603

Dear Mr. Quesada:

On May 7, 2014, the Special Applications Center (SAC) received the Port Arthur Housing Authority's (PRHA) request for an amendment to the disposition approved on April 30, 2013 at Carver Terrace Apartments TX034000001. Supplemental information was received through June 6, 2014.

On April 30, 2013, the Department approved the PRHA's disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, at the Fair Market Value (FMV) of \$1,670,000, or higher, via a public bid as identified below:

**Original Approval (PIC application: DDA0004944)**

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	24	120	60	0	204
Proposed Units	24	120	60	0	204
Existing Land				8 Acres	
Proposed Land				8 Acres	
Number of Dwelling Buildings Existing					46
Number of Dwelling Buildings Proposed					46
Number of Non-Dwelling Buildings Existing					1
Number of Non-Dwelling Buildings Proposed					1
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

Of the 204 units, 24 units are at the Lincoln Square Townhomes, and the remainder at Carver Terrace.



## Current Request

In the current request, the PRHA is seeking to modify the disposition approval in order to proceed with the sale of the property to the highest and only bidder, The Premcor Refining Group, Inc., for a purchase price of \$800,000, subject to certain conditions, which more accurately reflects the value of the property.

The RROF for the environmental review done for the April 30, 2013 letter was approved by the Houston Field Office on January 25, 2013. Another environmental assessment was completed in October 2013. A new environmental assessment has recently been completed in accordance with 24 CFR Part 58.47 and the notice is being republished. The Notice of Intent to Request Release of Funds includes an estimated demolition cost for the buildings approved for disposition of \$750,000.

As part of the environmental review process under 24 C.F. R parts 50 and 58 for the disposition and demolition of the property, the U.S. Department of Housing and Urban Development (HUD) Regional Environmental Officer determined that due to the health and safety threats caused by the close proximity of the refineries certain mitigation efforts must be implemented to protect the neighboring residences. The following mitigation efforts and property conditions are being imposed:

- The property will be converted to vacant land in perpetuity, enforced as a condition of sale through a deed restriction;
- The property must be fenced off to prevent unauthorized uses after it is vacant;
- A historic marker must be created for the Carver Terrace and Lincoln Square public housing projects to commemorate the important history of this community.

Upon disposition and demolition of the property the land must remain a vacant green space to create an environmental buffer between the refineries and the adjacent residences. In order for the PAHA to comply with this restriction upon acquisition by Valero/Premcor Refining Group Inc., the property must be subject to a deed restriction. The deed use restriction is the only mitigation measure that will allow the City of Port Arthur to reach a Finding of No Significant Impact for the property. Unfortunately, the deed use restriction prevents any future development on the property, severely devaluing the property well below its original appraised FMV.

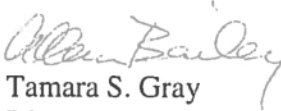
Despite the PAHA's negotiations with The Premcor Refining Group Inc. in an effort to increase the purchase price of the property, the environmental issues and the required deed use restriction prevented the PAHA getting a higher purchase price. The purchaser requires that the PHA must demolish and carry out site preparation of the land they will acquire. Premcor's bid expires on June 23, 2014.

Under the terms and conditions of The Premcor Refining Group., Inc's bid, the gross proceeds will be deposited in an escrow account to be used for the demolition of the property. Following demolition any remaining net proceeds will be used to develop replacement public housing or housing exclusively used for Section 8 units at Edison Square, a mixed-finance project or alternate locations. The PAHA closed on Park Central, the other mix-finance project to which net proceeds from the disposition may be applied.

The SAC has completed its review and based on the information provided by the PAHA, your request to amend the disposition approval, to sell the property to The Premcor Refining Group, Inc., for a purchase price of \$800,000 is approved. These funds may be used to pay for the cost of demolition. Following demolition the use of any remaining net proceeds to develop replacement public housing or housing exclusively used as Section 8 units at Edison Square, and Park Central is also approved. The approval may be modified if further issues emerge during completion of the current environment review process.

A copy of this modification will be forwarded to the HUD Houston Program Center for their records. If you have any questions regarding this modification, please contact Sunny Grover, Public Housing Revitalization Specialist at (312) 913-8329.

Sincerely,

  
for Tamara S. Gray  
Director



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

OFFICE OF PUBLIC HOUSING

MAR 12 2015

Mr. Seledonio Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Boulevard  
Port Arthur, TX 77640-5603

Dear Mr. Quesada:

On January 28, 2015 the Special Applications Center received a request to further modify the disposition approval for the Carver Terrace Apartments property, because the intended sale of the property was not consummated.

On April 30, 2013, the Department originally approved the Port Arthur Housing Authority (PRHA)'s disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, at the Fair Market Value (FMV) of \$1,670,000, or higher, via a public bid as identified below:

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
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Number of Non-Dwelling Buildings Proposed					1
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

Of the 204 units, 24 units are at the Lincoln Square Townhomes, and the remainder at Carver Terrace.

On May 7, 2014, the Special Applications Center (SAC) received the Port Arthur Housing Authority's (PRHA) request for an amendment to the disposition approved on April 30, 2013 at Carver Terrace Apartments. The proposal was to sell the property to the only bidder, the neighboring Premcor Refining Group, for a purchase price of \$800,000. This purchaser required that the PHA must demolish the structures and carry out site preparation of the land, using the proceeds from sale for this purpose. This was approved on June 16, 2014.

The RROF for the environmental review done for the April 30, 2013 letter was approved by the Houston Field Office on January 25, 2013. Another environmental assessment was completed in October 2013. A new environmental assessment was completed in accordance with 24 CFR Part 58.47 and the notice was republished. The Notice of Intent to Request Release of Funds included an estimated demolition cost for the buildings approved for disposition of \$750,000.

As part of the environmental review process under 24 C.F. R parts 50 and 58 for the disposition and demolition of the property, the U.S. Department of Housing and Urban Development (HUD) Regional Environmental Officer determined that due to the health and safety threats caused by the close proximity of the refineries certain mitigation efforts must be implemented to protect the neighboring residences. The following mitigation efforts and property conditions were imposed:

- The property will be converted to vacant land in perpetuity, enforced as a condition of sale through a deed restriction;
- The property must be fenced off to prevent unauthorized uses after it is vacant;
- A historic marker must be created for the Carver Terrace and Lincoln Square public housing projects to commemorate the important history of this community.

Upon disposition and demolition of the property the land must remain a vacant green space to create an environmental buffer between the refineries and the adjacent residences. Attaching this deed use restriction to the sale is the only mitigation measure that would allow the City of Port Arthur to reach a Finding of No Significant Impact for the property. Such a deed use restriction prevents any future development on the property, severely devaluing the property well below its original appraised FMV.

Presented with this deed restriction, the Valero/Premcor Refining Group Inc. withdrew its offer to purchase the property. The deed restriction would make the property of little or no use to the neighboring refinery.

### **Current Request**

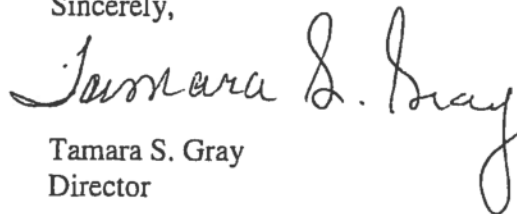
The continued presence of the vacant and deteriorated structures on this land poses serious health and safety concerns. The PAHA has used most of its non-federal funds to fill financing gaps for the development of replacement units for the Park Central and Edison Square property. PAHA states that the Carver Terrace structures must be demolished as soon as possible.

The SAC has completed its review and based on the information provided by the PAHA, the request to amend the disposition approval, to instead demolish the buildings and units on this property, and to continue to see a buyer for the vacant land that will remain, is hereby approved.

The SAC is unable at this time to approve the proposed use of public housing Operating Fund Reserves to pay for the cost of demolition, which had been estimated to be \$750,000. Prior to carrying out the demolition, PAHA must receive approval from the Department that the sources of funds proposed are eligible to be used for this purpose.

A copy of this modification will be forwarded to the HUD Houston Program Center for their records. If you have any questions regarding this modification, please contact Sunny Grover, Public Housing Revitalization Specialist at (312) 913-8329.

Sincerely,

A handwritten signature in cursive script that reads "Tamara S. Gray". The signature is written in black ink and is positioned to the right of the typed name.

Tamara S. Gray  
Director



[? Get Help](#) | [Logoff / Return to Secure Systems](#)



**Marie Butler**  
(H09917)  
PIC Main

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Housing Agency

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Development

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Inventory Removals

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[Application](#) | 
 [Application Review](#) | 
 [Comments](#) | 
 [Remove from Inventory](#) | 
 [Reports](#) | 
 [DD w/o HUD Approval](#) | 
 [Non-PIC Homeownership](#)

**List**      **Form HUD-52860 Supporting Documents Quality Checklist**      **Submission**

HQ Office:                    Public and Indian Housing  
 HQ Division:              PO Field Operations  
 Hub:                            6HFTW Fort Worth Hub  
 Field Office:                6EPH HOUSTON PROGRAM CENTER  
 Field Office HA:            TX034 Port Arthur Housing Authority  
 Application:                DDA0004944  
**Demolition / Disposition Application**

Application Type:          Disposition                    Processor:      SAC-Chicago  
 Application Status:        HQ Approved                 Status Date:    11/07/2012

[Add/Remove Development](#)

Section	Section Type	Status	Status Date
Section 1: General Information	Required	Modified	11/07/2012
Section 2: Long-Term Possible Impact of Proposed Action	Required	Modified	12/05/2012
Section 3: Board Resolution, Environmental Review, and Local Government Consultation	Required	Modified	12/07/2012
Section 4: Description of Property TX034000001 CARVER TERRACE APTS	Required	Modified	12/05/2012
Section 5: Description of Proposed Removal Action TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 6: Relocation TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 7: Resident Consultation TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 8: Offer of Sale TX034000001 CARVER TERRACE APTS	Required	Modified	12/07/2012
Section 9: Certification of Compliance TX034000001 CARVER TERRACE APTS	Required	Modified	11/07/2012



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 HQ Division: PO Field Operations  
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 Field Office: 6EPH HOUSTON PROGRAM CENTER  
 Field Office HA: TX034 Port Arthur Housing Authority  
 Application: DDA0004944

**Application Status**  
 Application Type: Disposition      Processor: SAC-Chicago  
    Reviewer: Lois Johnson  
 Application Status: HQ Approved      Status Date: 11/07/2012

**Section 1: General Information**

OMB Approval No. 2577-0075 (exp. 07/31/2008)

Public reporting burden for this collection of information is estimated to average 16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required to request permission to demolish or sell all or portion of a development (i.e., dwelling units, non-dwelling property or vacant land) owned and operated by a Housing Authority. The information requested in the application is based on requirements of Section 18 of the United States Housing Act of 1937, as amended and 24 CFR Part 970. HUD will use the information to determine whether, and under what circumstances, to permit HAs to demolish or sell all or a portion of a public housing development. Responses to the collection of information are statutory and regulatory to obtain a benefit. Approval of this application does not substitute approval for funding of the demolition or disposition action. The information requested does not lend itself to confidentiality.

1. Housing Authority: TX034 Port Arthur Housing Authority      2. Date of Application: 12/07/2012

3. Address: 920 DEQUEEN Boulevard  
 City/Locality: PORT ARTHUR  
 State: Texas      Zip Code: 77640-5603

4. Phone No: (409) 982 - 6442 Ext.      Fax No: (409) 983 - 7803  
 Email Address: Cele.Quesada@pahousing.org

5. Executive Director's Name: Seledonio Quesada  
 Phone No: (409) 984 - 2621 Ext.      Fax No: (409) 983 - 7803  
 Email Address: Cele.Quesada@pahousing.org

6. Primary Contact's Name: Seledonio Quesada  
 Phone No: (409) 984 - 2621 Ext.      Fax No: (409) 983 - 7803  
 Email Address: Cele.Quesada@pahousing.org

\* Designates a required field.

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**Section 2: Long-Term Possible Impact of Proposed Action**Enter the total number of units proposed for removal **204****1. Performance Funding Subsidy (PFS)**

In FY 2012 , this HA received \$ 385 per unit in PFS funds.

The HA realizes that after this activity takes place, PFS will decrease by \$ 78540 / year.

**2. Capital Fund Program**

In FY 2012 , this HA received \$ 1080 per unit in Capital funds.

The HA realizes that after this activity takes place, Capital funding will decrease by \$ 220320 / year.

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**Application Status**  
 Application Type: Disposition Processor: SAC-Chicago  
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 Application Status: HQ Approved Status Date: 11/07/2012

**Section 3: Board Resolution, Environmental Review, and Local Government Consultation**

- |                                       |   |
|---------------------------------------|---|
| 1. Board Resolution Number<br>1207201 | 2. Date of Board Resolution<br>12/07/2012 |
|---------------------------------------|---|

3. Who is conducting the environmental review?

- Field Office under 24 CFR Part 50
- Responsible Entity under 24 CFR Part 58

If the environmental review is to be performed by a responsible entity, name the entity.

City of Port Arthur

4. Jurisdictions covered by the HA (list all cities, counties, etc.):

City of Port Arthur

5. Letter of Support from Appropriate Government Official is dated :11/20/2012.

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 Development: TX034000001 CARVER TERRACE APTS

**Application Status**

Application Type: Disposition Processor: SAC-Chicago  
 Reviewer: Lois Johnson  
 Application Status: HQ Approved Status Date: 11/07/2012

**Section 4: Description of Property**

- 1. Development Name: CARVER TERRACE APTS
- 2. Development Number: TX034000001
- 3. Date of Full Availability: 12/28/1953
- 4. No. of Residential Buildings: 46
- 5. No. of Non-Residential Buildings: 0
- 6. Date Constructed:
- 7. Scattered Site: N
- 8. Single Family Houses: Duplexes:  
3-Plexes: 4-Plexes:
- 9. Row House: 24 Walk-Up: 180  
High Rise: 0
- 10. Total Acres of the Development: 8.00

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**11. Existing Unit Distribution**

	General Occupancy	Elderly/Disabled Units	Total Units Being Used for Non-Dwelling Purposes	Merged Units	Total Existing Units	Approved Units yet to be Removed	Total Adjusted Units
0 Bdrm	0	0	0	0	0	0	0
1 Bdrm	0	0	0	0	0	0	0
2 Bdrms	0	0	0	0	0	0	0
3 Bdrms	0	0	0	0	0	0	0
4 or more Bdrms	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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**Application Status**

Application Type: Disposition      Processor: SAC-Chicago  
 Reviewer: Lois Johnson

Application Status: HQ Approved      Status Date: 11/07/2012

**Section 5: Description of Proposed Removal Action**

**1. Proposed Action By Building Type**

Calendar Year:

**Available Buildings :**  
 (Building Number\Building Number  
 Entrance\Address Line1 Text)

**Proposed Buildings :**  
 (Building Number\Building Number  
 Entrance\Address Line1 Text)

01 \8 \1100 CARVER TERRACE / 2012	
02 \8 \1102 CARVER TERRACE / 2012	^
03 \8 \1104 CARVER TERRACE / 2012	
04 \8 \1106 CARVER TERRACE / 2012	v

# indicates Non Dwelling Building Structures

**2. Proposed Action By Unit Designation**

Select the building number(s):

\* - indicates the building has units that are assigned in this application.

@ - indicates the building is proposed in this application.

**No Units Information Found**

**Available Units :**  
 (Unit Number\Unit Designation\Bedroom Count)

**Proposed Units :**  
 (Unit Number\Unit Designation\Bedroom Count)

**3. Proposed Action for Non Residential Inventory**

**A. Acres included in Proposed Disposition**

Calendar Year: 2012

Number of Acres : 8.00

**B. Buildings included in Proposed Disposition**

Calendar Year : 2012

Number of Non-Dwelling Buildings without PIC building numbers : 1

4.

*Intentionally deleted to conform to HUD-52860*

5. If the proposed action involves a partial removal of a Development, a site map is required  
*Attach a copy of the site map and reference it as Section 5, line 5*

6. If the proposed action involves a partial removal of a development, attach a description of the property to be removed along with a narrative explaining why the PHA is proposing to remove this portion of the development and if disposition is for vacant land, attach the legal description of each parcel of vacant land. Reference this attachment as Section 5, line 6

7. Which of the following describe the proposed disposition? (Check that which applies)

- A. Disposition at Fair Market Value (FMV)  
 B. Disposition at less than Fair Market Value (e.g. donation)  
 C. Disposition which includes an exchange of property

*If B and/or C are checked, provide a justification and reference it as Section 5, line 7.*

8. What is the value of the property subject to disposition:

**\$ 1670000.00**

*Attach evidence verifying the value (e.g. executive summary of the appraisal) and reference it as Section 5, line 8*

9. Was an appraiser used to determine the value of the property listed at Number 8?

**Yes**

If so, name of appraiser who conducted the appraisal:

**The Gerald A. Teel Company, Inc.**

Date of appraisal:

**09/25/2012**

10. Calculation of Net Proceeds

Estimated Sales Price **\$1670000.00** - Debt \$ - Cost & Fees **\$837632.00** = Estimated Net Proceeds **\$832,368.00**

*Attach an itemization of costs and fees (including relocation, moving, and counseling costs) to be paid out of gross proceeds and reference it as Section 5, line 10*

11. How will the Net Proceeds be used?

*Attach a narrative providing details concerning the use of Net Proceeds and reference it as Section 5, line 11*

12. What is the estimated cost of demolition?

(Include professional fees, hazardous waste removal, building and site improvement, demolition costs, and seeding and sodding of land. Do not include relocation costs or site improvements such as landscaping, playground, retaining walls, streets, sidewalks, etc.)

(a) \$ **354,250.00**

(b) Indicate the source of funds:

- Operating Funds for FY  
 CFP Funds for FY  
 CDBG Funds  
 Other

*If Other, attach a narrative explaining how the PHA will fund the demolition and reference it as Section 5, line 12*

13. General Timetable: The HA is to provide a brief timetable based on the number of days after approval of the application that the following major actions will occur:

- A. Begin relocation of residents 150 B. Complete relocation of residents 485  
C. Execution of contract for removal (e.g. sales contract or demolition contract) 515 D. Actual Removal Action (e.g. demolition or sale closing) 730
- 

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 Development: TX034000001 CARVER TERRACE APTS

**Application Status**

Application Type: Disposition Processor: SAC-Chicago  
 Reviewer: Lois Johnson  
 Application Status: HQ Approved Status Date: 11/07/2012

**Section 6: Relocation**

1. Occupied units:
- a. Of the 204 units proposed for removal, 184 are occupied as of the date of this application. *Attach a narrative explaining the circumstances that resulted in the units becoming vacant and the relocation of the residents and reference it as Section 6, line 1(a).*
  - b. Of the 204 total units in the development, 0 units will remain after removal.
  - c. Of the 0 units that will remain after removal, 0 are occupied as of the date of this Application.

*If any units are listed as occupied in 1(a), complete questions 2-8*

2. How many individuals will be affected by this action? **188**

3. How will counseling and advisory services be provided?  
*Attach a narrative explaining and reference it as Section 6, line 3.*

4. What housing resources are expected to be used for relocation?  
 Other Public Housing     Section 8     Other  
*Attach a narrative explaining and reference it as Section 6, line 4.*

7. Total cost of relocation expenses

	Per Unit Cost x	No. of Units =	Total
5. Estimated cost of counseling and advisory services	\$2,489.00	188	\$467,932.00
6. Estimated cost of moving expenses	\$1,700.00	188	\$319,600.00
		<b>\$787,532.00</b>	

8. What sources of funding will be used to pay for relocation activities?
- Operating Funds for FY:
  - Capital Fund for FY: 2011
  - Other
- If Other, provide an attachment explaining and reference it as Section 6, line 8.*

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**Section 7: Resident Consultation**

1. Describe how the residents of the development were informed and consulted about the proposed action.

*Attach a narrative explaining the PHA's consultation with the residents of the affected Development and reference it as Section 7, line 1*

***If proposed action is for Demolition and/or Disposition under Section 18 of the Act, complete questions 2-5***

2. Resident Council (at development): Provide the name of the Resident Council representing the residents of the development Carver Terrace Resident Council

*Attach a narrative explaining the PHA's consultation with the Resident Council of the affected Development and reference it as Section 7, line 2*

3. Resident Council (PHA-jurisdiction-wide): Provide the name of the PHA-wide Resident Council representing the interests of the residents of the development None

*Attach a narrative explaining the PHA's consultation with Resident Council (PHA jurisdiction-wide), and reference it as Section 7, line 3*

4. Resident Advisory Board (RAB) (as defined by 24 CFR 903.13):  
*Attach a narrative explaining the PHA's consultation with the RAB and reference it as Section 7, line 4.*

5. Did you receive any written comments from the residents, the Resident Council(s), or the RAB?  Yes     No

*If yes, attach the comments, along with any evaluation the PHA has made of those comments and reference it as Section 7, line 5*

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**Section 8: Offer of Sale**

1. Is the PHA exercising any of the exceptions to the offer of sale requirement permitted by 24 CFR 970.9(b)(3):  Yes  No

Note: Additional options may be displayed upon selecting an answer

3. State the names of all Established Eligible Organizations (as defined by 24 CFR 970.9(c)) for the affected development, including the following organizations (if none, state none):

Resident Council: **Carver Terrace Resident Council**  
 Resident Management Corporation: **None**  
 Outside Organization acting on behalf of residents: **None**

4. The PHA sent an initial written notification of the sale of the development to each Established Eligible Organization on **10/10/2012**

5. The PHA received a written initial expression of interest from one or more Eligible Established Organization within 30 days of the date it sent its notification  Yes  No

6. The PHA received a proposal to purchase the development from an Eligible Established Organization within 60 days of the date that it provided the organization with all necessary terms and information  Yes  No

7. The PHA  Accepted or  Rejected the organization's proposal to purchase the development.

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**Section 9: Certification of Compliance**

1. Attach the applicable PHA Certification of Compliance from the HUD-52860 for the applicable removal action and reference it as Section 9, Line 1: Certification of Compliance

**PHA Certification of Compliance: HUD 52860**

- Section 18 Demolition/Disposition
- Section 18 Disposition 24 CFR Subpart F
- De Minimis Exception to Demolition
- Section 32 Homeownership
- Section 33 Required Conversion
- Section 22 Voluntary Conversion
- Eminent Domain

[These Certifications can be found at the SAC web site](#)

2. Attach any applicable addendum(s) from the HUD-52860 (as identified below) for the specific removal action for which you are applying for and reference it as Section 9, Line 2: Addendums

**The new HUD-52860 form and its addendums include:**

- HUD-52860-B: Total Development Cost (TDC) Calculation** Attach for all Demolition actions and for all Disposition actions where the justification is obsolescence
- HUD-52860-C: Homeownership** Attach for all actions involving homeownership
- HUD-52860-D: Required Conversion** Attach for all actions involving the required conversion of public housing units
- HUD-52860-E: Voluntary Conversion** Attach for all actions involving the voluntary conversion of public housing units
- HUD-52860-F: Eminent Domain** Attach for all disposition actions involving eminent domain proceedings

[These Forms can be found at the SAC web site](#)

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**Summary of Demolition and/or Disposition Activity**

[View Land Information](#)

Development	0-Bdrm Units	1-Bdrm Units	2-Bdrm Units	3-Bdrm Units	4 & 4+ Units	Total Resid. Units	Total Non-Resid. Units	Resid. Bldgs.	Non-Resid. Bldgs.	Total Bldgs.	Acres Disposed
TX034000001 CARVER TERRACE APTS	0	24	120	60	0	204	0	46	1	47	8.00
<b>Totals:</b>	<b>0</b>	<b>24</b>	<b>120</b>	<b>60</b>	<b>0</b>	<b>204</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>47</b>	<b>8</b>

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Upload Inventory Removal Application Supporting Documentation

Attachment Type: [Please Select]

Enter Description:

The recommended maximum attachment file size is 8 megabytes. Files larger than 8 MB in size may take longer to upload or may not get uploaded.

Select File:

Allowed file types: doc, docx, xls, xlsx, pdf, gif, jpeg, bmp, png, mpp, rtf, ppt, pptx, txt, zip

Applicat

*Supporting Documents for DDA 0004944*

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Se	<a href="#">Download</a>	<a href="#">Delete</a>
	<a href="#">Download</a>	<a href="#">Delete</a>
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Approval Letter	<a href="#">Download</a>	<a href="#">Delete</a>
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Attachment hook 05	<a href="#">Download</a>	<a href="#">Delete</a>
Attachment hook 06	<a href="#">Download</a>	<a href="#">Delete</a>
Attachment hook 07	<a href="#">Download</a>	<a href="#">Delete</a>

Attachment hook 08	MAYOR 20121120	02/25/2019-23:50:34	Marie Butler	<a href="#">Download</a>	<a href="#">Delete</a>
Attachment hook 09	PHA CERT 20121207	02/25/2019-23:52:23	Marie Butler	<a href="#">Download</a>	<a href="#">Delete</a>

## Development Attachments

Section	Development	Description	Date - Time	Owner Name	Download	Delete
Section 5, Line 7 : Sale Justification	CARVER TERRACE APTS	Description of Disposition	12/07/2012-16:23:52	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 8 : Appraisal	CARVER TERRACE APTS	Appraisal Summary	12/07/2012-16:25:51	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 10 : Net Proceeds Calculation	CARVER TERRACE APTS	Costs and Fees	12/07/2012-16:30:59	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 11 : Net Proceeds Usage	CARVER TERRACE APTS	Use of Proceeds	12/07/2012-16:32:08	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 12 : Source of Funds	CARVER TERRACE APTS	Demolition	12/07/2012-16:33:59	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 12 : Source of Funds	CARVER TERRACE APTS	Demolition Quote	12/07/2012-16:35:00	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 5, Line 13 : Timetable	CARVER TERRACE APTS	Timeline	12/07/2012-16:38:47	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 1(a) : Occupied Units as of The Date of This Application	CARVER TERRACE APTS	Relocation Plan	12/07/2012-16:40:34	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 3 : Counseling Services	CARVER TERRACE APTS	Counseling Services	12/07/2012-16:42:53	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 4 : Housing Resources	CARVER TERRACE APTS	Relocation Resources	12/07/2012-16:45:34	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 6, Line 8 : Relocation Funding	CARVER TERRACE APTS	Sources for Relocation	12/07/2012-16:50:04	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 1 : Consultation Process	CARVER TERRACE APTS	Resident Consultation	12/07/2012-16:51:52	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 2 : Consultation with Resident Council	CARVER TERRACE APTS	Resident Council Consultation	12/07/2012-16:59:48	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 4 : Consultation with Resident Advisory Board (RAB)	CARVER TERRACE APTS	Resident Meeting Agenda	12/07/2012-17:01:15	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 4 : Consultation with Resident Advisory Board (RAB)	CARVER TERRACE APTS	RAB Consultation	12/07/2012-17:02:33	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 7, Line 5 : Written Comments	CARVER TERRACE APTS	Resident Letters	12/07/2012-17:05:22	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 8, Line 3 : Established Organization	CARVER TERRACE APTS	Resident Organizations	12/07/2012-17:07:20	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 8, Line 4 : Initial Written Notification	CARVER TERRACE APTS	Offer of Sale	12/07/2012-17:08:23	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 8, Line 3 : Established Organization	CARVER TERRACE APTS	Resident Organizations	12/07/2012-17:16:08	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>
Section 9, Line 1 : Certification of Compliance	CARVER TERRACE APTS	Certificate of Compliance	12/07/2012-17:21:22	Cele Quesada	<a href="#">Download</a>	<a href="#">Delete</a>

**Self Contained Appraisal Report**

**Of**

**Carver Terrace & Lincoln Square Apartments  
1400 DeWalt  
Port Arthur, Jefferson County, Texas**

**Prepared for**

**ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642**

**GATCO File No.: H12505**



**THE GERALD A. TEEL COMPANY, INC.**

*Real Estate Consultants and Appraisers*

September 27, 2012

Mr. Chris Akbari  
ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642

Re: Carver Terrace/Lincoln Square Apartments

Dear Mr. Akbari:

In fulfillment of the agreement outlined in the letter of engagement dated September 17, 2012, this letter is to transmit the attached report of our appraisal of the property rights identified within the report concerning the referenced above, as of, September 25, 2012. The report sets forth supporting data and reasoning which form the basis of our opinion of the market value.

The value opinion reported is qualified by certain definitions, limiting conditions, and certifications which are set forth within this report. The reader is directed to review all assignment conditions set forth in the introduction section of this report. Those included are the General Assumptions, General Limiting Conditions, Extraordinary Assumptions, and any Hypothetical Conditions which may affect the final opinion of value.

This report was prepared for and invoiced to ITEX Property Management LLC. It is intended only for use by ITEX Property Management LLC. It may not be distributed to or relied upon by other persons or entities without our written permission.

The property was inspected by David D. Magnuson, and the appraisal was developed by Tim N. Treadway and David D. Magnuson. If you have any questions concerning the report, please contact our office.

The Gerald A. Teel Company appreciates the opportunity to provide these real estate valuation and consultation services. We look forward to working with you in the future.

**THE GERALD A. TEEL COMPANY, INC.**

BY: Tim N. Treadway, MAI, CCIM, Partner  
State Certified TX 1323331-G

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

Market Value

<b>Project:</b>	Carver Terrace/Lincoln Square	
<b>Location:</b>	1400 DeWalt Avenue Port Arthur, Texas 77640	
<b>Year of Construction:</b>	1952	
<b>Effective Age (after repair):</b>	40 Years	(60 Yrs Econ. Life)
<b>Total Number of Rentable Units:</b>	204	
<b>Number of Residential Buildings:</b>	24 + office/maint bldgs (2)	
<b>Net Rentable Area:</b>	139,160 SQ FT	
<b>Average Size Unit:</b>	682 SQ FT	
<b>Land Area:</b>	8.0690	351,486 SQ FT
<b>Estimated Land Value (as if vacant):</b>	\$160,000	\$0.46 /SQ FT

Market Values

	<u>Land As-Is</u>	<u>Land As If Vacant Hypothetical Vacant Land</u>
Indicated Value By Sales Comparison Approach:	\$1,670,000	
Indicated Value By Sales Comparison Approach:		\$160,000
<b>Final Value Estimate:</b>	<b>\$1,670,000</b>	
	<b>\$8,186 /Unit</b>	
<b>As-Is Valuation Date</b>	<b>September 25, 2012</b>	



## SIGNIFICANT ISSUES

- This is a property in two locations about two blocks away from each other. This valuation is for both sites and their improvements. The property is known as Carver Terrace for the DeWalt address, and Lincoln Square for the site on Abe Lincoln Avenue.
- The subject property is an older project that has historically been operated as a low income project by the Port Arthur Housing Authority. Though originally built in a very solid manner, its age and styling leaves it less competitive to newer properties. We noted a fairly new roof and what appeared to be newer condensing units. The interiors showed signs of functional obsolescence with small closets, lack of dryer connections, worn-out counters/cabinetry, and kitchen styling that does not accommodate full size appliances in some cases. As if frozen in a different time, clothes lines adorn the courtyard and are still used due to lack of dryers. One of the questions to be answered in this report will be whether or not the existing improvements offer any remaining contributory value to a renovator, or if the property has more value as vacant land.
- The property is nearly 100% occupied due to the tenants paying little or no rent (housing authority owns). Were the property to be offered on market terms and rents, it would have difficulty being competitive in its current configuration and with its existing amenities and finish appointments, and considering its age and functional obsolescence.
- One building is burned containing eight units, and two more units are burned in another building.
- We have relied on the PCNA by JPS & Associates for the unit mix, count, unit square footages, and deferred maintenance. The land area in the PCNA was disregarded as it appeared to be incomplete (not containing both parcels).
- The Income Approach is typically used on income properties but not used herein because of the large amount of repair needs and functional obsolescence. A typical buyer would not be able to continue with the current tenant set because the government pays for their rent; however, the property is operating. There could be many forms of renovation and associated costs with the buyer pool for this sort of asset (poor location, fair to poor condition, costly repair needs as indicated by the PCNA). Some buyers might spend less and attempt to eke out some remaining life. Some buyers might spend more to remove most of the obstacles and reposition the property. This is beyond the scope of the report to determine every possible repair or renovation proposition. Brokers for this type of property tend to sell these assets on a price per unit basis, with an eye to the replacement value of the shell more so than income characteristics. As such, the Sales Comparison Approach is used herein to estimate value.

**Section 5, Line 10**

Itemization of Costs and Fees

Sales purchase price (FMV)	\$ 1,670,000
Less: Moving Costs (\$ 1,200 p/family)	\$ 225,600*
Security and Utility Deposits Contingency	\$ 94,000
Relocation Counseling Costs (\$ 2,489 p/family)	\$ 467,932*
Realtor Commission (3%)	\$ 50,100
 NET PROCEEDS	 <u>\$ 832,368</u>

\* Based on occupancy of 188 families as of the date of submission of the Disposition Application

Port Arthur Housing Authority  
Carver Terrace/Lincoln Square Disposition Application  
December 2012



**PHA Certification of Compliance**  
**Section 18 Demolition/Disposition**

*Acting on behalf of the Board of Commissioners of the Port Arthur Housing Authority (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated November 7, 2012 and known as DDA # 0004944, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:*

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) If this proposed removal action involves a disposition and the PHA did not claim an exemption to the Offer of Sale requirement, this PHA sent all required initial written notifications (as described at 24 CFR 970.11) of the proposed sale of the Development to all Established Eligible Organization and the PHA certifies that either it did not receive a response from any notified organization within a 30-day time frame or each notified Established Eligible Organization waived its opportunity to purchase the Development or otherwise rejected the Offer of Sale. The PHA further certifies that it maintains documentation of all documents required by 24 CFR 970.11 on file at its primary business office;
- 5) If an appraisal was submitted at Section 5, the PHA verified that the appraiser was licensed/certified in the state in which the PHA property and received a certification from the appraiser that the appraisal was conducted using generally accepted appraisal methods and maintains this written documentation on file at its central office;
- 6) All dwelling units at the affected development are vacant and have been approved by HUD for demolition, OR, if any dwelling units at the affected development are occupied:
  - The PHA created a Relocation Plan in compliance with all applicable federal, state, and local laws (to the extent those requirements apply), including, without limitation, the Act, 24 CFR 970.21, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office;
  - The PHA will notify each family residing in a unit affected by this proposed removal action at least 90 days prior to the displacement date, except in cases of imminent threat to health and safety and such notice;
  - The PHA will provide for all actual and reasonable relocation expenses of each resident displaced by this proposed removal action, including residents requiring reasonable accommodation because of disabilities;
  - The PHA will offer any necessary counseling for residents displaced by this proposed removal action;
  - The PHA will not commence the demolition or complete the disposition of any occupied building until all residents residing in the units affect by this proposed removal action are actually relocated;
  - The PHA will provide each family affected by this proposed removal action with comparable housing that meets Housing Quality Standards (HQS) and that is located in an area that is generally not less desirable than the location of the displaced person's housing. This comparable housing may include: (a) actual relocation into the private rental market with Housing Choice Voucher assistance; (b) actual relocation into housing with project-based assistance; or (c) other PHA properties;
- 7) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 8) The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or 24 CFR Part 50;
- 9) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office;
- 10) The PHA will comply with all reporting and recordkeeping requirements of HUD (including the requirements set forth at 24 CFR 970.35) and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and

recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives any approvals to this action from the SAC;

- 11) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements;
- 12) The PHA will not take any action to commence the proposed removal action, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD.
- 13) The PHA certifies that the reason(s) for this proposed removal action is as described in Exhibit A, attached to and made a part of this Certification.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official: Cele Quesada

Title: Executive Director

Signature



Date

12.7.12



DELORIS "BOBBIE" PRINCE, MAYOR  
WILLIE "BAE" LEWIS, MAYOR PRO TEM

COUNCIL MEMBERS:

RAYMOND SCOTT, JR.  
ELIZABETH "LIZ" SEGLER  
HAROLD DOUCET, SR.  
MORRIS ALBRIGHT, III  
ROBERT E. WILLIAMSON  
DERRICK FREEMAN  
KERRY "TWIN" THOMAS



FLOYD JOHNSON  
CITY MANAGER

SHERRI BELLARD  
CITY SECRETARY

VAL TIZENO  
CITY ATTORNEY

November 20, 2012

Mr. Seldonio (Cele) Quesada  
Executive Director  
Port Arthur Housing Authority  
920 DeQueen Blvd  
Port Arthur, TX 77640

Dear Mr. Quesada:

It is with great pleasure that I write to express my enthusiastic support for this Disposition Application. This application would permit the Port Arthur Housing Authority ("PAHA") to dispose of Carver Terrace and Lincoln Square, which is comprised of 204 family units located in Port Arthur, Texas and redevelop affordable housing options at off-site locations in the city.

I acknowledge the consultation process that has occurred with the Housing Authority over the past several months, and I will continue to support the redevelopment of Carver Terrace and Lincoln Square through a collaborative effort between our agencies. I look forward to working closely with your agency to advance this important redevelopment project for the City and the Housing Authority in Port Arthur.

Sincerely,

A handwritten signature in cursive script that reads "Deloris Prince".

Deloris Prince  
Mayor





PORT ARTHUR HOUSING AUTHORITY  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
FRIDAY, DECEMBER 7, 2012

RESOLUTION NO. 12072012-01

**CARVER TERRACE/LINCOLN SQUARE DISPOSITION APPLICATION**

**WHEREAS**, the Port Arthur Housing Authority (the "**Housing Authority**") desires to dispose of 204 units at Carver Terrace and Lincoln Square, consisting of approximately 8 acres, more or less due to adverse neighborhood conditions that affect the quality of life for residents; and

**WHEREAS**, the disposition will allow the Housing Authority desires to redevelop public housing units at off-site locations that will be more effectively operated as low-income housing developments; and

**WHEREAS**, the Housing Authority desires to offer the Carver Terrace and Lincoln Square properties for sale at fair market value to facilitate the redevelopment of the Carver Terrace/Lincoln Square units at off-site locations; and

**WHEREAS**, the Department of Housing and Urban Development ("**HUD**") requires the Housing Authority to submit an application to the Special Applications Center prior to the undertaking of any disposition activities; and

**WHEREAS**, the Housing Authority held multiple meetings with the residents to discuss the demolition and/or disposition application and the relocation plan; and

**WHEREAS**, the Housing Authority met with the Resident Council and Resident Advisory Board members on October 5, 2012, to discuss the disposition in accordance with HUD requirements and offered the property for sale as required; and

**WHEREAS**, the Housing Authority met with the City of Port Arthur on multiple occasions including September 13, 2012, to discuss the potential demolition and/or disposition in accordance with HUD requirements;

**BE IT THEREFORE RESOLVED** by the Board of Commissioners of the Port Arthur Housing Authority, that the Executive Director is hereby authorized to execute documents, provide certifications and submit the disposition application for the Carver Terrace and Lincoln Square properties to the Special Applications Center of the Department of Housing and Urban Development.

EXECUTED THIS 7TH DAY OF DECEMBER 2012.

  
\_\_\_\_\_  
CHAIR

ATTEST:

  
\_\_\_\_\_  
SECRETARY



**FHEO CHECKLIST  
REVIEWING DEMOLITION/DISPOSITION APPLICATIONS**

Please provide all requested information and any supporting data in the "COMMENTS" column. Further justification may be submitted as an attachment to the checklist.

NAME OF PHA: Port Arthur Housing Authority

ADDRESS OF PHA: 920 DeQueen Blvd, Port Arthur, TX 77640

PHA CONTACT PERSON: Seledonio Quesada, Executive Director

DATE OF REVIEW: 2/22/2013

FHEO LOCAL OFFICE CONDUCTING REVIEW: Houston FHEO

NAME OF FHEO ANALYST: Carolyn Greer

NAME OF FHEO REVIEWING OFFICIAL: Christina Lewis, Houston FHEO Director

PHONE NUMBER OF FHEO REVIEWING OFFICIAL: 713-718-3189

NAME OF LOCAL PIH REVIEWER: \_\_\_\_\_

PHONE NUMBER OF LOCAL PIH REVIEWER: \_\_\_\_\_

DATE APPLICATION RECEIVED FROM SAC: 1/8/2013

DATE FHEO REVIEW DUE: 2/23/2013

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

I. General Considerations	Comments			
1. Is this a demolition or a disposition application or both?	Disposition			
2. What is the underlying rationale and justification for the proposed demolition/disposition? (See section 5, items 6 and 7 of the applicant's narrative).	Carver Terrace and Lincoln Square are properties located near two oil refineries (Motiva and Valero). The census tract and PH properties are about 99% minority (African American). There is a lack of employment for those with limited skills and businesses have moved out of the area; there are limited retail stores and social services; there is poor air quality and safety and environmental hazards due to the petrochemical industry; there is deteriorating infrastructure and an increase in crime, decay and blight. The west side location is not conducive to a residential community.			
3. Comparison of Demographic Characteristics of the Population of the Proposed Demo/Dispo Units with Surrounding Areas				
	<b>Demo/Dispo Project %</b>	<b>Census Tract %</b>	<b>PHA-Wide Inventory %</b>	<b>PHA Jurisdictional Area %</b>
White	3%	.79%	%	36.1%
Black or African American	86%	96%	86%	40.7%
Asian	0%	0%	0%	5.9%
American Indian or Alaska Native	0%	.21%	0%	0.7%
Native Hawaiian or Other Pacific Islander	0%	0%	0%	0.1%
Hispanic or Latino	21%	2.2%	14%	29.6%

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

4. How many units are in the PHA's overall housing unit inventory? Please indicate by unit bedroom (BD) type. (See PIC data).	Total # of units: 302	
	# 0 - 0 BD	Carver Terrace/Lincoln Square; Lakeview Palms; Scattered Sites
	# 42 - 1 BD	
	# 154 - 2 BD	
	# 106 - 3 BD	
	# 0 - 4 BD	
# 0 - 5 BD		
5. How many units are currently occupied by tenants? Please indicate by unit bedroom (BD) type. (See PIC Special Report run for this information).	Total # of units: 292	
	# 0 - 0 BD	10 of the 3-bedroom units are vacant due to fire damage. Those units are uninhabitable.
	# 42 - 1 BD	
	# 154 - 2 BD	
	# 96 - 3 BD	
	# 0 - 4 BD	
# 0 - 5 BD		
<b>II. Project/Description of Proposed Demolition/Disposition</b>		<b>Comments</b>
6. What is the name and address of the project(s)? (See section 4 of the application).	Carver Terrace - 1400 Dewalt Ave., Port Arthur, TX; Lincoln Square - 1300 Lincoln Ave., Port Arthur, TX	
7. What is the total number of building(s) in the project? (See section 5, paragraph 3 of the application).	Total # of buildings: 46	
8. What is total number of units proposed for demo/dispo, and the breakdown of the loss of units for the proposed demo/dispo by unit bedroom (BD) type? (See Section 5, paragraph 2 of the application).	Total # of units: 204	
	# 0 - 0BD	
	# 24 - 1BD	
	# 120 - 2BD	
	# 60 - 3BD	
	# 0 - 4BD	
# 0 - 5BD		

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

9. How many units are occupied/vacant by each unit bedroom BD type in the project(s) to be demolished/disposed? (See PIC Special Report run for this breakdown).	Total # of units: 194 Occupied	
	# 0 - 0BD	There are 10 3-bedroom units that are vacant due to fire damage.
	# 24 - 1BD	
	# 120 - 2BD	
	# 50 - 3BD	
	# 0 - 4BD	
	# 0 - 5BD	
10. Is there a percentage loss of units for the proposed demo/dispo by unit bedroom (BD) type for the entire project? (Calculate based on information provided in sections 4 and 5 of the application).	0 % - 0BD	
	12 % - 1BD	
	59 % - 2BD	
	29 % - 3BD	
	0 % - 4BD	
	0 % - 5BD	
	11. Is there a percentage loss of units for the proposed demo/dispo of the total number of units for the PHA's housing inventory by unit bedroom (BD) size? (Calculate based on information in this checklist).	0 % - 0BD
57 % - 1BD		
78 % - 2BD		
57 % - 3BD		
0 % - 4BD		
0 % - 5BD		
12. Is there a percentage loss of UFAS accessible units by unit bedroom (BD) type for the entire project? (See PIC data).		0 % - 0BD
	12.5 % - 1BD	
	1.6 % - 2BD	
	0 % - 3BD	
	0 % - 4BD	
	0 % - 5BD	

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

13. If the answer to question 12 is yes, what is the percentage loss of UFAS accessible units by unit bedroom (BD) type for the PHA's entire housing inventory?	0 % - 0BD	
	7.14 % - 1BD	
	1.2 % - 2BD	
	0 % - 3BD	
	0 % - 4BD	
	0 % - 5BD	

14. List the civil rights characteristics (race, national origin, familial status, and/or disability, etc.) of the project's current residents by unit size. (See PIC Special Report run for this information). Please use Section VI, Additional Comments & Analysis on page 12, if you need additional space.

0Bedroom	Hispanic	White Non-Hispanic	African American Non-Hispanic	Asian Non-Hispanic	Other (e.g., Families with Children, Disabled individuals, etc.) <u>See Page 12</u>
0Bedroom	0%	0%	0%	0%	
1Bedroom	4%	4%	92%	0%	
2Bedroom	11%	3%	86%	0%	
3Bedroom	14%	0%	86%	0%	
4Bedroom	0%	0%	0%	0%	
5Bedroom	0%	0%	0%	0%	

III. Civil Rights/Affirmatively Furthering Fair Housing (AFFH) <sub>xx</sub>	Comments
15. Does the PHA have any outstanding lawsuits, consent decrees, settlement so, please describe the relationship agreements, VCAs, letters of findings or pending investigations? If so, please describe the relationship between these actions and the demo/dispo application. These actions could serve as the basis for disapproving the demo/dispo application depending on the factual and legal circumstances.	No.

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>16. Under section 7 "Resident Consultation" in the applicant's narrative, do tenants raise any civil rights/fair housing issues or concerns? Were these issues and concerns adequately addressed by the PHA in their narrative?</p>	<p>No.</p>
<p>17. How does this proposed demo/disposition affect the PHA's obligation to affirmatively further fair housing under 24 CFR 903.7(o)? If applicable, does the application narrative indicate that tenants will have realistic choices to live in higher opportunity areas (e.g., better quality public elementary schools, greater public transportation, employment, health care, retail, recreational and cultural opportunities)?</p>	<p>The PHA will issue vouchers to tenants. This will give them greater opportunities for mobility and housing choice in surrounding areas that provide better housing, schools, transportation, employment, social services, etc.</p>
<p>18. If applicable, has the applicant's narrative described sufficient counseling and advisory services to affected tenants that promote fair housing choice and the opportunity to assist residents obtain housing in high opportunity areas? (See section 6, item 3 of the application).</p>	<p>Yes.</p>



**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>19. If applicable, does the proposed demo/dispo create the conditions for minority de-concentration among the PHA's existing tenant population? (See the information contained in this application and the application narrative).</p>	<p>Yes, vouchers will give tenants greater opportunities for housing choice outside segregated areas. The use of a relocation mobility housing counseling agency will provide assistance to all voucher recipients to help them relocate to areas of higher opportunity.</p>
<p>20. Identify and analyze any potential discriminatory effects that the proposed demo/dispo may have upon the supply, location, availability, or affordability of housing for protected class members under the federal civil rights laws, including but not limited to discriminatory effects prohibited by 24 CFR 1.4. To the extent that such discriminatory effects are identified, consider less discriminatory alternatives and identify concrete steps reasonably calculated to avoid, minimize, or mitigate the discriminatory effects.</p>	<p>There will be a loss of five (5) accessible units for persons who are disabled. The PHA has not clearly indicated how these units will be replaced.</p>
<p>21. Are there any objections raised by third party advocacy groups or other interested parties (e.g., legal aid organizations local community groups etc.) regarding the proposed demo/disposition that are not stated in the application? (Notify SAC personnel of these objections).</p>	<p>No.</p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>22. Are there any objections raised by third party advocacy groups or other interested parties (e.g., legal aid organizations local community groups etc.) regarding the proposed demo/disposition that are not stated in the application? (Notify SAC personnel of these objections).</p>	<p>Duplicate question as #21 - No</p>
<p><b>IV. Relocation Plan (If Applicable)</b></p>	<p align="center"><b>Comments</b></p>
<p>23. Please indicate the anticipated types of proposed relocation housing opportunities, the numbers of tenants for each type of relocation housing opportunity, and the types of relocation services that will be offered (See section 6 of the application and the accompanying narrative).</p>	<p><input type="checkbox"/> A: newly constructed PHA building(s) with comparable rents and amenities.</p> <p>Total # of tenants:</p>
	<p><input type="checkbox"/> B: rehabilitated public housing within the PHA's jurisdiction with comparable rents and amenities.</p> <p>Total # of tenants:</p>
	<p><input checked="" type="checkbox"/> C. private housing through HCV assistance</p> <p>Total # of tenants: 188</p>
	<p><input checked="" type="checkbox"/> D: placement in existing vacant PHA units within the PHA's jurisdictional area with comparable rents and amenities.</p> <p>Total # of tenants: 6</p>
	<p><input checked="" type="checkbox"/> E. counseling and advisory services</p>
	<p><input checked="" type="checkbox"/> F. relocation expenses (moving expenses, rent subsidies, security deposit, etc.)</p>
	<p><input checked="" type="checkbox"/> G. other relocation services (please specify) <u>Utility deposits; asst. to the disabled</u></p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>24. If comparable replacement housing is already planned, evaluate the applicant's narrative concerning the proposed quality, rent levels, services, amenities of the housing, and its geographical area. (See section 6 of the application). Is the replacement housing comparable to or better than the existing proposed demo/dispo housing?</p>	<p>The PHA plans to give Housing Choice Vouchers to the residents. Vouchers will give tenants greater housing opportunity choices outside the impacted area. The housing mobility counseling program will provide assistance in locating housing in areas of increased opportunity. See #25</p>
<p>25. Will the proposed replacement housing project, if applicable, be located in a housing market area that is less minority concentrated? (Consider the applicant's narrative and Census data by census tract).</p>	<p>The PHA narrative (Section 6, Line 3) indicated they will build 300 new units of replacement housing but did not indicate a location or provide any additional details. Mr. Seledonio Quesada, PAHA Executive Director, said 150 of those new units will be low rent housing and project a two year period for completion.</p>
<p>26. Has the application described how many new replacement housing units by bedroom size will meet the accessibility requirements of section 504 of the Rehabilitation Act of 1973? Has the application also specifically described if the replacement housing will fulfill the 5 percent, two percent requirements by bedroom size? If existing accessible housing units are identified as replacement units, where is the location of these units and what are available bedroom sizes?</p>	<p>No. However, the Executive Director stated the 5% and 2% requirements will be met for the projected 150 low rent replacement housing. He said relocating disabled tenants could be placed at one of their four multifamily affordable housing complexes: Valley View - 23 accessible units; Brittany Place - 22 accessible units; Bellbrook - 14 accessible units; and Lakeview - 13 accessible units.</p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

<p>27. If relocation to private housing is contemplated, will tenants have a realistic opportunity to move to higher opportunity areas (e.g., areas with better schools, employment, transportation opportunities) based on the extent of assistance offered (HCVs, housing market area rents, counseling services, and other relocation assistance) described in section 6 of the application?</p>	<p>Yes, See #24.</p>
<p>28. Please comment on the likely housing market areas/communities where tenants will relocate through HCV assistance or other HUD assistance programs and the extent of improved housing choices and opportunities under the relocation plan.</p>	<p>Surrounding communities and cities have greater opportunities for employment, better schools, transportation, retail, and social services. Some of these areas include Bridge City, Groves, Nederland, Orange, Port Neches, Beaumont, etc. The relocation plan will provide needed services for the move, including moving expenses, utility and security deposits, and assistance for disabled individuals.</p>
<p>29. Discuss the strength of the applicant's narrative in section 6 in describing assistance for individuals with disabilities in finding accessible housing (e.g., HCVs, agreements with private landlords, assistance with reasonable modifications)? What types of specific assistance and their projected costs are discussed?</p>	<p>Disabled individuals will receive one-on-one counseling to locate accessible housing units and transportation will be provided to visit prospective units. Landlords will be given incentives to modify units to make them accessible. There was no discussion of projected costs.</p>

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

30. List the demographic characteristics (race, national origin, familial status, and/or disability, etc.) of the PHA's HCV program. (See PIC Special Report Run for this information).	<b>Hispanic</b>	<b>White Non-Hispanic</b>	<b>African American Non-Hispanic</b>	<b>Other</b> (e.g. Families with Children, Disabled individuals, etc.) <u>See Page 12</u>
	4%	10%	83%	0%
31. List the demographic characteristics (race, national origin, familial status, and/or disability, etc.) of the PHA's HCV waiting list.	<b>Hispanic</b>	<b>White Non-Hispanic</b>	<b>African American Non-Hispanic</b>	<b>Other</b> (e.g. Families with Children, Disabled individuals, etc.) <u>See Page 12</u>
	3%	11%	85%	%
32. Please describe what affirmative steps the PHA has taken in the past to assist HCV individuals find housing in high opportunity areas? What new efforts or strategies are contemplated in the application narrative?				
33. Are displaced tenants given preference to any Site Based Waiting Lists managed by the PHA?				

**Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist**

34. In your opinion, is this relocation plan acceptable? Please elaborate on the reasons why or why not.

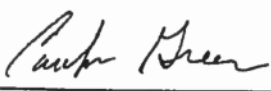
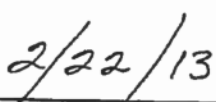
Yes. The plan adheres to regulations in 24 CFR 970.21. The plan includes the number of occupied and vacant units, a proposed month by month relocation schedule, counseling services for displaced residents, relocation moving expenses, proposed schedule of notices to residents, assistance to the disabled tenant population, etc. Housing Choice Vouchers will give tenants greater opportunities for housing choice.

**V. Additional Comments & Analysis. Please use additional sheets if necessary.**

In particular, focus on any changes, modifications, or conditions to the proposed application that would improve fair housing choice for residents, or that would avoid, minimize, or mitigate any discriminatory effects of the proposed demolition/disposition application.

#14 - Families with Children: 88.3% occupy 2 bedroom units and all 50 3 bedroom units are occupied by families with children. The disabled population for the complex occupies 33% of the 1 bedroom units, 7.5% of the 2 bedroom units and 6% of the 3 bedroom units. ----- #30 - There are 74% of families with children with vouchers and there are 19% of disabled individuals with vouchers. #31 - There are 15 individuals who are disabled and on the HCV waiting list (.9%) and 994 families are on the HCV waiting list (64.5%). -----  
Concerns: The complex will lose five accessible units and it is not clear how they will be replaced. Those tenants who reside in those accessible units will be relocated to other available accessible housing within the PHA portfolio or through landlords given incentives for accessible units. The Executive Director has stated they have three possible sites as replacement locations and propose building 300 new units as replacement housing and 150 will be low rent public housing units. He believes the process will cover a two-year period. He was advised that new construction rental projects must meet site and neighborhood standards prior to committing funds for the project.

Office of Fair Housing and Equal Opportunity  
Demolition/Disposition Review Checklist

<b>For HUD - Office of Fair Housing and Equal Opportunity Use Only</b>	
Recommendation for Approval/Disapproval: Approval (Indicate only one)	
Carolyn Greer	
FHEO Reviewer	(print name)
Houston	
FHEO Local Field Office	
	
Signature of FHEO Reviewer	Date







**U.S. Department of Housing and Urban Development**  
Houston Field Office, Region VI  
Office of Fair Housing & Equal Opportunity  
1301 Fannin, Suite 2200  
Houston, Texas 77002  
(713) 718-3199 - FAX (713) 718-3255  
www.hud.gov

MEMORANDUM FOR: Dan Rodriguez, Director, Houston Public Housing Program, 6EPH

FROM: Christina Lewis, Director, Houston FHEO

DATE: February 25, 2013

SUBJECT: Disposition Application, Port Arthur Housing Authority, Carver Terrance & Lincoln Square Apartments

We have reviewed the application in accordance with 24 CFR 970.21 and 24 CFR 1.4. The application has been approved with the following concerns:

- The application indicates there will be a loss of five (5) accessible units from Carver Terrance and Lincoln Square Apartments. The Port Arthur Housing Authority has not clearly indicated how these accessible units will be replaced.

If you have any questions regarding this review, please contact Carolyn Greer at (713) 718-3188.

cc: Carolyn Turner

Our Office approved the following document/s for the PHA on 10/18/2012 for Demolition/Disposition, which includes the subject development(s).

Agency Annual Plan

Significant amendment to Annual Plan.

The PHA is not a Qualified PHA, as defined by HERA, and the PHA did not submit an Annual Plan or significant amendment to that Plan that includes a description of the proposed demolition and/or disposition action.

**Environmental Review (ER) Compliance (Please check the Box that Applies)**

The Environmental Review (ER) was completed by this Office on (DATE) under 24 CFR part 50 for the proposed demolition and/or disposition action.

This Office found that the proposed action is environmentally acceptable.  
Indicate any mitigation or environmental conditions for approval

This office found that the proposed action is not environmentally acceptable.

The ER was done by City of Port Arthur under 24 CFR part 58 on 11/19/2012, and a Request for Release of Funds (RROF) was submitted on 12/10/2012,

The RROF was approved by this office on 01/25/2013.

The RROF was not approved by this office because:

The ER was performed by Name of the Responsible Entity under 24 CFR Part 58 on (DATE), and the Responsible Entity has advised this office that the Responsible Entity has made a determination that the project or activity is exempt under 24 CFR § 58.34(a)(12), because the project or activity is categorically excluded under 24 CFR § 58.35(a)(4) or (5) and none of the related environmental laws are triggered.

To my knowledge, an ER was not performed for this proposed demolition and/or disposition action and my office has not signed off on any such review.

**Expenditure of Public Housing Funds at the Project:**

According to the files in our office, this PHA has expended, by year, the following funds at the subject development(s):





U.S. Department of Housing and Urban Development  
Houston Field Office, Region VI  
Office of Public Housing  
1301 Fannin, Suite 2200  
Houston, Texas 77002  
(713) 718-3319  
www.hud.gov

March 21, 2013

MEMORANDUM FOR: The Demolition/Disposition File for Port Arthur Housing Authority  
(PAHA)

ATTENTION: Lois Williams-Johnson, PH Revitalization Specialist, SAC, PIA

FROM: Daniel Rodriguez, Program Center Coordinator, Houston Program Center, Office of  
Public Housing, 6EPH

  
\_\_\_\_\_  
Signature

SUBJECT: Demolition/Disposition Application Submitted by the Port Arthur Housing  
Authority, on December 12, 2012 for Carver Terrace Apts., TX03400000,  
(PIC Application DDA0004944)

This certification is being submitted to assist the Special Application Center's (SAC) in processing demolition and/or disposition applications based on revised criteria. Specifically, the SAC **will not process** an application that it finds to be substantially incomplete or otherwise deficient on a substantial item including:

- 24 CFR § 970.7(a)(1): Action is not in PHA Plan or Significant Amendment to Plan; and
- 24 CFR § 970.7(a)(15): Application is submitted before an (approved) environmental review of the proposed demo and/or disposition action has been done in accordance with 24 CFR parts 50 or 58.

Thus, I am submitting this application to assist the SAC in verifying the above two items as of the submission date of the demolition and/or disposition application noted above.

**Agency Plan Compliance (Please check the Box that Applies)**

- The PHA is a Qualified PHA, as defined by the Housing and Economic Recovery Act of 2008 (HERA) and therefore is not required to submit an Annual Plan to HUD.
- A description of the proposed demolition and/or disposition action is included in the following document/s submitted by the PHA to our office on 07/17/2012.
- Annual Plan
- Significant amendment to Annual Plan.





**EXECUTIVE DIRECTOR**  
CELE QUESADA

**COMMISSIONERS**

CLONIE AMBROISE, CHAIRMAN  
ROBERT REID, VICE-CHAIRMAN  
BART BRAGG  
MELVIN GETWOOD  
BRENDA ROY

April 11, 2014

Tamara S. Gray  
Director  
Special Applications Center  
U.S. Department of Housing and Urban Development  
77 West Jackson Boulevard, Room 2401  
Chicago, Illinois 60604-3507

Re: Port Arthur Housing Authority ("PAHA")  
Disposition Approval for Carver Terrace Apartments Application DDA0004944

Dear Ms. Gray:

This letter requests a modification of the terms of the above-referenced disposition approval. This request involves a change in the method of sale and an update regarding the entity to which PAHA will dispose Carver Terrace Apartments. All of the remaining terms of HUD's previous disposition approval will remain in effect.

On April 30, 2013, the Special Applications Center ("SAC") approved the disposition of Carver Terrace Apartments, which includes 1 non-dwelling unit and 46 dwelling buildings containing 204 dwelling units on 8 acres of underlying land (the "Property"). SAC's approval, attached hereto as Exhibit A, provided that the Property would be disposed of at fair market value of \$1,670,000, or higher, via public bid. For the reasons set forth below, PAHA seeks to modify the disposition approval and proceed with the sale of the Property to the highest and only bidder, The Premcor Refining Group, Inc., for a purchase price of \$800,000, which more accurately reflects the value of the Property.

As discussed in SAC's April 30, 2013 approval, the Property is severely dilapidated and unsuitable for residential use. The Property was built in 1953, on the western edge of the City of Port Arthur's historical Westside neighborhood, adjacent to the Texaco and Gulf Oil refineries. The former Texaco oil refinery is now owned by Motiva (Shell/ Saudi Aramco) and the former Gulf oil refinery is now owned by America's largest domestic refiner, Valero Energy Corporation ("Valero"). The expansion of the refineries over the years has caused process units, pipelines, and storage tanks to be placed much closer to the Property, threatening the safety and health of the residents. In fact, the Phase I Environmental Assessment for the Property, dated March 17, 2014, indicates that the Property has been associated with 191 upset emissions events since January 2007, the largest of those occurring in September 2013. The Property is now located in a distressed area plagued by limited employment opportunities, a lack of major investments and commercial activity, increases in crime rates, and serious health and safety concerns. For these reasons, PAHA seeks to dispose of the Property.

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR**  
920 DeQueen Blvd. • P. O. Box 2295 • Port Arthur, TX 77643  
Phone: (409) 982-6442 • 1(800) 590-6442 • FAX: (409) 983-7803

PAHA released an Invitation for Bids No. B13041, followed by two addendums, attached hereto at Exhibit B, for the disposition of the Property. In response, PAHA received only one bid from The Premcor Refining Group, Inc., which is owned by Valero, for \$800,000 and attached hereto as Exhibit C. As part of the environmental review process under 24 C.F.R parts 50 and 58 for the disposition and demolition of the Property, the U.S. Department of Housing and Urban Development ("HUD") Regional Environmental Officer determined that, due to the health and safety threats caused by the close proximity of the refineries, certain mitigation efforts must be implemented to protect the neighboring residences. Upon disposition and demolition of the Property, the land must remain a vacant green space to create an environmental buffer between the refineries and the adjacent residences. In order to comply with this restriction, upon acquisition by Valero/Premcor Refining Group, Inc., the Property must be subject to a deed restriction requiring it to remain a vacant green space. The deed use restriction is the only mitigation measure that will allow the City of Port Arthur to reach a Finding of No Significant Impact for the Property. Unfortunately, the deed use restriction, preventing any future development on the Property, severely devalues the Property well below its originally appraised fair market value.

Despite PAHA's negotiations with The Premcor Refining Group, Inc. in an effort to increase the purchase price of the Property, the environmental issues and the required deed use restriction significantly devalue it. As such, PAHA seeks approval to dispose of the Property at less than fair market value to The Premcor Refining Group, Inc., subject to the above-described deed use restriction.

Consistent with HUD requirements and SAC's April 30, 2013 approval as well as the terms and conditions of The Premcor Refining Group, Inc's bid, the gross proceeds will be deposited in an escrow account to be used for the demolition of the Property. Following demolition, any remaining net proceeds will be used to develop replacement public housing or other affordable housing units at Edison Square, a mixed-finance project, or alternate locations. PAHA closed on Park Central, the other mixed-finance project to which net proceeds from the disposition of the Property were to be applied, on March 14, 2014.

Your expedited consideration would be greatly appreciated as the bid holding period is time sensitive. Please feel free to contact me if you have any questions or would like to discuss our request.

Sincerely,



Seledonio Quesada  
Executive Director

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR**  
920 DeQueen Blvd. • P. O. Box 2295 • Port Arthur, TX 77643  
Phone: (409) 982-6442 • 1(800) 590-6442 • FAX: (409) 983-7803

## Section 5, Line 7

### Description of Disposition

The Port Arthur Housing Authority (PAHA) proposes to dispose of the Carver Terrace and Lincoln Square properties due to a change in the neighborhood, the location of the development is no longer conducive to residential use.

Carver Terrace was built in 1953 on the western edge of the City of Port Arthur's historic Westside neighborhood. At the time, the Westside was a thriving residential neighborhood near property owned by two large oil refineries – Texaco and Gulf. There were many commercial businesses on the Westside and particularly along Houston Avenue. Many Westside residents worked at the plants and many workers rode their bicycles to work. At one time more than 8,000 people worked for these refineries. After WWII unskilled workers with good reputations could be hired in labor gangs and trained by the refineries.

Many of these employees were members of labor unions particularly OCAW, Pipefitters, Machinists, IBEW, Boiler Makers, and Carpenters. The area became characterized by extensive labor unrest and work stoppages became both numerous and violent. In addition, as technology changed companies began reducing the number of workers and particularly those with limited or out-of-date skills. Companies even elected to out-source many skilled workers to independent contractors. The owners of these refineries have changed and have expanded on their own property to such an extent that process units, pipelines and storage tanks are now much closer to Carver Terrace.

The former Texaco refinery, now Motiva (Shell/Saudi Aramco), is the largest refinery in the United States and the former Gulf refinery is now owned by America's largest domestic refiner – Valero. These companies have invested billions in Port Arthur but the combined permanent workforce is estimated at approximately 2,500. The engineering and technical employees of these companies are among the highest paid in America but there are no opportunities for those with limited skills or those with skills in construction/turnaround trades. The air quality in Port Arthur has improved substantially however there is great concern for fence line residents living in Carver Terrace due to occasional upsets.

The integration of the public schools in the mid-sixties has impacted Port Arthur. Many white citizens began moving to nearby cities where a heavy concentration of white citizens lived. This resulted in a serious erosion of the tax base and deep feelings of resentment. The major retail investments in recent years have shifted from the Downtown/Westside to US-69 which is closer to the wealthier neighborhoods in Port Arthur and the other South and Mid-County cities. The loss of ready access to local employment, emergence of large discount retailers on US-69 and increases in crime rates has caused steep declines in the population and businesses on the historic Westside and Downtown area. The recent industrial expansions have dramatically increased tax revenue for schools and City services but student test scores remain low and the City infrastructure needs to revive these areas need major infusions of capital.

The Port Arthur's Carver Terrace/Lincoln Square public housing developments are now located in a dilapidated and declining area of Port Arthur with no job opportunities, limited retail stores and social services.

Port Arthur Housing Authority  
Carver Terrace/Lincoln Square Disposition Application  
December 2012



PAHA intends to dispose of the property at Fair Market Value (FMV) which is estimated at \$1,670,000 based on an appraisal prepared by The Gerald A. Teel Company, Inc. dated September 25, 2012. Accordingly, PAHA will offer the property for sale to interested parties at FMV; however the likely buyer for the property will be the adjacent refinery or a consortium of local refineries with the intent to convert the space into a green belt and create a natural barrier between the oil refinery and the adjacent residential community.

**Self Contained Appraisal Report**

**Of**

**Carver Terrace & Lincoln Square Apartments  
1400 DeWalt  
Port Arthur, Jefferson County, Texas**

**Prepared for**

**ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642**

**GATCO File No.: H12505**



**THE GERALD A. TEEL COMPANY, INC.**

*Real Estate Consultants and Appraisers*

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September 27, 2012

Mr. Chris Akbari  
ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642

Re: Carver Terrace/Lincoln Square Apartments

Dear Mr. Akbari:

In fulfillment of the agreement outlined in the letter of engagement dated September 17, 2012, this letter is to transmit the attached report of our appraisal of the property rights identified within the report concerning the referenced above, as of, September 25, 2012. The report sets forth supporting data and reasoning which form the basis of our opinion of the market value.

The value opinion reported is qualified by certain definitions, limiting conditions, and certifications which are set forth within this report. The reader is directed to review all assignment conditions set forth in the introduction section of this report. Those included are the General Assumptions, General Limiting Conditions, Extraordinary Assumptions, and any Hypothetical Conditions which may affect the final opinion of value.

This report was prepared for and invoiced to ITEX Property Management LLC. It is intended only for use by ITEX Property Management LLC. It may not be distributed to or relied upon by other persons or entities without our written permission.

The property was inspected by David D. Magnuson, and the appraisal was developed by Tim N. Treadway and David D. Magnuson. If you have any questions concerning the report, please contact our office.

The Gerald A. Teel Company appreciates the opportunity to provide these real estate valuation and consultation services. We look forward to working with you in the future.

**THE GERALD A. TEEL COMPANY, INC.**

BY: Tim N. Treadway, MAI, CCIM, Partner  
State Certified TX 1323331-G

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

Market Value

Project:	Carver Terrace/Lincoln Square	
Location:	1400 DeWalt Avenue Port Arthur, Texas 77640	
Year of Construction:	1952	
Effective Age (after repair):	40 Years	(60 Yrs Econ. Life)
Total Number of Rentable Units:	204	
Number of Residential Buildings:	24 + office/maint bldgs (2)	
Net Rentable Area:	139,160 SQ FT	
Average Size Unit:	682 SQ FT	
Land Area:	8.0690	351,486 SQ FT
Estimated Land Value (as if vacant):	\$160,000	\$0.46 /SQ FT

**Market Values**

	<u>Land As-Is</u>	<u>Land As If Vacant Hypothetical Vacant Land</u>
Indicated Value By Sales Comparison Approach:	\$1,670,000	
Indicated Value By Sales Comparison Approach:		\$160,000
<b>Final Value Estimate:</b>	<b>\$1,670,000</b> <b>\$8,186 /Unit</b>	
As-Is Valuation Date	September 25, 2012	

## SIGNIFICANT ISSUES

- This is a property in two locations about two blocks away from each other. This valuation is for both sites and their improvements. The property is known as Carver Terrace for the DeWalt address, and Lincoln Square for the site on Abe Lincoln Avenue.
- The subject property is an older project that has historically been operated as a low income project by the Port Arthur Housing Authority. Though originally built in a very solid manner, its age and styling leaves it less competitive to newer properties. We noted a fairly new roof and what appeared to be newer condensing units. The interiors showed signs of functional obsolescence with small closets, lack of dryer connections, worn-out counters/cabinetry, and kitchen styling that does not accommodate full size appliances in some cases. As if frozen in a different time, clothes lines adorn the courtyard and are still used due to lack of dryers. One of the questions to be answered in this report will be whether or not the existing improvements offer any remaining contributory value to a renovator, or if the property has more value as vacant land.
- The property is nearly 100% occupied due to the tenants paying little or no rent (housing authority owns). Were the property to be offered on market terms and rents, it would have difficulty being competitive in its current configuration and with its existing amenities and finish appointments, and considering its age and functional obsolescence.
- One building is burned containing eight units, and two more units are burned in another building.
- We have relied on the PCNA by JPS & Associates for the unit mix, count, unit square footages, and deferred maintenance. The land area in the PCNA was disregarded as it appeared to be incomplete (not containing both parcels).
- The Income Approach is typically used on income properties but not used herein because of the large amount of repair needs and functional obsolescence. A typical buyer would not be able to continue with the current tenant set because the government pays for their rent; however, the property is operating. There could be many forms of renovation and associated costs with the buyer pool for this sort of asset (poor location, fair to poor condition, costly repair needs as indicated by the PCNA). Some buyers might spend less and attempt to eke out some remaining life. Some buyers might spend more to remove most of the obstacles and reposition the property. This is beyond the scope of the report to determine every possible repair or renovation proposition. Brokers for this type of property tend to sell these assets on a price per unit basis, with an eye to the replacement value of the shell more so than income characteristics. As such, the Sales Comparison Approach is used herein to estimate value.

**Section 5, Line 10**

Itemization of Costs and Fees

Sales purchase price (FMV)	\$ 1,670,000
Less: Moving Costs (\$ 1,200 p/family)	\$ 225,600*
Security and Utility Deposits Contingency	\$ 94,000
Relocation Counseling Costs (\$ 2,489 p/family)	\$ 467,932*
Realtor Commission (3%)	\$ 50,100
 NET PROCEEDS	 <u>\$ 832,368</u>

\* Based on occupancy of 188 families as of the date of submission of the Disposition Application

**Section 5, Line 11**

Use of Net Proceeds

The Port Arthur Housing Authority proposes to use the net proceeds from the disposition of Carver Terrace and Lincoln Square to develop and/or acquire public housing units under an ACC agreement or housing assisted by the Housing Choice Voucher Program in accordance with Section 18(a)(5).

While PAHA intends to leverage the funds, to the maximum extent feasible and possibly develop more units, at a minimum, PAHA expects to develop and/or acquire at least seven (7) ACC or Project-based Housing Choice Voucher units with the net proceeds. The hard cost of construction is anticipated to be approximately \$120,000 per unit. These units will be single family homes located throughout the City of Port Arthur on either PAHA owned or City owned lots. Some or all of these homes may also be potential homeownership units under a Section 32 Homeownership Program.

PAHA further intends to combine the estimated \$ 832,368 in net proceeds from Carver Terrace and Lincoln Square with additional PAHA and non-PHA sources funds which may include, but is not limited to: Operating Reserves, Capital Funds, Replacement Housing Factor Funds, Capital Fund Financing Program, Operating Fund Financing Program, Low-income Housing Tax Credits, conventional mortgage(s) and/or grant funds to develop and/or acquire additional public housing single family homes up to the PAHA's Fair Cloth limit. However, as mentioned above, PAHA will dedicate the net proceeds from Carver Terrace and Lincoln Square to either ACC units or housing assisted by the Housing Choice Voucher Program as required under Section 18(a)(5).

**Section 5, Line 12**

Demolition

The estimated cost of demolition of Carver Terrace and Lincoln Square is \$354,250 based on a quote from a local contractor, C.A.R.E.S., dated October 3, 2012, which is attached and included herein.

The Port Arthur Housing Authority will not be responsible for the demolition of the buildings at Carver Terrace and Lincoln Square under the terms of the Master Development Agreement for Carver Terrace and Lincoln Square. In accordance with the said MDA, the developer, ITEX Development LLC, has assumed the responsibility for the demolition of the buildings and will include it as an overall project cost that will be funded through non-PAHA sources.



# C.A.R.E.S.

Clean Air Remediation Environmental Services

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## **PROPOSAL**

**October 3, 2012**

**Owner/Owner Representative**

Cisco Abshire

REFERENCE: Carver Terrace Apartment Complex and Lincoln Square Complex Texas

SCOPE OF WORK: Removal and disposal of ACM white fibrous pipe insulation and transite vent pipes throughout complex. Demolition and disposal of Buildings, interior sidewalks, parking lots, etc.

Sir/Madam

We propose to furnish all labor, materials and transportation for the clean up and disposal of asbestos containing materials from the above-mentioned areas as per specifications.

Asbestos Removal and disposal of materials.....	\$9,250.00
Carver Terrace Demolition .....	\$295,000.00
Lincoln Square Demolition .....	\$50,000.00
Total.....	\$354,250.00

- A). Project coordination with Contractor and/or Contractor representative.
- B). A full time licensed Superintendent will be at the job site for the extent of the entire project. Additionally, CARES foremen and abatement technicians are licensed and experienced and provide the labor portion for successfully completing each project.
- C). Air Monitoring-OSHA conducted for the project is the Owner responsibility.
- D). A full week notice to CARES will be required to efficiently expedite mobilization.
- E). Labor is based on working Friday and Saturday, 10+ hours per day, for site preparation and removal.
- G). CARES will subcontract the waste hauling and disposal to an independent, certified and licensed firm specializing in waste transporting. The waste will be disposed of in a federal/state-approved landfill
- H) ANY ADDITIONAL WORK, WILL BE CHARGED TO THE GM, OR OWNERS.
- I). OWNER IS RESPONSIBLE FOR NOTIFICATION FEES BY LAW.
- J.) OWNER IS RESPONSIBLE FOR DISCONNECTS AND CAPPING OF ALL UTILITES (WATER, GAS, SEWER, ELECTRIC, ETC.)

**Sylvester White**

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**Section 5, Line 13**

General Timeline

The Port Arthur Housing Authority will submit the disposition application to the HUD Special Applications Center by December 7, 2012 and proposes the following schedule:

December 7, 2012	Disposition application received by SAC/HUD
January 1, 2013	PAHA or its developer partner contracts for the development of Housing Mobility Program aimed at providing Counseling Services to Carver Terrace and Lincoln Square residents
March 1, 2013	SAC/HUD approval of disposition application
March 2, 2013	PAHA notifies residents of the HUD approval of disposition application
August 1, 2013	Resident Relocation commences
December 1, 2013	Issue Request For Proposals (RFP) for Realtor Services
June 30, 2014	Resident Relocation completed
August 1, 2014	Execution of a sales agreement with Realtor to sell property
February 28, 2015	Closing on sale of property

## Section 6, Line 1(a)

### Relocation Plan

The Port Arthur Housing Authority (PAHA) has developed this relocation plan in anticipation of the disposition application for 204 family public housing units at Carver Terrace and Lincoln Square in the City of Port Arthur. As a result, the PAHA will apply to the Department of Housing and Urban Development for tenant protection vouchers for the residents upon approval of the disposition application; however this relocation plan is not contingent upon the receipt of said tenant protection vouchers. This disposition application for the Carver Terrace and Lincoln Square properties is based on an estimate of 188 families for the relocation calculation purposes, although PAHA expects the actual number of families in occupancy to vary slightly at the time of approval.

The goals of this relocation plan are to:

1. Fully comply with the requirements of Section 18 of the United States Housing Act of 1937;
2. Provide opportunities for increased housing choice and housing mobility for existing public housing residents;
3. Develop a relocation plan that provides detailed information on all relocation issues and options;
4. Communicate this plan to residents and the community; and
5. Revise this plan, as necessary, based on the feedback and comments from residents, advocacy groups and HUD.

All residents will be surveyed to determine their housing preferences. Upon approval of the disposition application, residents will be properly notified in accordance with Section 18 resident relocation requirements including a 90-day notice and a 30-day notice.

Eligible households that opt for a Section 8 Housing Choice Voucher, will receive a voucher which they can use to relocate to an apartment in the private housing market in accordance with the Authority's Section 8 Administrative Plan. PAHA's attrition rate for the Section 8 Housing Choice Voucher program is approximately twenty (20) vouchers per month. Accordingly, if all 188 families were eligible and choose a Section 8 voucher, it would take approximately ten (10) months from the date the disposition application is approved to accumulate the required vouchers at the typical turnover rate. PAHA will approach the relocation process in three phases. Phase I is expected to be comprised of 80 families, while 60 families will be relocated in Phase II and the remaining families, approximately 50, will be relocated in Phase III. PAHA will strive to strategically relocate families on a building-by-building basis to maximize efficiencies and minimize security issues. As units become vacant, they will be promptly secured and utilities will be disconnected.

PAHA anticipates that not all residents will be eligible or choose a Section 8 voucher. Residents that are not eligible for a Section 8 Housing Choice Voucher for reasons such as over-income or residents that prefer to remain in public housing, shall be moved to the top of the PAHA waiting list in accordance with the Authority's Admissions and Continued Occupancy Policy and shall be offered public housing units at Lakeview Palms or Scattered Sites as they become available.

Residents will be provided with relocation assistance for actual and reasonable expenses. Residents may choose from two options for this assistance:

1. Based on the guidelines established in the Federal Highway Administration's Fixed Residential Moving Cost Schedule (2012) as may be amended, residents may receive a flat fee based on the number of rooms and be responsible for their own relocation.
2. Residents may request that PAHA move their possessions using its contracted moving company within a 50 mile radius. This service shall be coordinated by the PAHA and shall not result in any out-of-pocket expense to the resident.

Although residents will be expected to pack their own personal belongings, all packing supplies will be provided by PAHA. The contracted moving company may also pack and unpack household goods, if requested due to a disability or hardship of the resident. Packing/unpacking requests will be considered on a case-by-case basis.

Security and Utility deposits will be considered an "actual and reasonable" relocation expense. Payments will be made in accordance with 24 CFR 970.21(e) (2). PAHA shall pay such deposits directly to the utility company or landlord with subsequent returns or refunds back to the PAHA. The resident shall hold no interest in a utility or security deposit paid by the PAHA.

#### **Schedule**

March 1, 2013	HUD Approval of Disposition Application
March 1, 2013	Apply for Tenant Protection Vouchers/Accumulate Section 8 vouchers from attrition
March 2, 2013	Notify Residents of HUD Approval
April 1, 2013	Implement Housing Mobility Program w/Resident kick-off meeting
May 1, 2013	Issue 90 day relocation notices for Phase I families (approximately 80)
July 1, 2013	Issue 30 day relocation notices Phase I families (approximately 80)
July 1, 2013	Issue Phase I families Section 8 vouchers (approximately 80)
August 1, 2013	Commence relocation - Relocate 20 families
September 1, 2013	Issue 90 day relocation notices for Phase II families (approximately 60)
September 1, 2013	Relocate 20 families
October 1, 2013	Issue 30 day relocation notices for Phase II families (approximately 60)
October 1, 2013	Issue Phase II families Section 8 vouchers (approximately 60)
October 1, 2013	Relocate 20 families
November 1, 2013	Issue 90 day relocation notices for Phase III families (approximately 50)
November 1, 2013	Relocate 20 families
December 1, 2013	Relocate 20 families
January 1, 2014	Issue 30 day notices for Phase II families (approximately 50)
January 1, 2014	Issue Phase III families Section 8 vouchers (approximately 50)
January 1, 2014	Relocate 20 families
February 1, 2014	Relocate 20 families
March 1, 2014	Relocate 20 families
April 1, 2014	Relocate 20 families

Port Arthur Housing Authority  
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May 1, 2104	Relocate 20 families
June 1, 2014	Relocate 8 families
June 30, 2014	Relocation complete

### **Counseling**

The Port Arthur Housing Authority will implement a Housing Mobility Program to de-concentrate poverty and reduce racial segregation in the voucher program. Under this approach, PAHA will hire a Housing Mobility Counselor to lead the in-house effort and will be supported by four (4) case managers assigned to the Carver Terrace/Lincoln Square residents. A Case Manager will be available to provide counseling to every affected household. This case manager will be knowledgeable of relocation requirements under Section 18 of the United States Housing Act of 1937 and will promote increased housing choices and housing mobility for existing public housing residents. Case managers will also be available to address resident questions and concerns as they arise.

PAHA is particularly interested in assuring that households that choose to exercise their mobility option have a wide range of neighborhood choices and that this initiative contributes to the de-concentration of low-income households in the City. PAHA will assist households in identifying areas with better employment opportunities, better schools, social services and public transportation systems.

### **Special Circumstances**

Residents who are currently over/under housed and reside in units which do not have the appropriate number of bedrooms for the family size shall be appropriately housed during the relocation process to the maximum extent feasible. This group does not include any household with an approved reasonable accommodation request for an additional bedroom.

Residents whose income exceeds 50% of the Area Median Income (AMI) will not be eligible to receive a Section 8 Voucher. Those residents shall be offered a comparable public housing unit at another PAHA property of the appropriate bedroom size.

### **Section 6, Line 3**

#### Relocation Counseling Services

The Port Arthur Housing Authority is excited to partner with HCP (Housing Choice Partners) to develop and lead its relocation and housing mobility counseling services for the Carver Terrace and Lincoln Square residents. HCP is a Chicago-based private non-profit fair housing agency. The mission of HCP is to promote racial and economic diversity by utilizing affirmative fair housing strategies to encourage voucher holders to move to areas of opportunity. Programs to de-concentrate poverty and reduce racial segregation in public housing and the voucher program are called mobility programs.

HCP has nine years of direct experience in working with the demolition of public housing and the relocation of residents with a voucher. HCP worked with the Chicago Housing Authority (CHA) as it demolished and replaced thousands of units of public housing under its Plan for Transformation. HCP helped move about 1000 public housing families into the private housing market using vouchers. Approximately 45% of those families went to low poverty or opportunity areas with HCP assistance.

HCP has direct experience in administration of a housing subsidy program. HCP subsidizes 70 units of project-based housing in the Cook County suburbs under a contract with the State of Illinois. The program is called the Rental Housing Support Program and it works essentially as a project-based Section 8 program however, the subsidy funding comes from the State. HCP provides landlord outreach to identify units for the program, refers eligible clients from a wait list, conducts inspections, income certifications, etc. The units are located in all parts of the region including over 40 different communities.

HCP has many years direct experience in developing mobility programs. HCP worked with CHA, the Housing Authority of Cook County and others, assisting them to develop new mobility programs. Right now HCP is implementing a Chicago region-wide demonstration program funded by HUD and private foundations to test several approaches to streamlining portability, regionalizing project-based units and of course, promoting mobility. Eight PHAs in the Chicagoland region are participating. HCP is now 17 years old, is the longest running mobility program in the country.

#### **HCP Services for PAHA**

HCP proposes to assist the Port Arthur Housing Authority (PAHA) through ITEX, the developer under contract with the PAHA. PAHA and/or ITEX will dispose of or demolish 204 units of public housing in the Carver Terrace and Lincoln Square developments and build approximately 300 new units of replacement housing. The residents of Carver Terrace and Lincoln Square must be relocated to new housing as a result of the disposition/demolition and they will be offered a housing choice voucher to allow them to move into the private housing market.

ITEX and PAHA want to be sure their residents are provided with a wide range of housing choices including areas they may not be familiar with, so that the resident's fair housing rights are respected. To that end, HCP will provide consulting services so that a mobility program can be created to serve each of the approximately 200 residents guaranteeing that they have adequate time and assistance in choosing a new home.

HCP will act as a consultant and will work with ITEX, PAHA, residents, advocates and others to create a plan for an enhanced mobility program to encourage affected residents to learn about and move to areas of the Port Arthur region that are more racially diverse, have lower poverty rates and greater opportunity in terms of school quality, job access and transportation.

Task 1. HCP will learn about the Port Arthur area including a visit to the area.

Task 2. During the visit HCP will provide an introduction to mobility to ITEX, PAHA and others and discuss the various tasks involved in developing a quality program including material development, landlord outreach, tenant education, search assistance, and follow up services usually provided as part of a mobility program.

Task 3. Develop a time-line for services, and a budget and staffing plan to implement the program.

Task 4. Help define what an opportunity area is including maps and tract lists.

Task 5. Provide PAHA staff training on all aspects of the program.

Task 6. Work with PAHA staff to develop a counseling protocol including a database tracking system to capture activity and outcomes for each resident.

Task 7. Work with PAHA staff to create a landlord outreach plan so that available units in opportunity areas are available when residents need them.

Task 8. Work with PAHA staff to develop a series of workshops including materials to educate residents on opportunity areas but also on how to be successful tenants.

Task 9. Work with PAHA staff to develop a listing of support services for residents in various opportunity communities.

Task 10. Work with PAHA staff to set up follow up services post move so that the residents transition successfully into their new communities.

Task 11. HCP will be available for consultation during program implementation. Implementation will include providing workshops to residents, individual one on one needs assessments, landlord outreach

and unit identification, search assistance with residents, assistance with voucher paperwork when a unit is identified, assistance with the move and post-move support services.

Task 12. HCP will provide a final written report on the project and its outcomes. It is anticipated that some percentage of residents will move to opportunity areas and some will not.

HCP is anticipating a minimum one year time line—six months for planning and development of the program and six months of implementation. The final report should be delivered within three months following the final resident moves.



**Section 6, Line 4**

Relocation Resources

The Port Arthur Housing Authority (PAHA) will utilize public housing and Housing Choice vouchers to provide replacement housing for displaced residents from Carver Terrace and Lincoln Square. Counseling services will be provided to residents through the development of a Housing Mobility Program by PAHA that is aimed at offering residents greater choices in relocating to higher “opportunity” areas within the City and surrounding areas. The Opportunity areas will be identified based on a number of factors including: lower poverty rates, lower minority concentration, better schools, access to transportation and employers.

PAHA will hire a Housing Mobility Counselor to lead and implement the Housing Mobility Program in-house and utilize four (4) existing Housing Choice Voucher (HCV) staff to carry out the relocation activities for the residents of Carver Terrace and Lincoln Square. PAHA will have the Housing Mobility Counselor assigned to the relocation effort for approximately 18 months from the development of the Housing Mobility Program until the completion of the relocation process. Additionally, four (4) HCV case managers assigned to this relocation effort for a one-year term.

It is anticipated that Housing Choice Partners (HCP) will oversee the counseling services in a consulting role; however PAHA will also have an in-house team leader that is a Housing Mobility Program Specialist assigned to this project as well. The Housing Mobility Program Specialist will work closely with the HCV supervisory staff that oversees the HCV case managers in the issuance of the vouchers as well as the coordination of all aspects of the resident relocation. PAHA will create a cross functional team comprised senior staff from the Finance, Operations and HCV departments as well as the HCV case managers to meet on a weekly basis to review the status of the relocation activities and work closely to resolve issues as they arise in an effort to expedite relocation for the families. Good internal communication is instrumental in the success of the overall relocation and PAHA is committed to providing outstanding service to the Carver Terrace and Lincoln Square residents.

Section 6, Line 8

Sources For Relocation

The Port Arthur Housing Authority (PAHA) has two primary sources of funds immediately available for the relocation costs of the Carver Terrace and Lincoln Square families, namely Operating Fund Reserves for the Fiscal Year Ending September 30, 2012 which are estimated to be in excess of \$1,000,000 as well as \$672,965 in unobligated Capital Funds, FY2009 through 2012, and an additional \$150,000 in FY2013 and 2014 Capital Funds for resident relocation as outlined in the Agency's 2012 PHA Plan and as approved by HUD. Additionally, PAHA's Master Development Agreement for the Redevelopment of Carver Terrace and Lincoln Square will fund \$40,000 in Housing Mobility Consulting Services contract as part of the overall Predevelopment Budget. Combined, these resources far exceed the projected relocation costs of approximately \$ 787,458 needed for the affected families as a result of this disposition activity.

Sources

Operating Fund Reserves	\$1,000,000
Capital Funds	\$ 937,458
Development Project Cost	\$ 40,000
Total Sources	<u>\$1,827,458</u>

Uses

Mobility Consulting Services	\$ 236,000
HVC Case Managers Salary/Benefits (4)	\$ 226,858
Supplies	\$ 5,000
Moving Costs	\$ 225,600
Security and Utility Deposit Contingency	\$ 94,000
Total Uses	<u>\$ 787,458</u>

Port Arthur Housing Authority  
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## **Section 7, Line 1**

### Resident Consultation

The Port Arthur Housing Authority (PAHA) held a series of five (5) resident meetings at Carver Terrace to discuss the pending demolition and/or disposition application for Carver Terrace and Lincoln Square. The meetings were held on the following dates: August 15, 2012 @ 2:00pm; August 29, 2012 @ 2:00pm; August 29, 2012 @ 6:00pm; September 12, 2012 @ 2:00pm and September 12, 2012 at 6:00pm, October 29, 2012 @ 2:00pm, and a final resident meeting November 30, 2012 @ 2:00pm. Additionally, a Resident Council and Resident Advisory Board meeting was held on October 5, 2012 at 12:00pm to offer the property for sale to resident organizations as required in accordance with HUD disposition regulations.

At the first meeting held on August 15, 2012 @ 2:00pm the PAHA introduced its plan to demolish or dispose of the Carver Terrace and Lincoln Square properties. The meeting was well attended with over 130 persons in attendance. Mr. Cele Quesada, PAHA Executive Director, covered the following topics: Rationale, Resident Consultation Process, Resident Relocation Plan, Relocation Expenses, Timeline and Voucher Issuance Process. At the end of the meeting questions were taken and written comments were encouraged to be submitted to PAHA. Several questions were raised regarding the timing of the issuance of the vouchers and how the relocation expenses would be handled. PAHA committed to providing more information on both topics at the next resident meeting scheduled for August 29, 2012.

Excerpts from the August 15, 2012 Question and Answer portion of the resident meeting are as follows:

Tenant: "Where does the deposit go?"

Ms. Sherri Sengsouvanna: "If you move to a new unit then your deposit will go with you, or if you choose to switch to HVC program you will get your deposit back. "

Tenant: "Can we take our Section 8 Voucher to Houston?"

Ms. Elaina Lee: "All vouchers are given the option to port anywhere in the United States."

Tenant: "Ms. Noel told me to talk to you (to Mr. Quesada). Can I move?"

Ms. Lee: "Under the Relocation Plan you will have to wait until the application is approved and you receive a voucher. If you move, you will not be eligible for a Tenant Protection Voucher."

Tenant: "What if you are already on the Section 8 waitlist?"

Mr. Quesada: "You have to wait until you are called in if you are on the Section 8 waitlist."

Ms. Lee: "It could be a while."

Mr. Quesada: "You have to request for a transfer and you will be put on a waitlist to be transferred."

Tenant: "Where do I sign up or who do I talk to so I can transfer?"

Mr. Quesada: "Talk to Ms. Noel and tell her that transfer so she can put you on the waitlist."

Mr. Quesada: "You will get an opportunity to move and to be on a Section 8 voucher program to pay your rent. We will explain how this program works. You will complete an application for HUD in or about September and in three months after that we should have response from HUD if it will be ok be

ok to move people. Then in the first of the year we will hire someone to move the people or you will receive check to do it yourself. Right now we are asking if you have questions or comments. You will get help with deposit for rent, water, and lights. This meeting is for you to ask questions.”

Tenant: “Explain, what is section 8?”

Mr. Quesada: “This program you will get a voucher. It will help pay your rent in an apartment or house. We will explain everything to you.”

Tenant: “Will I get help filling out application for Section 8?”

Mr. Quesada: “Yes we will help you one-on-one and explain and give you an appointment.”

Tenant: “Do all qualify for houses in Sec 8? What if I want a house?”

Mr. Quesada: Depending on if you are eligible or if want a house or apartment, a portion of the house will be paid, but you will be responsible for water, gas and other utilities. Right now you are paying minimum amount for an apartment. In a house you will pay more. You will have the first option to move. Depending on your income that is how you will be charged for.”

Tenant: “Will we get help with filling out application?”

Mr. Quesada: “Yes. We will help you step by step.”

At the August 29<sup>th</sup> meeting, Mr. Quesada recapped some of the highlights from the prior meeting for those who were unable to attend and turned the meeting over the Ms. Shanel Dixon, HCV Manager, to review the voucher issuance process with the attendees. Residents were provided handouts that outlined the income limits and guidelines for the Housing Choice Voucher Program. Ms. Sherri Sengsouvanha, Operations Analyst, committed to providing residents with a draft relocation plan at the next meeting for review and comment. Excerpts from the August 29, 2012 Question and Answer portion of the resident meeting are as follows:

Tenant: “When we get the vouchers will they be for the new homes or to move somewhere else?”

Mr. Quesada: “To move somewhere else. We can’t move you into the new homes until they are built, but they will be available for to move into if you choose to come back to this area once they are built.”

Tenant: “How will this effect what we pay in rent?”

Mr. Quesada: “The Section 8 program will subsidize your rent and you could possibly pay the same amount in rent. With that being said, moving into a house or an apartment you may have to pay your own utilities.”

Tenant: “So will we have to find our own place to live?”

Mr. Quesada: “You will have to find your own place to live, but we are working to find landlords in the community so when this comes about that you will have choices for better housing.”

Tenant: “Do we have to remain in Port Arthur? Can we move out of state?”

Mr. Quesada: “The Section 8 program is a national program making it allowable for you to move anywhere in the country.”

Ms. Dixon: “You will be notified to come in for a pre-eligibility meeting to verify your information to see if you qualify for the program. Within thirty days you will be notified by mail whether you are deemed eligible or ineligible for the program. You will have the opportunity for an informal review if you are

deemed ineligible. We will bring you back in once you qualify for the program to receive your voucher and teach you how to use it.”

Tenant: “Do we have to bring in all the information to the meeting again? We already brought to y’all when we came here.”

Ms. Dixon: “Yes, we have to do criminal background on all members of the household over the age of 18 years. We check to see if you’ve been evicted from Section 8 or Public Housing, and if you fall with in the income limits of the program.”

Tenant: “What will happen to those tenants that are out here now that were evicted from Section 8?”

Ms. Dixon: “You will have the opportunity to come in and have us hear your case.”

Tenant: “I was on the Section 8 program and I moved into Public Housing. My Section 8 Voucher was taken away from me. Would I still qualify for the program? This happened a year ago.”

Ms. Dixon: “You would not qualify for Section 8 we would have to move to another Public Housing location.”

Ms. Lee: “This meeting is for general information, if you have personal questions then, we will answer those in a separate meeting in private.”

Tenant: “Are going to build apartments?”

Mr. Quesada: “We are going to build apartments and houses.”

Ms. Sherri Sengsouvanha: “No one will be economically harmed with this demolition process and we are working hard to make sure you understand this process and your concerns are heard. We understand that your lives are being disturbed by this process and we want to commit to you in helping you transition into a home that you can be proud of that doesn’t look anything like Carver Terrace or a Public Housing unit.”

The draft Relocation Plan was distributed to residents at September 12, 2012 resident meeting. Excerpts from the September 12, 2012 Question and Answer portion of the resident meeting are as follows:

Tenant: “What if we do not want to stay in Port Arthur?”

Mr. Quesada: “Depending on where you want to go there is portability that will allow you to take your voucher with you where you want to go. If you have a location that you want to go to, we will contact that housing authority for you and we will make sure we work out that paperwork.”

Tenant: “So now it’s changed, we can move out of the area.”

Mr. Quesada: “No, it’s always been that way.”

Tenant: “Before it was stated that we had to stay in the golden triangle area.”

Mr. Quesada: “We obviously want to keep you in our community, but you are welcome to move out of our area. We will be teaching you about the Section 8 program, other opportunities, and better environment.”

Tenant: “Will we have time to relocate?”

Mr. Quesada: “Yes. We will provide case management and will be working with landlords in nice locations to let them know that we are working with you to move you into those areas with better employment opportunities. We have to be good tenants. Make sure you abide by your lease; you may not qualify to take part in this opportunity if you don’t abide by your lease, pay your rent, and don’t

cause commotion for the complex. We have been driving by and seeing a lot of trash especially in family areas. You will be held responsible for your area if you allow it to stay messy. We have to work together and help each other out. Please report to management if you see trash being frequently dumped in your area."

Paula Watts: "There is a charge for picking up trash in front of your unit whether you did it or not. We will charge you, so report who is doing it so that they get the charge."

Tenant: "It used to be that the people that are downstairs were responsible for the trash in the front and the people upstairs were responsible for the trash in the back. Is it still that way?"

Mr. Quesada: "We are all responsible for the front and the back."

Ms. Noel Ozen: "Another thing we will be looking at is your community service hours."

Tenant: "What does "on time" mean about the rent?"

Mr. Quesada: "On time" means you pay by the fifth."

Tenant: "What if we don't get paid until after the fifth?"

Ms. Ozen: "Then you would pay the late charge."

Ms. Watts: "In regards to delinquent rent, it is, for the first time in months, extremely low and I want to commend y'all. Most of you are paying your rent on time. You are doing a great job."

Tenant: "What do you mean by community service?"

Ms. Ozen: "If you are able to work, but are not currently working. Everyone knows if you have community service, you have eight hours per month."

Ms. Sherri Sengsouvana: Discussion of mobility plan...."You will get at least two notices. A ninety day relocation notice will be sent out after we get approved and then a thirty day notice to actually move."

Ms. Watts: "In regards to delinquent rent, it is, for the first time in months, extremely low and I want to commend y'all. Most of you are paying your rent on time. You are doing a great job."

Mr. Quesada: Introduces Ms. Shanel Dixon, Section 8 Coordinator, Ms. Tanika Traveler, Executive Assistant, and Ms. Valeria Brown, Quality Control Officer.

Ms. Tanisha Moore: Announcement to pick up school supplies.

Mr. Quesada: Discussion of the trash problems and community services.

Pastor Starks: "If you need help with your community service hours we can help with that. We provide services for the kids and if you would like to help, let us know."

Tenant: "I need a little more clarification of the Section 8 Program. What is Section 8?"

Mr. Quesada: "Section 8 subsidizes your rent depending on your income whether you want to live in a house or apartment in our community or even if you want to move outside of our jurisdiction."

Excerpts from the October 29, 2012 resident meeting are as follows:

Mr. Quesada: "We will not issue voucher until HUD have approved the application. We will ask immediately for what is called a tenant protection voucher. We will start talking to you about what the section 8 voucher is and how it works. We have also started looking within our community of housing location for the relocation process. Even though we have to wait on the approval we have already started the process of finding relocation housing within our community."

Ms. Dixon- Speaks with the tenants on what they should expect on the section 8 program. They will receive a letter from the admission department to come in for an orientation meeting. At that time we

be begin our verification process which consist of – back ground check of everyone over the age of 18 in the household, do you owe monies to other housing authorities, have you ever been cancelled from the section 8 program or other housing programs including evictions, and income requirements. After all verification has been verified you will receive a letter within 30 days notifying you if you meet requirements for the program. If you are ineligible you will receive a letter stating why and notifying you that you have the right to request a hearing. If you are eligible you will processed on to the voucher issuance portion.

Tenant- “What are the income requirements?”

Ms. Dixon: “See attachments FY 2012 Income Limits Documentation System.”

Ms. Dixon: Explains the income handout to tenants.

Tenant: “Do we also have the option to stay on public housing?”

MS. Elaina: “Section 8 does not have a flat rent. That is why the income is so important.”

Quesada: “Most....tenants will be eligible for the voucher program.”

Residents generally wanted to know what the next steps would be. Mr. Quesada assured them PAHA would continue to communicate regularly throughout the process but the earliest that anyone could move would be early or mid-2013.

A final resident meeting was held on November 30, 2012 to distribute the draft copies of the draft disposition application. At this meeting residents were encouraged to provide written comments on the application for consideration. PAHA received numerous letters from residents in support of the application, several of which are included herein and made a part thereof.

In summary, the Port Arthur conducted an in depth series of resident meetings over the course of a four month period to provide a high level of resident consultation and engagement in the development of this application. Residents are very supportive of the proposed disposition application and eager to begin the relocation process upon HUD approval.





**Section 7, Line 2**

Resident Council Consultation

The Port Arthur Housing Authority met with the Resident Advisory Board (RAB) and the Carver Terrace Resident Council on October 5, 2012 to discuss the disposition of Carver Terrace and Lincoln Square. At this meeting, the Offer of Sale to the residents. Nine residents attended the meeting representing the RAB and the Carver Terrace Resident Council.

Mr. Cele Quesada, PAHA Executive Director opened the meeting and welcomed the attendees. Mr. Quesada advised the group the purpose of the meeting was to consult with the organized resident groups representing Carver Terrace and Lincoln Square regarding PAHA's proposed disposition of the property. Mr. Quesada proceeded to review the Offer of Sale to the Residents in detail with the group. Residents were informed the property was valued at \$1,670,000 and they would have 30 days to respond to PAHA if they were interested in purchasing the property. One resident inquired as to whether they would receive Section 8 vouchers if the residents purchased the property and Mr. Quesada responded that Section 8 vouchers would only be provided to the current residents if the Housing Authority receives HUD approval to sell the property to an outside entity. If the residents purchase the property, they would not receive Section 8 vouchers for relocation purposes.

On October 10, 2012, the PAHA issued a First Amended and Restated Offer of Sale to the RAB and the Carver Terrace Resident Council due to an administrative error in the estimated cost of capital improvements for the property as communicated in the October 5, 2012, letter. The First Amended and Restated Offer of Sale was hand delivered on October 10, 2012, to all applicable residents.

PAHA did not receive any response from the RAB or Carver Terrace Resident Council within the 30 day period. As noted in the Offer of Sale, *"If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier."* Accordingly, PAHA has met its requirements to consult with the RAB and provide sufficient time to respond to the Offer of Sale for this property.



# **CARVER TERRACE/LINCOLN SQUARE DISPOSITION MEETING AGENDA**

## **RESIDENT ADVISORY BOARD & RESIDENT COUNCIL**

**October 5, 2012 @ 12:00pm**

Location: Port Arthur Housing Authority Admin. Office  
920 Dequeen Blvd  
Port Arthur, TX

### **Agenda**

1. Disposition of Carver Terrace and Lincoln Square
2. Resident Consultation Requirement
3. Offer of Sale to Resident Organization(s)
4. 30 Days to Respond
5. Questions & Answers



**Section 7, Line 4**

Resident Advisory Board (RAB) Consultation

The Port Arthur Housing Authority met with the Resident Advisory Board (RAB) and the Carver Terrace Resident Council on October 5, 2012 to discuss the disposition of Carver Terrace and Lincoln Square. At this meeting, the Offer of Sale to the residents. Nine residents attended the meeting representing the RAB and the Carver Terrace Resident Council.

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10:00 AM Carver Terrace  
Meeting Apartment.

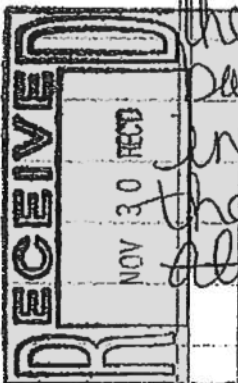
Nov. 30, 2012

(b)(6)

I am looking forward to moving the apartment in Carver Terrace are not up to par at all. So much fighting, shooting. My child can't go outside and play. So I with the Disposition / Demolition of Carver Terrace, I also have had mold in my apartment me and my child have been sick and forward to the doctor for 3 years I had lived out here I applied for Section 8 2 years ago at Lamar. I have not got anything in the mail at all. Back in 2010 I paid off my balance from Gulf Breeze Apartment Mrs. Pat didn't turn in that important so Celia Quesada & Joe put me on the top of the list for Public Housing. I also applied for Section 8 at the Housing Authority a few year back due to Mrs. Pat not turning in the paper work I didn't get that also. So I have been through a lot.

Thank you.

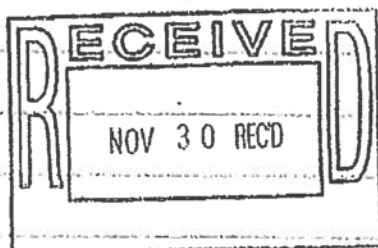
(b)(6)



Its time for a Fresh Start for all  
People living out here. There is so  
much Drugs & violence & Drama going  
on. I ready to move, because im  
beyond tired of all of it.

Everyone who works out here never  
see what happens when the office  
closes at 5pm. I have a few ~~the~~ ideas  
on how to fix, but none will get done.

Anyone who doesnt want to move is  
crazy. Its time for a change but the  
bad part is, yall are move the bad with  
the good so anyone yall move will  
trash-out the new places.



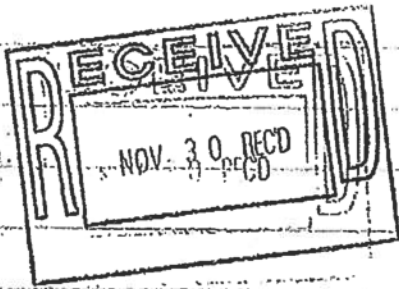
*Joseph Sufor*

(b)(6)



(b)(6)

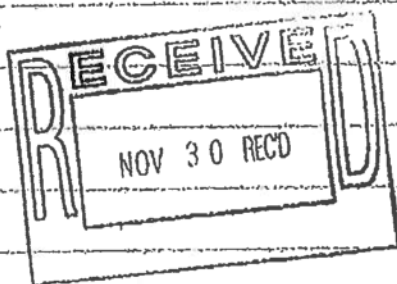
I [redacted] agree that they should move us out because it is bad to me and my kids health



(b)(6)

I appreciate everything that you guys have done for me. I am glad that they are going to move us to other apts. and are giving an opportunity to better ~~o~~ self and have better living conditions.

Thank you



I support Ann's to move from CARLISA Terrace

(b)(6)

(b)(6)

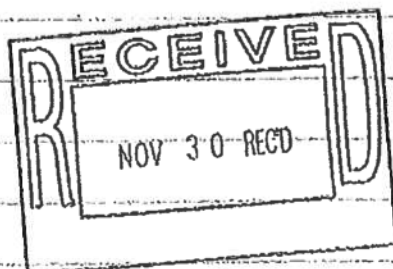
RECEIVED  
NOV 30 RECD

I know All Apartments are not  
the same. It's not the place  
it's the people. I work and  
stay in, play ~~the~~ games with  
the kids. They are so bored, because  
they ~~can't~~ <sup>can't</sup> go out side half the  
~~time~~  
time. I don't mind what  
you all do with it, because I  
won't be back

(b)(6)

11-30-2012

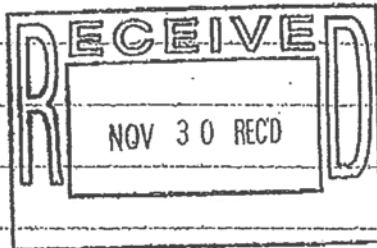
(b)(6)



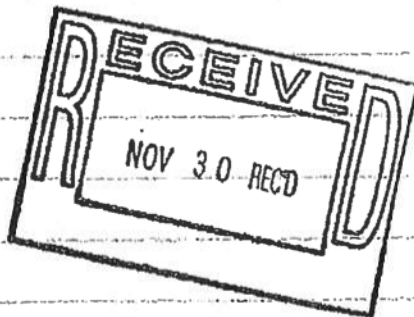
I know that you-all need to  
close Carver-Terr Apt down, for a  
better inuonment, and better living  
for poor people.

(b)(6)

(b)(6)



I'm ready to move out of  
Carver Terrace now!!! This is not  
where I want my family to be  
anyway. I've been suppose receive  
a voucher to move + have not  
yet possess one!!! The referees  
are cause health issues with me.



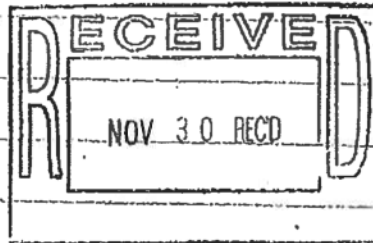
Question: When can I move?  
What do I need to do to rust the  
process, since I've been waiting for  
about 2 years for my voucher?

(b)(6)

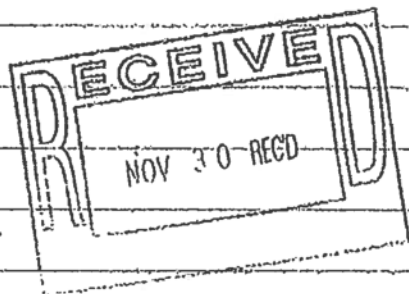
(b)(6)

I am For it. I believe it would  
benefit my family to move into  
a better environment. I believe  
that people with no infractions  
should get vouchers first.

I would like the whole idea.



I <sup>(b)(6)</sup> believe that  
is has been time to due away with  
these apartments, not only are the  
apartments old, but It's time  
to move some of the people  
around. It's too crime infested  
I barely feel safe letting my  
children play outdoors. Also  
the inside of these apartments  
are mold infested, their are too  
many roaches and the air around  
here is keeping my children and  
myself sick. I'm expecting another  
baby real soon. One of my main  
concerns are moving people  
around to have less crime  
around this side of town.



(b)(6)

(b)(6)

11/30/2012



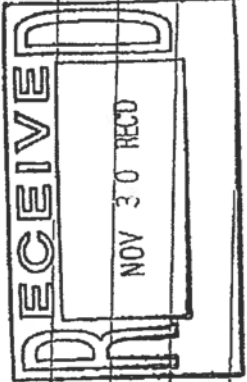
Nov. 30, 2012

(b)(6)

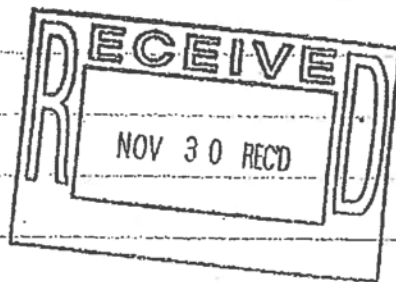
This

(b)(6)

Please help me move from  
Port Arthur help me I have  
3 kids and one on the way  
the community is horrible and  
everything falling apart in my apart-  
ment. please help me



my name is (b)(6) and I live  
in unit (b)(6) I think it would be a  
great ideal to move us out of the  
area because its ~~so~~ always loud  
people fighting and I just hate how  
it looks inside and out evry thing  
including jobs are distance from us  
I'm just sick of being here period!!  
I would love to live comfortable  
and in a peaceful area.



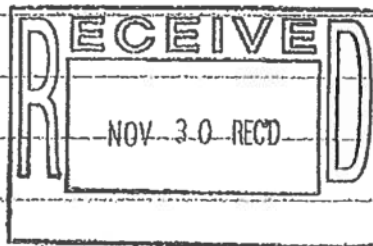
To Whom this may concern,

I think that it is a good thing for Housing to get rid of Carver Terrace finally. Only because people have been here for a lot of years and will feel good about getting out of here.

(b)(6)

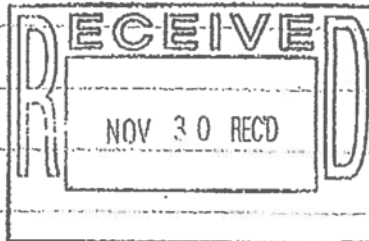
(b)(6)

1106 Carver Terrace



T. support for us to move from CARLER Terrace.

(b)(6)

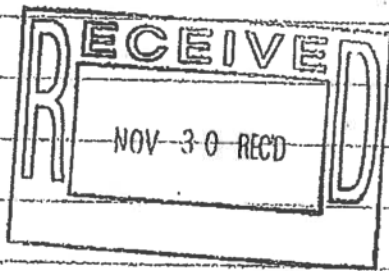


Drugs  
Fighting  
~~Violence~~

I am (b)(6) in (b)(6) i dont have no  
problem but i am glad they are doing thiz. All  
apartment is not the same But thiz is not a place  
tha kids to hang ~~up~~ out have fun. They got nothing  
but fighting, gang bang, shooting nd i am not really  
safe with my kids to play outside cause of safety  
problem. Thanks for what yall have done but i  
just lettin yall know

(b)(6)

(b)(6) Apartment



**Section 8, Line 3**

Resident Organizations

<b>Resident Council and Resident Advisory Board Members</b>		
	<b>Name</b>	<b>Address</b>
<b>Carver Terrace Council</b>		
President	Shilah Guidry	(b)(6) Port Arthur, TX 77642
Vice President	Angela Mathes	(b)(6) Port Arthur, TX 77642
Secretary	Shayla Lewis	(b)(6) Port Arthur, TX 77642
<b>Resident Advisory Board (RAB)</b>		
	Shilah Guidry	(b)(6) Port Arthur, TX 77640
	Angela Mathes	(b)(6) Port Arthur, TX 77642
	Shayla Lewis	(b)(6) Port Arthur, TX 77642
	Karen Love Lady	(b)(6) Port Arthur, TX 77640
	Jimmie Hayes	(b)(6) Port Arthur, TX 77640
	Willie Carrier	(b)(6) Port Arthur, TX 77640
	Bessie Bob	(b)(6) Port Arthur, TX 77640
	Robert Benbow	(b)(6) Port Arthur, TX 77640
	Rufus Landry	(b)(6) Port Arthur, TX 77640



**COMMISSIONERS**

REV. RONNIE LINDEN, CHAIRMAN  
CLONIE AMBROISE , VICE-CHIRMAN  
BART BRAGG  
FARHANA SWATI  
BRENDA ROY

**EXECUTIVE DIRECTOR**  
CELE QUESADA

October 10, 2012

Port Arthur Housing Authority Resident Advisory Board  
and  
Carver Terrace and Lincoln Square Resident Council

RE: First Amended and Restated Offer of Sale - Carver Terrace and Lincoln Square

Dear Resident Advisory Board and Carver Terrace/Lincoln Square Resident Council Members:

The Port Arthur Housing Authority (PAHA) is providing this First Amended and Restated Offer of Sale due to an updated cost estimate for the rehabilitation of Carver Terrace and Lincoln Square as noted herein. The PAHA planning to submit a disposition application to the Department of Housing and Urban Development for the Carver Terrace and Lincoln Square properties, said properties are collectively known as HUD AMP #TX034000001 and consist of 204 total public housing family units. As a result, the Housing Authority is required to offer the properties for sale to any Resident Management Corporation, Resident Council or Resident Cooperative of the affected developments.

The Carver Terrace development is located at 1400 Dewalt Avenue, Port Arthur, TX. It consists of 180 units (24 one bedroom, 96 two bedroom and 60 three bedroom apartments) in 23, two story structures. The Lincoln Square development is within a block of Carver Terrace at 14<sup>th</sup> Street and Abe Lincoln, Port Arthur, TX. It consists of 24 units (24 two bedroom apartments) in 2, two story

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR**  
920 DeQueen Blvd. • P. O. Box 2295 • Port Arthur, TX 77643  
Phone: (409) 982-6442 • 1(800) 590-6442 • FAX: (409) 983-7803

structures. The HUD project number for both developments is TX034; AMP number is TX034000001. Carver Terrace and Lincoln Square are currently 94% occupied.

It is the PAHA's intention is to dispose of these structures and use the proceeds to build at least 204 rental units at off-site locations consisting of a combination of new multi-family units, elderly units and single family homes. The bedroom sizes of the new units will be contingent upon the results of a market study and the available financing sources.

Carver Terrace was built in 1953 and underwent a substantial rehabilitation to replace stairwells in 2005. Lincoln Square was built in 1972. An appraisal was performed in the September 2012, which put the value of the property at \$ 1,670,000. The PAHA's consultants have estimated the capital improvement costs for these developments to be approximately \$ 20.6 million to rehabilitate. The Carver Terrace development has been found to be free of lead paint, but there is friable asbestos in the roof flashing material, transite vent pipe and insulation material, all of which have been identified as an Asbestos Containing Material (ACM). The cost for abatement is included in the repair estimate. Ten units have substantial fire damage and are not available for occupancy. The fire damages are included in the cost estimate. The Lincoln Square development has been found to be free of lead paint and asbestos.

Resident groups desiring technical assistance or further information may contact Cele Quesada, Executive Director, Port Arthur Housing Authority at (409) 984-2621. Resident groups requesting technical assistance from the Department of Housing and Urban Development may contact Dan Rodriguez, Director of Public Housing, Houston Field Office at (713) 718-3175.

The PAHA requires your response within 30 days of the date of this letter expressing your interest in pursuing the purchase of this property or waiving your opportunity to purchase. If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier. You may respond earlier than 30 days.

If you choose to accept our offer of sale, you will be given sixty days from the date of your letter of interest to develop and submit a formal proposal.

The PAHA expects to get an offer for at least the appraised value of the property. If you plan to offer less than that amount, you will have to demonstrate the commensurate public value.

Your proposal will have to contain the following information at a minimum:

- A. The length of time the organization has been in existence;
- B. A description of current or past activities which demonstrate the entity's organizational and management capability or the planned acquisition of such capability through a partner or other outside entities;

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- C. A statement of financial capability;
- D. A description of involvement of any non-resident organization (non-profit, for profit, governmental or other entities), if any, the proposed division of responsibilities between these two, and the non-resident organization's financial capabilities;
- E. A plan for financing the purchase of the property and a firm commitment for funding resources necessary to purchase the property and pay for any necessary repairs;
- F. A plan for the low-rent housing use of the property;
- G. The proposed purchase price in relation to the appraised value;
- H. Justification for purchase at less than the fair market value, if appropriate;
- I. Estimated time schedule for completing the transaction;
- J. The response to the PAHA's terms of sale;
- K. A resolution from the resident organization's Board approving the proposal; and
- L. A proposed date of settlement, generally not to exceed six months from the date of PAHA approval of the proposal, or such period as the PAHA may determine to be reasonable.

The Port Arthur Housing Authority has up to 60 days to evaluate the proposal. The resident organization will be formally informed of PAHA's decision within 14 days, i.e., the most amount of time that the PAHA can take is 74 days before giving the resident organization a formal decision.

The resident organization may appeal our decision to the local HUD Office. The appeal to HUD must be made within 30 days of the PAHA's formal reply.

The Port Arthur Housing Authority looks forward to receiving your feedback. Please contact me directly with any questions that you may have at (409) 984-2621 (office).

Sincerely,



Cele Quesada  
Executive Director

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CLONIE AMBROISE, VICE-CHIRMAN  
BART BRAGG  
FARHANA SWATI  
BRENDA ROY

**EXECUTIVE DIRECTOR**  
CELE QUESADA

October 5, 2012

Port Arthur Housing Authority Resident Advisory Board  
and  
Carver Terrace and Lincoln Square Resident Council

RE: Offer of Sale - Carver Terrace and Lincoln Square

Dear Resident Advisory Board and Carver Terrace/Lincoln Square Resident Council Members:

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structures. The HUD project number for both developments is TX034; AMP number is TX034000001. Carver Terrace and Lincoln Square are currently 94% occupied.

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The PAHA requires your response within 30 days of the date of this letter expressing your interest in pursuing the purchase of this property or waiving your opportunity to purchase. If you do not respond by the 30 day limit, we will take that as your having no interest in the purchase and the PAHA will continue with its plan to present a disposition application to HUD as outlined earlier. You may respond earlier than 30 days.

If you choose to accept our offer of sale, you will be given sixty days from the date of your letter of interest to develop and submit a formal proposal.

The PAHA expects to get an offer for at least the appraised value of the property. If you plan to offer less than that amount, you will have to demonstrate the commensurate public value.

Your proposal will have to contain the following information at a minimum:

- A. The length of time the organization has been in existence;
- B. A description of current or past activities which demonstrate the entity's organizational and management capability or the planned acquisition of such capability through a partner or other outside entities;

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- C. A statement of financial capability;
- D. A description of involvement of any non-resident organization (non-profit, for profit, governmental or other entities), if any, the proposed division of responsibilities between these two, and the non-resident organization's financial capabilities;
- E. A plan for financing the purchase of the property and a firm commitment for funding resources necessary to purchase the property and pay for any necessary repairs;
- F. A plan for the low-rent housing use of the property;
- G. The proposed purchase price in relation to the appraised value;
- H. Justification for purchase at less than the fair market value, if appropriate;
- I. Estimated time schedule for completing the transaction;
- J. The response to the PAHA's terms of sale;
- K. A resolution from the resident organization's Board approving the proposal; and
- L. A proposed date of settlement, generally not to exceed six months from the date of PAHA approval of the proposal, or such period as the PAHA may determine to be reasonable.

The Port Arthur Housing Authority has up to 60 days to evaluate the proposal. The resident organization will be formally informed of PAHA's decision within 14 days, i.e., the most amount of time that the PAHA can take is 74 days before giving the resident organization a formal decision.

The resident organization may appeal our decision to the local HUD Office. The appeal to HUD must be made within 30 days of the PAHA's formal reply.

The Port Arthur Housing Authority looks forward to receiving your feedback. Please contact me directly with any questions that you may have at (409) 984-2621 (office).

Sincerely,



Cele Quesada  
Executive Director

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**Section 8, Line 3**

The Port Arthur Housing Authority has determined the following two organizations, Carver Terrace Resident Council and the Resident Advisory Board, represent all of the resident organizations for Carver Terrace and Lincoln Square.

<b>Carver Terrace Resident Council and Resident Advisory Board Members</b>		
	<b>Name</b>	<b>Address</b>
<b>Carver Terrace Resident Council</b>		
President	Shilah Guidry	(b)(6) Port Arthur, TX 77642
Vice President	Angela Mathes	(b)(6) Port Arthur, TX 77642
Secretary	Shayla Lewis	(b)(6) Port Arthur, TX 77642
<b>Resident Advisory Board (RAB)</b>		
	Shilah Guidry	(b)(6) Port Arthur, TX 77640
	Angela Mathes	(b)(6) Port Arthur, TX 77642
	Shayla Lewis	(b)(6) Port Arthur, TX 77642
	Karen Love Lady	(b)(6) Port Arthur, TX 77640
	Jimmie Hayes	(b)(6) Port Arthur, TX 77640
	Willie Carrier	(b)(6) Port Arthur, TX 77640
	Bessie Bob	(b)(6) Port Arthur, TX 77640
	Robert Benbow	(b)(6) Port Arthur, TX 77640
	Rufus Landry	(b)(6) Port Arthur, TX 77640



# Port Arthur Housing Authority

Invitation for Bid No. B13041

Sale of Carver Terrace  
and Lincoln Square





**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square**

The Port Arthur Housing Authority (PAHA) will accept sealed bids from bidders interested in purchasing Carver Terrace, a public housing multi-family development located at 1400 Dewalt Avenue, Port Arthur, Texas. Carver Terrace consists of 180 units (24 one bedroom, 96 two bedroom and 60 three bedroom apartments) in 23 buildings. The property is brick construction. Also for public sale is the Lincoln Square public housing multi-family development. Lincoln Square is located approximately two blocks away from the Carver Terrace site, at 1400 Abe Lincoln Avenue, and is also a brick construction with 24 two-bedroom units in two buildings. The properties are combined and will be sold as a single lot. The sale is to the highest and best offer acceptable to the Port Arthur Housing Authority and the Department of Housing and Urban Development, with a restriction to demolish all buildings within 90 days. The property is located in the City of Port Arthur, Jefferson County, Texas as identified herein and available to all persons, business and individual regardless of income on a cash only basis.

This IFB contains submission requirements, terms and conditions and other pertinent information for submitting a proper and responsive bid.

Bids must be enclosed in a sealed envelope and labeled as follows in the UPPER left corner:

Sale of Carver Terrace and Lincoln Square

Property Address: 1400 Dewalt Avenue and 1400 Abe Lincoln Avenue, Port Arthur, Texas

IFB No. B13041

Due Date and Time: September 19, 2013, 4:00 PM (CST).

Written bids in sealed envelopes must be delivered to the Port Arthur Housing Authority, September 19, 2013 before 4:00 PM at the Port Arthur Housing Authority, Attn: Procurement Officer, 920 DeQueen Blvd, Port Arthur, TX 77640.

Bids will be evaluated according to the criteria stated in the IFB.

**GENERAL INFORMATION AND REQUIREMENTS**

**Definitions**

Offeror/Bidder As used herein the terms Offeror and Bidder are interchangeable.

Offer/Bid As used herein the terms Offer and Bid are interchangeable.

**General Information and Requirements**

All bids will be considered for the purchase of Carver Terrace and Lincoln Square in Port Arthur, Texas. All bids are subject to staff analysis. The Port Arthur Housing Authority reserves the right to reject any and all bids and to waive or refuse to waive any technicalities at its discretion.

Based on an independent appraisal dated September 27, 2012 performed by The Gerald A. Teel Company, Inc., the determined Fair Market Value of the Carver Terrace and Lincoln Square

property is \$1,670,000. The Port Arthur Housing Authority hereby offers the property to the highest bidder via this public bid process at FMV or higher. All buildings must be demolished within 90 days of receipt of the Notice of Acceptance of Offer from PAHA of the successful bidder.

Bids will be time stamped upon receipt. Tie bids will be decided according to the earliest time stamp.

Bidders may submit only one bid under this solicitation. Each bidder must submit with the sealed bid a bid deposit in the amount of \$1,000.00. The bid deposit is non refundable for the accepted bid and will be applied to the purchase price. The balance of the purchase price will be due within three (3) business days after receipt of the Notice of Acceptance of Offer. The Notice of Acceptance of Offer is issued by the Port Arthur Housing Authority via email and posted in the Port Arthur Housing Authority's lobby. All payments shall be in the form of a cashier's check, money order or certified check payable to the Port Arthur Housing Authority.

In the event the bidder fails to submit the balance due, within the specified three (3) business days' time period after receipt of Notice of Acceptance of Offer, the Port Arthur Housing Authority may, at its sole discretion, declare the bid unresponsive and void and notify bidder via email. In such event, the bid deposit will be forfeited and the Port Arthur Housing Authority will make an award to the next highest responsive bidder.

The bid deposit will be held until the real estate closing occurs.

The bidder has an opportunity to inspect the real estate described above and all conditions affecting the purchase of the premises described herein, including but not limited to all easements, access to the land and the quality and merchantability of Port Arthur Housing Authority's Title to the premises.

The bidder shall inspect the property at their own risk. The Port Arthur Housing Authority will not be responsible for any claims for injury while inspecting the properties.

The property is being sold in "As Is". The bidder acknowledges that no representations, warranties or guarantees with respect to the condition of the property have been made by the Port Arthur Housing Authority.

It is the responsibility of the bidder to examine applicable zoning ordinances. The Port Arthur Housing Authority expressly disclaims any responsibility for any bids predicated on a use forbidden by the applicable zoning.

The Port Arthur Housing Authority conveys real estate by General Warranty Deed. The Port Arthur Housing Authority will provide the buyer with a title commitment policy in the amount of the accepted bid. The cost of title commitment policy will be the responsibility of the Port Arthur Housing Authority. Possession will be delivered upon closing.

A bid may be withdrawn at any time prior to the bid opening date and time stated in the Notice, provided a request to withdraw the bid is executed in writing by the bidder and filed prior to the bid opening. Such withdrawal of a bid will not prejudice the right of the bidder to file a new bid prior to the specified bid opening date and time. All bids shall be deemed valid for 90 days after the bids are opened unless extended by the Port Arthur Housing Authority in writing.

The Port Arthur Housing Authority reserves the right to reject any and all bids and to waive or refuse to waive any technicalities at its discretion. The award will be based on the highest bid submitted by a responsive bidder. The amount must be written in words and figures in the proper place. If the written words and figures are not consistent, the bid will be rejected. If the bidder submits a bid with percentages, cost plus or any other calculation except for a firm fixed price, the bid will be automatically rejected as non-responsive.

In submitting the bid, the undersigned bidder declares that the only person or parties interested in the bid as principal are those named herein and that such bid is made without collusion with any other parties, firm or corporation. Employees of the Port Arthur Housing Authority and of the U. S. Department of Housing and Urban Development along with members of their immediate families are ineligible to submit a bid.

The undersigned further declares that they have carefully inspected in detail the described property and have familiarized themselves with all of the conditions affecting the sale and understands that, in submitting the bid, they waive all rights to plead any misunderstanding regarding the same.

In the event this bid is awarded to a bidder, it shall constitute a contract between the parties hereto but such contract shall not be assigned or transferred by the undersigned without the express written consent of the Port Arthur Housing Authority, which may consent may be granted or denied at its sole discretion for any reason whatsoever.

BID FORM

_____ Bidder (Individual or Entity Name Printed)	_____ Signature
_____ Print Street Address	_____ Print Name
_____ Print City, State, Zip	_____ Date Signed
_____ Telephone Number	_____ Fax Number
_____ E-mail Address	

In submitting this bid the undersigned declares that the only persons or parties interested in the property as principals are those named herein. The undersigned hereby requests that the named Grantee for the purpose of taking title to the property be shown as follows:

\_\_\_\_\_  
(Grantee(s) Name)

The undersigned submits a bid to purchase the Real Estate as described herein:

Property: Carver Terrace and Lincoln Square

Address of Property: 1400 Dewalt Avenue

City/ State/Zip: Port Arthur, TX 77643

Amount of Deposit \$ \_\_\_\_\_

Amount of Bid (written in figures) \$ \_\_\_\_\_

Amount of Bid (written in words) \$ \_\_\_\_\_

***Both written words and figures must be consistent to be considered a valid bid.***

**DECLARATION:**

I, the above named grantee and/or bidder certify by submission of this bid/offer, that I am not an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development nor am I immediate family member of an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development.

An immediate family member includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Bidder's Signature: \_\_\_\_\_

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**Note: BID MUST BE SIGNED AND NOTARIZED TO BE VALID**

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_

(Notary Public)

My Commission Expires: \_\_\_\_\_

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR  
920 DeQueen Blvd.  
Port Arthur, TX 77640**

**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square  
Addendum No. 1  
September 16, 2013**

The due date/time for this IFB are extended as follows:

Sale of Carver Terrace and Lincoln Square

Property Address: 1400 Dewalt Avenue and 1400 Abe Lincoln Avenue, Port Arthur, Texas

IFB No. B13041

Due Date and Time: December 19, 2013, 4:00 PM (CST).

Written bids in sealed envelopes must be delivered to the Port Arthur Housing Authority, December 19, 2013 before 4:00 PM at the Port Arthur Housing Authority, Attn: Procurement Officer, 920 DeQueen Blvd, Port Arthur, TX 77640.

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR  
920 DeQueen Blvd.  
Port Arthur, TX 77640**

**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square  
Addendum No. 2  
November 6, 2013**

The purpose of this Addendum is to provide the attached map and legal description of the Carver Terrace and Lincoln Square properties.

**HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR  
920 DeQueen Blvd.  
Port Arthur, TX 77640**

**INVITATION FOR BIDS NO. B13041  
To Purchase Real Property known as  
Carver Terrace and Lincoln Square  
Addendum No. 3  
December 13, 2013**

The purpose of this Addendum is to provide additional information on the aforesaid Invitation to Bid. All information provided herein supplements information previously provided in the said IFB. In the event of a conflict between the documents, the most recent issued document shall govern.

1. The Port Arthur Housing Authority will entertain any and all bids for the disposition of Carver Terrace and Lincoln Square.
2. The Port Arthur Housing Authority reserves the right to accept a bid at lower than Fair Market Value if said bid is deemed to be in the best interest of PAHA, subject to approval by the Port Arthur Housing Authority Board of Commissioners and the Department of Housing and Urban Development.
3. All buildings shall be demolished within 90 days of receipt of the Notice of Acceptance of Offer from PAHA of the successful bidder unless the successful bidder requests a waiver to this requirement and justification for the same. Any waiver of this criteria is subject to approval by both PAHA and the Department of Housing and Urban Development during the bid holding period and shall not be deemed approved until receipt of Notice from PAHA.
4. Bidders, at their option, may also submit a bid that is conditional upon taking title to the property following the demolition of said buildings by PAHA provided the bidder includes the actual cost of demolition in the bid which will be finalized upon receipt of public bids for the same by PAHA.
5. The Port Arthur Housing Authority intends to restrict the use of the properties to green space to prohibit the construction of any future residential housing to the maximum extent permitted by the Department of Housing and Urban Development.
6. All Bidders shall agree to hold their bid prices and honor their bids for a period of 180 days from the date bids are due to the Port Arthur Housing Authority to allow for an adequate review period by the Department of Housing and Urban Development. An additional 90 day extension option shall be available upon mutual agreement of both parties.
7. The bid deadline is hereby extended to December 23, 2013 at 2pm CST.



**II. BID FORM**

Bidder's (s) Name: \_\_\_\_\_

Bidder's (s) Address: \_\_\_\_\_

\_\_\_\_\_

Bidder's (s) Phone Number: \_\_\_\_\_

Bidder's (s) Email: \_\_\_\_\_

In submitting this bid the undersigned declares that the only persons or parties interested in the property as principals are those named herein. The undersigned hereby requests that the named Grantee for the purpose of taking title to the property be shown as follows:

\_\_\_\_\_

(Grantee(s) Name)

The undersigned submits a bid to purchase the Real Estate as described herein:

Property: Carver Terrace and Lincoln Square

Address of Property: 1400 Dewalt Avenue

City/ State/Zip: Port Arthur, TX 77643

IFB# \_\_\_\_\_

**AMOUNT OF DEPOSIT:** \$ \_\_\_\_\_

**AMOUNT OF BID** \_\_\_\_\_

Amount in written words

Both written words and figures must be consistent to be considered a valid bid.

**Alternate(s)/Optional:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR

**DECLARATION:**

I, the above named grantee and/or bidder certify by submission of this bid/offer, that I am not an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development nor am I immediate family member of an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development.

An immediate family member includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Bidder's Signature \_\_\_\_\_

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Note: BID MUST BE SIGNED AND NOTARIZED TO BE VALID

Subscribed and Sworn to before me this \_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

**Instructions: Please fill in (type) all information required in this form.**

Exhibit C

BID FORM

THE PREMIER REFINING GROUP INC.  
Bidder (Individual or Entity Name Printed)

[Signature]  
Signature

ONE VALERO WAY  
Print Street Address

JAMES V. SRGALL  
Print Name

SAN ANTONIO, TX 78249  
Print City, State, Zip

12-12-13  
Date Signed

210-345-4510  
Telephone Number

210-370-4590  
Fax Number

JAMES.HINES@VALERO.COM  
E-mail Address

In submitting this bid the undersigned declares that the only persons or parties interested in the property as principals are those named herein. The undersigned hereby requests that the named Grantee for the purpose of taking title to the property be shown as follows:

THE PREMIER REFINING GROUP INC.

(Grantee(s) Name)

The undersigned submits a bid to purchase the Real Estate as described herein:

Property: Carver Terrace and Lincoln Square  
Address of Property: 1400 Dewalt Avenue  
City/ State/Zip: Port Arthur, TX 77643

Amount of Deposit \$ 1,000.00

Amount of Bid (written in figures) \$ 800,000.00

Amount of Bid (written in words) \$ Eight Hundred Thousand Dollars

Both written words and figures must be consistent to be considered a valid bid.

THE ATTACHED EXHIBIT A IS HEREBY INCORPORATED FOR ALL PURPOSES

HOUSING AUTHORITY OF THE CITY OF PORT ARTHUR

DECLARATION:

I, the above named grantee and/or bidder certify by submission of this bid/offer, that I am not an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development nor am I immediate family member of an employee of the Port Arthur Housing Authority or the U. S. Department of Housing and Urban Development.

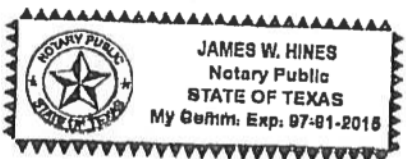
An immediate family member includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Bidder's Signature: [Handwritten Signature]

DATED: This 12 day of December, 2013.

**Note: BID MUST BE SIGNED AND NOTARIZED TO BE VALID**

Subscribed and Sworn to before me this 12 day of December 2013.



[Handwritten Signature]

(Notary Public)

My Commission Expires: 7-1-2015

**EXHIBIT "A"**

To Bid Form

Submitted by The Premcor Refining Group Inc.  
[Bid No. B13041 – Sale of Carver Terrace and Lincoln Square,  
located in Port Arthur, Jefferson County, Texas]

Notwithstanding any provisions to the contrary contained in the foregoing Invitation for Bid No. B13041, as amended by Addendum No. 1 dated September 16, 2013, Addendum No. 2 dated November 6, 2013, and Addendum No. 3 dated December 13, 2013 (as so amended, the "invitation for Bid"), the foregoing offer made by The Premcor Refining Group Inc. ("Premcor") is made with the following amendments to the terms of the Invitation for Bid. In the event of any conflicts between the terms of the Invitation for Bid and the terms of this Exhibit "A", the terms of this Exhibit "A" shall control. Upon any acceptance of Premcor's bid by the Port Arthur Housing Authority ("PAHA"), the following shall amend the provisions of the Invitation for Bid and become part of the resulting contract (the "Contract") between the parties:

1. **Demolition.** Premcor shall not demolish any buildings on the subject property or perform any other demolition activities described in the Invitation for Bid. Instead, the demolition shall be PAHA's responsibility, and within one (1) year after the date of the Notice of Acceptance of Offer, PAHA shall demolish all buildings located on the subject property and perform all other related demolition responsibilities related to the subject property, including without limitation, the following, all pursuant to applicable federal, state, local and municipal laws, statutes, rules, regulations and ordinances: remove all structures, including foundations; remove all meters; backfill the land as required with topsoil and grade the land such that water shall not pool or stand; perform final, smooth grading to eliminate tripping points; remove and properly dispose of all lead and asbestos located on the subject property; and properly isolate all utilities back to the property line (collectively, "Demolition"). If the Demolition is not completed within the above one-year period, Premcor may terminate the Contract by sending a written notice to PAHA within thirty (30) days after the end of the one-year period, upon which termination the deposit shall be retained by PAHA and the Purchase Price Balance (less any such amounts used by PAHA for Demolition prior to such termination date) shall be refunded to Premcor.
2. **Escrow by Title Company.** The balance of the purchase price (the "Purchase Price Balance") shall be held in escrow by a title company (mutually acceptable to Premcor and PAHA) (the "Title Company") until the closing, provided that the Purchase Price Balance may be used by PAHA for the costs of the Demolition prior to closing.
3. **Title Commitment; Survey.** Prior to closing, (i) PAHA shall cause the Title Company to issue to Premcor a commitment for title insurance (the "Commitment"), together with copies of all exception documents referenced therein, in connection with the title policy of insurance that will be issued at closing, and (ii) Premcor may cause the subject property to be surveyed, such survey ("Survey") to be at Premcor's sole cost and expense. Also, Premcor may terminate the Contract, by sending a written notice to PAHA prior to closing, if Premcor objects to a title or survey issue revealed by the Commitment or the Survey (after the expiration of a reasonable cure period), upon which termination the deposit shall be retained by PAHA and the Purchase Price Balance (less any such amounts used by PAHA for Demolition prior to such termination date) shall be refunded to Premcor. Upon closing, the title policy issued to Premcor shall not include any exceptions for "rights of parties in possession" or similar language.
4. **Inspection.** Premcor may terminate the Contract based on Premcor's inspection of the subject property by sending a written notice to PAHA within thirty (30) days after Premcor's receipt of the Notice of Acceptance of Offer, in which

event the deposit shall be retained by PAHA and the Purchase Price Balance (less any such amounts used by PAHA for Demolition prior to such termination date) shall be refunded to Premcor.

5. Closing. The closing of this transaction shall occur on the later of (i) thirty (30) days after Premcor receives a written notice from PAHA that the Demolition (including final site grading) is complete or (ii) sixty (60) days after Premcor's receipt of the title commitment, exception documents, and Survey described above.

## **Attachment 2**

### **HUD Description of Neighborhood Concerns**



Section 5, Line 7

Description of Disposition

The Port Arthur Housing Authority (PAHA) proposes to dispose of the Carver Terrace and Lincoln Square properties due to a change in the neighborhood, the location of the development is no longer conducive to residential use.

Carver Terrace was built in 1953 on the western edge of the City of Port Arthur's historic Westside neighborhood. At the time, the Westside was a thriving residential neighborhood near property owned by two large oil refineries – Texaco and Gulf. There were many commercial businesses on the Westside and particularly along Houston Avenue. Many Westside residents worked at the plants and many workers rode their bicycles to work. At one time more than 8,000 people worked for these refineries. After WWII unskilled workers with good reputations could be hired in labor gangs and trained by the refineries.

Many of these employees were members of labor unions particularly OCAW, Pipefitters, Machinists, IBEW, Boiler Makers, and Carpenters. The area became characterized by extensive labor unrest and work stoppages became both numerous and violent. In addition, as technology changed companies began reducing the number of workers and particularly those with limited or out-of-date skills. Companies even elected to out-source many skilled workers to independent contractors. The owners of these refineries have changed and have expanded on their own property to such an extent that process units, pipelines and storage tanks are now much closer to Carver Terrace.

The former Texaco refinery, now Motiva (Shell/Saudi Aramco), is the largest refinery in the United States and the former Gulf refinery is now owned by America's largest domestic refiner – Valero. These companies have invested billions in Port Arthur but the combined permanent workforce is estimated at approximately 2,500. The engineering and technical employees of these companies are among the highest paid in America but there are no opportunities for those with limited skills or those with skills in construction/turnaround trades. The air quality in Port Arthur has improved substantially however there is great concern for fence line residents living in Carver Terrace due to occasional upsets.

The integration of the public schools in the mid-sixties has impacted Port Arthur. Many white citizens began moving to nearby cities where a heavy concentration of white citizens lived. This resulted in a serious erosion of the tax base and deep feelings of resentment. The major retail investments in recent years have shifted from the Downtown/Westside to US-69 which is closer to the wealthier neighborhoods in Port Arthur and the other South and Mid-County cities. The loss of ready access to local employment, emergence of large discount retailers on US-69 and increases in crime rates has caused steep declines in the population and businesses on the historic Westside and Downtown area. The recent industrial expansions have dramatically increased tax revenue for schools and City services but student test scores remain low and the City infrastructure needs to revive these areas need major infusions of capital.

The Port Arthur's Carver Terrace/Lincoln Square public housing developments are now located in a dilapidated and declining area of Port Arthur with no job opportunities, limited retail stores and social services.

Port Arthur Housing Authority  
Carver Terrace/Lincoln Square Disposition Application  
December 2012

PAHA intends to dispose of the property at Fair Market Value (FMV) which is estimated at \$1,670,000 based on an appraisal prepared by The Gerald A. Teel Company, Inc. dated September 25, 2012. Accordingly, PAHA will offer the property for sale to interested parties at FMV; however the likely buyer for the property will be the adjacent refinery or a consortium of local refineries with the intent to convert the space into a green belt and create a natural barrier between the oil refinery and the adjacent residential community.



OFFICE OF PUBLIC HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 353-6236 Fax: (312) 886-6413

APR 30 2013

MEMORANDUM FOR: Daniel Rodriguez, Program Center Coordinator, Office of Public Housing, 6EPH

FROM: Ainars Rodins, P.E., Director, Special Applications Center (SAC), PIA

SUBJECT: Approval for the Port Arthur Housing Authority's (PAHA) Request for the Disposition of 1 Non-Dwelling Building, 46 Dwelling Buildings Containing 204 Dwelling Units and 8 Acres of Underlying Land at Carver Terrace Apartments, TX034000001.

The SAC received this application on December 11, 2012, via the Public and Indian Housing Information Center (PIC), DDA0004944. Supplemental information was received through February 6, 2013. The Environmental Assessment was completed by the City of Port Arthur on November 19, 2012, in accordance with 24 CFR Part 58. A Request for Release of Funds (RROF) was submitted on December 10, 2012, and was signed off on by the Houston Program Center on January 25, 2013.

The Houston Program Center provided a certification stating that the subject submission accurately describes the project proposed for disposition, and the reasons provided by the Port Arthur Housing Authority (PAHA) to support the proposed action are correct and factual. On February 25, 2013, the Houston Fair Housing and Equal Opportunity Center (FHEO), Program Compliance Branch, recommended the disposition approval.

Advance drafts of this memorandum and the approval letter were sent to the PAHA for their comments on March 21, 2013. The PAHA responded with comments on March 25, 2013. Advance drafts were sent to the Fort Worth HUB and the Houston Program Center for their comments on March 21, 2013; no comments were received.

Under 24 CFR § 970.7(a)(1), in order for a demolition or disposition application to be approved after November 24, 2006, the effective date of this regulation, a Public Housing Agency (PHA) must provide a "certification that the PHA has described the demolition or disposition in the PHA Annual Plan and timetable under 24 CFR Part 903, and that the description in the PHA Annual Plan is identical to the application submitted pursuant to this part and otherwise complies with Section 18 of the Act (42 U.S.C. 1437p) and this part." The Houston Program Center approved the PAHA's agency plan on October 18, 2012, which includes the subject action.

### Description of Development

The PAHA proposed the disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001. Details of the proposed disposition are as follows:

Carver Terrace Apts, TX034000001					
DOFA: 12/28/1953					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	24	120	60	0	204
Proposed Units	24	120	60	0	204
Existing Land				8 Acres	
Proposed Land				8 Acres	
Number of Dwelling Buildings Existing					46
Number of Dwelling Buildings Proposed					46
Number of Non-Dwelling Buildings Existing					1
Number of Non-Dwelling Buildings Proposed					1
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					302

### History of the Development

The PAHA has not received any Inventory Removal approvals from HUD for Carver Terrace Apts, TX034000001.

### Reason for Action (Justification)

The PAHA proposed the disposition based on 24 CFR § 970.17(a), which requires the PHA to certify that the retention of the property is not in the best interests of the residents or the PHA because conditions in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the PHA.

The Carver Terrace was built in 1953, on the western edge of the City of Port Arthur's historical neighborhood, adjacent to Texaco and Gulf oil refineries. There were many commercial businesses in the historic Westside neighborhood. Many residents worked at the plants and more than 8,000 worked at the refineries. Investment in the refineries, and technological changes, have reduced the permanent workforce needed to about 2,500 persons. Most of these are highly skilled engineering and technical jobs beyond the reach of public housing residents. Many white citizens fled the neighborhood and retail investment shifted to areas closer to wealthier neighborhoods. The loss of local employment, and increases in crime rates, have caused steep declines in population in the Westside neighborhood. Sixteen handwritten notes from current residents of Carver Terrace in support of the proposed disposition were included with the application. These notes made clear that the Carver Terrace development was an adverse environment in which to live. Many expressed fears about the safety of their children at the project. We concur with the PAHA's determination that the disposition is in the best interests of the residents and the PHA because, due to changes in the neighborhood, the project no longer provides a healthy living environment.

### **Appraisal**

The PAHA submitted an appraisal with the application. Tim N. Treadway, an independent appraiser, determined the Fair Market Value (FMV) to be \$1,670,000, as of September 25, 2012.

### **Method of Sale**

The PAHA proposed the disposition via a public bid at FMV or higher.

### **Use of Proceeds**

According to the Office of the Chief Financial Officer, there is no outstanding debt on Carver Terrace Apts., TX034000001. The PAHA will realize net proceeds from this disposition. In the application, the PAHA proposes to use \$837,632 from gross proceeds for relocation and transaction costs. Net proceeds of sale would be used to acquire or develop other single family public housing units. We determined that this use of proceeds meet the requirements of the statute.

### **Relocation**

When the application was developed and transmitted to the Department, 184 units proposed for disposition were occupied. The PAHA has submitted a certification regarding relocation as required by 24 CFR § 970.21(e) (f). The PAHA estimated the relocation cost for the remaining residents to be \$787,532, which includes moving expenses and counseling\ advisory services. The housing resources offered will be other public housing and Housing Choice Vouchers.

### **Resident Consultation**

1. Project(s) Specific Resident Organization(s): Carver Terrace
2. PHA-wide Resident Organization: None
3. Resident Advisory Board (RAB) in accordance with 24 CFR § 903.13: RAB

24 CFR § 970.9 requires that an application for disposition be developed in consultation with the tenants of the project involved, any tenant organization at the project involved and any PHA-wide organizations that will be affected by the activity.

The PAHA met with the residents on August 15, 2012, August 29, 2012, September 12, 2012, October 29, 2012 and November 30, 2012 to discuss the proposed disposition. On October 5, 2012, PAHA met with the Carver Terrace Resident Council, the RAB and the residents to address questions concerning the disposition. The agenda, a sign-in-sheet and resident comments were included in the application. The resident comments described unacceptable conditions prevailing at Carver Terrace, and expressed the hope that moving would improve their situation.

### **Offer for Sale to the Resident Organization**

24 CFR § 970.9(b) (1) of the regulations requires that a public housing agency offer the opportunity to purchase the property proposed for disposition to any eligible resident organization, eligible resident management corporation as defined in 24 CFR Part 964, or to a nonprofit organization acting on behalf of the residents, if the resident entity has expressed an interest in purchasing the property for continued use as low-income housing. The PAHA made a formal offer for purchase of the subject property to the Carver Terrace Resident Council (CTRC) and the RAB via a letter dated October 10, 2012, the 30-day time period to express an interest to purchase the development expired on November 10, 2012. As no response was received from the CTRC or the RAB, The PAHA has satisfied the requirements of 24 CFR § 970.9(b) (1). We concur with the PAHA's determination that it has complied with the requirements of 24 CFR § 970.9.

### **Mayor/Local Government Consultation**

As required by 24 CFR § 970.7(a) (14), the application package includes a letter of support from the Honorable Deloris Prince, Mayor of the City of Port Arthur Texas, dated November 20, 2012.

### **Board Resolution**

As required by the 24 CFR § 970.7(a) (13), the PAHA's Board of Commissioners approved the submission of the application for disposition of the proposed property on December 7, 2012, via Resolution Number 12072012-01. The last resident consultation was on November 30, 2012. The consultation with the local government took place on September 13, 2012.

### **Approval**

We have reviewed the application and find it to be consistent with Section 18 of the Act, and the implementing regulations, 24 CFR Part 970, including requirements related to resident consultation, relocation and opportunity to purchase the property by the resident organization. Based upon our review, and finding that the requirements of 24 CFR Part 970 and Section 18 of the Act have been met, the disposition of 1 non-dwelling building, 46 dwelling buildings containing 204 dwelling units and 8 acres of underlying land at Carver Terrace Apartments, TX034000001, as previously identified and described in the application, at the FMV of \$1,670,000, or higher, via a public bid, is hereby approved. If the PAHA fails to receive any bids at FMV or higher, please inform this office as to the PAHA plans.

The PHA has current plans to develop 360 units of the following types off-site in the Phase 1 Park Central, and the Phase 2 Edison Square, developments, as identified below. The \$832,368 in estimated net proceeds from the sale of Carver Terrace would be dedicated to development of single family public housing units planned for a future Phase 3 project. This use of proceeds is also approved.

Total Units to be Redeveloped 360	Less than 80% of Area Median Income		Market Rate
	ACC	Non-ACC	
Rental	156	188	16

Notwithstanding this approval, the PHA shall not proceed to enter into any long-term ground lease or disposition agreement until all residents have been relocated.

### **Operating Subsidy**

In accordance with 24 CFR § 990.114, the disposition of these units will affect the PAHA's operating subsidy eligibility significantly. The PAHA was advised to contact the HUD financial analyst in the Houston Program Center for additional information.

### **Housing Choice Vouchers**

If the PAHA is interested in applying for housing choice vouchers in connection with the units approved for disposition, it will need to submit an application to the Houston Program Center. The PAHA should submit its application in response to HUD Notice 2012-9, or HUD's current Notice outlining the application procedures.

### **PIC and Monitoring**

The PAHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the Houston Program Center approval so that the status of the units and acres of land in PIC is changed to "removed from inventory."

It is the Houston Program Center's responsibility to monitor this activity based on its latest risk assessment. The Houston Program Center must verify that the actual data is being entered in PIC by the PAHA as the actions occur to ensure the Department is not over paying in operating subsidy, and the Capital Fund formula data is correct. Since this action expects to generate net proceeds of \$832,368, it is the Houston Program Center's responsibility to verify the funds were used as approved, and the PAHA's records are adequately documented to support this assertion.





## **Attachment 3**

### **News Article**

**“Carver Terrace comes down amid former councilman’s concerns”**



Large mounds of demolished building materials are all that are left of Port Arthur's first public housing complex, Carver Terrace.

# Carver Terrace comes down amid former councilman's concerns



(<https://www.panews.com/author/sherry.koonce/>)

By **Sherry Sturdivant** (<https://www.panews.com/author/sherry.koonce/>)

[Email the author \(mailto:sherry.koonce@panews.com\)](mailto:sherry.koonce@panews.com)

Published 4:42 pm Tuesday, March 8, 2016

Going on a month after demolition work started at the vacant Carver Terrace Apartments, the bulk of the building materials from the one-time low income apartments on the city's West side remain in mountainous heap — a bittersweet reminder of the city's first housing project now reduced to a pile of rubble.

Built in the 1950's, Carver Terrace was home to many Port Arthur residents in need of financial assistance. But, the location — in the shadow of refineries — prompted U.S. Housing and Urban Development Agency officials to decide the facility should not be rebuilt at the same location following significant hurricane damage.

"It is indeed bittersweet for a lot of the residents who lived there through the years," Port Arthur Housing Authority Board President Clonie Ambroise said.

Carver Terrace residents were moved out and given HUD vouchers to allow them to move elsewhere. It's been more than a year since the apartments were fully vacant, and during that time not only was the abandoned 8-acre site an eyesore, the vacant buildings became a safety issue with fires and squatters taking up residence.

"It is a great day now that it is down," Ambroise said.

Not everyone is pleased with the demolition process so far.

Those heaps of trash are concerning former City Councilman John Beard, who is filing complaints with the city, the Southeast Texas Regional Planning Commission, the Port Arthur Housing Authority and to HUD.

"It does not make sense to have all these man-made fibers lying around," Beard said.

Since the demolition started, Beard said little of the materials have been hauled off, and what has is carted away in an uncovered truck with debris flying out into the air.

Of particular interest is fiberglass material, which can be linked to cancer, Beard said.

“Improper demolition and handling of the insulation laced debris, left exposed to the air, is hazardous to the public health and welfare of the surrounding community,” Beard said. “This willful exposure compromises the wellbeing and safety of persons nearby, many of whom have compromised health.”

Senior citizens and families with school age children in the vicinity of the demolition site already suffer from respiratory disease and distress, as well as other related illnesses, Beard said.

Cele Quesada, director of the Port Arthur Housing Authority, said nearby residents should not be worried, and that the demolition process is following state and federal regulations.

“We have taken all the due-diligence precautions,” Quesada said “We’ve had lead and asbestos assessments that we were required to do.”

Local contractor ICON Builders was hired to perform the demolition, which was part of the redevelopment of Carver Terrace.

Instead of rebuilding Carver Terrace, HUD funded another housing project off of FM 365. Park Central has already started leasing and is expected to be fully occupied when fully completed in May.

Of the Park Central re-development funding for Carver Terrace, \$564,857 was dedicated to the Carver Terrace demo project. Adjacent Lincoln Square apartments will also be torn down as part of the demolition.

Chris Akbari, president of The Itex Group, which owns ICON Builders, said the company subcontracted the demo job to Total Safety, a Port Arthur business located on FM 365 in the old Sitel Building.

Akbari said the demolition process is progressing on schedule, and should not pose a health risk.

After the tear down, contractors begin the hauling off process, which is done in stages.

For example, because concrete can be re-used, workers will sift through the rubble and haul the concrete to a salvage company.

“Certain materials can go to certain places, and certain others cannot,” Akbari said.

Additionally, Total Safety workers certified for all environmental requirements and there is an air quality monitor on site.

“We hired Total Safety to make sure everything is done properly and we believe it is,” Akbari said.

When completed, Port Arthur’s Housing Authority is required to maintain the eight-acre site where Carver Terrace and Lincoln Place once stood.

“HUD is requiring we maintain it as a green area and that we fence it. They are not allowing us to do any kind of activities,” Quesada said.

Once the site is all cleaned up and a 6-foot hurricane fence is erected, the Housing Authority plans to put up a historical sign to commemorate the city’s first public housing.

“We plan to pay tribute to the history of the place, but we are glad to have moved on and are finally at a place that has been taken care of,” Quesada said. “We have fought it down to the end, and it has recently gotten bad with fires and vagrants, so it is good to have finally been taken down.”

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Twitter: skooncePANews

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# **Attachment 4**

## **Letter from Chris Akbari to TDHCA**

# Port Arthur PHV, LP

February 28, 2019

Texas Department of Housing and Community Affairs  
Attn: Marni Holloway  
Director, Multifamily Division  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

**RE: Request for Exemption of Undesirable Site Feature and Finding of Eligibility for Neighborhood Risk Factors**

Prince Hall, TDHCA #19301 – 934 W. 14<sup>th</sup> St., Port Arthur, Texas 77640

Dear Ms. Holloway,

Please accept this letter as a request for an exemption under 10 TAC §11.101(a)(2) of the 2019 Qualified Allocation Plan (“QAP”) related to an Undesirable Site Feature, and a request for a finding of site eligibility under 10 TAC §11.101(a)(3) related to Neighborhood Risk Factors for TDHCA #19301 Prince Hall. As required by the QAP, a Neighborhood Risk Factors Report package has been provided as part of the housing tax credit application.

Prince Hall, located at 934 W. 14th Street in Port Arthur (the “Development”) is an existing housing development that has existing and ongoing federal assistance from HUD under a Project Based Section 8 Housing Assistance Payments contract. The development experienced flooding during Hurricane Harvey, and the current tax credit application proposes the rehabilitation of this existing affordable housing development.

Prince Hall is located within 2 miles of refineries capable of refining more than 100,000 barrels of oil daily, which is an Undesirable Site Feature pursuant to §11.101(a)(2)(J) (see location in Exhibit A). The development site is located within 500 feet of property owned by a refinery. The property that is within 500 feet of the Development does not contain any equipment and thus cannot be considered to be heavy industrial pursuant to §11.101(a)(2)(F) (see Exhibit B); however, the applicant is disclosing this out of an abundance of caution.

Prince Hall is located in an area containing the following Neighborhood Risk Factors under §11.101(a)(3): census tract poverty rate in excess of 40% and development site is within 1,000 feet of more than one blighted structure. The poverty rate for census tract 48245005900 is 44.7% according to the 2019 TDHCA Site Demographics Report. This represents a significant decrease in the poverty rate for the census tract over the past four years. According to TDHCA’s Site Demographics Report, in 2016 the census tract’s poverty rate was 66.3%, in 2017 was 59.6%, and in 2018 was 49.2%. Based on the downward trend line of poverty within the census tract it is reasonable to expect that the census tract’s poverty rate will be below 40% by the time the proposed rehabilitation is complete.

Although blighted structures exist within 1,000 feet of the Development Site, the neighborhood has improved in recent years, with many formerly blighted structures having been demolished or rehabilitated (see Exhibit C to the Neighborhood Risk Factors Report).

The City of Port Arthur is in support of the development as evidenced by its resolution of support, its contribution of funding to the Development, and its authorization of the rehabilitation despite Port Arthur having more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds. Prince Hall is an existing, federally subsidized affordable housing development that will be rehabilitated, improving the quality of life for existing and future residents.

The applicant respectfully requests an exemption related to Undesirable Site Features as provided for under §11.101(a)(2) on the basis that Prince Hall is a Rehabilitation Development with ongoing and existing federal assistance from HUD. Additionally, the applicant requests a finding of site eligibility related to poverty and blight on the basis that the poverty rate has decreased significantly in recent years, as has the occurrence of blight in the area. A finding of eligibility is supported by the following TDHCA goals outlined in §11.101(a)(3)(E):

- Preservation of existing occupied affordable housing units to ensure they are safe and suitable; and
- The risk factors that has been disclosed are not of such a nature or severity that should render the Development Site ineligible based on the assessment and mitigation provided

Please do not hesitate to contact me with any questions at [chris.akbari@itexgrp.com](mailto:chris.akbari@itexgrp.com) or (832) 941-5343.

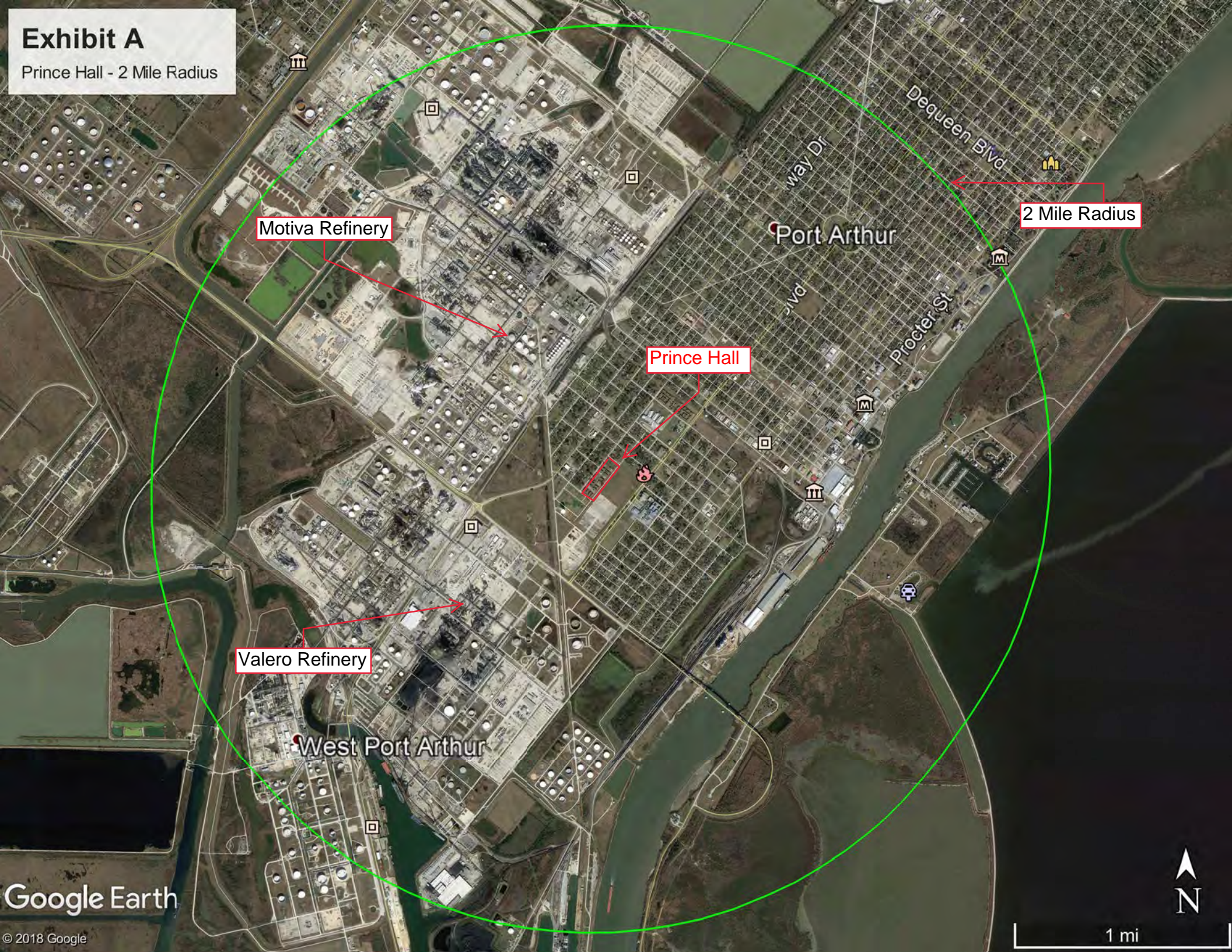
Sincerely,



Christopher A. Akbari  
Authorized Representative

# Exhibit A

Prince Hall - 2 Mile Radius



Motiva Refinery

Prince Hall

Valero Refinery

West Port Arthur

Port Arthur

2 Mile Radius





## **Attachment 5**

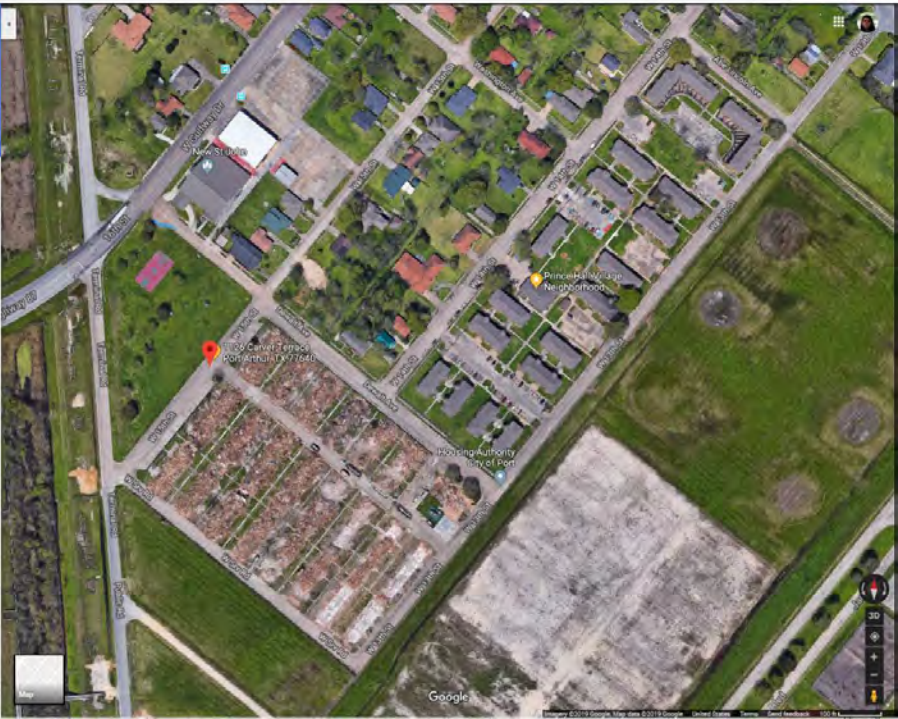
**Screen Capture of Google Map aerial  
imagery showing Carver Terrace rubble  
adjacent to site in question**

Carver Terrace, Port Arthur, TX 77640



**Carver Terrace**  
Port Arthur, TX 77640

- Directions
- Save
- Nearby
- Send to your phone
- Share
- Add a missing place
- Add your business
- Add a label



# **Attachment 6**

## **Census Population Numbers for Tract 48245005900**

**ACS DEMOGRAPHIC AND HOUSING ESTIMATES**  
**2009-2013 American Community Survey 5-Year Estimates**

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Data and Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:

[2017](#)  
[2016](#)  
[2015](#)  
[2014](#)  
**2013**  
[2012](#)  
[2011](#)  
[2010](#)

1 - 81 of 81	Census Tract 59, Jefferson County, Texas				
	Subject	Estimate	Margin of Error	Percent	Percent Margin of Error
	<b>SEX AND AGE</b>				
	Total population	1,660	+/-271	1,660	(X)
	Male	682	+/-158	41.1%	+/-6.6
	Female	978	+/-190	58.9%	+/-6.6
	Under 5 years	198	+/-76	11.9%	+/-4.3
	5 to 9 years	213	+/-94	12.8%	+/-4.5
	10 to 14 years	112	+/-72	6.7%	+/-4.0
	15 to 19 years	122	+/-70	7.3%	+/-3.7
	20 to 24 years	133	+/-75	8.0%	+/-4.5
	25 to 34 years	200	+/-88	12.0%	+/-4.8
	35 to 44 years	136	+/-64	8.2%	+/-3.8
	45 to 54 years	187	+/-71	11.3%	+/-4.4
	55 to 59 years	112	+/-66	6.7%	+/-3.8
	60 to 64 years	133	+/-56	8.0%	+/-3.4
	65 to 74 years	26	+/-22	1.6%	+/-1.4
	75 to 84 years	51	+/-34	3.1%	+/-2.0
	85 years and over	37	+/-32	2.2%	+/-1.9
	Median age (years)	25.9	+/-6.5	(X)	(X)
	18 years and over	1,079	+/-166	65.0%	+/-6.2
	21 years and over	982	+/-132	59.2%	+/-6.0
	62 years and over	177	+/-52	10.7%	+/-3.3
	65 years and over	114	+/-42	6.9%	+/-2.6
	18 years and over	1,079	+/-166	1,079	(X)
	Male	451	+/-110	41.8%	+/-6.5
	Female	628	+/-103	58.2%	+/-6.5
	65 years and over	114	+/-42	114	(X)
	Male	53	+/-27	46.5%	+/-12.3
	Female	61	+/-23	53.5%	+/-12.3
	<b>RACE</b>				
	Total population	1,660	+/-271	1,660	(X)
	One race	1,660	+/-271	100.0%	+/-2.2
	Two or more races	0	+/-13	0.0%	+/-2.2
	One race	1,660	+/-271	100.0%	+/-2.2
	White	123	+/-124	7.4%	+/-7.4
	Black or African American	1,537	+/-287	92.6%	+/-7.4
	American Indian and Alaska Native	0	+/-13	0.0%	+/-2.2
	Cherokee tribal grouping	0	+/-13	0.0%	+/-2.2
	Chippewa tribal grouping	0	+/-13	0.0%	+/-2.2
	Navajo tribal grouping	0	+/-13	0.0%	+/-2.2

**ACS DEMOGRAPHIC AND HOUSING ESTIMATES**  
**2010-2014 American Community Survey 5-Year Estimates**

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

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Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

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[2017](#)  
[2016](#)  
[2015](#)  
[2014](#)  
[2013](#)  
[2012](#)  
[2011](#)  
[2010](#)

		Census Tract 59, Jefferson County, Texas			
		Estimate	Margin of Error	Percent	Percent Margin of Error
1	Subject				
-	SEX AND AGE				
81	Total population	1,681	+/-217	1,681	(X)
81	Male	586	+/-122	34.9%	+/-5.2
	Female	1,095	+/-156	65.1%	+/-5.2
	Under 5 years	211	+/-103	12.6%	+/-5.5
	5 to 9 years	200	+/-82	11.9%	+/-4.3
	10 to 14 years	146	+/-73	8.7%	+/-4.2
	15 to 19 years	113	+/-73	6.7%	+/-4.2
	20 to 24 years	130	+/-71	7.7%	+/-4.2
	25 to 34 years	173	+/-55	10.3%	+/-3.1
	35 to 44 years	194	+/-67	11.5%	+/-4.1
	45 to 54 years	183	+/-67	10.9%	+/-3.9
	55 to 59 years	94	+/-57	5.6%	+/-3.4
	60 to 64 years	113	+/-50	6.7%	+/-3.0
	65 to 74 years	45	+/-28	2.7%	+/-1.7
	75 to 84 years	46	+/-29	2.7%	+/-1.8
	85 years and over	33	+/-23	2.0%	+/-1.4
	Median age (years)	27.2	+/-6.4	(X)	(X)
	18 years and over	1,070	+/-139	63.7%	+/-7.3
	21 years and over	983	+/-111	58.5%	+/-6.9
	62 years and over	189	+/-48	11.2%	+/-3.0
	65 years and over	124	+/-40	7.4%	+/-2.7
	18 years and over	1,070	+/-139	1,070	(X)
	Male	383	+/-92	35.8%	+/-5.5
	Female	687	+/-84	64.2%	+/-5.5
	65 years and over	124	+/-40	124	(X)
	Male	42	+/-24	33.9%	+/-14.8
	Female	82	+/-31	66.1%	+/-14.8
	RACE				
	Total population	1,681	+/-217	1,681	(X)
	One race	1,681	+/-217	100.0%	+/-2.2
	Two or more races	0	+/-13	0.0%	+/-2.2
	One race	1,681	+/-217	100.0%	+/-2.2
	White	101	+/-99	6.0%	+/-5.8
	Black or African American	1,580	+/-220	94.0%	+/-5.8
	American Indian and Alaska Native	0	+/-13	0.0%	+/-2.2
	Cherokee tribal grouping	0	+/-13	0.0%	+/-2.2
	Chippewa tribal grouping	0	+/-13	0.0%	+/-2.2
	Navajo tribal grouping	0	+/-13	0.0%	+/-2.2

**ACS DEMOGRAPHIC AND HOUSING ESTIMATES**  
**2011-2015 American Community Survey 5-Year Estimates**

**Tell us what you think.** [Provide feedback to help make American Community Survey data more useful for you.](#)

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Data and Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:  
[2017](#)  
[2016](#)  
**2015**  
[2014](#)  
[2013](#)  
[2012](#)  
[2011](#)  
[2010](#)

Subject	Census Tract 59, Jefferson County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
<b>SEX AND AGE</b>				
Total population	1,561	+/-218	1,561	(X)
Male	575	+/-105	36.8%	+/-5.1
Female	986	+/-170	63.2%	+/-5.1
<b>Under 5 years</b>				
5 to 9 years	155	+/-75	9.9%	+/-3.9
10 to 14 years	115	+/-70	7.4%	+/-4.1
15 to 19 years	82	+/-48	5.3%	+/-2.9
20 to 24 years	139	+/-61	8.9%	+/-4.0
25 to 34 years	146	+/-60	9.4%	+/-3.3
35 to 44 years	184	+/-61	11.8%	+/-3.7
45 to 54 years	208	+/-66	13.3%	+/-4.1
55 to 59 years	68	+/-42	4.4%	+/-2.9
60 to 64 years	115	+/-54	7.4%	+/-3.6
65 to 74 years	42	+/-26	2.7%	+/-1.6
75 to 84 years	72	+/-34	4.6%	+/-2.4
85 years and over	47	+/-24	3.0%	+/-1.6
<b>Median age (years)</b>				
18 years and over	1,062	+/-116	68.0%	+/-6.2
21 years and over	999	+/-106	64.0%	+/-6.0
62 years and over	232	+/-55	14.9%	+/-3.8
65 years and over	161	+/-36	10.3%	+/-2.6
<b>18 years and over</b>				
Male	413	+/-79	38.9%	+/-5.6
Female	649	+/-87	61.1%	+/-5.6
<b>65 years and over</b>				
Male	55	+/-25	34.2%	+/-12.8
Female	106	+/-30	65.8%	+/-12.8
<b>RACE</b>				
Total population	1,561	+/-218	1,561	(X)
One race	1,557	+/-217	99.7%	+/-0.6
Two or more races	4	+/-10	0.3%	+/-0.6
<b>One race</b>				
White	67	+/-71	4.3%	+/-4.5
Black or African American	1,490	+/-222	95.5%	+/-4.6
American Indian and Alaska Native	0	+/-13	0.0%	+/-2.4
Cherokee tribal grouping	0	+/-13	0.0%	+/-2.4
Chippewa tribal grouping	0	+/-13	0.0%	+/-2.4

1 - 84 of 84

**ACS DEMOGRAPHIC AND HOUSING ESTIMATES**  
**2012-2016 American Community Survey 5-Year Estimates**

**Tell us what you think.** [Provide feedback to help make American Community Survey data more useful for you.](#)

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Data and Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

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**2016**  
**2015**  
**2014**  
**2013**  
**2012**  
**2011**  
**2010**

1 84 of 84	Subject	Census Tract 59, Jefferson County, Texas			
		Estimate	Margin of Error	Percent	Percent Margin of Error
	<b>SEX AND AGE</b>				
	Total population	1,483	+/-228	1,483	(X)
	Male	644	+/-126	43.4%	+/-7.2
	Female	839	+/-185	56.6%	+/-7.2
	Under 5 years	158	+/-109	10.7%	+/-6.8
	5 to 9 years	171	+/-79	11.5%	+/-4.5
	10 to 14 years	100	+/-65	6.7%	+/-4.1
	15 to 19 years	71	+/-55	4.8%	+/-3.5
	20 to 24 years	125	+/-67	8.4%	+/-4.2
	25 to 34 years	124	+/-59	8.4%	+/-3.6
	35 to 44 years	195	+/-71	13.1%	+/-4.4
	45 to 54 years	206	+/-77	13.9%	+/-5.2
	55 to 59 years	73	+/-38	4.9%	+/-2.8
	60 to 64 years	84	+/-42	5.7%	+/-2.9
	65 to 74 years	55	+/-29	3.7%	+/-2.1
	75 to 84 years	87	+/-35	5.9%	+/-2.6
	85 years and over	34	+/-29	2.3%	+/-1.9
	Median age (years)	34.4	+/-9.7	(X)	(X)
	18 years and over	1,022	+/-131	68.9%	+/-7.4
	21 years and over	974	+/-120	65.7%	+/-7.1
	62 years and over	219	+/-44	14.8%	+/-3.7
	65 years and over	176	+/-33	11.9%	+/-3.0
	18 years and over	1,022	+/-131	1,022	(X)
	Male	488	+/-101	47.7%	+/-7.6
	Female	534	+/-101	52.3%	+/-7.6
	65 years and over	176	+/-33	176	(X)
	Male	68	+/-27	38.6%	+/-14.1
	Female	108	+/-34	61.4%	+/-14.1
	<b>RACE</b>				
	Total population	1,483	+/-228	1,483	(X)
	One race	1,477	+/-228	99.6%	+/-0.7
	Two or more races	6	+/-11	0.4%	+/-0.7
	One race	1,477	+/-228	99.6%	+/-0.7
	White	52	+/-55	3.5%	+/-3.7
	Black or African American	1,425	+/-230	96.1%	+/-3.8
	American Indian and Alaska Native	0	+/-13	0.0%	+/-2.5
	Cherokee tribal grouping	0	+/-13	0.0%	+/-2.5
	Chippewa tribal grouping	0	+/-13	0.0%	+/-2.5

**ACS DEMOGRAPHIC AND HOUSING ESTIMATES**  
**2013-2017 American Community Survey 5-Year Estimates**

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Technical Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:

**2017**  
**2016**  
**2015**  
**2014**  
**2013**  
**2012**  
**2011**  
**2010**

1 - 89 of 89	Census Tract 59, Jefferson County, Texas			
	Subject	Estimate	Margin of Error	Percent Margin of Error
	<b>SEX AND AGE</b>			
	Total population	1,364	+/-317	(X)
	Male	600	+/-162	+/-6.7
	Female	764	+/-204	+/-6.7
	Sex ratio (males per 100 females)	78.5	+/-21.8	(X)
	Under 5 years	132	+/-99	+/-5.6
	5 to 9 years	187	+/-83	+/-4.6
	10 to 14 years	117	+/-69	+/-4.7
	15 to 19 years	82	+/-50	+/-3.5
	20 to 24 years	113	+/-64	+/-4.0
	25 to 34 years	120	+/-57	+/-3.5
	35 to 44 years	160	+/-62	+/-4.0
	45 to 54 years	191	+/-94	+/-6.3
	55 to 59 years	53	+/-33	+/-2.7
	60 to 64 years	113	+/-48	+/-4.1
	65 to 74 years	44	+/-23	+/-1.8
	75 to 84 years	35	+/-23	+/-1.7
	85 years and over	17	+/-17	+/-1.3
	Median age (years)	29.8	+/-8.1	(X)
	Under 18 years	475	+/-185	+/-7.2
	16 years and over	917	+/-178	+/-8.0
	18 years and over	889	+/-170	+/-7.2
	21 years and over	838	+/-156	+/-6.9
	62 years and over	158	+/-59	+/-5.0
	65 years and over	96	+/-40	+/-3.1
	18 years and over	889	+/-170	(X)
	Male	434	+/-124	+/-7.7
	Female	455	+/-92	+/-7.7
	Sex ratio (males per 100 females)	95.4	+/-29.4	(X)
	65 years and over	96	+/-40	(X)
	Male	31	+/-22	+/-17.2
	Female	65	+/-31	+/-17.2
	Sex ratio (males per 100 females)	47.7	+/-41.0	(X)
	<b>RACE</b>			
	Total population	1,364	+/-317	(X)
	One race	1,350	+/-316	+/-1.7
	Two or more races	14	+/-22	+/-1.7
	One race	1,350	+/-316	+/-1.7
	White	52	+/-57	+/-4.0



# Applicant Response to RFADs

# 19301

Because the RFADs and staff have (in this item) raised issues of environmental factors that may adversely affect the health and safety of residents, or render the site inappropriate for housing use and which cannot be adequately mitigated, the Applicant is allowed, per 10 TAC 11.101(a)(2)(K), the opportunity to respond and place the matter before the Board for a determination. The following responsive documents were presented to the Department in accordance with 10 TAC §1.10(b)(6).



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June 10, 2019

**By Email and Electronic Delivery**

Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701  
Attention: Mr. J.B. Goodwin, Chair of the Board  
By Email to Mr. Goodwin's Executive Coordinator, Terri Roeber  
[terri.roeber@tdhca.state.tx.us](mailto:terri.roeber@tdhca.state.tx.us)

Re: Prince Hall in Port Arthur, Texas (the "Development");  
TDHCA No. 19301

Ladies and Gentlemen:

We represent Port Arthur PHV, LP ("Port Arthur PHV" or "Applicant"), which applied for an allocation of low-income tax credits for the Development referenced above. Port Arthur PHV filed the application (the "Application") with the Board in February 2019. The Application was met with two protests. Structure Development filed its protest (the "Structure Protest") on or about May 1, 2019 and the Texas Housers filed their protest (the "Housers Protest") also on or about May 1, 2019. This letter responds to the issues raised by the two protests and demonstrates that the Development is not disqualified under Section 11.101(a)(2)(J) or (F) of the QAP. Applicant respectfully requests that this response be included in the Board Book applicable to the Development.

First, in accordance with Section 11.101(a)(2), Applicant disclosed the presence of the Premcor/Valero and Motiva refineries in its Application<sup>1</sup> and the Development is supported by the City and elected representatives. Further, the Application demonstrates sufficient mitigation to support site eligibility.

The proposed Prince Hall Development is actually the redevelopment and improvement of existing housing. Prince Hall Village is a 50-year-old development consisting of 120 units that

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<sup>1</sup> Applicant notes that the Structure Protest identifies the Air Products Port Arthur Facility as a refinery, when in fact it is not. The Air Products Facility is located at the Premcor/Valero refinery but actually is involved in providing certain gas supply and related services to the refinery. This is described in the TCEQ database. See Exhibit 1. Among the services or processes provided are carbon capture and hydrogen production. The Air Products Facility does not refine petroleum. Applicant also disclosed in its Application out of an abundance of caution that the Development is within 500 feet of property owned by a refinery. This property contains no equipment and is thus not heavy industrial under Section 11.101(a)(2)(F).

has served as affordable low-income housing for decades. The City of Port Arthur supports this Development as evidenced by its City Council resolution of financial support as well as correspondence, dated February 5, 2019, from Mayor Derrick F. Freeman. The resolution is attached hereto as Exhibit 2 and the Mayor's letter accompanied the Application. The Development is also supported by Representative Joe Deshotel, of the 22nd Legislative District in which the housing will be developed. In his February 13, 2019 letter, Representative Deshotel stated the Development "is greatly needed in this community and will serve my constituents well." Representative Deshotel's letter also accompanied the Application and is attached hereto as Exhibit 3. While Port Arthur does not have an ordinance specifically addressing this issue, the Development site is already zoned by Port Arthur for multifamily housing and has historically been zoned for such purpose. That the Development site has been historically zoned by Port Arthur and occupied for multi-family use makes clear it is legally located an acceptable distance from the refineries. Thus, allowable mitigation under Section 11.101(a)(2) exists related to smaller allowable distances to undesirable site features. Applicant included the Zoning Verification Letter, dated February 15, 2019, from the City of Port Arthur with its Application. Single-family residential neighborhoods are also in the immediate vicinity of the Development.

As pointed out by Representative Deshotel, the location of the proposed Prince Hall Development will be advantageous to its residents. The Development's proximity to local resources enhances its community value. Not only the Development site, but also single-family housing, and many community resources are within 2 miles of the refineries. For example:

- Proximity to Schools – Several schools are located within 2 miles of the refineries, including elementary, middle schools, and Lamar State College, which offers academic and vocational coursework leading to jobs at local petrochemical facilities. Notably a residential dormitory for the college was constructed within the last two to three years and athletic fields for youth sports are also within this area. See Exhibits 4A, 4B, 4C, 4D, and 4E, which depict school locations.
- Proximity to Cultural and Municipal Resources – In addition to schools, places of worship are within 2 miles of the refineries, including at least 3 churches and an Islamic Center. Additionally, local cultural resources are within 2 miles of the refineries, including the Museum of the Gulf Coast, several parks (including Blue Bonnet Park), City Hall (and other City Services), the Seawall Running Trail, and the Waterview RV Resort area.
- Proximity to Shopping/Groceries – Consistent with a residential area, shopping and restaurants are all within 2 miles of the refineries.<sup>2</sup>
- Proximity to Single Family Housing – As shown on Exhibit 4D, the Development site neighbors many single-family residences.

All of the above-cited resources are within two miles of the refineries and are depicted on the maps included as Exhibits 4A, 4B, 4C, 4D, and 4E. Moreover, Downtown Port Arthur, which is within approximately .25 miles of the Development, is undergoing revitalization and redevelopment. Motiva Enterprises has committed \$150 million to this effort which has been

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<sup>2</sup> The Central Mall shopping center as well as healthcare facilities and other retail establishments are located within 5 miles of the refineries and the Development.

described as "nationally significant." A copy of the May 19, 2019 *Beaumont Enterprise* is attached as Exhibit 5. Further development is occurring in the area, including westside construction of single-family houses following Hurricane Harvey near Lamar State College. Based upon the foregoing, both the City of Port Arthur and private developers understand sufficient regulation is in place and mitigation has occurred and is ongoing for safe and healthy residential living in the area of the Prince Hall Development. In fact, a significant portion of Port Arthur's boundaries are within two (2) miles of the refineries. Protestors' approach would deprive a large part the City of Port Arthur from receiving tax credit awards for much needed housing developments.

In addition, we note that while not directly on point, QAP Section 11.101 (a)(2) provides that where a federal agency would require a "new" facility to have minimum separation, "the Department will defer to that agency and require the same separation...." Here, HUD has already agreed to provide ongoing and existing funding to Prince Hall. HUD has consistently supported Prince Hall. Since 2001 HUD has committed over \$19 million in funding. HUD issued a comfort letter, dated May 17, 2019, regarding the Development.<sup>3</sup>

Second, the Phase I Environmental Site Assessment ("ESA") prepared for Applicant evaluated the presence of the refineries in the context of the ASTM Standard called for by QAP Section 11.305. Specifically, Phase Engineering conducted an assessment in conformity with ASTM E1527-13 and concluded on page 45 of its report that "the assessment has revealed no evidence of recognized environmental conditions in connection with the property." Please note that on pages 22-23, Phase Engineering expressly considered the refineries and other surrounding sites and concluded that there is "no indication" that such sites "have had or will have an environmental impact to the subject property," *i.e.*, the Development. A copy of the relevant pages of the ASTM-compliant Phase I ESA is attached hereto as Exhibit 7.

In conclusion, Port Arthur PHV has demonstrated in its Application that it has met the requirements of QAP Section 11.101(a)(2) and that sufficient mitigation for the refineries is in place to support site eligibility.

Notwithstanding this demonstration, because protestors have raised several arguments suggesting that "environmental factors and other concerns cannot be adequately mitigated," Applicant will address these concerns sequentially below:

#### A. The Structure Protest

1. Background. Structure asserts its protest "relates to the Phase I ESA and the Applicant's disclosure in Tab 2, both of which consist of an insufficient assessment of the Development Site's environmental risks." Structure asserts that under each of Section 11.101(a)(2)(J) and Section 11.101 (a)(2)(K), the Development site is inappropriate for housing. Structure makes five (5) general arguments against the Application: (i) proximity to refineries represents a health risk; (ii) public health is at risk whenever there is non-compliance; (iii) compliance history is evidence of adverse health effects; (iv) mitigation is inadequate; and (v) the Phase I ESA was deficient. Structure also suggests that the disposition of an unrelated development, Carver Terrace/Lincoln Square, should be dispositive of this Application. Finally, Structure

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<sup>3</sup> The letter and overview documentation are attached hereto as Exhibit 6.

asserts that Applicant has not satisfied QAP Section 11.101(a)(2)(K). As an initial matter Structure's suggestion of the applicability of Section 11.101(a)(2)(K) is a misreading of the QAP. That section only applies where the Board has provided written notice of environmental factors it believes cannot be mitigated and where Applicant has an opportunity to respond. That has not occurred here. Applicant has neither received any notice of deficiency nor request for additional information. In short, Protestor's assertions are baseless. As shown below, these assertions are not supported by the facts and are inconsistent with the very documents Structure submitted.

2. Proximity to Refineries. Structure makes four (4) arguments against the Application related to the impact of refinery air emissions on the Development site. The arguments relate to:

**(a) Allegations of Health Risks Associated with Refinery Proximity.**

Structure mistakenly concludes that because refinery processes give rise to the emission of certain identified substances, they must give rise to adverse health effects.<sup>4</sup> Protestor's allegations are inconsistent with the facts. Local air quality data supports the conclusion that air quality in the Prince Hall Development area is safe and does not adversely affect health and safety. There are at least 7 air monitors in Port Arthur that are continually monitored by the Texas Commission on Environmental Quality ("TCEQ"), and one monitor in the Prince Hall neighborhood. These monitors are depicted on Exhibit 8 of this letter. The most recent TCEQ memo evaluating the monitors shows that all air pollutant concentrations at these monitors are below conservative TCEQ health-based standards.<sup>5</sup> A copy of the memo is included as Exhibit 9. Accordingly, Structure's inference that the refineries' proximity creates adverse health impacts is misleading. In fact, all of Jefferson County meets National Ambient Air Quality Standards called for by the federal EPA (See EPA Green Book Report, dated April 30, 2019).

In conclusion, the proposed Development is in a residential area (primarily single-family as shown in Exhibit 4D), where actual air quality monitors demonstrate air quality is safe.<sup>6</sup>

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<sup>4</sup> That refinery operations result in emissions of substances which could result in adverse health effects "when inhaled in excess amounts," is not at issue. Refineries and other industrial processes do result in emissions, but these emissions are authorized through an air permit, which takes into account local and regional air quality. EPA sets air quality standards at conservative levels determined to be protective of health and the environment with an adequate margin of safety. The refinery air permitting process requires an evaluation of off-site impacts and the effect of air emissions on receptors, such as residential dwellings. See TCEQ Air Quality Modeling Guidelines, APDG 6232, at 10-11 (September 2018).

<sup>5</sup> The monitoring system demonstrates that air quality levels in Jefferson County and Port Arthur have and will withstand upset events without coming close to harmful levels.

<sup>6</sup> EPA establishes air quality standards based on specific "criteria" pollutants. Jefferson County is in compliance with the standard for all of these pollutants, including what is known as "ozone." Importantly, ozone forms based upon atmospheric interactions between Nitrogen Oxide (NO<sub>x</sub>) and VOCs, including benzene, which is typically associated

**(b) Allegations that “Public Health at Risk Any Time the [Refinery] is Out of Compliance” (From page 2 of the Structure Protest).**

Structure’s claim is inconsistent with the documents it submits in support of its protest. Protestor provided the Department documents relating to refinery emissions events, which resulted in TCEQ fines. The documents include Agreed Orders and TCEQ penalty calculation worksheets. The worksheets require the TCEQ to evaluate the emissions event’s potential impacts on human health and the environment. For each upset violation cited by Protestor, the TCEQ stated about the event that it involved “amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation,” or similar words to that effect. See Exhibits 10, which was an attachment to the Structure Protest.<sup>7</sup>

Accordingly, TCEQ’s own assessment of the very events of non-compliance cited by Structure directly contradicts its assertion that the events are evidence of adverse health effects.

**(c) Incorrect Assertion That Compliance History is Evidence of Adverse Health Effects.**

The Protestors document that the Premcor/Valero refinery and the Motiva refinery have each been cited for non-compliance a number of times and have also paid significant penalties. Structure seems to suggest that in and of itself, non-compliance must give rise to adverse health impacts. That is not the case. First, Structure looks back 16 years, which predates current regulatory requirements and refinery ownership, and does not represent current site conditions. Second, many of the violations identified by Structure are actually those that were either self-identified, reported, and corrected by the refineries, or reported as called for by permit conditions – evidence of a robust and proactive compliance program. Premcor’s compliance history is attached hereto as Exhibit 11. As to each of Premcor and Motiva, neither are listed by the TCEQ as a repeat violator and each is cited as having a satisfactory compliance history. In fact, Premcor’s satisfactory compliance history is actually recited by TCEQ in the penalty worksheets attached to Structure’s formal protest.

In conclusion, the refineries have in each case addressed issues of non-compliance and the TCEQ has documented the efforts as satisfactory. Importantly, as discussed above the upset release events that have been deemed non-compliant were reviewed by the TCEQ, which determined that they did not give rise to health risks.

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with refinery operations. Thus, notwithstanding the industrial operations in Port Arthur, local air quality meets all applicable standards, even those associated with refinery VOC emissions.

<sup>7</sup> A plant upset does not mean there are offsite health impacts or that air quality exceeded state and national standards. When such emissions events occur, the plant’s environmental staff is required to report it to the TCEQ within 24 hours. This report must include emissions estimates and corrective actions taken. The TCEQ evaluates the report, investigates the event and may choose to fine a company for the event – even if there are no offsite impacts.

**(d) Incorrect Assertion that Mitigation is Not Ongoing.**

Structure's assertion is demonstrably false. First, the City of Port Arthur allows residential development in proximity to the refineries. The Development site has been and remains zoned for multi-family residential use. Second, and importantly, over the last 20 years, empirical studies demonstrate local industry has significantly reduced emissions:

- (i) VOC and SO<sub>2</sub> emissions have been reduced by 60% and 50%, respectively.
- (ii) Total emissions from unauthorized events have been reduced by 95%.

These reductions are the result of, among other reasons, increased regulation, better control technologies, and voluntary efforts by industry.<sup>8</sup> These reductions are described in the Industry of Southeast Texas' Environmental Report, dated May 16, 2019, attached as Exhibit 12. This evidence of ongoing mitigation directly contradicts Structure's argument that mitigation is not ongoing and that the refineries' compliance history dating back 16 years presents a health risk. Moreover, recent EPA regulations require further significant reductions in refinery emissions. Under the EPA's new Refinery Sector Rule, amendments that became effective in December 2018: (i) impose fence-line monitoring (and corrective measures) to minimize offsite air impacts and (ii) establish redundant control requirements to further limit upset emissions. This rule is expected to further reduce refinery VOC emissions by 50,000 tons per year and air toxics by 5,200 tons per year.<sup>9</sup> In addition, there are at least 4 defined mitigation plans in Jefferson County and Port Arthur that either address unlikely emergency events, pollutant reduction, and/or community improvement.<sup>10</sup> Finally, the Port Arthur Industry and

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<sup>8</sup> Both Motiva and Premcor/Valero have made and contemplate further investments in the refineries exceeding billions of dollars to increase capacity and install additional environmental equipment. These projects are also anticipated to result in additional hiring and new jobs. See, e.g., "Saudi Aramco's Motiva eyes \$6.6B petrochemical expansion," *Houston Chronicle*, December 18, 2018 (cites potentially 4,300 new construction jobs and 255 permanent jobs); *Business & Industry Connection Magazine*, December 28, 2018 (discusses installation of flares and pollution control equipment).

<sup>9</sup> National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards: Petroleum Refinery Sector Amendments, 83 Fed. Reg. 60,696 (Nov. 26, 2018) (to be codified at 40 C.F.R. pts. 60 & 63).

<sup>10</sup> These mitigation plans have been demonstrated to be effective over an extended period of time and include:

(i) Sabine Neches Chief's Association – Through the Sabine Neches Chief's Association, firefighters, police and equipment from all over southeast Texas are shared in the event an emergency occurs. SNCA members share relevant information and participate in joint training exercises;

(ii) The STAN Program – STAN is a public information system implemented by the Plant Managers' Association. It has been in effect for more than 15 years. City officials use this system for weather emergencies and to alert citizens in the unlikely event of a plant emergency;

(iii) The Lighthouse SEP – In 2004, the PAIG developed and received the TCEQ's approval to form a Supplemental Environmental Project ("SEP") called the Lighthouse Project. Under this program, when a plant receives a fine, it is typically given the option to ask the TCEQ to give 50% of the fine to a TCEQ approved SEP. The Lighthouse SEP's top priority is making the homes owned by elderly/disabled citizens living in Westside Neighborhoods of Port Arthur energy efficient; and



Community Leaders Advisory Group documented that between 2000 and 2010, industry invested over \$1.1 billion in environmental improvements in southeast Texas.<sup>11</sup> Heavy investment continues to this day.

3. Protestor's Incorrect Assertion That Applicant's Phase I ESA is Deficient.

Structure incorrectly asserts the Phase I ESA for Prince Hall is deficient based on its failure to address state and federal violations committed by the refineries. Section 11.305 of the QAP requires a Phase I ESA be prepared in compliance with ASTM Standard E1527-13. The Phase I ESA provided by Applicant expressly complies with this standard. Moreover, an evaluation of violations and air quality impacts from surrounding facilities is not within the scope of the ASTM standard, which instead requires an evaluation of whether the subject property is contaminated based on known or suspected releases to soil or groundwater. A copy of the specific ASTM standard is attached hereto as Exhibit 14. Here, Phase Engineering completed such an assessment and concluded there was no evidence of contamination at the subject property. Moreover, Phase Engineering also explicitly evaluated the potential impacts of the refineries and other surrounding properties on the proposed Development site and concluded on page 23 there is no evidence such surrounding properties **"have or will have an environmental impact to the subject property."** In sum, the Applicant completed an ASTM compliant Phase I ESA that properly evaluated the refinery impacts and is compliant with TDHCA rules.

4. The Disposition of the Carver Terrace/Lincoln Square Apartments

Structure asserts that the disposition of the Carver Terrace/Lincoln Square Apartments was due to the area of the Development being "not safe for housing now, nor in the future," and tries to infer that the disposition was driven by proximity to the refineries or other environmental factors. Structure's assertion is inconsistent with the documents it provided with its protest. First, in the Port Arthur Housing Authority ("PAHA") Carver Terrace/Lincoln Square Disposition Application of December 2012 contained in the Department of Housing and Urban Development memo, dated April 2013 cited by Protestors, PAHA actually described air quality in the area as having "improved substantially." The weight of the evidence provided by Protestors also indicates that these developments closed because of the dilapidated state of existing buildings, pest infestation and other non-environmental factors. This is evidenced through the 16 letters of support for the disposition submitted by Carver Terrace residents. These letters cite drugs, crime, gangs, and a general fear for lives and safety of children at Carver Terrace/Lincoln Square. The resident letters also cite

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Finally, Port Arthur has established a Port Arthur Environmental Justice Plan ("EJ Plan") to promote the revitalization of the Downtown and Westside areas of Port Arthur. The EJ Plan, which is summarized in the EPA's Environmental Justice showcase website also addresses unemployment, healthcare, and emergency efficiency.

<sup>11</sup> See, e.g., PAIG 10 Year Report 2000-2010, at 5. PAIG also documented that industry contemplated an additional \$1.4 billion to be invested in emissions control projects. Obviously, these efforts have been successful given the significant emissions reductions that have occurred over the last 20 years, which are described above. The PAIG Report is attached as Exhibit 13.

health concerns related to mold and a general state of disrepair.<sup>12</sup> Copies of these letters, as well as PAHA's evaluation of air quality, which were submitted with Structure's formal protest, are attached as Exhibit 15.

These resident letters are consistent with the appraisal report prepared by The Gerald Teel Company, Inc., dated September 27, 2012 which states in its significant issues section that it was questionable whether the existing improvements had any value exceeding "value as vacant land." The appraisal report further cites burned out buildings in the complex and emphasizes that the interiors showed signs of "functional obsolescence," characterizing the complex "[a]s if frozen in a different time." A copy of this report which was submitted with Structure's formal protest is attached as Exhibit 16.

In sum, the disposition of the Carver Terrace/Lincoln Square development was attributable to non-environmental factors, including issues related to building conditions and difficulties obtaining funding for reconstruction. There is not evidence to suggest air quality impacts from the refineries had any bearing on the decision to demolish Carver Terrace/Lincoln Square. Carver Terrace/Lincoln Square was demolished due to the dilapidated status of the buildings and adverse living conditions inside the fence, not the general environmental conditions of the broader community. Protestor's own documents make this clear. There is no evidence that similar adverse conditions exist or will exist at Prince Hall. As such, the disposition of Carver Terrace/Lincoln Square is not relevant to the Application at issue.

## B. Texas Housers Protest

### 1. Proximity to Refineries

The Texas Housers assert in their formal protest that the Development site's proximity to the refineries should disqualify it from receiving low income housing tax credits. Like Structure, the Texas Housers raise the issue of "environmental concerns" in a cursory manner on page 2 their protest. These issues have been addressed in detail above in the discussion of the Structure protest. In framing its argument, the Texas Housers assert that because of changes in the refinery industry, "the refineries do not offer the low-income residents of Prince Hall the opportunity that they once did" and "[r]esidents are currently left with only the negative externalities of the petrochemical industry nearby." Contrary to Protestor's assertion, job growth in Port Arthur including at the refineries has been ongoing. For example, in 2007 Motiva expanded its refinery and created 300 new permanent jobs, as well as many on-site maintenance contractor jobs and thousands of construction jobs. In 2008 Valero expanded and also created new jobs. This is described in the Port Arthur Economic Development Corporation website.<sup>13</sup> As discussed above on page 6, the ongoing refinery projects are expected to lead to significant job growth. This argument is also inconsistent with the extensive resources industrial companies in Jefferson County have committed to improving the community, including those companies running the refineries. Specifically, the Port

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<sup>12</sup> Only 1 out of the 16 letters submitted by the actual residents mentioned air quality. This letter also noted mold infestation, which can detrimentally impact indoor air quality.

<sup>13</sup> See <https://portarthuredc.org/port-arthur-thrives-as-investment-hub/>.

Arthur Industry and Community Leaders Advisory Group (“PAIG”) has met monthly for 20 years to help plant leadership and neighborhood leaders understand employment needs, available training resources, and environmental and reporting data. Importantly, the PAIG has also committed approximately \$450,000 per year to fund initiatives to help Port Arthur minorities and their neighborhoods.<sup>14</sup> Through these active community engagement and assistance programs, community perception of the refineries in Jefferson County has significantly changed. In approximately 2000, when PAIG was formed, the approval rating for plants in Jefferson County was approximately 53%. Just four years later, the approval rating of the plants improved to 82% and it remains high today.

Again, like Structure, the Texas Housers also point to the disposition of the Carver Terrace apartments as support for the assertion that the neighborhood is not fit for low income housing. As discussed above, the evidence submitted by both Structure and Texas Housers supports that the Carver Terrace apartments were demolished due to problems within the fence line. Specifically, the buildings were run-down and dilapidated and residents faced poor living conditions related to mold, crime, and drug use. The demolition was not based on the environmental conditions, air quality, or the Carver Terrace development's proximity to the refineries. Rather, the demolition was based on the living conditions/living environment – namely dilapidation, crime, drugs, etc. Because there is no evidence that the Prince Hall development faces or will face similar structural or quality of life issues, the demolition of Carver Terrace is not relevant to the Applicant's proposed Development.

## 2. Poverty in Census Tract

The Development site is situated in Census Tract 48245005900, which currently has a Poverty Rate of 44.7%. While this rate is above the 40% rate for individuals set out in §11.101(a)(3)(B)(i), the Applicant has requested a determination of eligibility based upon evidence of a positive trend which can reasonably be expected to continue with the rehabilitation of the Development. The five-year history of the poverty rate in this census tract indicates that the applicable rate has dropped from a high of 66.5% to the current low 44.7%. This data shows a significant trend of a reducing poverty rate, and it is reasonable to conclude that when the Development is placed in service, the poverty rate will have been even further improved by the effects of the rehabilitation itself.

## 3. Concentration of Low Income Housing.

While it is true that the City of Port Arthur has a concentration of low-income housing that exceeds twice the State average of units per capita supported by Housing Tax Credits or private activity bonds, the Applicant has resolved this concentration issue under §11.3(c) of the QAP by providing a resolution from the City of Port Arthur setting forth a written statement of support and authorizing the allocation of Housing Tax

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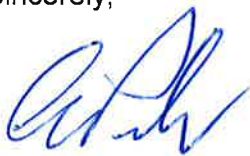
<sup>14</sup> See, e.g., PAIG 10 Year Report 2000-2010, at 4 (See Exhibit 13). The 10 Year Report demonstrates industry's commitment to the Port Arthur community.

Credits to the Development. Resolution No. 19-054 adopted by the City Council of the City of Port Arthur on February 5, 2019 was provided in the Application.

C. Conclusion

The Application demonstrates that the refineries' proximity does not render the Development ineligible for tax credits. There is not evidence of undesirable site features relating to environmental conditions, including adverse health impacts caused by refinery emissions. The Development is supported by the City and elected representatives and demonstrated mitigation is in place through the regulatory framework applicable to industry and the voluntary efforts of industry which inure to the community's benefit. Under the standards imposed by the Protestors, development sites within a county or city with industry and industrial jobs would be *per se* ineligible for a tax credit award, even in the absence of a showing of adverse air quality impacts. It is in these industrialized areas of the state where affordable housing is most needed. As to Port Arthur, if the refineries represented an adverse health condition that disqualified sites from development within a 2-mile radius, then a significant portion of the City, including residences and City services, would not have been built and could not continue to operate.

Sincerely,



Gerald J. Pels

CC: Mr. David Cervantes  
Texas Department of Housing and Community Affairs  
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[David.cervantes@tdhca.state.tx.us](mailto:David.cervantes@tdhca.state.tx.us)

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## Exhibit Index

- Exhibit 1 – TCEQ Database description of Air Products Facility in Port Arthur
- Exhibit 2 – City Council resolution and letter from Mayor Derrick F. Freeman
- Exhibit 3 – Letter from Rep. Joe Deshotel of the 22nd Legislative District
- Exhibit 4A, B, C, D, and E – Maps depicting refineries, development site, and surrounding areas
- Exhibit 5 - May 19, 2019 *Beaumont Enterprise*
- Exhibit 6 – HUD Comfort Letter
- Exhibit 7 - Relevant pages of ASTM-compliant Phase I ESA
- Exhibit 8 – Map of Air Quality Monitors in Port Arthur and surrounding areas
- Exhibit 9 – TCEQ Memorandum
- Exhibit 10 – Penalty calculation worksheets
- Exhibit 11 – Premcor’s satisfactory compliance history
- Exhibit 12 – Industry of Southeast Texas’ May 16, 2019 Environmental Report
- Exhibit 13 – PAIG Report
- Exhibit 14 – ASTM Standard E1527-13 Copyrighted materials, not included.
- Exhibit 15 – Resident letters
- Exhibit 16 – Gerald Teel Company, Inc. Appraisal Report

**Exhibit 1**

## Central Registry Query - Regulated Entity Information

### Regulated Entity Information

**RN Number:** RN101941284

**Name:** AIR PRODUCTS PORT ARTHUR PLANT [View Prior Names](#)

**Primary Business:** MFG & SALE OF INDUSTRIAL GASES

**Street Address:** No street address on file.

**County:** JEFFERSON

**Nearest City:** PORT ARTHUR

**State:** TX

**Near ZIP Code:** 77641

**Physical Location:** 1801 S GULFWAY DR, PORT ARTHUR, TX

### Affiliated Customers - Current

Your Search Returned **2** Current Affiliation Records ( [View Affiliation History](#) )

*The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.*

#### 1-2 of 2 Records

CN Number ▲	Customer Name	Customer Role(s)	Details
<a href="#">CN600381974</a>	AIR PRODUCTS AND CHEMICALS INC	OWNER OPERATOR	<a href="#">➔</a>
<a href="#">CN602299257</a>	AIR PRODUCTS LLC	OWNER OPERATOR	<a href="#">➔</a>

### Industry Type Codes

Code	Classification	Name
325120	NAICS	Industrial Gas Manufacturing
2813	SIC	Industrial Gases
4226	SIC	Special Warehousing and Storage
5169	SIC	Chemicals and Allied Products

### Permits, Registrations, or Other Authorizations

There are a total of **20** programs and IDs for this regulated entity. Click on a column name to change the sort order.

#### 1-20 of 20 Records

Program ▲	ID Type	ID Number	ID Status
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	<a href="#">JE0824J</a>	ACTIVE
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0824J	ACTIVE
AIR NEW SOURCE PERMITS	AFS NUM	4824500667	ACTIVE
AIR NEW SOURCE PERMITS	EPA PERMIT	<a href="#">N63</a>	ACTIVE



AIR NEW SOURCE PERMITS	PERMIT	39693	ACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	102517	ACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	44179	ACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	82505	ACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	95649	ACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	95892	ACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	99779	ACTIVE
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0824J	ACTIVE
AIR OPERATING PERMITS	PERMIT	2811	PENDING
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	86181	INACTIVE
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000032631	ACTIVE
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	86181	ACTIVE
POLLUTION PREVENTION PLANNING	ID NUMBER	P06985	ACTIVE
TAX RELIEF	ID NUMBER	16631	ACTIVE
TAX RELIEF	ID NUMBER	16632	ACTIVE
TAX RELIEF	ID NUMBER	16653	WITHDRAWN

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**Exhibit 2**

RESOLUTION NO. 19-054

**A RESOLUTION SUPPORTING THE SUBMISSION OF AN APPLICATION BY PORT ARTHUR PHV, LP FOR HOUSING TAX CREDITS OR PRIVATE ACTIVITY BONDS AT 934 W. 14TH STREET (PRINCE HALL), AUTHORIZING AN ALLOCATION OF HOUSING TAX CREDITS FOR THE APPROVAL OF THE REHABILITATION OF THE DEVELOPMENT AND AUTHORIZING A COMMITMENT OF DEVELOPMENT FUNDING IN THE FORM OF A GRANT OR REDUCED FEES.**

**WHEREAS**, Port Arthur PHV, LP (the "Applicant") has proposed a development for affordable rental housing at 934 W. 14<sup>th</sup> Street named Prince Hall, TDHCA #19301 (the "Development") in the City of Port Arthur, Texas; and,

**WHEREAS**, the Applicant intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for 2019 Housing Tax Credits or Private Activity Bonds for the Development; and,

**WHEREAS**, pursuant to §11.3(c), Texas Administrative Code, we acknowledge that the City of Port Arthur has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds; and,

**WHEREAS**, the City Council authorizes a commitment of rehabilitation funding to Prince Hall in the form of a grant or reduced fees, as delineated in Exhibit "A".

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:**

**Section 1.** That the City of Port Arthur hereby supports the proposed Rehabilitation, and the City Council has voted specifically to approve the rehabilitation of the Development and to authorize an allocation of Housing Tax Credits for the Rehabilitation pursuant to Texas Local Government Code §2306.6703(A)(4).

**Section 2.** That the City Council hereby approves and authorizes a commitment of development funding to Prince Hall in the amount of five hundred dollars [\$500.00] in the form of a grant or reduced fees.

**Section 3.** That a copy of the caption of this Resolution shall be spread upon the Minutes of the City Council.

**READ, ADOPTED, AND APPROVED,** this 5<sup>th</sup> day of February, 2019 A.D., at a Regular Meeting of the City Council of the City of Port Arthur, Texas by the following vote: AYES:

Mayor: Freeman; Mayor Pro Tem Kinlaw;

Councilmembers: Scott, Jones, Doucet, Moses and Frank.

Noes: None.

  
Derrick Ford Freeman, Mayor

ATTEST:  
  
Sherri Bellard, TRMC, City Secretary

APPROVED AS TO FORM:  
see memo  
Valecia "Val" Tizeno, City Attorney

APPROVED FOR ADMINISTRATION:  
  
Harvey L. Robinson, City Manager

## EXHIBIT "A"

DERRICK FORD FREEMAN, MAYOR  
THOMAS J. KINLAW, II, MAYOR PRO TEM

COUNCIL MEMBERS:  
RAYMOND SCOTT, JR.  
CAL J. JONES  
HAROLD DOUCET SR.  
CHARLOTTE MOSES  
KAPRINA FRANK



HARVEY L. ROBINSON  
INTERIM CITY MANAGER

SHERRI BELLARD, TRMC  
CITY SECRETARY

VALECIA "VAL" TIZENO  
CITY ATTORNEY

February 5, 2019

Port Arthur PHV, LP  
Attn: Joshua W. Allen, Sr.  
Authorized Representative  
3735 Honeywood Court  
Port Arthur, TX 77642

**Re: Financial Support for Prince Hall, TDHCA #19301, 934 W. 14<sup>th</sup> Street, Port Arthur, TX 77640**

Dear Mr. Allen,

On February 5, 2019, the City of Port Arthur City Council approved Resolution No. 19-054 to provide financial support to the Prince Hall development located at 934 W. 14<sup>th</sup> Street, Port Arthur, TX 77640. Per Resolution No. 19-054, the City of Port Arthur, TX will make a contribution of at least five hundred dollars [\$500.00] toward the construction of Prince Hall in the form of a grant or reduced fees.

Attached is the resolution that has been approved by the City of Port Arthur City Council.

If you have any questions or concerns; please contact me at (409) 983-8105 or [derrick.freeman@portarthurtx.gov](mailto:derrick.freeman@portarthurtx.gov).

Sincerely,

  
Derrick F. Freeman,  
Mayor

Attachment: 1

DERRICK FORD FREEMAN, MAYOR  
THOMAS J. KINLAW, II, MAYOR PRO TEM

COUNCIL MEMBERS:  
RAYMOND SCOTT, JR.  
CAL J. JONES  
HAROLD DOUCET SR.  
CHARLOTTE MOSES  
KAPRINA FRANK



HARVEY L. ROBINSON  
INTERIM CITY MANAGER

SHERRI BELLARD, TRMC  
CITY SECRETARY

VAL TIZENO  
CITY ATTORNEY

February 15, 2019

Raynold Richardson, Vice-President  
J. Allen Management Co., Inc.  
1390 Broadway Street  
Beaumont, TX 77701

**Re: Zoning Verification for Prince Hall Village Apartments, 934 W 14th St, Port Arthur, TX, 77640**

Dear Mr. Richardson:

After careful consideration, it has been determined that the property located at 934 W 14th St. (LT 1-6 BLK U & LT 1-12 BLK V & LT 1-12 BLK W P A HTS B WASHINGTON AVE PFEIFFER AVE 836-1060 W 14TH 837-1059 W13TH), is located in a Multiple Family (MF) zoned district. As such, all uses associated with the Multiple Family (MF) zoning designation are permitted by right at the above-referenced location; including the use of a *Multiple Family Residence* (defined in Appendix A, Section 7-100 of the City of Port Arthur Zoning).

In accordance with Appendix A, Section 8-100 of the City of Port Arthur Code of Ordinances, the required minimum number of off-street parking spaces for a *Multiple Family Residence* shall be provided on each tract, or on a contiguous tract in accordance with the following: *Two Spaces per dwelling unit*.

Currently, there are no recorded conformance issues or building code violations on file in the Office of Planning & Zoning; however, please contact Philip Vilardi, Building Official, City of Port Arthur, P.O. Box 1089, Port Arthur, Texas, 77641, (409) 983-8260, [Philip.Vilardi@portarthurtx.gov](mailto:Philip.Vilardi@portarthurtx.gov) for questions regarding code violations, windstorm requirement(s), and Certificate of Occupancy.

Also, attached is *Section 12: Multiple Family District Regulations* for your reference.

If you have any questions, concerns or comments; please contact me at (409) 983-8135 or [pamela.langford@portarthurtx.gov](mailto:pamela.langford@portarthurtx.gov).

Sincerely,

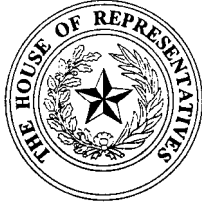
A handwritten signature in blue ink that reads "Pamela D. Langford". The signature is written in a cursive, flowing style.

Pamela D. Langford, CFM, CAP, OM, PM, ICC/AACE  
Development Services Manager  
Department of Development Services/Planning Division

Attachment(s)

**Exhibit 3**





CAPITOL OFFICE  
GW.12  
P.O. Box 2910  
Austin, TX 78768-2910  
512-463-0662  
Fax: 512-463-8381

STATE of TEXAS  
HOUSE of REPRESENTATIVES

DISTRICT OFFICE  
One Plaza Square, Suite 203  
Port Arthur, TX 77642  
409-724-0788  
Fax: 409-724-0750  
joe.deshotel@house.state.tx.us

**JOE DESHOTEL**

Texas State Representative  
22<sup>nd</sup> Legislative District

February 13, 2019

Texas Department of Housing and Community Affairs  
Attn: Marni Holloway  
Director, Multifamily Division  
221 E. 11<sup>th</sup> St.  
Austin, TX 78701  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

RE: Support for **Prince Hall**, TDHCA #19301  
**934 W. 14<sup>th</sup> Street, Port Arthur, Texas 77640**

Dear Ms. Holloway,

I received the Public Notification for **Prince Hall in Port Arthur**, TX located in my House District **22**. This project is greatly needed in this community.

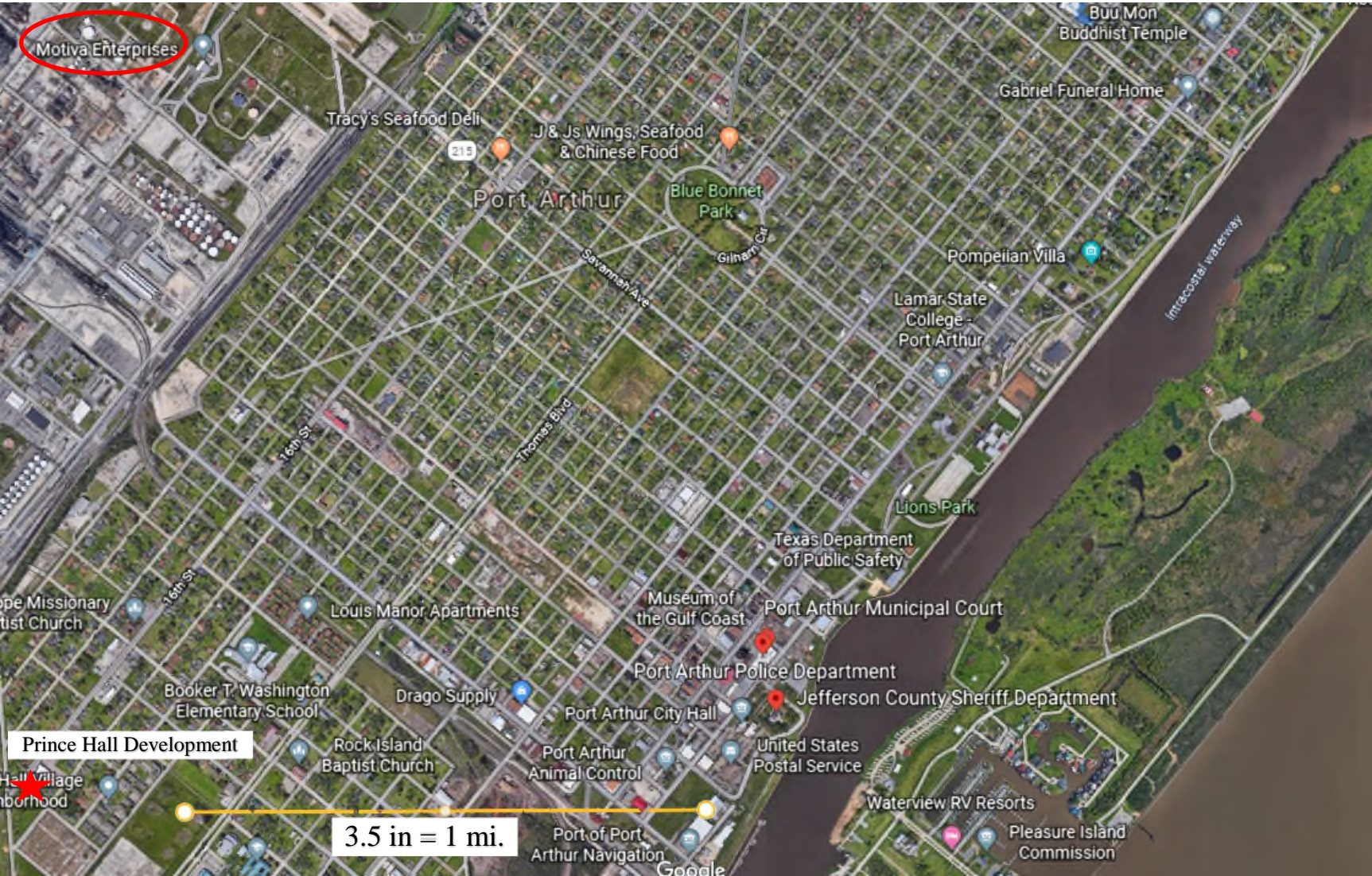
I am pleased to lend my support to this development which will serve my constituents well. If you have any questions, please feel free to contact me at 409-724-0788.

Sincerely,

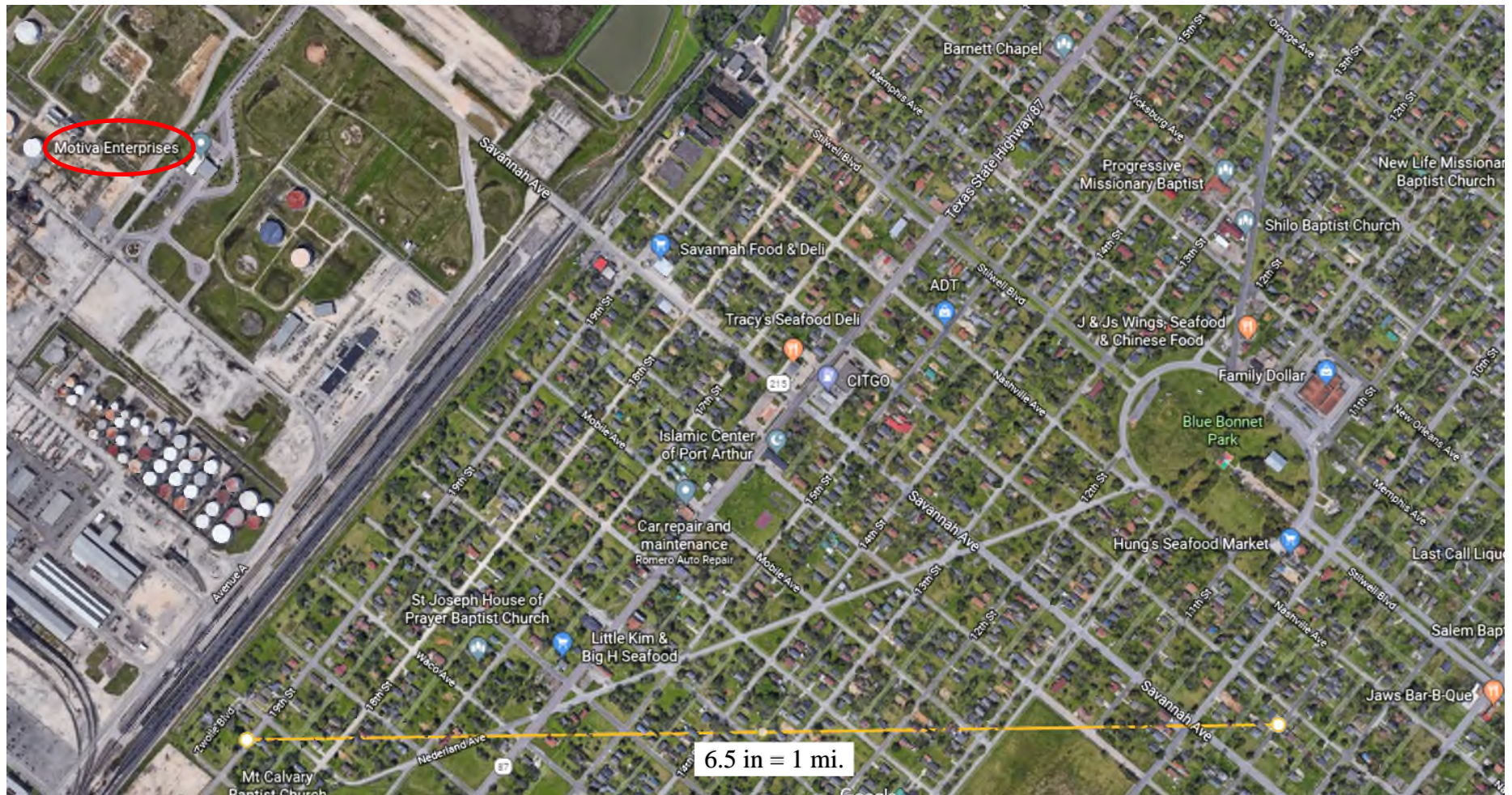
Joe D. Deshotel  
22nd Legislative District

**Exhibit 4**

**Exhibit 4A**  
**Area Surrounding Motiva Refinery**



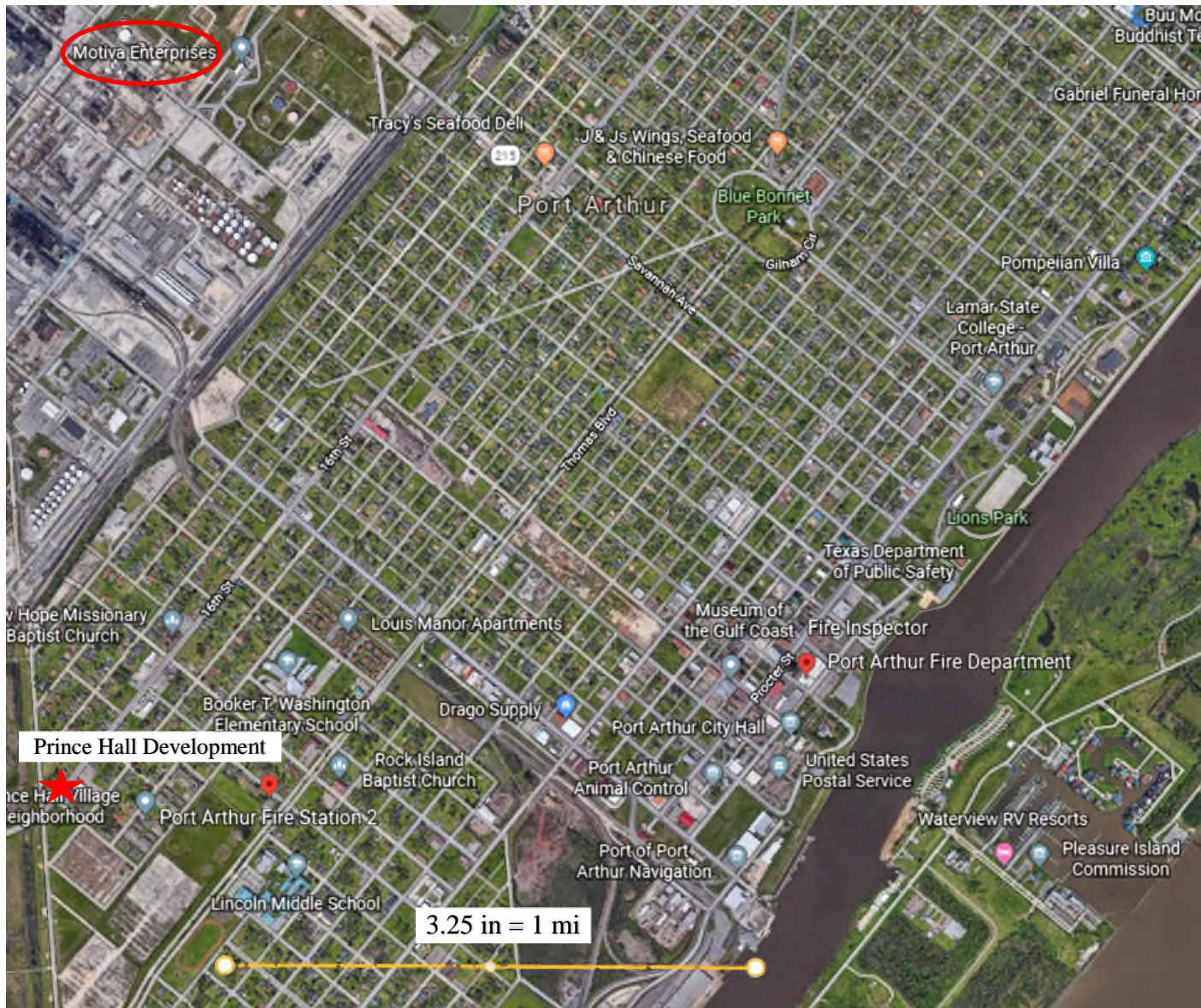
Police Departments



Restaurants/Car Repair/Churches/Shopping



Schools/Churches/Resort/Shopping/Museum/Parks

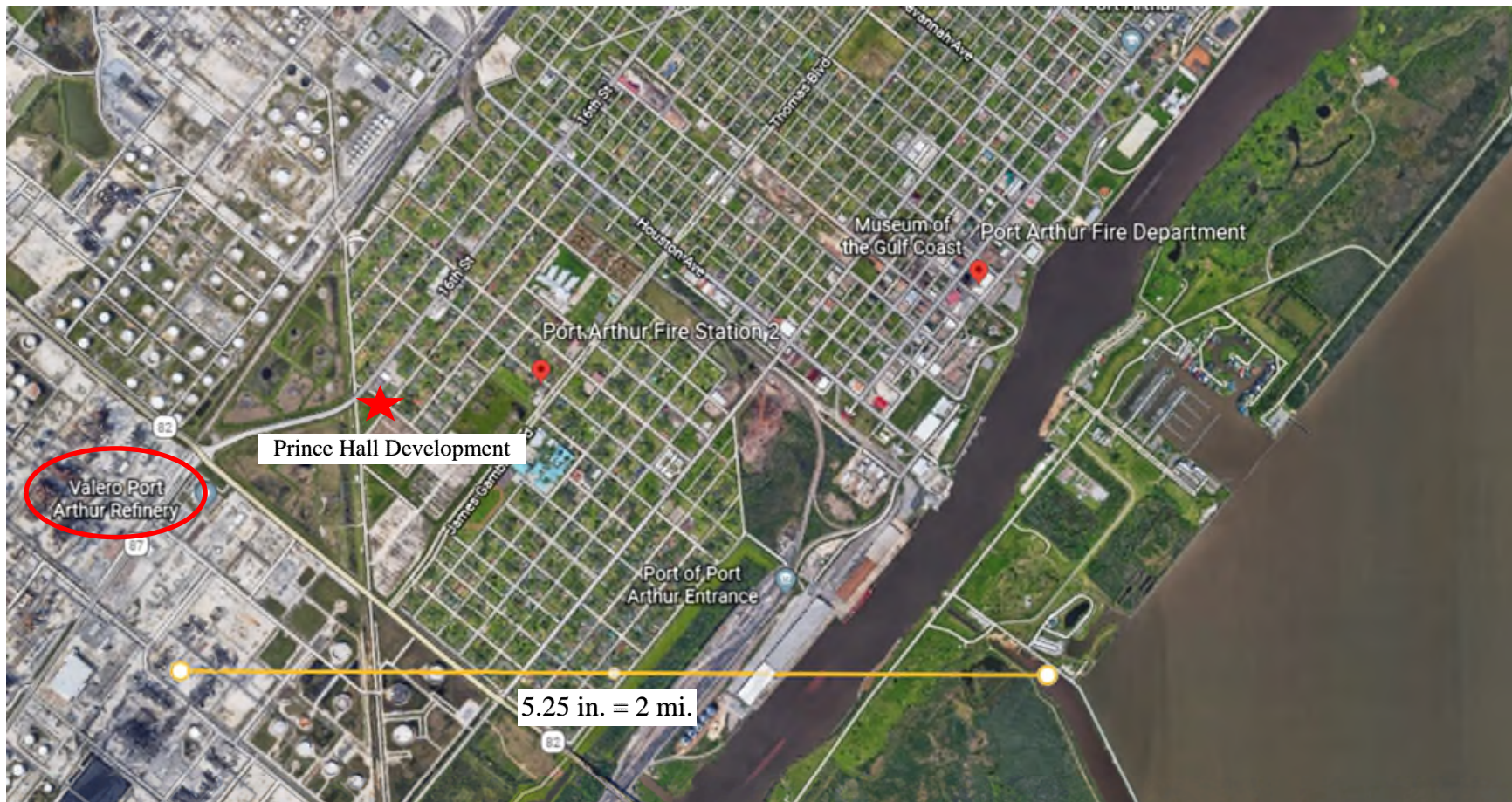


Fire Stations

**Exhibit 4B**  
**Areas Surrounding Valero/Premcor Refinery**



Police Department/Government Buildings



Fire Stations





Museums/Churches/Schools/City Hall/Parks/Resorts

Exhibit 4C

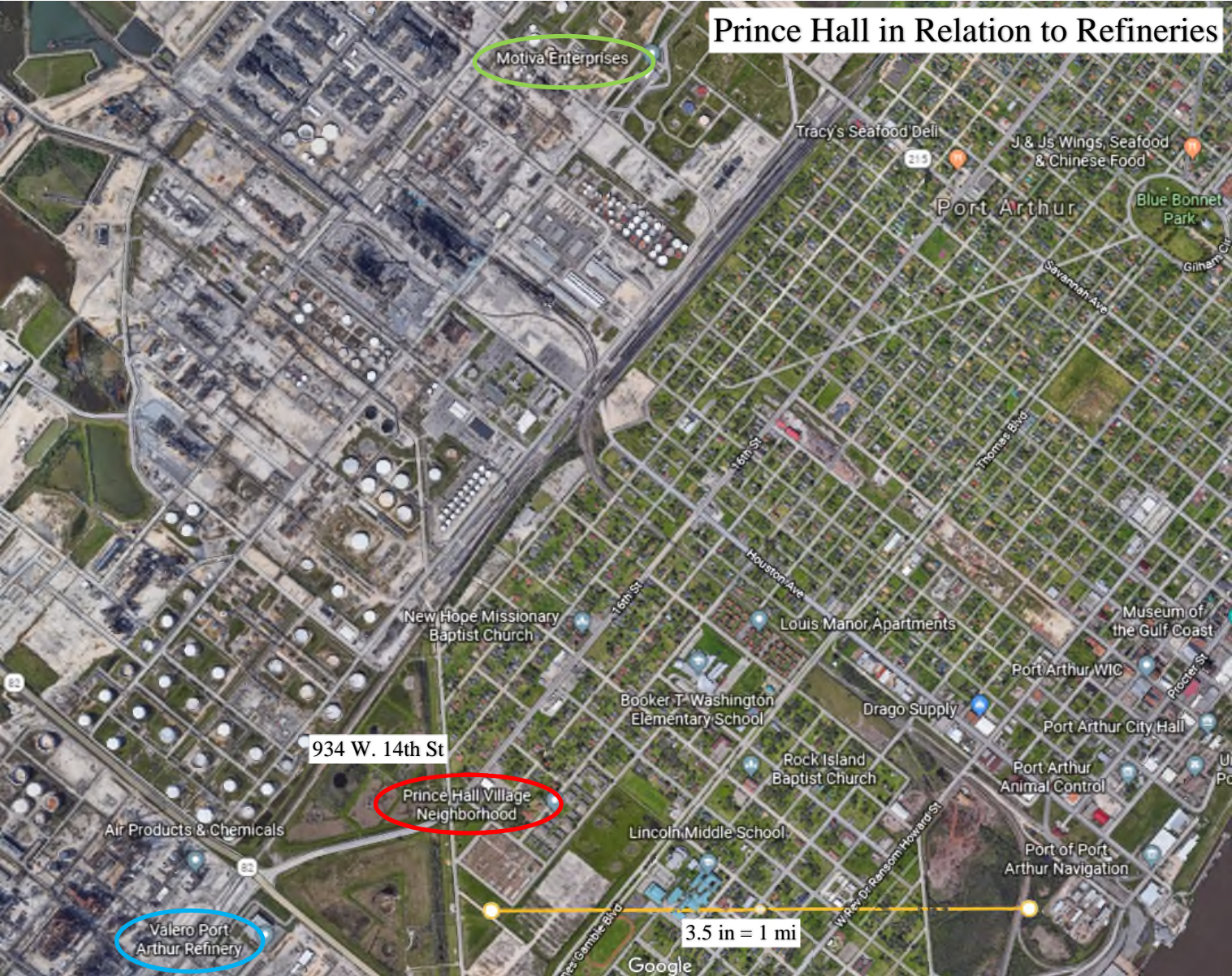


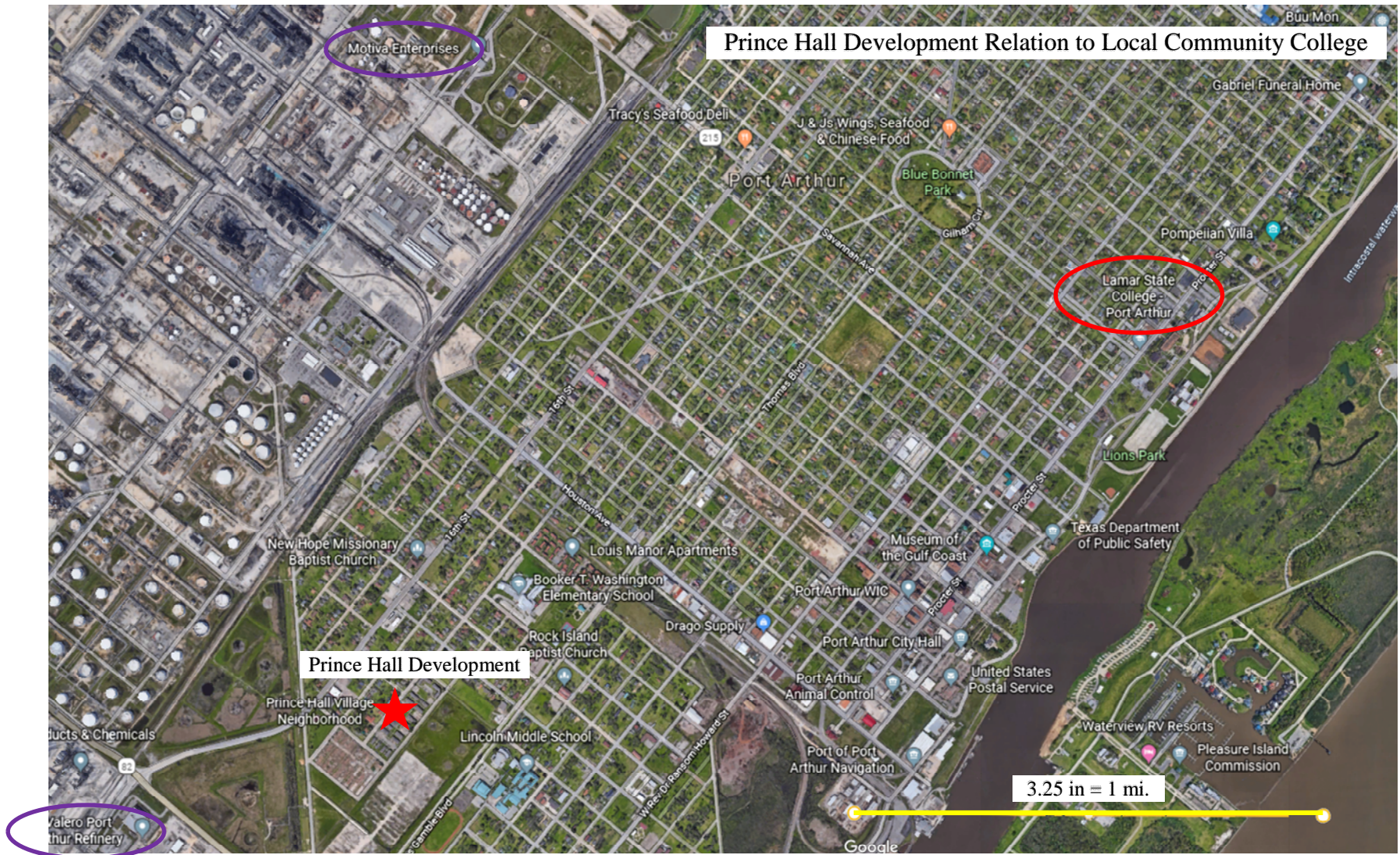
Exhibit 4D



# Residential Areas Surrounding Prince Hall



# Exhibit 4E



Seahawk Landing (Constructed by ITEX Group)



Source: <https://www.seahawklanding.com/mapsanddirections.aspx>

Map of the "Seawall" – Popular Running Trail on Seawall Dr.

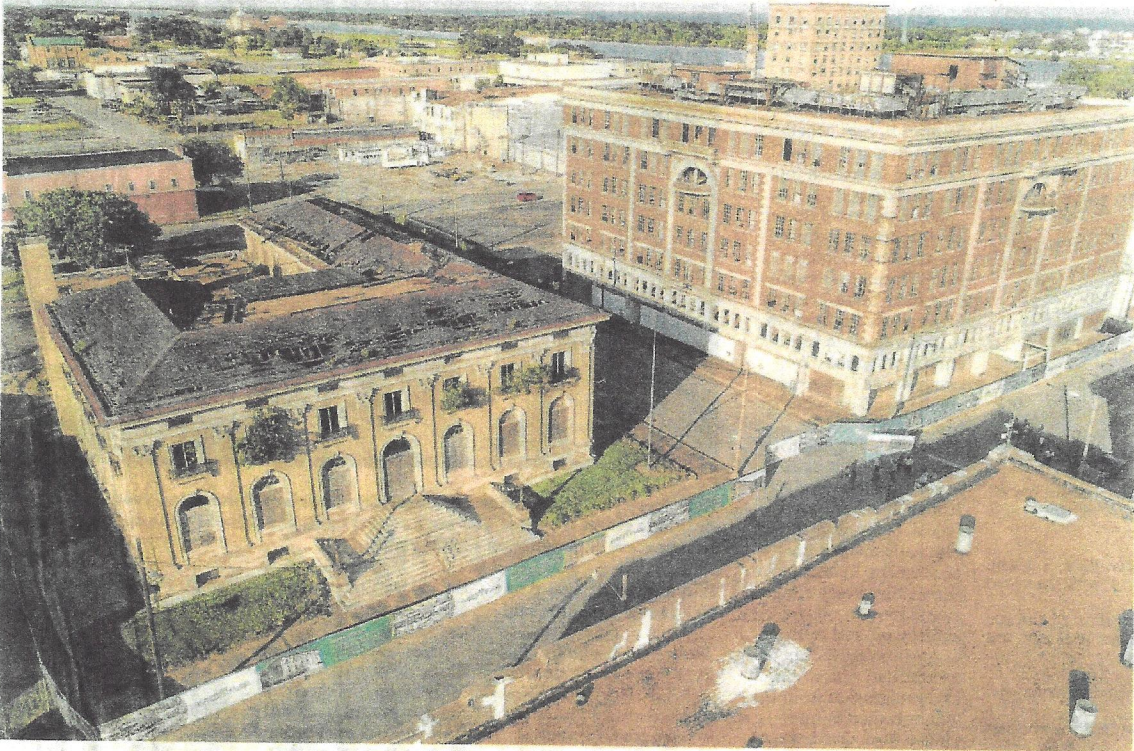


**Exhibit 5**



# BEAUMONT ENTERPRISE

\$2 Friday, May 17, 2019 The Most Trusted Source for News in Southeast Texas BeaumontEnterprise.com



Drone Image: Ryan Welch / The Enterprise

The two buildings that Motiva purchased include the Federal Building, on the left, and the Adams Building in downtown Port Arthur. Photo taken on Thursday, 05/16/19. Ryan Welch/The Enterprise

## INDUSTRY

# \$150M Port Arthur investment hailed as nationally significant

## Motiva money could revitalize town ravaged by Tropical Storm Harvey

By Kaitlin Bain

A \$150 million investment planned for downtown Port Arthur from petrochemical giant Motiva Enterprises could be the largest of its kind and spark a "rebirth" of the town ravaged by Tropical Storm Harvey in 2017, officials said.

At a Thursday evening ceremony to formally announce the company's plans to purchase

and renovate at least three buildings and move employees into the long-neglected city center, Motiva executive Travis Capps said there's "a lot of stuff" under consideration but that getting the buildings up and running is the priority.

He doesn't mind the swirling rumors that Motiva might bring more activity.

"I love all the rumors," he said. "... The rumors are great

because they'll encourage other developers to come down and do stuff, too."

Chamber of Commerce president and CEO Pat Avery gushed to a crowd of about 450 residents, elected officials, public servants and Motiva executives and employees that, "For Port Arthur, Motiva is the artist."

The event also included comments from the mayor and

a song about downtown Port Arthur from resident Dwight Wagner. May 16 was also deemed, "Imagine Port Arthur Day."

Motiva purchased the Hotel Sabine from the city earlier this year as part of its in-lieu-of-taxes agreement.

But Thursday's ceremony focused on two other buildings

INVESTMENT, page A6



Photos by Ryan Welch / The Enterprise

People from Motiva and Port Arthur unveil building plans in front of the Adams building during Motiva and The Greater Port Arthur Chamber of Commerce's "Imagine Port Arthur" in Port Arthur on Thursday.

## INVESTMENT Motiva plans to renovate three buildings

Continued from page A1

the company has purchased — the Adams and Federal buildings at 440 and 500 Austin Ave., respectively.

The company plans to use the first building for short-term corporate lodging with some retail on the bottom floors.

The latter two buildings will ultimately house 500 office workers and help the company get rid of 220 trailers at the plant that many of them currently work in.

"So now as we look forward to the next decades, and what we need to house our offices and our employees, these buildings were staring at us. I see the refinery right up the street," Capps said. "We need about offices for 500 people, and that's what these two buildings can do. It's pretty straight-forward, from my perspective."

He denied rumors that the company plans to purchase still more buildings downtown.

Even without the purchase of additional buildings, the planned investment of \$150 million downtown is one of the largest in an opportunity zone in the



Motiva President and CEO Brian Coffman speaks during Motiva and The Greater Port Arthur Chamber of Commerce's "Imagine Port Arthur" in downtown Port Arthur on Thursday.

United States, Port Arthur Mayor Derrick Freeman said.

The city also has a Tax Increment Reinvestment Zone in the area, which means the city will take the increased tax revenue from the added value in the area and put it back into infrastructure in the area, including road improvements, streetscapes, waterfalls and other features.

Freeman also took Thursday's ceremony as an opportunity to make a sales pitch to other investors looking to come to Port Arthur.

He listed the "tools" in Port Arthur's "tool belt" that could be used to make investment downtown more profitable for investors and give the city more money to make improvements.

"So please, I encourage you to come on down," he said.

Motiva already had safety fences surrounding the buildings on Thursday evening, ready for internal demolition and rebuilding. Executives stressed that the historic facades would be preserved.

Motiva hasn't always

been hailed as a boon for the city's residents, though.

Early last month, the Port Arthur ISD superintendent accused the company of trying to short-change the struggling public school system by not paying its "fair share" in property taxes.

As a part of that, Superintendent Mark Porterie wrote a 1,400-word op-ed piece saying Motiva had "breached the social contract that companies like Motiva made with this community so long ago."

That criticism comes from an action by the company to contest its local refinery's valuation on the Jefferson County tax rolls, which if successful, would mean the company would pay less in taxes.

The lawsuit is the first time Motiva has expressed a problem with its assessed value, which happens to be after a tax abatement agreement with the school district ran out.

Motiva countered in a statement at the time that it is committed to paying its "fair share" in taxes, however it believes the assessed value is excessive.

kaitlin.bain@beaumontenterprise.com  
twitter.com/KaitlinBain

**Exhibit 6**



**U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT**  
Southwest Multifamily Region  
*Serving Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska,  
New Mexico, Oklahoma, and Texas*  
Multifamily Customer Service Telephone Line 1-800-568-2893  
[www.hud.gov](http://www.hud.gov)

May 17, 2019

Raynold Richardson, Vice President  
J. Allen Management Company, Inc.  
1390 Broadway Street  
Beaumont, TX 77701

Dear Mr. Richardson:

Subject: Prince Hall Village Apartments, Port Arthur, Texas  
HUD and FHA Numbers: 800021266, 11435005  
HUD Section 8 Contract Number: TX24M000014

This Office is in receipt of a request to acknowledge the proposed tax-credit application to be submitted on behalf of the Prince Hall Village Trust.

Please be advised, the Department will require proper transfer of ownership processes to be followed by both the seller and buyer, which will include but is not limited to:

1. 2530 – Previous Participation Certification for the proposed new ownership and management agent;
2. Management Agent Certification via submission of the HUD forms 9839 and 9832;
3. A copy of the Sources and Uses of Funds for the redevelopment, and
4. Application for the transfer of the Housing Assistance Payment Contract.

This letter acknowledges that the Department is aware of the transfer and does not reasonably foresee any problems with this transfer. However, the Department will conduct a proper review of the application to transfer ownership of the property when it is received in this Office.

If you have any questions concerning this letter, please contact me, the MF Resolution Specialist, at (817) 978-5828 or at [Eric.Warner.Endsley@hud.gov](mailto:Eric.Warner.Endsley@hud.gov).

Sincerely,

A handwritten signature in blue ink that reads "Warner Endsley".

Warner Endsley,  
Acting Branch Chief  
Fort Worth Asset Management Division

---

*Fort Worth Regional Office  
801 Cherry Street Unit #45, Suite 2500  
Fort Worth, Texas 76102*

*Kansas City Satellite Office  
400 State Avenue, Suite 300  
Kansas City, KS 66101*

## **OVERVIEW PRINCE HALL VILLAGE APARTMENTS**

### **PORT ARTHUR, TEXAS**

TDHCA LIHTC Application #19301  
HUD/FHA 114-35005 – Section 8 HAP Contract TX24-M000-014  
Prince Hall Village Apartments  
934 W. 14<sup>th</sup> Street, Port Arthur, TX

Prince Hall Village is a 120 unit, 50-year old development, with a 100% Project Based Section 8 Full Mark-to-Market Housing Assistance Payment (HAP) Contract under Section 515 (a) of MAHRA, which expires May 31, 2021. In addition, the property has an executed USE Agreement for Multifamily Projects Participating in the Mark-To-Market Program under the Multifamily Assisted Housing Reform and Affordability Act (MAHRA) of 1997 that was effective May 25, 2001 which mandates that the affordable housing restrictions remain in place through May 25, 2031. The financial commitment that HUD has invested from June 1, 2001 was initially \$629,088 annually for the HAP which has increased to \$1,120,320 effective June 1, 2019, with the total dollar amount of funds expended since 2001 of \$19,118,129. The contract rents are adjusted on an annual basis effective the anniversary date of the agreement in accordance with HUD requirements by using an operating cost adjustment factor (OCAF).

HUD traditionally renews Section 8 HAP contracts if LIHTC are awarded for 20-years for preservation purposes ( see attached HUD Notice 2019-03, Section 221(d)(4) and Section 220 New Construction and Substantial Rehabilitation Multifamily Projects with Low Income Housing Tax Credits (“LIHTC” or “Tax Credit”) Pilot Program). The property was formerly FHA insured, with a current Section 8 Contract and has a USE Agreement. Therefore, the HUD has invested a significant amount funds in this asset and will continue to do so depending on Congressional appropriations.

The property has been rated Satisfactory on their HUD Management & Occupancy reviews from 2002 through 2019 and has scored 87 up to 96 on all their Real Estate Assessment Center (REAC) physical inspections since 2001 through 2019. The property has been operated in a decent, safe and sanitary manner, and meets all the requirements under its business agreements with HUD. However, the development incurred damage as a result of Hurricanes Ike, Rita and Harvey and has suffered from the effect of normal physical obsolescence and therefore, is in need of substantial rehabilitation.

The new purchaser will be submitting an application for a Section 221(d) (4) mortgage to HUD if the LIHTC is awarded. The combination of LIHTC and the FHA insured mortgage would provide the funding vehicle for substantial rehabilitation and preserve this development for the next 30-40 years. HUD reasonably supports any efforts that will facilitate the rehabilitation of this 50-year old property. Prince Hall has had a distressed history and we hope, within the confines of TDHCA administrative policies, there is an opportunity for the proposed rehabilitation to go forward. It would be a benefit to the current residents, who cannot move elsewhere without losing their rental assistance.

**Exhibit 7**

Site Summary Table							
Map ID#	Type	Facility ID#	Facility Name	Address	Distance (mi) / Direction	Apparent Impact to Subject Property	Justification
7	ACRES	110039546925	VACANT LOT-FORMER DRY CLEANERS	9TH ST. RAND TEXAS AVE. PORT ARTHUR, TX 77640	0.42 E	No	Distance
8	IHWCA	35851	SPIDLE & SPIDLE	401 W 19TH ST PORT ARTHUR, TX 77640	0.45 N	No	Distance
9	ACRES	110038705354	PORT IRON AND SUPPLY	JOE LOUIS AVE. AND 7TH STREET PORT ARTHUR, TX 77640	0.46 N	No	Distance
10	ACRES	110039546998	BLACKIE'S SUPERMARKET	1449 HOUSTON AVE PORT ARTHUR, TX 77640	0.48 NE	No	Distance
11	ACRES	110039546907	ABANDONED GAS STATION	713 W. 7TH STREET PORT ARTHUR, TX 77640	0.5 E	No	Distance
12	SEMS	TXD026955294	PORT DRUM COMPANY	237 W 9TH ST PORT ARTHUR, TX 77640	0.53 E	No	Distance
13	MSD	MSD AP 005	Former Kansas City Southern Port Drum	237 W 9TH ST Port Arthur, TX 77640	0.53 E	No	Distance
14	SEMS	TXD008090406	GULF OIL CHEMICAL CO-PT ARTHUR REFINERY	WEST 7TH ST/P.O. BOX 701 PORT ARTHUR, TX 77641	0.65 S	No	Distance
15	RCRA_CERCLA	TXD008097529	MOTIVA ENTERPRISES	2100 HOUSTON AVE PORT ARTHUR, TX 77640-3300	0.69 N	No	Distance

Site Summary Table							
Map ID#	Type	Facility ID#	Facility Name	Address	Distance (mi) / Direction	Apparent Impact to Subject Property	Justification
16	SEMS	TXD09661062	TEXAS GULFPORT SHIPBUILDING CO	400 WEST LAKESHORE DR PORT ARTHUR, TX 77640	0.89 SE	No	Distance
17	SEMS	TXN000605150	CHEMSTROY VEOLIA CHEMICAL	221 Houston Ave. PORT ARTHUR, TX 77641	0.92 E	No	Distance

Summary of Critical Identified Sites
None of the sites listed on the database are the subject property or an adjoining property. There is no indication that the sites identified in the ASTM Standard Environmental Record Sources search have had or will have an environmental impact to the subject property. Phase Engineering, Inc. has the opinion that, based on distance, direction, status or other justifications, it does not appear the subject property has been impacted from these facilities.
The following was unplotted on the regulatory database map. The northeast and southwest adjoining properties, addressed as Abe Lincoln Avenue between West 13 <sup>th</sup> and West 14 <sup>th</sup> Streets under the name Lincoln Square Townhomes, is listed as an IHWCA site. This site includes the Lincoln Square Townhomes on the northeast adjoining property and the Carver Terrace Apartments on the southwest adjoining property. The IHWCA status is listed as "Inactive". In January 2014 surface soil sampling was completed in the areas of this site. The samples were analyzed for RCRA Heavy Metals and Total TPH. On April 11, 2014 the TCEQ issued closure approval for this site based on soil testing documentation which indicated concentrations below the action levels established by the TCEQ guidance.

Phase Engineering, Inc. has made an attempt to review regulatory agency files to determine if the subject property or any of the adjoining properties have been identified on one or more of the standard environmental record sources per ASTM Standard Practice E 1527-13 Section 8.2.1. The purpose of the regulatory file review is to obtain sufficient information to assist the environmental professional in determining if a recognized environmental condition, historical recognized environmental condition, controlled recognized environmental condition or a de minimis condition exists at the subject property in connection with the listing. Phase Engineering, Inc. has provided copies of the relevant reviewed regulatory agency file information in Appendix III of this report. If this information has been determined to be of a file size that is impractical to provide in Appendix III, then this information will be provided at the request of the user of this report under separate cover. Some of the regulatory documentation has been deemed not to be reasonably ascertainable due to (1) information that is not publically available, (2) information that is not obtainable from its source within reasonable time and cost constraints, and (3) information that is not practically reviewable (ASTM Standard Practice E 1527-13 Section 8.1.4). If a regulatory agency file review is not warranted or is not reasonably ascertainable, then Phase Engineering, Inc. has provided an explanation within this report for not conducting the applicable regulatory agency file review.



---

## 9.0 Conclusions

Phase Engineering, Inc. has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of subject property and more fully described within the report. Any exception to, or deletions from, this practice are described in Section 2.0 of the report.

Recognized environmental condition is defined in ASTM Standard E 1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” Phase Engineering, Inc. has considered all migration pathways including soil, groundwater and vapor during evaluation of all identified environmental conditions. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.

A controlled recognized environmental condition (CREC) is defined in ASTM Standard E 1527-13 as “a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.” Controlled recognized environmental conditions are recognized environmental conditions. This assessment has revealed no evidence of controlled recognized environmental conditions in connection with the property.

A historical recognized environmental condition (HREC) is defined in ASTM Standard E 1527-13 as “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.” A historical recognized environmental condition is not a recognized environmental condition. This assessment has revealed no evidence of historical recognized environmental conditions in connection with the property.

*De minimis* conditions are defined in ASTM Standard E 1527-13 as conditions “that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.” *De minimis* conditions are not recognized environmental conditions. This assessment has revealed no evidence of *de minimis* conditions in connection with the property.

**Exhibit 8**

## TCEQ Air Quality Monitoring Sites in Jefferson County

Source: [https://www.tceq.texas.gov/airquality/airmod/data/site#map\\_wrapper](https://www.tceq.texas.gov/airquality/airmod/data/site#map_wrapper)



Site	EPA Site Number	Address	Proximity to Prince Hall Development
GROV	482450014	3355 Grandview Ave & 32nd St, Port Neches, Texas 77642	8.4 miles
JEFA	482450018	End of 90th Street @ Jefferson County Airport, Port Arthur, Texas 77640	9.8 miles
NLHS	482451035	1800 N. 18th Street, Nederland, Texas 77627	11.7 miles
PAMS	482450021	2200 Jefferson Drive, Port Arthur, Texas 77642	4.8 miles
PAWC	482450011	623 Ellias Street, Port Arthur, Texas 77640	5.4 miles
PTAR	482450019	201 H O Mills Blvd, Port Arthur, Texas 77640	4.4 miles
PTNE	482450017	605 Avenue L, Port Neches, Texas 77651	10.8 miles

S43S	482450102	Jefferson County Airport, Port Arthur, Texas 77640	9.8 miles
SEPA	482450628	[Address Unavailable] Latitude: 29° 52' 4" North (29.8677560°) Longitude: -93° 57' 4" West (-93.9511630°)	Less than 1 mile

## TCEQ Air Quality Monitoring Site Near Prince Hall Development

Source: [https://www.tceq.texas.gov/airquality/airmod/data/site#map\\_wrapper](https://www.tceq.texas.gov/airquality/airmod/data/site#map_wrapper)



**Exhibit 9**

# **TCEQ Interoffice Memorandum**

**To:** Kathryn Saucedo, Regional Director, Region 10, Beaumont

**From:** Allison Jenkins, MPH  
Lindsey Jones, MS  
Toxicology Division, Office of the Executive Director

**Date:** November 10, 2017

**Subject:** Health Effects Review of 2016 Ambient Air Network Monitoring Data in Region 10, Beaumont

## **Conclusions**

- All reported annual average concentrations for all monitored volatile organic compounds (VOCs) were below their air monitoring comparison values (AMCVs) and would not be expected to cause long-term (chronic) adverse human health or vegetation effects.
- All hourly VOC concentrations gathered from automated gas chromatograph (autoGC) monitoring sites were below their respective short-term AMCVs (including odor thresholds) and would not be expected to cause adverse human health effects.
- All 24-hour concentrations for 1,3-butadiene, 2,2-dimethylbutane, 2,3-dimethylbutane, 2-methylpentane, 3-methylpentane, benzene, ethylene dichloride, and n-hexane in canister samples were below their 24-hour AMCVs and would not be expected to cause adverse health effects.

## **Background**

This memorandum conveys the Toxicology Division's (TD's) evaluation of ambient air sampling conducted at a total of 16 monitoring locations in Region 10-Beaumont from January 1 through December 31, 2016. Information about the locations of the monitoring sites, monitored compounds, and hyperlinks to more information on the sites is provided in Table 1.

The Texas Commission on Environmental Quality (TCEQ) Monitoring Division, the South East Texas Regional Planning Commission (SETRPC), or Flint Hills Resources in Port Arthur reported the data for all chemicals evaluated in this memorandum. Lists of all target analytes at these monitoring locations are included in Attachment A.

Chemicals were evaluated individually by comparing the reported concentrations to their respective AMCVs. All 1-hour concentrations collected from the ambient air monitoring sites in Table 1 were evaluated for their potential to cause acute (short-term) adverse health and welfare (odor potential and vegetation) effects. The TD calculated annual averages of these 1-hour data to determine their potential to cause chronic (long-term) adverse health and vegetation effects.

VOC data from 24-hour canister samples taken every sixth- (TCEQ) or 12<sup>th</sup>-day (SETRPC) were also evaluated. Because short-term or peak concentrations are not necessarily captured by 24-hour samples, daily concentrations have limited use in evaluating the potential for acute health effects. In order to be able to evaluate 24-hour monitoring data more fully, TCEQ has developed 24-hour AMCVs for 1,3-butadiene, 2,2-dimethylbutane, 2,3-dimethylbutane, 2-methylpentane, 3-methylpentane, benzene, ethylene dichloride, and n-hexane. As such, 24-hour samples were compared to the available TCEQ 24-hour AMCVs for these chemicals. When averaged over at least one year, these 24-hour air samples are representative of long-term average concentrations in air. Therefore, the TD compared annual average concentrations calculated from 24-hour samples for each target analyte to their respective long-term AMCVs to evaluate the potential for chronic health and vegetation effects. More

information about AMCVs is available online at [TCEQ Air Toxics](#) or by contacting the TD (512-239-1795).

The majority of TCEQ, SETRPC, and Flint Hills monitoring data reviewed met or exceeded TCEQ’s 75 percent annual data completeness objective. The following analytes did not meet this objective:

- Acetylene at Nederland High School (5205 1-hour measurements out of a possible 8784 measurements);
- 1,2,3-Trimethylbenzene at Beaumont Downtown (433 1-hour measurements out of a possible 8784 measurements) and Nederland High School (1390 1-hour measurements out of a possible 8784 measurements);
- 1,2,4-Trimethylbenzene at Nederland High School (5213 1-hour measurements out of a possible 8784 measurements);
- 1,3,5-Trimethylbenzene at Nederland High School (5259 1-hour measurements out of a possible 8784 measurements);
- n-Decane at Nederland High School (5262 1-hour measurements out of a possible 8784 measurements);
- n-Hexane at Nederland High School (5814 1-hour measurements out of a possible 8784 measurements); and
- Styrene at Port Arthur Memorial School (6433 1-hour measurements out of a possible 8784 measurements).

Meeting the data completeness objective helps to ensure the representativeness of calculated annual average concentrations. Because these analytes did not meet the completeness objective, they were excluded from evaluation of the potential for long-term effects.

**Table 1 - Region 10 Sites with Air Toxics Monitoring Data Evaluated in this Memorandum**

Site Location	Type of Monitor	EPA Site Number	Network	Monitored Compounds
<a href="#">Beaumont Downtown</a> 1086 Vermont Ave, Beaumont	24-hour every 6 <sup>th</sup> - day canister & hourly autoGC	48-245-0009	TCEQ	84 VOCs (canister); 46 VOCs (autoGC)
<a href="#">Port Arthur West</a> 623 Ellias St, Port Arthur	24-hour, every 6 <sup>th</sup> - day canister	48-245-0011	TCEQ	84 VOCs
<a href="#">Groves</a> 3355 Grandview Ave & 32 <sup>nd</sup> St, Port Neches	24-hour, every 6 <sup>th</sup> - day canister	48-245-0014	TCEQ	84 VOCs
<a href="#">Port Neches Avenue L</a> 605 Avenue L, Port Neches	24-hour, every 6 <sup>th</sup> - day canister	48-245-0017	TCEQ	84 VOCs
<a href="#">Jefferson County Airport</a> 90 <sup>th</sup> St, Port Arthur	24-hour, every 6 <sup>th</sup> - day canister	48-245-0018	TCEQ	84 VOCs

Texas Commission on Environmental Quality



Site Location	Type of Monitor	EPA Site Number	Network	Monitored Compounds
<a href="#">City Service Center/PA</a> 201 H.O. Mills Blvd, Port Arthur	24-hour, every 6 <sup>th</sup> -day canister	48-245-0019	TCEQ	84 VOCs
<a href="#">Nederland High School</a> 1800 N. 18 <sup>th</sup> St, Nederland	hourly autoGC	48-245-1035	TCEQ	46 VOCs
SETRPC West Orange (30.084, -93.764)	24-hour, every 12 <sup>th</sup> -day canister	--	SETRPC	53 VOCs
<a href="#">SETRPC 42 Mauriceville</a> , Intersection of Texas Highways 62 and 12, Port Arthur	24-hour, every 12 <sup>th</sup> -day canister	48-361-1100	SETRPC	53 VOCs
<a href="#">SETRPC 43 Jefferson Co Airport</a> (29.943, -94.001)	24-hour, every 12 <sup>th</sup> -day canister	48-245-0102	SETRPC	53 VOCs
SETRPC Beaumont (30.080, -94.094)	24-hour, every 12 <sup>th</sup> -day canister	--	SETRPC	53 VOCs
SETRPC Port Neches (29.991, -93.953)	24-hour, every 12 <sup>th</sup> -day canister	--	SETRPC	53 VOCs
SETRPC Cove School (30.071, -93.739)	24-hour, every 12 <sup>th</sup> -day canister	--	SETRPC	53 VOCs
<a href="#">SETRPC Port Arthur</a> (29.868, -93.951)	hourly H <sub>2</sub> S and carbon disulfide	48-245-0628	SETRPC	H <sub>2</sub> S, carbon disulfide
<a href="#">Port Arthur Memorial School, 220 Jefferson Dr, Port Arthur</a> (29.923, -93.909)	hourly autoGC	48-245-0021	SETRPC	benzene, 1,3-butadiene, styrene
<a href="#">Flint Hills Resources, Levee Rd Monitor</a>	hourly autoGC	--	Flint Hills Resources	benzene, 1,3-butadiene

## Evaluation

### VOCs

All hourly and annual average VOC concentrations from the Beaumont Downtown, Port Arthur Memorial School, Nederland High School, and Flint Hills Resources autoGCs were below their respective short-term and long-term AMCVs (including odor thresholds) and would not be expected to cause adverse health or welfare effects. Twenty four-hour concentrations of 1,3-butadiene, benzene, and ethylene dichloride were below their 24-hour AMCVs and would not be expected to cause adverse health effects.

All annual average VOC concentrations from 24-hour canister samplers were below their respective long-term AMCVs at all sites and were below a level of potential long-term health or vegetation concern. Twenty four-hour concentrations of 1,3-butadiene, 2,2-dimethylbutane, 2,3-dimethylbutane, 2-methylpentane, 3-methylpentane, benzene, ethylene dichloride, and n-hexane were below their 24-hour AMCVs and would not be expected to cause adverse health effects.

## **Sulfur Compounds**

### *H<sub>2</sub>S*

There were no exceedances of the state regulatory standard for H<sub>2</sub>S at the SETRPC Port Arthur site in 2016.

### *Carbon Disulfide*

All hourly and annual average carbon disulfide concentrations at the SETRPC Port Arthur and the six SETRPC canister sites were below the short- and long-term effects screening level for carbon disulfide and would not be expected to cause adverse health or welfare effects.

If you have any questions regarding the contents of this review, please do not hesitate to contact Allison Jenkins (512-239-0656; [Allison.Jenkins@tceq.texas.gov](mailto:Allison.Jenkins@tceq.texas.gov)) or Lindsey Jones (512-239-1784; [Lindsey.Jones@tceq.texas.gov](mailto:Lindsey.Jones@tceq.texas.gov)).

Texas Commission on Environmental Quality

Kathryn  
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November 10, 2017

## **Attachment A**

### **List 1 - Target VOC Analytes in TCEQ Canister Samples**

1,1,2,2-Tetrachloroethane 1,1,2-Trichloroethane  
1,1-Dichloroethane 1,1-Dichloroethylene  
1,2,3-Trimethylbenzene 1,2,4-Trimethylbenzene 1,2-Dichloropropane 1,3,5-Trimethylbenzene 1,3-Butadiene  
1-Butene  
1-Hexene+2-Methyl-1-pentene 1-Pentene  
2,2,4-Trimethylpentane  
2,2-Dimethylbutane (Neohexane) 2,3,4-Trimethylpentane  
2,3-Dimethylbutane 2,3-Dimethylpentane 2,4-Dimethylpentane 2-Chloropentane  
2-Methyl-2-butene 2-Methylheptane  
2-Methylhexane  
2-Methylpentane (Isohexane) 3-Methyl-1-butene  
3-Methylheptane 3-Methylhexane 3-Methylpentane  
4-Methyl-1-pentene Acetylene  
Benzene

Bromomethane Carbon tetrachloride Chlorobenzene Chloroform  
Chloromethane (Methyl chloride)  
c-1,3-Dichloropropene c-2-Butene  
c-2-Hexene c-2-Pentene Cyclohexane  
Cyclopentane Cyclopentene Dichlorodifluoromethane  
Dichloromethane (Methylene chloride)  
Ethane Ethylbenzene Ethylene  
Ethylene dibromide (1,2-Dibromoethane) Ethylene dichloride (1,2-Dichloroethane)  
Isobutane Isopentane (2-Methylbutane) Isoprene  
Isopropylbenzene (Cumene) m-Diethylbenzene

m-Ethyltoluene

m/p Xylene

Methyl chloroform (1,1,1-Trichloroethane)

Methylcyclohexane Methylcyclopentane n-Butane

n-Decane n-Heptane n-Hexane n-Nonane n-Octane n-Pentane

n-Propylbenzene n-Undecane

o-Ethyltoluene o-Xylene

p-Diethylbenzene p-Ethyltoluene Propane Propylene Styrene

Tetrachloroethylene Toluene

t-1-3-Dichloropropene t-2-Butene

t-2-Hexene t-2-Pentene

Trichloroethylene Trichlorofluoromethane Vinyl chloride

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**List 2 - Target VOC Analytes in AutoGC**

1-Butene 1-Pentene

1,2,3-Trimethylbenzene 1,2,4-Trimethylbenzene 1,3-Butadiene

1,3,5-Trimethylbenzene 2-Methylheptane

2-Methylhexane

2,2-Dimethylbutane 2,2,4-Trimethylpentane 2,3-Dimethylpentane 2,3,4-Trimethylpentane 2,4-Dimethylpentane

3-Methylheptane 3-Methylhexane Acetylene

Benzene

c-2-Butene c-2-Pentene Cyclohexane

Cyclopentane Ethane

Ethyl benzene Ethylene Isobutane Isopentane Isoprene

Isopropylbenzene (Cumene) Methylcyclohexane Methylcyclopentane

n-Butane

n-Decane n-Heptane n-Hexane n-Nonane n-Octane n-Pentane

n-Propylbenzene

o-Xylene m/p-Xylene Propane Propylene Styrene

t-2-Butene t-2-Pentene Toluene

**List 3 - Target VOC Analytes in SETRPC Canister Samples**

1,1,1-Trichloroethane 1,2,4-Trimethylbenzene 1,2-Dichloroethane

1,3-Butadiene 1-Butanol

1-Hexene 1-Octene 1-Pentene

2,2,4-Trimethylpentane 2-Butanone

3-Methylpentane Acetaldehyde Acetone (+)

Acetonitrile a-Pinene Benzene

b-Pinene Butyl acrylate

Carbon disulfide Carbon tetrachloride Chlorobenzene Chloroform

Cumene Cyclohexane Ethane Ethylbenzene Ethylene Hexanal

Isobutene + 1-Butene Isohexane Isopentane

Isoprene Methanol (+)

Methyl-t-butylether Methylcyclohexane Methylene chloride

Naphthalene n-Butane

n-Decane n-Hexane n-Octane n-Pentane o-Xylene Propane Propylene

p-Xylene + m-Xylene Styrene

t-Butylbenzene Toluene Trichloroethylene

Trichlorofluoromethane Vinyl acetate

Vinyl chloride

**Exhibit 10**



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## TCEQ

<b>DATES</b>	<b>Assigned</b>	11-May-2015			
	<b>PCW</b>	18-May-2015	<b>Screening</b>	18-May-2015	<b>EPA Due</b>

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	The Premcor Refining Group Inc.		
<b>Reg. Ent. Ref. No.</b>	RN102584026		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	50396	<b>No. of Violations</b>	5
<b>Docket No.</b>	2015-0594-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	David Carney
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$26,250</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$26,250</b>
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Notes: Enhancement for five NOV's with same/similar violations, one NOV with dissimilar violations, six agreed orders containing denials of liability, and two agreed orders without denials of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$5,624</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,030  
 Estimated Cost of Compliance: \$57,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$46,876</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$46,876

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$46,876</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$9,375</b>
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Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$37,501</b>
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Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E



Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	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	2	50%
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> )	6	-6%
	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> )	3	-6%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 185%

>> 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 five NOVs with same/similar violations, one NOV with dissimilar violations, six agreed orders containing denials of liability, and two agreed orders without denials of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 185%

>> Final Compliance History Adjustment

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

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

Policy Revision 4 (April 2014)  
PCW Revision March 26, 2014

Respondent The Premcor Refining Group Inc.

Case ID No. 50396

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") No. 01498, Special Terms and Conditions ("STC") No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,857 pounds ("lbs") of sulfur dioxide ("SO2"), 5,748.8 lbs of volatile organic compounds ("VOC"), 2,398 lbs of carbon monoxide ("CO"), 331 lbs of nitrogen oxides ("NOx"), and 94.2 lbs of hydrogen sulfide ("H2S") from Flare Nos. 103, 19, and 22, Emissions Point Numbers ("EPNs") F-103-FLARE, F-19-FLARE, and F-22-FLARE, respectively, during an emissions event (Incident No. 207996) that began on January 2, 2015 and lasted five hours and 26 minutes. The emissions event occurred when a maintenance contractor accidentally damaged wires in an electrical conduit for the K-1300 Wet Gas Compressor, causing it to trip offline which led to flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

\$1,875

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

Notes

The Respondent achieved compliance on February 9, 2015, prior to the Notice of Enforcement ("NOE") dated April 7, 2015.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$250	2-Jan-2015	9-Feb-2015	0.10	\$1	\$0	\$1
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for DELAYED costs

Estimated cost to issue a safety bulletin and review the incident with contractors stressing the use of spotters while performing maintenance work in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 207996. The Date Required is the date of the emissions event and the Final Date is the compliance date.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$1



Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,764.16 lbs of SO2, 537.88 lbs of CO, 179.04 lbs of VOC, 150.19 lbs of NOx, 70.88 lbs of H2S, and 25.89 lbs of particulate matter ("PM") from Heater 147-F-1100, Heater 147-F-1200, Heater 843-H1, Heater 843-H3, Flare No. 23, Hydrocracker Unit ("HCU") 943 Flare, Heater 246-H1, and Sulfur Recovery Unit ("SRU") 545, EPNs E-01-147, E-02-147, E-01-843, E-03-843, E-23-FLARE, E-26-FLARE, E-01-246, and E-03-SCOT, respectively, during an emissions event (Incident No. 208007) that began on January 2, 2015 and lasted four hours and 30 minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

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

\$21,250 \$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	Annual	
	Quarterly	X
	Monthly	
	Bi-monthly	
	Other	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% \$937

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

Notes The Respondent came into compliance on April 8, 2015, prior to the NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$20 Violation Final Penalty Total \$6,563

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

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$1,500	2-Jan-2015	8-Apr-2015	0.26	\$20	\$0	\$20
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for DELAYED costs**  
 Estimated cost to update and review with operators the operating procedures for the lube oil system for HCU 942 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 208007 and 208163. The Date Required is the date of the first emissions event and the Final Date is the compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 (Empty box for notes)

**Approx. Cost of Compliance** \$1,500 **TOTAL** \$20

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,909 lbs of SO2, 84 lbs of H2S, 50 lbs of CO, 31.11 lbs of VOC, and 6.9 lbs of NOx from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208135) that began on January 5, 2015 and lasted 12 hours and 48 minutes. The emissions event occurred when the Hot Low Pressure Separator Air Vapor Cooler, C-1221 of HCU 942, became plugged as a result of Incident No. 208007; the blockage caused a process safety valve to intermittently relieve to the flares. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

Regulatory Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannually	
annually	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0%

Adjustment \$937

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

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on March 27, 2015, prior to the NOE dated April 8, 2015.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Yes

Estimated EB Amount \$779

Violation Final Penalty Total \$6,563

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

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$50,000	5-Jan-2015	27-Mar-2015	0.22	\$37	\$740	\$777
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		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling	\$250	5-Jan-2015	20-Mar-2015	0.20	\$3		\$3
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

#### Notes for DELAYED costs

Estimated cost to repair the process safety valve (completed March 27, 2015) and to review the cause of the incident with each shift of operators and update procedures for bringing HCU 942 back online in the future (completed March 20, 2015) in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208135. The Date Required is the date of the emissions event and the Final Dates are the compliance dates.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,250

**TOTAL**

\$779

Screening Date 18-May-2015 Docket No. 2015-0594-AIR-E

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,597.19 lbs of SO2, 145.51 lbs of CO, 41.26 lbs of VOC, and 20.47 lbs of NOx from Flare No. 23 and HCU 943 Flare, EPNs E-23-FLARE and E-26-FLARE, respectively, during an emissions event (Incident No. 208163) that began on January 6, 2015 and lasted five minutes. The emissions event occurred when an operator mistakenly turned off one of two lube oil pumps feeding the HCU 942, causing the unit to trip offline which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

100% of time	
75% of time	
50% of time	X
25% of time	
10% of time	
5% of time	
1-2 events	
1 event	
no event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

\$1,875

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

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent came into compliance on April 8, 2015, prior to the NOE dated April 16, 2015.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

Economic benefit included in Violation No. 2.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

Screening Date 18-May-2015

Docket No. 2015-0594-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 50396

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 17.83 lbs of NOx, 5.11 lbs of CO, 0.87 lb of PM, 0.63 lb of VOC, and 0.1 lb of H2S from SRU 546, EPN E-04-SCOT, during an emissions event (Incident No. 208834) that began on January 17, 2015 and lasted 15 hours. The emissions event occurred during a shutdown of SRU 546; the shutdown was done to replace tubes in the amine reboiler that began leaking in early January but were not timely addressed by operators. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

Quarterly	
Bi-Quarterly	
Quarterly	X
Semi-Annual	
Annual	
Bi-Annual	
Tri-Annual	
Other	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

\$0

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

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$229

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 50396  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	17-Jan-2015	18-Dec-2015	0.92	\$229	\$0	\$229

#### Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 208834. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$229







# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	9-Sep-2013	<b>Screening</b>	25-Sep-2013	<b>EPA Due</b>	26-May-2014
	<b>PCW</b>	14-Mar-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	The Premcor Refining Group Inc.
<b>Reg. Ent. Ref. No.</b>	RN102584026
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47768	<b>No. of Violations</b>	4
<b>Docket No.</b>	2013-1862-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Katie Hargrove
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$28,000**

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

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

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$28,000**

**Notes**  
Enhancement for four NOVs with same or similar violations, seven agreed orders and one final judgement containing a denial of liability, and two agreed orders without a denial of liability. Reduction for seven notices of intent to conduct an audit, three disclosures of violations, and participation in an environmental management system.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$937**

**Economic Benefit** **0.0%** Enhancement **Subtotal 6** **\$0**

Total EB Amounts **\$1,129**  
Approx. Cost of Compliance **\$12,000**  
*\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$55,063**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$55,063**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$55,063**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$11,012**

Reduces the Final Assessed Penalty by the Indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$44,051**

**Screening Date** 25-Sep-2013

**Docket No.** 2013-1862-AIR-E

**PCW**

**Respondent** The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

**Case ID No.** 47768

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102584026

**Media [Statute]** Air

**Enf. Coordinator** Katie Hargrove

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	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> )	7	-7%
	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> )	3	-6%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	Yes	-10%
	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)** 217%

>> **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 four NOVs with same or similar violations, seven agreed orders and one final judgement containing a denial of liability, and two agreed orders without a denial of liability. Reduction for seven notices of intent to conduct an audit, three disclosures of violations, and participation in an environmental management system.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 217%

>> **Final Compliance History Adjustment**

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

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), (2), and (3), 113.340, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.482-5(a) and 63.648(a), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 5.A., and Federal Operating Permit ("FOP") No. O1498, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18

Violation Description

Failed to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. Specifically, the sampling connections located in the central valve pump station are not closed-looped, closed-purged, or close-vented.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

134 Number of violation days

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

Violation Base Penalty \$7,500

Two quarterly events are recommended based off the May 14, 2013 investigation start date to the September 25, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$400

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 47768  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$3,500	14-May-2013	31-Dec-2014	1.63	\$19	\$381	\$400
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to equip sampling connections in the central valve pump station with a closed-purged, closed-loop, or closed-vent system. The date required is the investigation start date and the final date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

**TOTAL**

\$400

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c), 101.20(3), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. Q1498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 14.A.

Violation Description

Failed to orientate the inlet/outlet sampling taps on the the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual. Specifically, the sampling location on the cooling tower in the Catalytic Reforming Unit ("CRU") 1344 Unit appeared to be located on a dead leg and not on a return line header.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

134 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$408

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

# Economic Benefit Worksheet

**Respondent:** The Premcor Refining Group Inc.

**Case ID No.:** 47768

**Reg. Ent. Reference No.:** RN102584026

**Media:** Air

**Violation No.:** 2

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

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	14-May-2013	31-Dec-2014	1.63	\$408	n/a	\$408
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to correctly place the CRU 1344 cooling tower inlet/outlet sample taps to ensure a representative sample. The date required is the investigation date and the final date is the estimated date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$408

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos. 6825A, PSCTX49, and N65, SC No. 1

Violation Description Failed to comply with the emissions rate for volatile organic compounds ("VOC"). Specifically, Cooling Tower 136B (Emission Point Number F-136BCT) is permitted for 11.96 tons per year of VOC and from March 13, 2012 through June 1, 2012, approximately 15.7 tons of unauthorized VOC was released when a bundle in the cooling tower was leaking.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 47 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended from the first day of emissions released on March 13, 2012 through the last day of emissions released on June 1, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$280

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000



# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.

**Case ID No.** 47768

**Reg. Ent. Reference No.** RN102584026

**Media** Air

**Violation No.** 3

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	13-Mar-2012	31-Dec-2014	2.90	\$280	n/a	\$280

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures to ensure compliance with the VOC annual emission rates. The date required is the first date of noncompliance and the final date is estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,000

**TOTAL**

\$280

Screening Date 25-Sep-2013

Docket No. 2013-1862-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 47768

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 101.20(3), and 122.143(4), Tex. Health & Safety Code 382.085(b), FOP No. 01498, GTC and STC No. 18, and NSR Permit Nos: 6825A, PSDTX49, and N65, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 229.6 pounds ("lbs") of sulfur dioxide ("SO2"), 2.5 lbs of hydrogen sulfide ("H2S"), 2.4 lbs of nitrogen oxides ("NOx"); 17.2 lbs of carbon monoxide ("CO"), and 1.1 lbs of ethylene from FLARE-26 and 988.8 lbs of SO2, 10.3 lbs of NOx, 74.2 lbs of CO, 4.7 lbs of ethylene, and 10.7 lbs of H2S from FLARE-23 during an emissions event (Incident No. 179750) on February 25, 2013 that lasted 51 minutes. The incident occurred because an unplanned maintenance event occurred on the D-2200 coke drum that caused the coke drum cycles to get out of sequence. During the preparation for blowdown of the D-2100 coke drum, excess foaming occurred, causing it to be sent to blowdown early. Opening D-2100 coke drum in the blowdown system while D-3200 coke drum was already in blowdown caused the system to overpressurize. The water seal blew causing flaring at Flares 23 and 26. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

Number of violation days 1

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective actions on September 11, 2013 before the NOE was issued on October 16, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$6,563

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

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.

**Case ID No.** 47768

**Req. Ent. Reference No.** RN102584026

**Media** Air

**Violation No.** 4

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

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	25-Feb-2013	11-Sep-2013	0.54	\$41	\$0	\$41

**Notes for DELAYED costs**

Estimated costs to publish emergency procedures and training documents to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$41

**Exhibit 11**



# Compliance History Report

**PUBLISHED** Compliance History Report for CN601420748, RN102584026, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601420748, The Premcor Refining Group Inc.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 34.58
<b>Regulated Entity:</b>	RN102584026, Valero Port Arthur Refinery	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 46.11
<b>Complexity Points:</b>	30	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	1801 GULFWAY DRIVE, PORT ARTHUR, TEXAS 77640-4416, JEFFERSON COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

**ID Number(s):**

- |   |  |
|---|--|
| <b>AIR OPERATING PERMITS PERMIT 3423</b>                            | <b>AIR OPERATING PERMITS ACCOUNT NUMBER JE0042B</b>                          |
| <b>AIR OPERATING PERMITS PERMIT 1498</b>                            | <b>AIR OPERATING PERMITS PERMIT 2227</b>                                     |
| <b>AIR OPERATING PERMITS PERMIT 2228</b>                            | <b>AIR OPERATING PERMITS PERMIT 2229</b>                                     |
| <b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008090409</b>           | <b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30004</b> |
| <b>INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50350</b>                  | <b>AIR NEW SOURCE PERMITS REGISTRATION 17038</b>                             |
| <b>AIR NEW SOURCE PERMITS PERMIT 6825A</b>                          | <b>AIR NEW SOURCE PERMITS REGISTRATION 12454A</b>                            |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 12553A</b>                   | <b>AIR NEW SOURCE PERMITS REGISTRATION 13635A</b>                            |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 13698A</b>                   | <b>AIR NEW SOURCE PERMITS REGISTRATION 28778</b>                             |
| <b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0042B</b>                | <b>AIR NEW SOURCE PERMITS AFS NUM 4824500004</b>                             |
| <b>AIR NEW SOURCE PERMITS EPA PERMIT N65</b>                        | <b>AIR NEW SOURCE PERMITS PERMIT 80812</b>                                   |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 84929</b>                    | <b>AIR NEW SOURCE PERMITS REGISTRATION 84905</b>                             |
| <b>AIR NEW SOURCE PERMITS PERMIT 86757</b>                          | <b>AIR NEW SOURCE PERMITS REGISTRATION 87917</b>                             |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 91727</b>                    | <b>AIR NEW SOURCE PERMITS REGISTRATION 91911</b>                             |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 94365</b>                    | <b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX49M1</b>                           |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 103875</b>                   | <b>AIR NEW SOURCE PERMITS REGISTRATION 131468</b>                            |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 112591</b>                   | <b>AIR NEW SOURCE PERMITS REGISTRATION 118687</b>                            |
| <b>AIR NEW SOURCE PERMITS REGISTRATION 109221</b>                   | <b>AIR NEW SOURCE PERMITS REGISTRATION 114829</b>                            |
| <b>IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30004</b> | <b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0042B</b>                        |
| <b>POLLUTION PREVENTION PLANNING ID NUMBER P00987</b>               |  |

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	June 26, 2015				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	June 26, 2010 to June 26, 2015				

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

**Name:** David Carney **Phone:** (512) 239-2583

**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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498, GTC OP  
FOP O1498, STC 18 OP  
NSR Permit 6825A, SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498 OP  
FOP O1498, GTC OP  
Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery. Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.
- 2 Effective Date: 02/18/2012 ADMINORDER 2011-1355-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 G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498 STC 18 OP  
FOP O1498, General Terms and Conditions OP  
NSR Permit 6825A, SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O2228 OP  
FOP O2228, STC 14 OP  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O2228, General Terms and Conditions OP  
FOP O2228, STC 14 OP  
Description: Failed to prevent unauthorized emissions.
- 3 Effective Date: 08/15/2014 ADMINORDER 2013-1862-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
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 60.482-5(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 5A PERMIT

Description: Failure to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. B19g1

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 14A PERMIT  
Special Condition 18 OP

Description: Failure to orientate the inlet/outlet sampling taps on the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual.

A8 1G

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable limit for VOC at Cooling Tower 136B, Emission Point Number (EPN F-136BCT), from March 13, 2012, through June 1, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

4 Effective Date: 02/13/2015 ADMINORDER 2014-0903-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

5 Effective Date: 03/13/2015 ADMINORDER 2014-0630-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(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

6 Effective Date: 04/09/2015 ADMINORDER 2014-0465-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	August 02, 2010	(842714)
Item 2	November 15, 2010	(871779)
Item 3	November 30, 2010	(872652)
Item 4	April 15, 2011	(906545)
Item 5	October 25, 2011	(956400)
Item 6	October 29, 2011	(956377)
Item 7	November 02, 2011	(951193)
Item 8	November 29, 2011	(963859)
Item 9	January 17, 2012	(976419)
Item 10	February 17, 2012	(983674)
Item 11	February 21, 2012	(987303)
Item 12	March 16, 2012	(994426)
Item 13	March 23, 2012	(988369)
Item 14	April 30, 2012	(988371)
Item 15	May 17, 2012	(995645)
Item 16	August 07, 2012	(1019646)
Item 17	August 14, 2012	(1023815)
Item 18	August 28, 2012	(1023318)
Item 19	September 11, 2012	(1023427)
Item 20	October 11, 2012	(1036849)
Item 21	October 13, 2012	(1028000)
Item 22	October 15, 2012	(1036124)
Item 23	November 20, 2012	(1042742)
Item 24	February 20, 2013	(1051546)
Item 25	April 30, 2013	(1086243)



Item 26	August 08, 2013	(1109778)
Item 27	August 17, 2013	(1113514)
Item 28	August 26, 2013	(1113154)
Item 29	August 27, 2013	(1115289)
Item 30	October 30, 2013	(1123618)
Item 31	February 27, 2014	(1140405)
Item 32	February 28, 2014	(1152033)
Item 33	April 21, 2014	(1163529)
Item 34	May 08, 2014	(1165599)
Item 35	May 16, 2014	(1164072)
Item 36	May 20, 2014	(1166837)
Item 37	May 27, 2014	(1163802)
Item 38	June 04, 2014	(1171088)
Item 39	July 02, 2014	(1178891)
Item 40	August 22, 2014	(1191121)
Item 41	September 08, 2014	(1191077)
Item 42	September 12, 2014	(1192217)
Item 43	September 16, 2014	(1196076)
Item 44	September 25, 2014	(1196875)
Item 45	September 29, 2014	(1197191)
Item 46	October 16, 2014	(1190360)
Item 47	October 27, 2014	(1203120)
Item 48	December 15, 2014	(1211921)
Item 49	January 13, 2015	(1215946)
Item 50	February 03, 2015	(1222026)
Item 51	April 17, 2015	(1245963)
Item 52	April 21, 2015	(1245925)
Item 53	April 23, 2015	(1246737)
Item 54	May 08, 2015	(1251886)

**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:	07/02/2014	(1173802)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 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)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 1A OP Special Condition 3A PERMIT Special Condition 5A PERMIT Special Condition 6A PERMIT			
	Description:	Failure to maintain a minimum of 300 British Thermal Units per standard cubic feet (BTUs/scf) net heating value for the gas sent to the Pressure Flare 13 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 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 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 1A OP Special Condition 3A PERMIT Special Condition 5A PERMIT			

Special Condition 6B PERMIT

Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-01498 semi-annual deviation reports covering the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 19B PERMIT

Description: Failure to degas liquid sulfur to a H2S content of 100 parts per million by weight (ppmw) prior to loading into tank trucks as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 25C PERMIT  
Special Condition 3A PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46H OP  
Special Condition 5A PERMIT

Description: Failure to make the first attempt of repair within five days as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 PERMIT  
Special Condition 18 OP

Description: Failure to maintain the pressure drop minimum value of 6.5 inches of water in the wet gas scrubber as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2013, through June 30, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3A PERMIT  
Special Condition 5B PERMIT

Description: Failure to maintain compliance with MACT UUU concentration limit for SO2 (250ppm at zero excess O2) as reported in the FOP O-01498 semi-annual deviation report for the reporting period January 1, 2013, through June 30, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report all instances of deviations as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

2 Date: 07/30/2014 (1179598) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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 60.107a(f)(1)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 OP  
Special Condition 13 OP  
Special Condition 3A PERMIT

Description: Failure to use a flow sensor with a measurement sensitivity of no more than 5% of the flow rate or 10 cubic feet per minute, which ever is greater, for Flare 26 as reported in the FOP O-3423 semiannual deviation report (SDR) covering the compliance period of May 16, 2013, through November 15, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 3A PERMIT

Description: Failure to limit the refinery fuel gas to no more than 162 ppmv determined hourly on a 3-hour rolling average basis as reported in the FOP O-3423 semi-annual deviation reports for the reporting periods of May 16, 2013, through November 15, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)

General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 13 OP  
Special Condition 24C and D PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits as reported in the FOP - O3423 in the semiannual deviation reports covering the compliance period of May 16, 2013, through May 15, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-03423 semi-annual deviation report covering the reporting period of May 16, 2013, through November 15, 2013.

3 Date: 09/19/2014 (1192635) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 40(E) PERMIT

Description: Failure to submit performance test reports for SRU 543 and 544 in a timely manner.

4 Date: 09/26/2014 (1195799) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOP O-02227 covering the reporting periods of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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 Y 63.563(a)(4)(i)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11B(2) PERMIT  
Special Condition 13 OP  
Special Condition 1A OP

Description: Failure to ensure the marine vessels loaded are leak tight by obtaining a passing annual vapor tightness test for determination of cargo tank pressure as reported in the semiannual deviation reports for FOP O-02227 covering the compliance period of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

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

Special Condition 5 PERMIT  
 Description: Failure to maintain the six-minute average temperature above the minimum one hour average temperature maintained during the last satisfactory stack test as reported in the semiannual deviation report for FOP O-02227 covering the compliance period of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit an application to the executive director for a revision to a permit for those activities at a site which change, add, or remove one or more permit terms or conditions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Failure to report a deviation and accurately certify compliance in the FOP O-02227 for the reporting periods of June 12, 2013, through June 11, 2014.

5 Date: 12/10/2014 (1209630)

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 QQQ 60.692-5(d)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 13 OP

Description: Failure to operate the RTO at all times while emissions are routed to it as reported on the SDR covering the compliance period of May 21, 2013, through November 20, 2013.

6 Date: 05/27/2015 (1241778)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Failure to prevent the release of unauthorized VOC emissions from the Coker vents to the atmosphere.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 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)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 15 OP

Description: Failure to maintain an emission rate below the allowable emission limits at DCU-843 and HCU-942.

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 60.104(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(ii)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 15 OP  
 Special Condition 1A OP  
 Special Condition 3A PERMIT  
 Special Condition 25C and 25D PERMIT

Description: Failure to maintain the 1-hour permit limit of 160 parts per million by volume (ppmv) and 3-hour rolling average of 162 ppmv of Hydrogen Sulfide (H<sub>2</sub>S) on January 21, 2014.

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 QQQ 60.692-2(a)(5)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 15 OP  
 Special Condition 3F PERMIT

Description: Failure to make the first attempt at repair within 24 hours of the failed visual

Inspection of the drain clean out on March 26, 2014.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 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 GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085  
 General Terms and Conditions OP  
 Special Condition 15 OP  
 Special Condition 3E PERMIT  
 Special Condition 46E PERMIT  
 Special Condition 5A PERMIT  
 Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

**F. Environmental audits:**

Notice of Intent Date: 08/21/2009 (775707)

Disclosure Date: 09/08/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)

Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26

Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)

No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)

No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)

No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)

No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)

Disclosure Date: 01/28/2013

Viol. Classification: Minor

Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)

Disclosure Date: 07/23/2014

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)

Description: Failed to have Tank Nos 926, 2110, and 2133 inspected for their 10 year internal inspection.

**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

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.



# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN601420748, RN102584026, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN601420748, The Premcor Refining Group Inc. **Classification:** SATISFACTORY **Rating:** 41.48  
**Regulated Entity:** RN102584026, VALERO PORT ARTHUR REFINERY **Classification:** SATISFACTORY **Rating:** 55.00  
**Complexity Points:** 30 **Repeat Violator:** NO  
**CH Group:** 02 - Oil and Petroleum Refineries  
**Location:** 1801 GULFWAY DR PORT ARTHUR, TX 77640-4416, JEFFERSON COUNTY  
**TCEQ Region:** REGION 10 - BEAUMONT

## ID Number(s):

<b>AIR OPERATING PERMITS PERMIT 3423</b>	<b>AIR OPERATING PERMITS ACCOUNT NUMBER JE0042B</b>
<b>AIR OPERATING PERMITS PERMIT 1498</b>	<b>AIR OPERATING PERMITS PERMIT 2227</b>
<b>AIR OPERATING PERMITS PERMIT 2228</b>	<b>AIR OPERATING PERMITS PERMIT 2229</b>
<b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008090409</b>	<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30004</b>
<b>INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50350</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 17038</b>
<b>AIR NEW SOURCE PERMITS PERMIT 6825A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 12454A</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 12553A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 13635A</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 13698A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 28778</b>
<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0042B</b>	<b>AIR NEW SOURCE PERMITS AFS NUM 4824500004</b>
<b>AIR NEW SOURCE PERMITS EPA PERMIT N65</b>	<b>AIR NEW SOURCE PERMITS PERMIT 80812</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 84929</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 84905</b>
<b>AIR NEW SOURCE PERMITS PERMIT 86757</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 87917</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 91727</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 91911</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 94365</b>	<b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX49M1</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 103875</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 112591</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 109221</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 114829</b>
<b>IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30004</b>	<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0042B</b>
<b>POLLUTION PREVENTION PLANNING ID NUMBER P00987</b>	

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** December 20, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 20, 2008 to December 20, 2013

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

**Name:** Katie Hargrove

**Phone:** (512) 239-2569

## 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
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator N/A



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

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

- 1 Effective Date: 01/30/2009 ADMINORDER 2007-1455-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:O-01498, General Terms and Conditions OP  
Description: Failure to properly report an emissions event.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP  
O-01498, Special Condition 18A OP  
Description: Failure to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:7600A, Special Condition 1 PERMIT  
O-01498, General Terms and Conditions OP  
O-01498, Special Condition 18A OP  
Description: Failure to properly operate Tank 283 and Tank 284.
- 2 Effective Date: 02/22/2009 ADMINORDER 2008-0742-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit a final report in a timely manner.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:6825A/PSD-TX-49, SPECIAL CONDITION 5A PERMIT  
O-01498, SPECIAL CONDITION 18 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP  
Description: Failure to maintain emission rates below the allowable emission limits.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
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)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP

Description: Failure to maintain emission rates below the allowable emission limits

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT  
O-01498, General Terms and Conditions OP

Description: Failure to maintain an emission rate below the allowable emission limit.

3 Effective Date: 06/01/2009 ADMINORDER 2008-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

4 Effective Date: 08/31/2009 ADMINORDER 2009-0151-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 G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 108928.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 111065.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 113023.

5 Effective Date: 09/23/2009 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 4, 2003, referred to as investigation no. 28570. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 44442, 44448, 44454, 44459, 44462, 44472, 44477, 44496, 44498, 44512, 44517, 44519, 44532, 44535, 44550, 44557 . . .

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA

Description: Failure to satisfy the condition of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:5215A, SC1 PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC19 PERMIT

PSD-TX-49, SC 19 PERMIT

Description: Failure to comply with requirements of a permit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible Permit, 6825A SC 5B PERMIT  
PSD-TX-49, SC5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA  
Description: Failure to satisfy the condition of a standard exemption.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA  
Description: Failure to meet the conditions of a standard exemption.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5 PERMIT  
Standard Exemption No. 88 PA  
Description: Failure to maintain emission rate below allowable limit and meet the conditions of a standard exemption.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT  
PSD-TX-49, SC 5B PERMIT  
Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain emission rate below allowable limit.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an upset within 24 hours of the event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to report all information required for an emissions event.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about August 12, 1998. By an August 31, 1998 letter to the Defendants, The TCEQ listed the violations observed during the investigation. A copy of the August 12, 1998 investigation, without attachments, is attached as Appendix A and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about March

12, 1999. By a March 22, 1999 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the March 22, 1999, letter to the Defendants is attached as Appendix C and incorporated herein for all purposes.  
Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about June 17, 1999. The TCEQ describes the violation observed during the investigation in a July 9, 1999, Enforcement Action Referral. A copy of the July 9, 1999, Enforcement Action Referral, without attachments, is attached as Appendix D and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about June 14, 1999 and August 4, 1999. By June 30, 1999 and August 24, 1999, letters to the Defendants, the TCEQ listed the violations observed during the two investigations. A copy of the June 14, 1999 investigation, without attachments, is attached as Appendix E and incorporated . . . .

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:SC39A PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about July 20, 2000. By a September 7, 2000, letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the July 20, 2000 investigation, without attachments, is attached as Appendix I and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:NA PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about November 3, 2000, and March 26, 2001. By April 21, 2001 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the November 3, 2000 investigation, without attachments, is attached as Appendix K and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 3, 2001. By April 24, 2001 letter to the Defendants, the TCEQ listed the violation observed during the investigation. A copy of the April 3, 2001 investigation, without attachments, is attached as Appendix N and incorporated herein for all purposes . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about November 12, 2003, referred to as investigation no. 258663. The investigation describes the violation in narrative form and identifies the violation by tracking number 150854 in the investigation. A copy of investigation no. 258663, without attachments . . . .

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 20, 2004 referred to as investigation no. 270296. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 161061 and 161062 in the investigation. A copy of investigation no. 270296, without attachments . . . .

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A Special Condtion 5B PA

PSD-TX-49 Special Condtion 5B PA

Description: Failure to prevent unauthorized emissions release at the facility.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 20, 2005, referred to as investigation no. 276009. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 188937, 188938, 188940, 188941, 188942, 188943, 188944, 188945,



188946, 188947, 188948, 188949, 188950, and . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 25A PERMIT

Description: Failure to prevent visible emissions at the Atmospheric Vacuum Unit (AVU)-146 H-101 Heater.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38026).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 24, 2005, referred to as investigation no. 346253. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 190534, 190543, 190551, and 190558 in the investigation. A copy of investigation no. 346253, without attachments . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Atmospheric Vacuum Unit (AVU) 146 during incident No. 32824.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report an emission event (Incident No. 33539) within 24 hours

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 17C PA

Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Scot 1 Incinerator during incident No. 33539 and failure to continuously monitor from hydrocarbon layer thickness by electronic gauge.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 8, 2005, referred to as investigation no. 348169. The investigation describes the violations in narrative form and identifies the violation by tracking numbers 208879 in the investigation. A copy of investigation no. 348169, without attachments, is attached as Appendix U . . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to

implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about June 30, 2005, referred to as investigation no. 396901. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 210570 and 210577 in the investigation. A copy of investigation no. 396901, without attachments, is attached as Appendix V . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 40540, 40543, 51468, and 53830.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 27, 2005, referred to as investigation no. 402102. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 212393 and 212460 in the investigation. A copy of investigation no. 402102, without attachments, is attached as Appendix X and incorpo

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 51075, 51078, 51081, 51084, and 51087.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 26, 2005, referred to as investigation no. 403310. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 213083, 213088, and 213090 in the investigation. A copy of investigation no. 403310, without attachments . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.211(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an initial notification for an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 8, 2005, referred to as investigation no. 337449. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 214475 and 214478 in the investigation. A copy of investigation no. 337449, without attachments, is attached as Appendix Y . . . .

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain the CO 9 Boiler bypass valve to prevent unauthorized emissions during normal operation from April 2004 to the end of February 2005. B13

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 29, 2005, referred to as investigation no. 418593. The investigation describes the violations in narrative form and identifies the violations by tracking number 218082 in the investigation. A copy of investigation no. 418593, without attachments, is

attached as Appendix Z and . . . .

6 Effective Date: 03/20/2010 ADMINORDER 2009-0511-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 G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT  
O-01498 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.

7 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498, GTC OP  
FOP O1498, STC 18 OP  
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498 OP  
FOP O1498, GTC OP

Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery. Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.

8 Effective Date: 02/18/2012 ADMINORDER 2011-1355-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 G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498 STC 18 OP

FOP 01498, General Terms and Conditions OP  
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228 OP

FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228, General Terms and Conditions OP

FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 18, 2009	(726815)
Item 2	March 03, 2009	(736950)
Item 3	March 05, 2009	(737300)
Item 4	March 20, 2009	(739247)
Item 5	April 02, 2009	(741291)
Item 6	June 29, 2009	(760309)
Item 7	August 26, 2009	(763057)
Item 8	August 28, 2009	(761367)
Item 9	August 31, 2009	(762200)
Item 10	October 07, 2009	(775036)
Item 11	October 13, 2009	(766946)
Item 12	October 14, 2009	(767494)
Item 13	November 06, 2009	(764488)
Item 14	December 09, 2009	(784945)
Item 15	December 11, 2009	(783903)
Item 16	December 21, 2009	(781035)
Item 17	December 23, 2009	(785403)
Item 18	January 29, 2010	(786198)
Item 19	February 01, 2010	(788081)
Item 20	March 19, 2010	(795261)
Item 21	May 06, 2010	(800545)
Item 22	May 24, 2010	(801617)
Item 23	June 01, 2010	(788840)
Item 24	June 02, 2010	(803054)
Item 25	June 07, 2010	(825637)
Item 26	June 11, 2010	(824255)
Item 27	August 02, 2010	(842714)
Item 28	November 15, 2010	(871779)
Item 29	November 30, 2010	(872652)
Item 30	April 15, 2011	(906545)
Item 31	October 25, 2011	(956400)
Item 32	October 29, 2011	(956377)

Item 33	November 02, 2011	(951193)
Item 34	November 29, 2011	(963859)
Item 35	January 17, 2012	(976419)
Item 36	February 17, 2012	(983674)
Item 37	February 21, 2012	(987303)
Item 38	March 16, 2012	(994426)
Item 39	March 23, 2012	(988369)
Item 40	April 30, 2012	(988371)
Item 41	May 17, 2012	(995645)
Item 42	August 07, 2012	(1019646)
Item 43	August 14, 2012	(1023815)
Item 44	August 28, 2012	(1023318)
Item 45	September 11, 2012	(1023427)
Item 46	October 11, 2012	(1036849)
Item 47	October 13, 2012	(1028000)
Item 48	October 15, 2012	(1036124)
Item 49	November 20, 2012	(1042742)
Item 50	February 20, 2013	(1051546)
Item 51	April 30, 2013	(1086243)
Item 52	August 08, 2013	(1109778)
Item 53	August 17, 2013	(1113514)
Item 54	August 26, 2013	(1113154)
Item 55	August 27, 2013	(1115289)
Item 56	October 30, 2013	(1123618)

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

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

- 1 Date: 05/09/2013 (1076957) CN601420748
- 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)  
General Terms and Conditions OP  
Special Condition 14B PERMIT  
Special Condition 18 OP
- Description: Failure to sample the cooling water for total dissolved solids (TDS).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3A PERMIT  
Special Condition 5B PERMIT
- Description: Failure to maintain the 12-hour average concentration of Sulfur Dioxide (SO2) at or below 250 ppmv as reported in the FOP O-2229 semi-annual deviation report for the reporting period of January 1, 2012, through December 31, 2012.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 25C PERMIT
- Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-2229 semi-annual deviation reports for the reporting periods of

January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT  
Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOPs O-02229 covering the reporting periods of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.354(2)  
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 60.482-7(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 46F PERMIT  
Special Condition 5A PERMIT  
Description: Failure to monitor a valve in VOC service as reported in the deviation reports for FOP O-02229 covering the reporting period of July 1, 2012, through December 31, 2012.

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Date: 08/29/2013 (1104962) CN601420748  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 42F PERMIT  
Description: Failure to limit Continuous Emission Monitoring System (CEMS) downtime to less than 5% as reported in the Federal Operating Permit (FOP) O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 6B PERMIT  
Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 46E PA  
Special Condition 5A PA  
Special Conditions 1A OP

Description: Failure to install a plug, cap, or blind on an open-ended line for the FOP O-01498 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.340  
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)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 6A PERMIT

Description: Failure to maintain the net heating value of the flare gas above 300 British Thermal Units (BTU) per standard cubic feet (SCF) as reported as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 25C PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 23B PERMIT

Description: Failure to maintain the tail gas incinerator (TGI) Hydrogen Sulfide (H2S) concentrations below 5.0 parts per million (ppm) at 3% Oxygen as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 3A PERMIT

Description: Failure to install, operate, calibrate, and maintain an instrument for continuously monitoring and recording the concentration of NOx emissions into the atmosphere as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780



30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 5B PERMIT

Description: Failure to limit the Sulfur Dioxide (SO<sub>2</sub>) concentration at or below 250 ppmv at zero percent excess air as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart J 60.103  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 3A PERMIT

Description: Failure to comply with the Carbon Monoxide (CO) emission standard of 500 ppm per 1-hour as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 24C PERMIT

Description: Failure to maintain the NO<sub>x</sub> emissions from the Hydrocracker Unit furnace as reported as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

3 Date: 11/22/2013 (1124668) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Condition OP  
Special Condition 14 OP  
Special Condition 1A OP

Description: Failure to maintain the temperature of the Regenerative Thermal Oxidizer (RTO) in the Waste Water Treatment Unit (WWTU) above 1400 F on April 14, 2013, from 1300 hours to 1500 hours.

4 Date: 11/26/2013 (1133465)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent nuisance conditions.

## F. Environmental audits:

Notice of Intent Date: 01/10/2008 (616179)

Disclosure Date: 01/28/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to identify and monitor all new equipment added or incorporated into the LDAR program.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Part 60, Subpart VV 60.482-6

40 CFR Part 63, Subpart H 63.167

Description: Failure to equip open-ended line with a cap, blind flange, or second valve.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

Description: Failure to repair leaks within 15 days after detection, and make first attempt at repairs no later than 5 days.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)

Description: Failure to develop a difficult-to-monitor valve monitoring plan.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-8  
40 CFR Part 63, Subpart H 63.169

Description: Failure to monitor components in heavy liquid service using Method 21 within 5 days of detecting a leak by AVO methods.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-9  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(7)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(8)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(9)

Description: Failure to repair or replace components during a process unit shutdown, and some delay and repair records were not consistently documented, including not identifying a DOR reason or not signing the DOR.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)

Description: Failure to properly use 40 CFR 60 Appendix A - Method 21 to identify leaking sources, valves, and pumps.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

Description: Failure to maintain documentation of a signed list of no detectable emission equipment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)

Description: Failure to include in the semiannual reports the number of non-repaired components or the facts explaining delay of repair for newly designed DOR components, or to report the data by the month.

Notice of Intent Date: 08/21/2009 (775707)

Disclosure Date: 09/08/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)  
Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26  
Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)

No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)

No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)

No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)  
No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)  
Disclosure Date: 01/28/2013

Viol. Classification: Minor  
Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)  
No DOV Associated

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

1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

**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

**Exhibit 12**

# Environmental Report Over 20 Years of Progress

**Cleaner Air  
For All of Us**

**An Industry Commitment**



**INDUSTRY<sub>OF</sub>  
SOUTHEAST TEXAS**

# Environmental Report Over 20 Years of Progress

## Industry of Southeast Texas Continues Progress Improving Air Quality

Southeast Texas Emissions Reductions □ 60 □

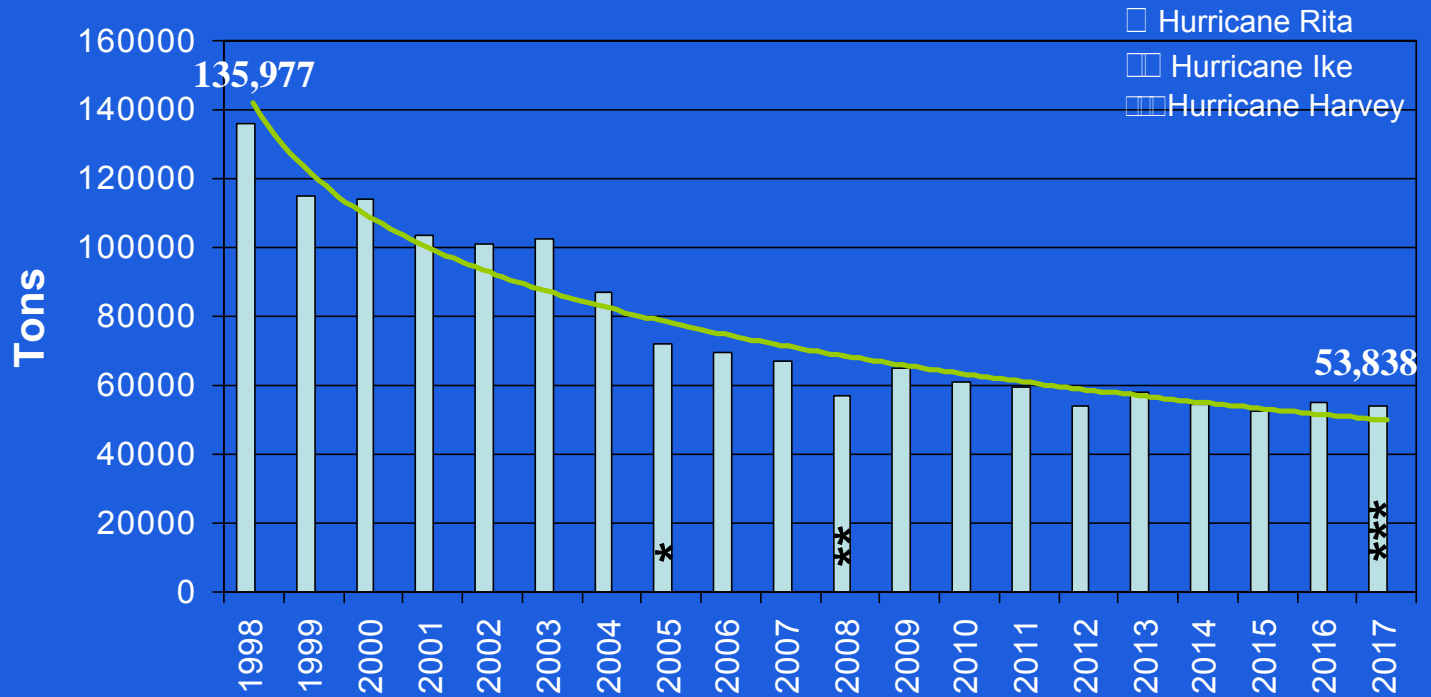


**INDUSTRY**<sub>OF</sub>  
**SOUTHEAST TEXAS**

# Environmental Report 20 Years of Progress

## Total Annual Emissions

Reduced 60% Since 1998



That's a reduction of 82K tons, especially significant considering 67% of ISET plants reported an average net increase of over 48% in production/output during this time period plus new production coming online.

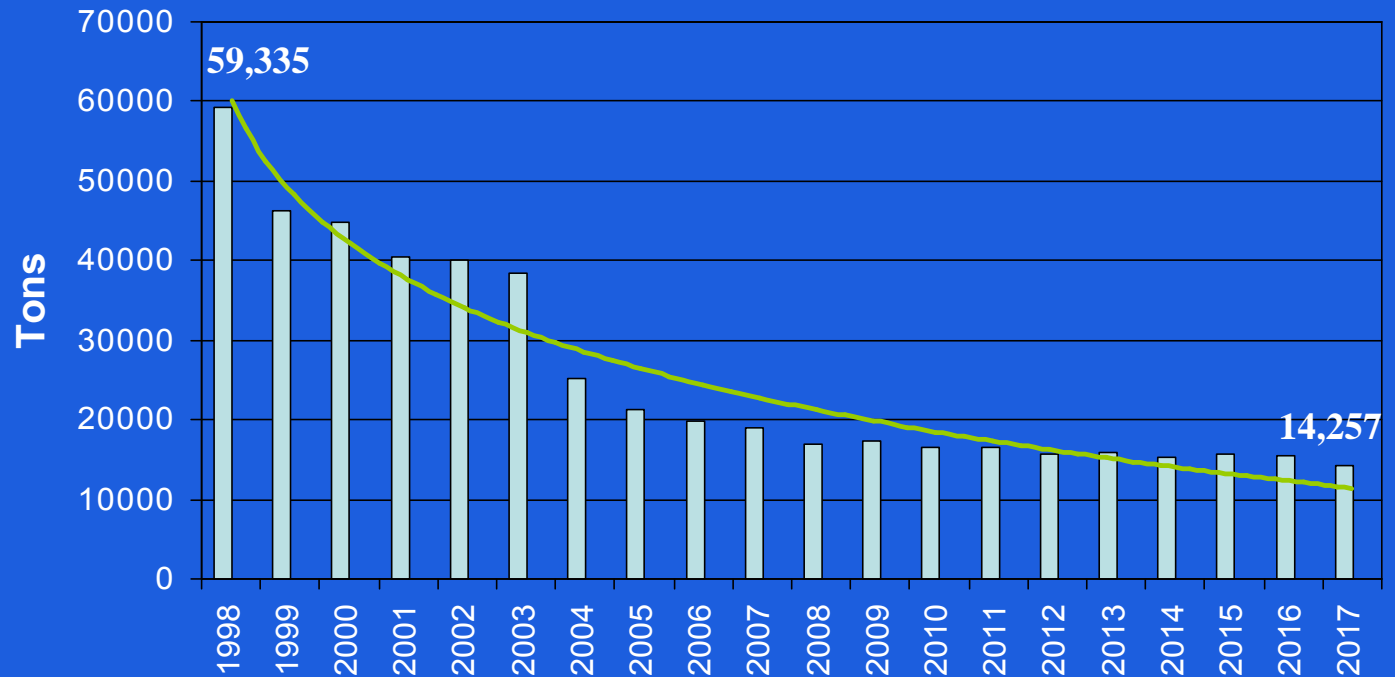


**INDUSTRY** OF  
**SOUTHEAST TEXAS**

# Environmental Report 20 Years of Progress

## NOx Emissions

76% REDUCTION



- Low NOx Burner Installation and Conversion
- Heater/Boiler Upgrades
- Selective Catalytic Reduction (SCR)
- Flare Gas Recovery Systems
- Replacement of Boilers with Efficient Cogeneration Units

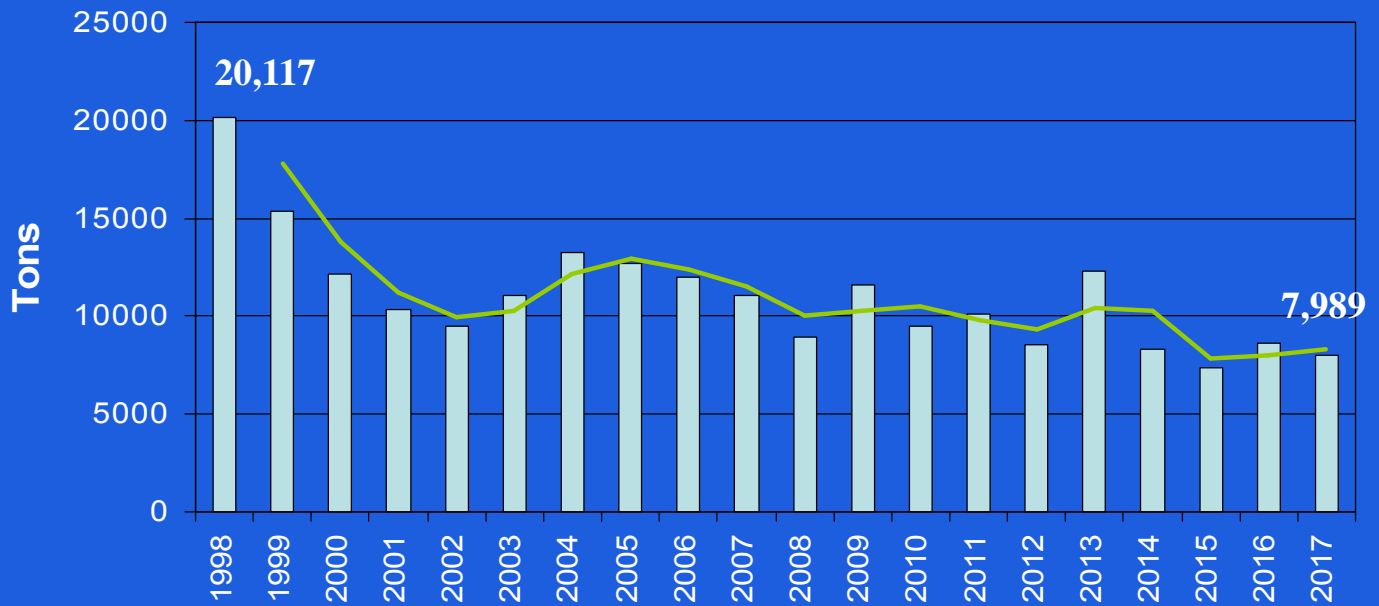
**INDUSTRY** OF  
**SOUTHEAST TEXAS**



# Environmental Report 20 Years of Progress

## VOC Emissions

60% REDUCTION



- Upgrade Valves to Reduce Process Leaks
- Piping Integrity Projects
- Flare Gas Recovery Projects

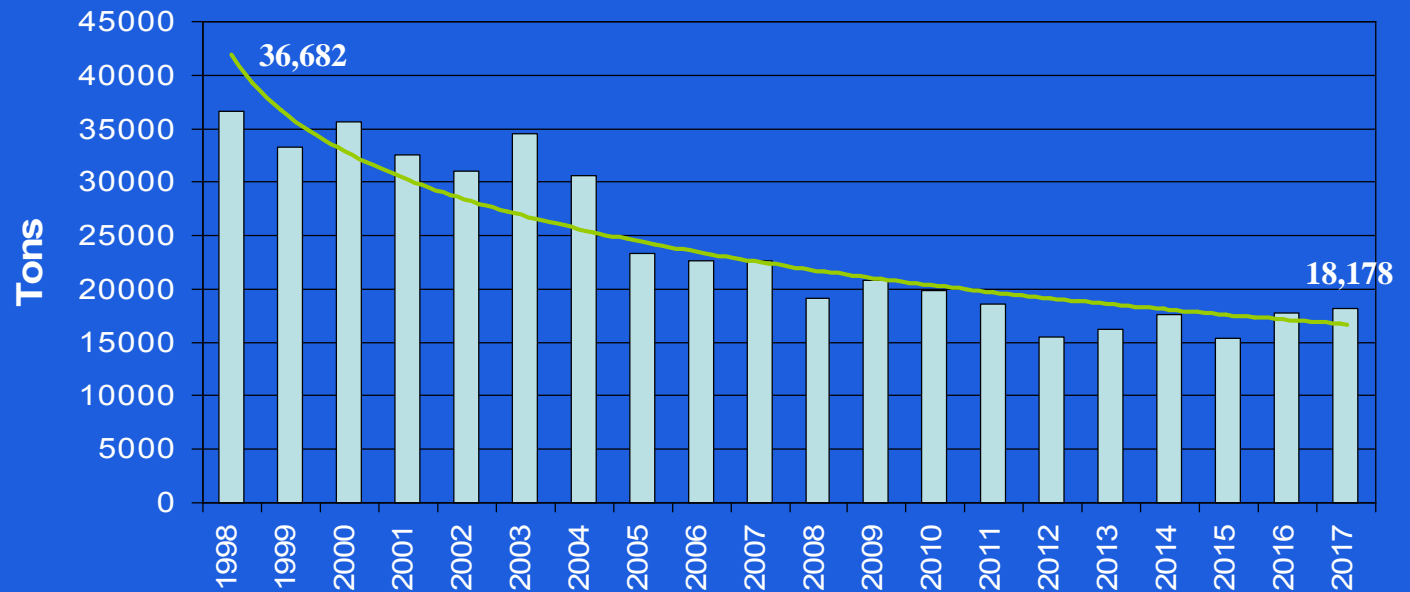
- VOC Reduction Projects
- More Aggressive Leak Detection and Repair Programs

**INDUSTRY** OF  
**SOUTHEAST TEXAS**

# Environmental Report 20 Years of Progress

## SO<sub>2</sub> Emissions

50% REDUCTION



- Sulfur Recovery and Reduction Projects
- Compressor Upgrades
- Flare Gas Recovery Systems

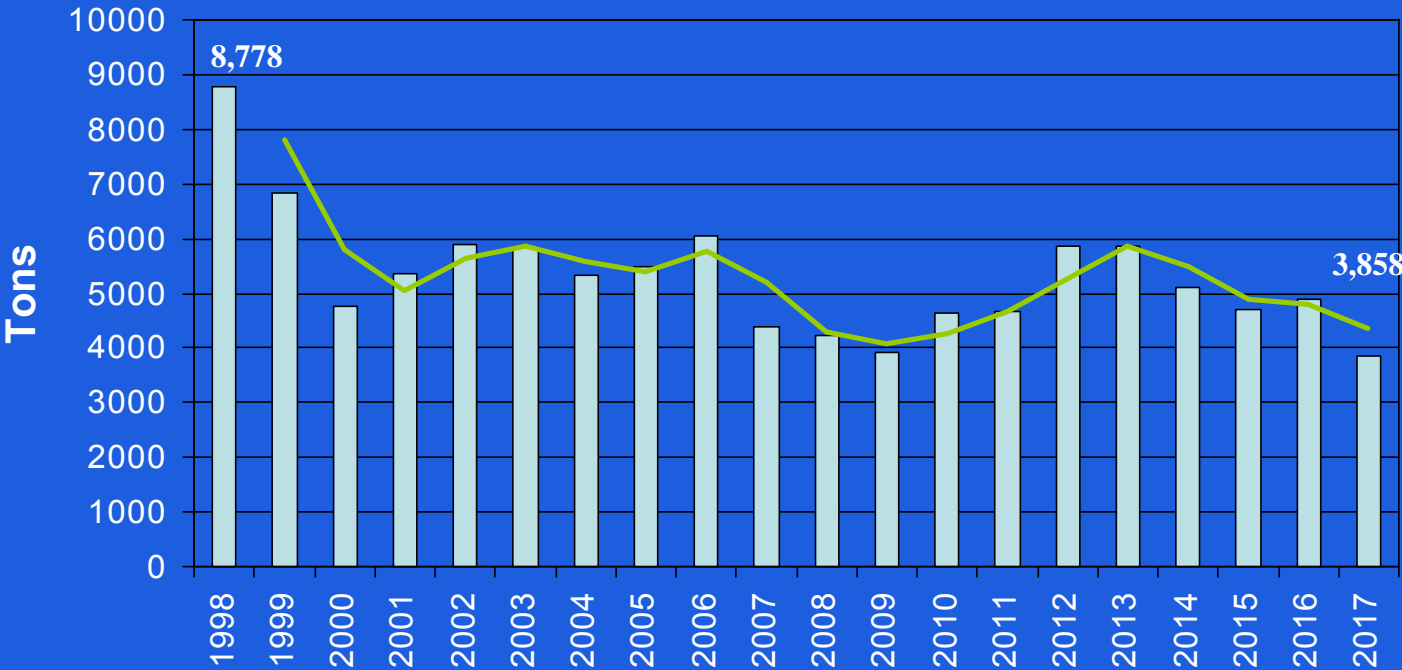
- FCC Unit Controls
- Plant Reliability Improvements
- Replacement of Boilers with Efficient Cogeneration Units

**INDUSTRY** OF  
SOUTHEAST TEXAS

# Environmental Report 20 Years of Progress

## SARA Air Emissions

56% REDUCTION



2012 & 2013 increase from 2011 may be due to reinstating of H<sub>2</sub>S in 2012

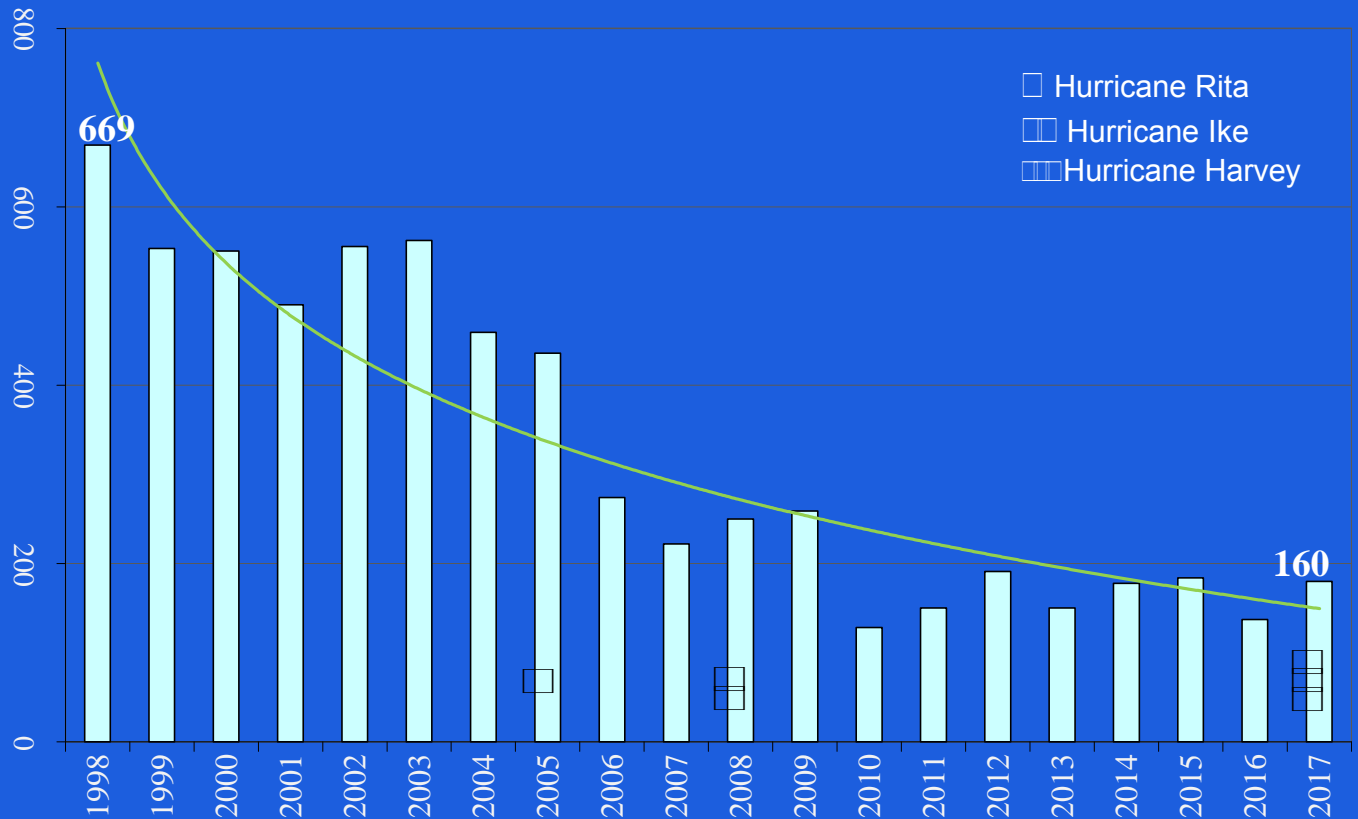


**INDUSTRY** OF  
**SOUTHEAST TEXAS**

# Environmental Report Over 20 Years of Progress

## Reportable Emissions Events

**76% REDUCTION**



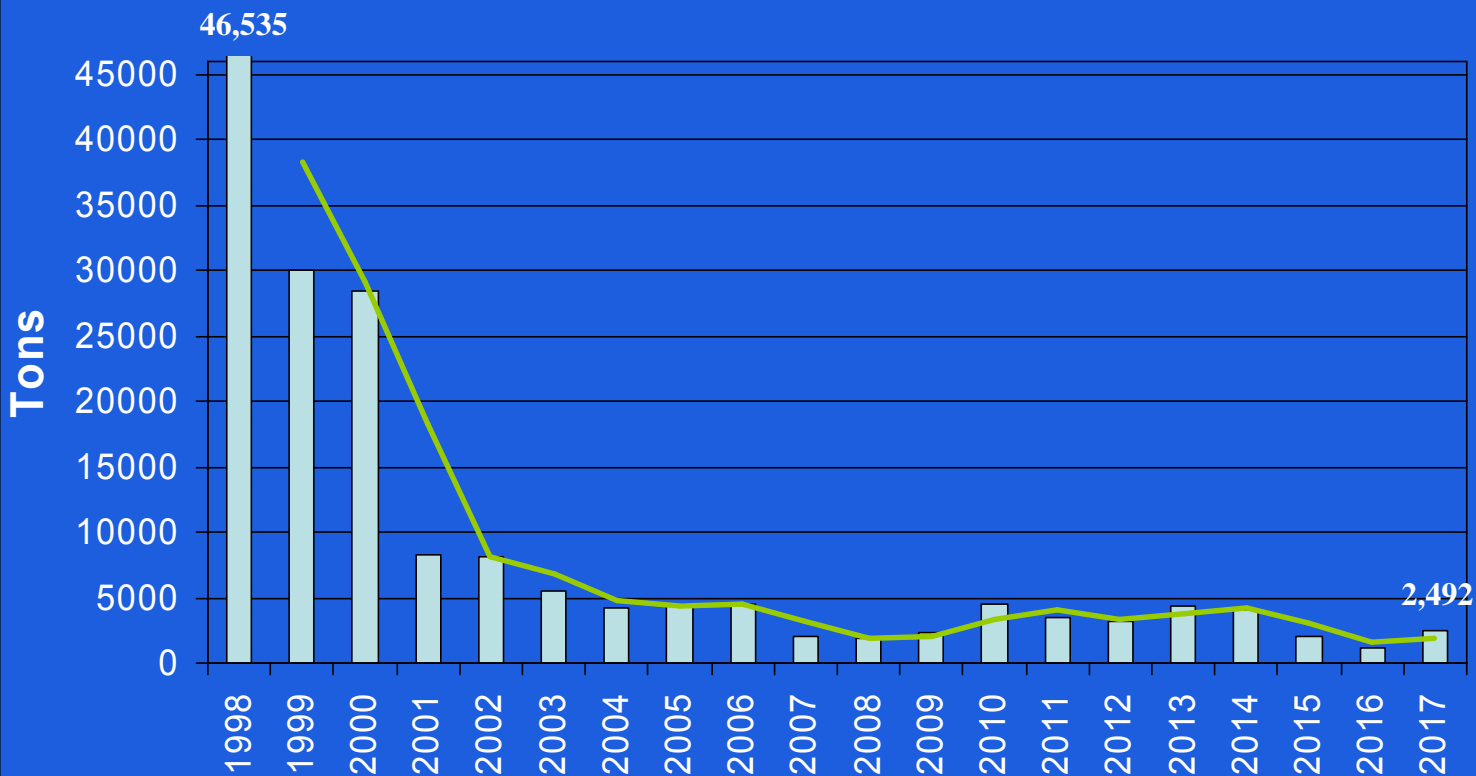
**The number of emissions events have declined 76% despite new plant additions and existing facility expansions.**

**INDUSTRY OF  
SOUTHEAST TEXAS**

# Environmental Report Over 20 Years of Progress

## Total Emissions from Emissions Events

95% REDUCTION



**95% reduction in emissions from unplanned events.**

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SOUTHEAST TEXAS**

# Environmental Report Over 20 Years of Progress

## AMBIENT AIR MONITORING

### Shows Continuous improvement

- Attainment with all National Ambient Air Quality Standards (NAAQS)
- Air toxic levels are consistently below the TCEQ Health Effects Screening Levels
- No pollutants are on the TCEQ Air Pollutant Watch List.

# AMBIENT AIR MONITORING

## The Southeast Texas Regional Air Monitoring Network

- Partially Sponsored by Southeast Texas Industry through voluntary contributions to SETRPC
- Approximately matches the air monitoring assets allocated to the region by TCEQ
  - 4 Ozone monitors
  - 4 NO<sub>x</sub> monitors
  - 8 Air toxics monitors
- Data fed directly from monitoring stations to TCEQ website



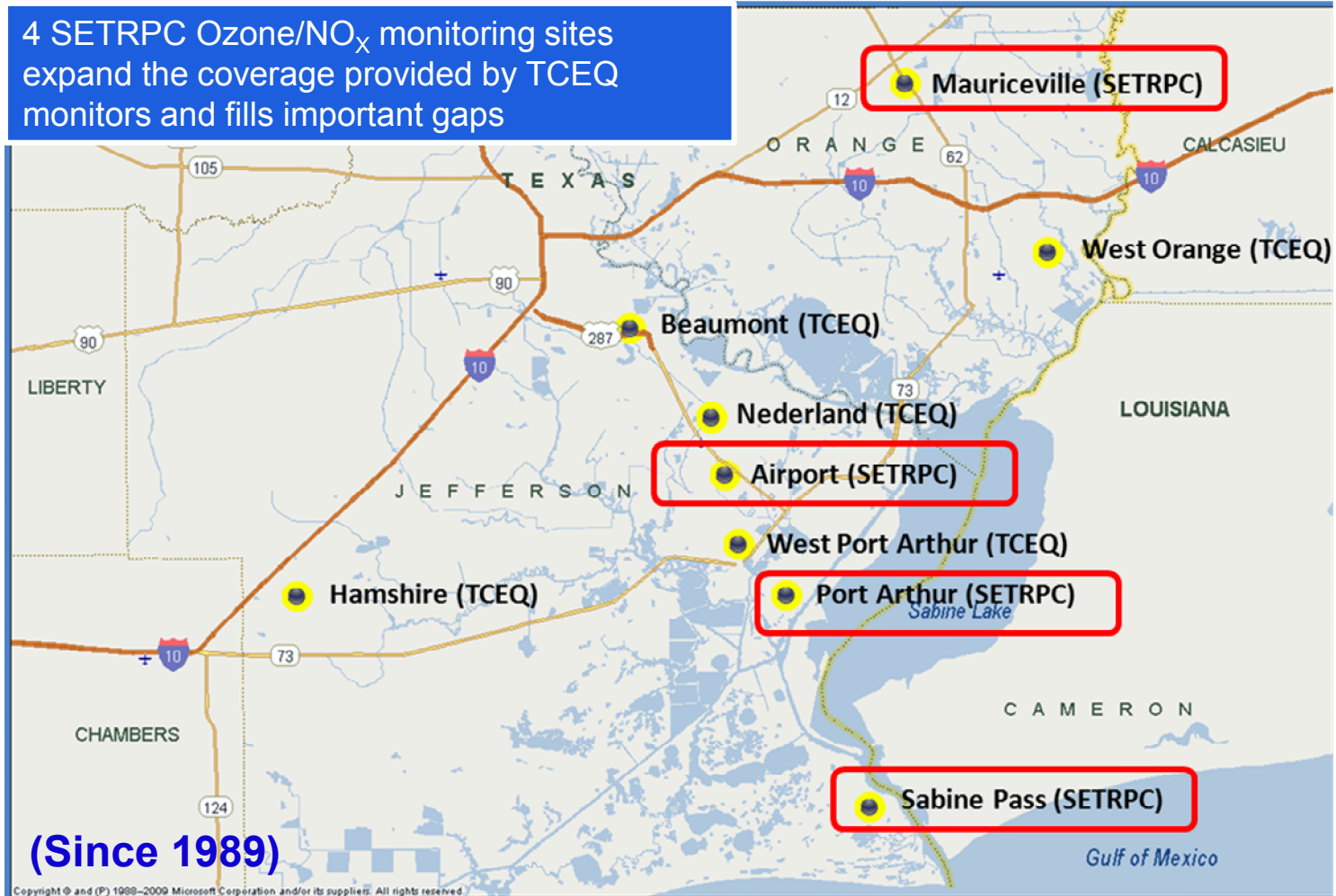
Source: SETRPC

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SOUTHEAST TEXAS**

# AMBIENT AIR MONITORING

## The Southeast Texas Regional Air Monitoring Network

4 SETRPC Ozone/NO<sub>x</sub> monitoring sites expand the coverage provided by TCEQ monitors and fills important gaps



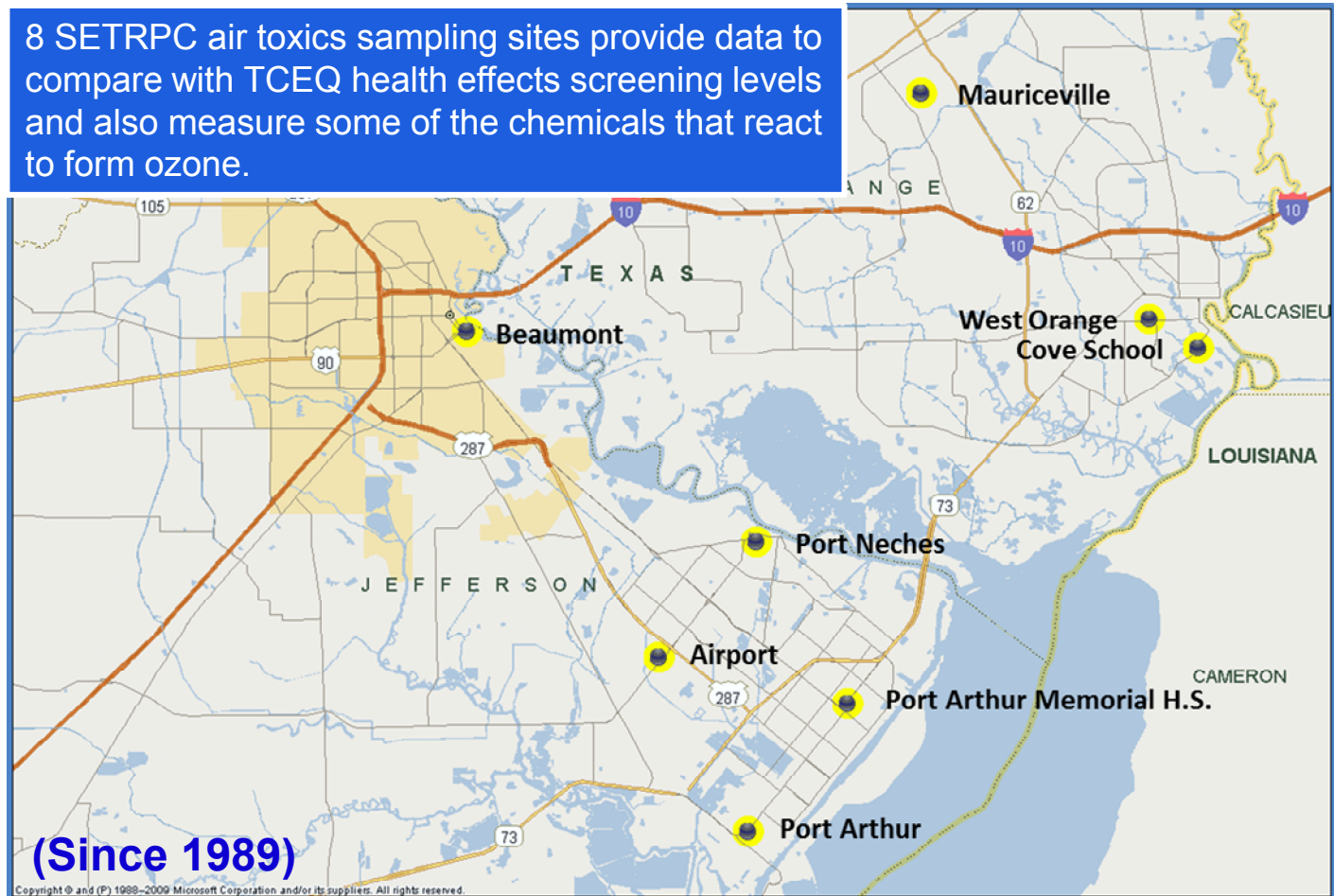
**INDUSTRY OF**  
**SOUTHEAST TEXAS**



# AMBIENT AIR MONITORING

## The Southeast Texas Regional Air Monitoring Network

8 SETRPC air toxics sampling sites provide data to compare with TCEQ health effects screening levels and also measure some of the chemicals that react to form ozone.



Source: SETRPC

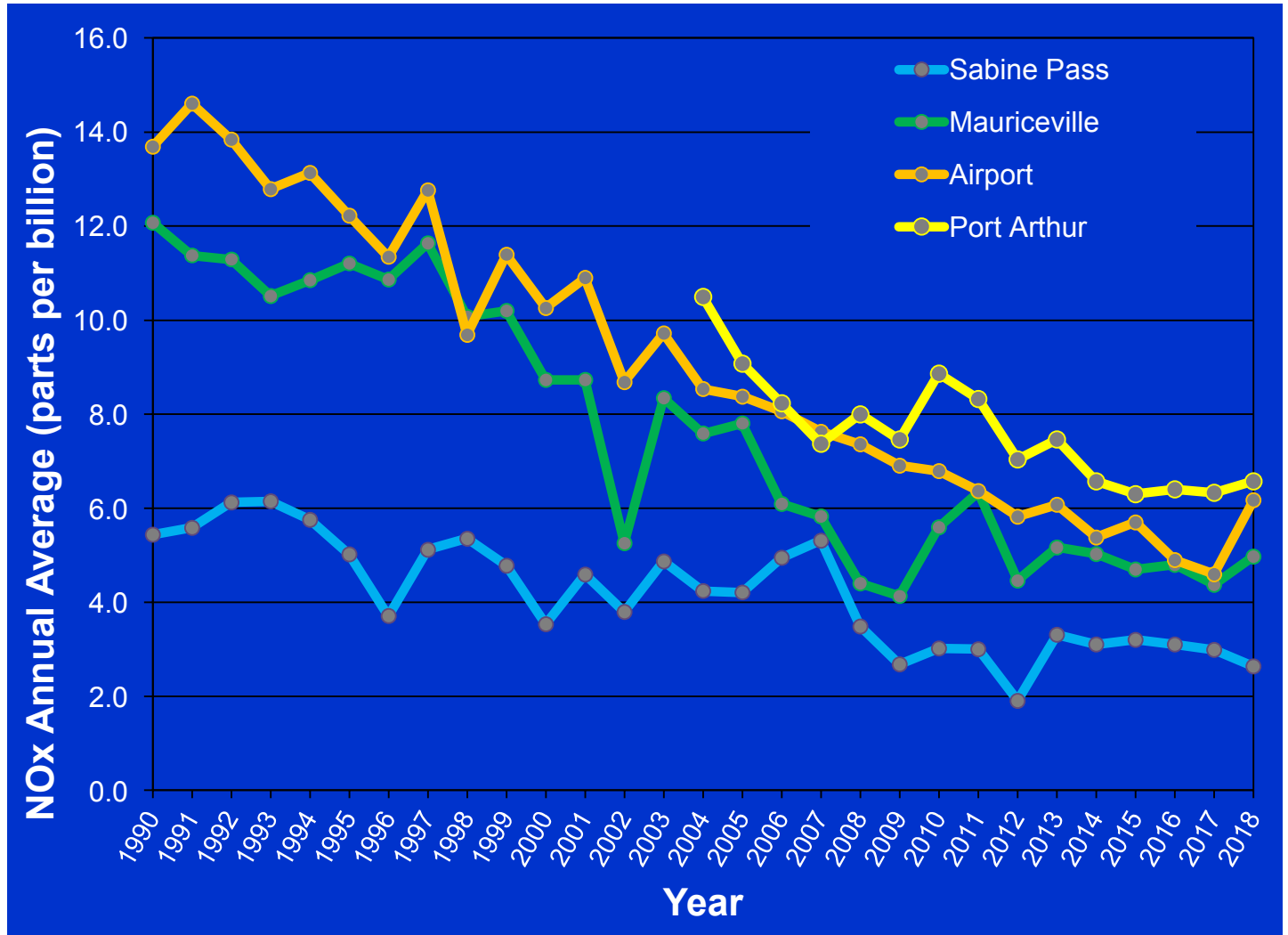
**INDUSTRY OF  
SOUTHEAST TEXAS**

# AMBIENT AIR MONITORING

## NO<sub>x</sub> Trends for SETRPC Monitoring Site

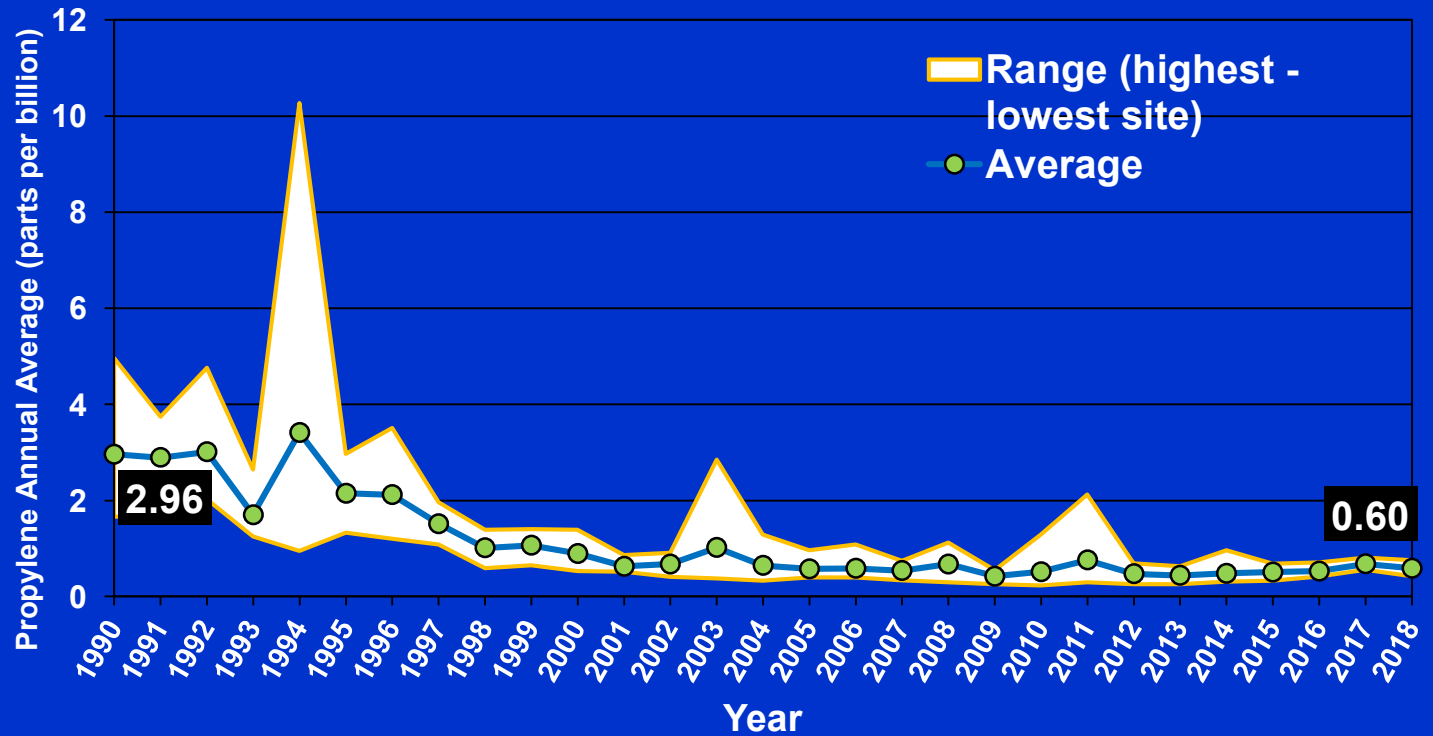


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# AMBIENT AIR MONITORING VOC Trend (Propylene)

## Monitored Propylene Levels



80% AVERAGE REDUCTION IN MONITORED PROPYLENE LEVELS

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**SOUTHEAST TEXAS**

May 16, 2019

Source: SETRPC

# AMBIENT AIR MONITORING

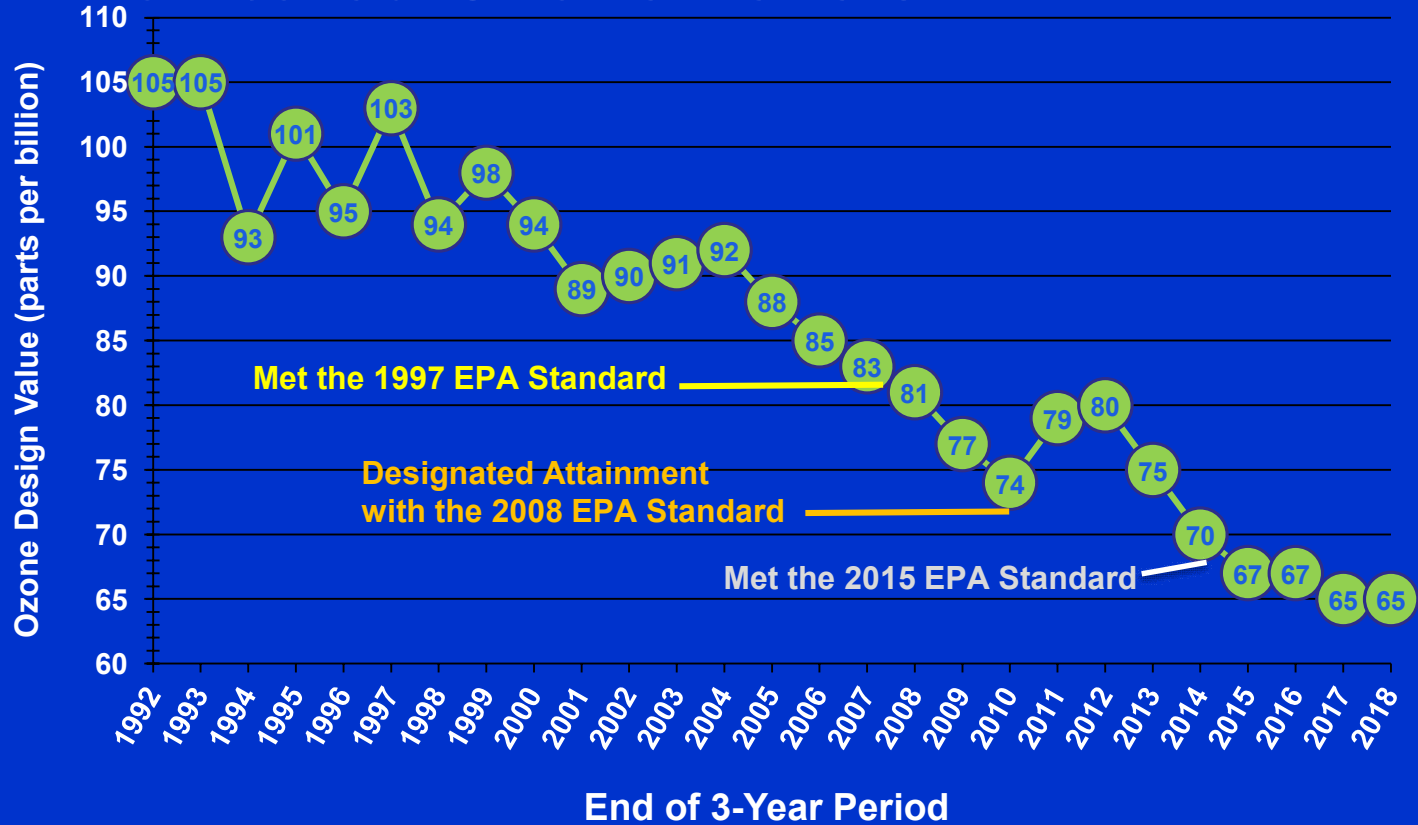
## Ozone Trend



**INDUSTRY** OF  
**SOUTHEAST TEXAS**

May 16, 2019

### Monitored Ozone Levels



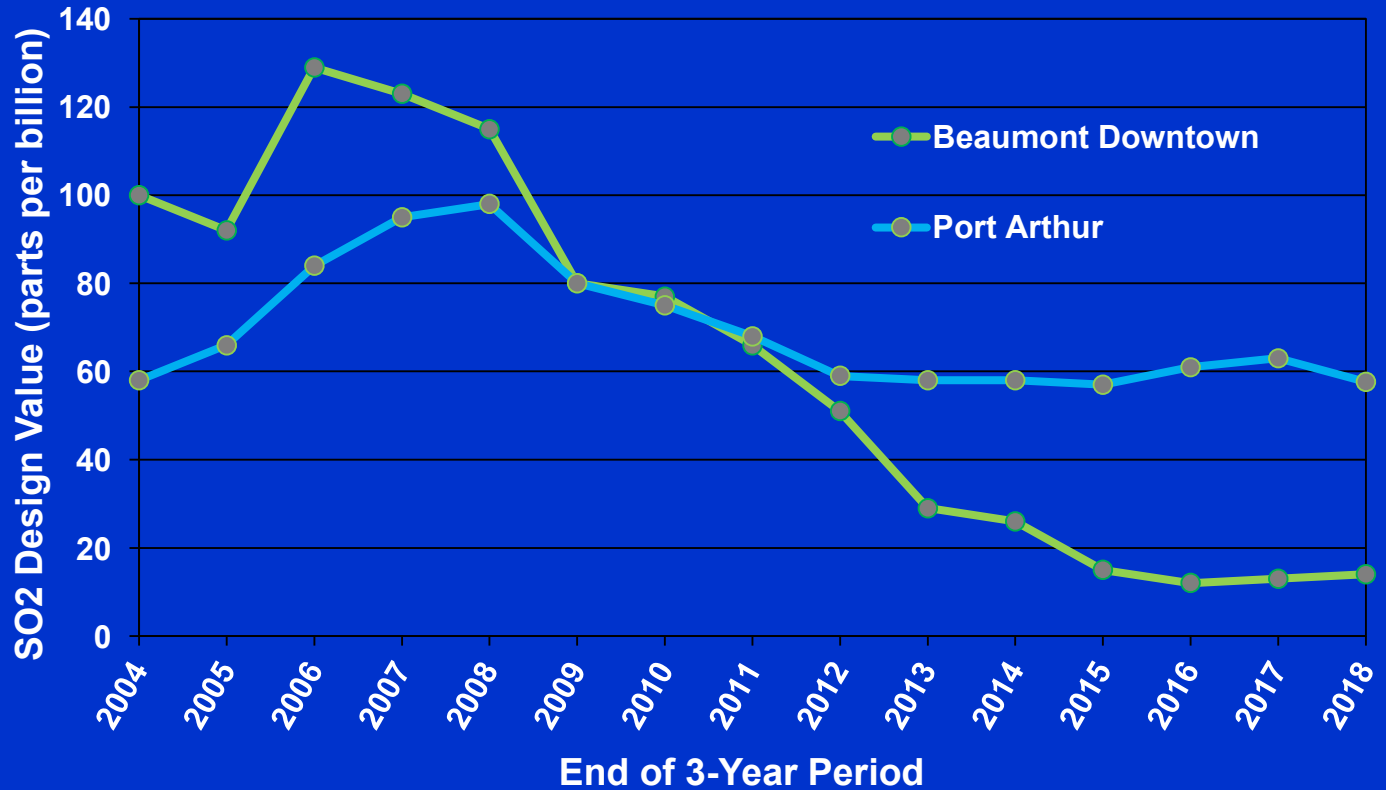
**38% REDUCTION IN THE MONITORED OZONE**

Source: SETRPC

# AMBIENT AIR MONITORING

## SO<sub>2</sub> Trend

### Monitored SO2 Levels



**88% REDUCTION IN BEAUMONT AND 41% REDUCTION IN PORT ARTHUR SINCE 2008**

# Environmental Report Over 20 Years of Progress

## How was this achieved?

- **Air Emission Reduction Projects**
  - Industry Spent over  $\square$ 775 Million in the last 5 years
    - Flare Gas Recovery System Installation and Upgrades
    - Sulfur Recovery Plant Upgrades
    - Flare monitoring Upgrades
    - Flare SO<sub>2</sub> Reduction Project
    - NO<sub>x</sub> Controls  $\square$  Heater/Boiler Upgrades
    - Installations to reduce fugitive emissions
  - New projects being identified over next 5 years
- **Plant Reliability**
  - Upgrading of older facilities with new efficient technology
  - Robust Mechanical Integrity Programs
  - Trained and Committed People



**INDUSTRY** OF  
**SOUTHEAST TEXAS**

# Environmental Report Over 20 Years of Progress

## Continuing Our Partnership

The partnership with all stakeholders continues to be vital to our Communities' economic prosperity and quality of life

- Region meets 2015 ozone standard - 70 ppb □ science based approach for NAAQS
- Continued support from TCEQ for efficient permitting process for new projects
- Support legislation to streamline the permitting process to lessen the time for approval
- Continued partnership with all of our stakeholders for future development of projects, future growth and quality of life in our area



**INDUSTRY** OF  
**SOUTHEAST TEXAS**

# Environmental Report Over 20 Years of Progress

## Participating Companies

1. Air Liquide
2. Air Products
3. Arkema Chemicals
4. BASF BMT Agro
5. BASF Total Petrochemicals LLC (BTP)
6. Chemtrade Logistics
7. Chevron Phillips Chem. Orange
8. Chevron Phillips Chem. Port Arthur
9. Dow Beaumont Works
10. DuPont □ Sabine River Works
11. Entergy
12. ExxonMobil Chemical BMCP
13. ExxonMobil Chemical BPEP
14. ExxonMobil Refinery BMRF
15. Firestone Polymers
16. Flint Hills Resources
17. Optimus steel
18. Goodyear Tire & Rubber
19. Huntsman
20. Arlanxeo
21. Lucite International
22. Motiva Port Arthur Refinery
23. OCI Beaumont
24. Orion Engineered Carbons
25. Oxbow Calcining
26. South Hampton Resources
27. Sunoco
28. TPC
29. Total Petrochemicals & Refining USA, Inc. □ Port Arthur Refinery
30. Total Petrochemicals - TCV Beaumont
31. Veolia ES Technical Solutions
32. Valero



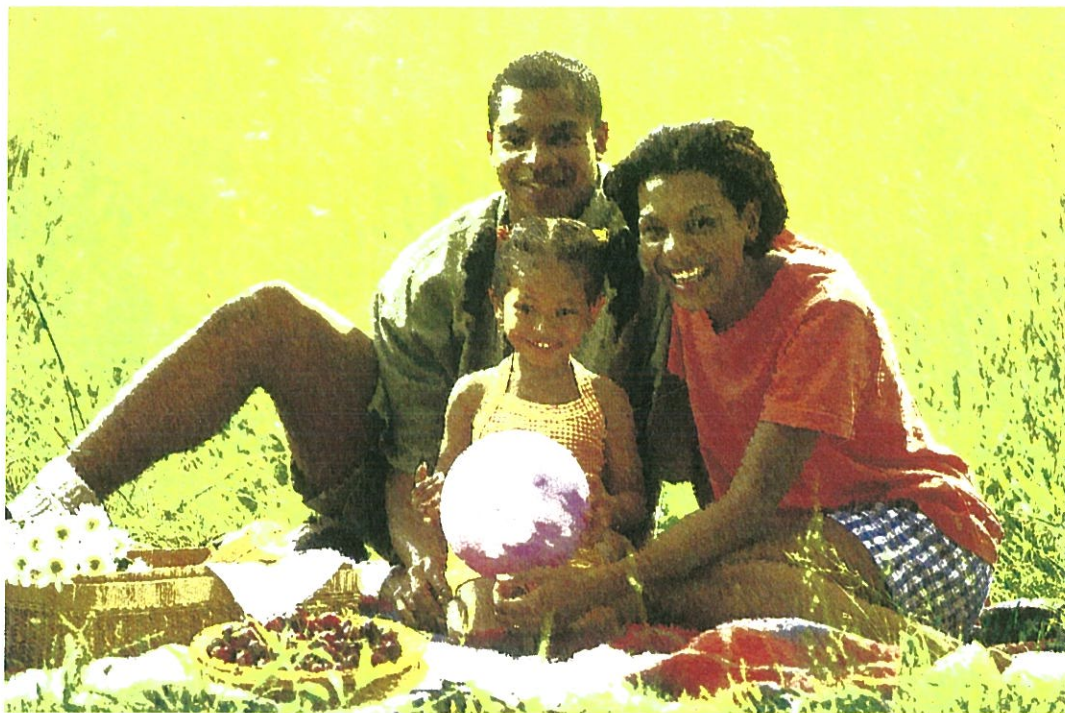
**INDUSTRY** OF  
**SOUTHEAST TEXAS**



**Exhibit 13**

10  
YEARS  
2000-2010

**PORT ARTHUR INDUSTRY  
AND COMMUNITY LEADERS ADVISORY GROUP**



**TEN YEARS OF BUILDING TRUST  
BETWEEN INDUSTRY AND THE COMMUNITY**

## THE MISSION

**Ten years ago I was asked by industrial leaders in Port Arthur to help facilitate the development of a community/industry partnership.** A successful long-term collaborative of this nature can only become successful if reasonable people from different perspectives and backgrounds are willing to examine objective data, listen to each other, openly discuss issues, identify obstacles and underlying sources of problems, and reason together to develop solutions. The Group was designed to conform to an EPA Environmental Justice Guidance document issued in June 2000 by the Clinton Administration. The organization that has evolved from this carefully facilitated process is the Port Arthur Industry and Community Leaders Advisory Group. It is truly unique; I am not aware of any community/industry partnership quite like it in America. Decisions are made on solution-driven projects only after a consensus among all the members is reached. This approach prevents creating winners and losers and builds collegiality and trust. In 2010, the Group will celebrate its 10th Anniversary. The Group's members are dedicated to making Port Arthur a better place for its citizens to live.

**The Group's successes have been many, and over the years its members have worked to create a foundation built on mutual respect and trust which is moving Port Arthur forward.**

The Group's successes include providing increased educational opportunities for Port Arthur's children and youth. The Group also has created or facilitated the development of a set of effective models and approaches to training and placing chronically unemployed persons in available jobs, an energy efficiency initiative to significantly reduce the utility bills of low income persons, and the provision of affordable medical care to the City's indigent residents. These successful approaches may be easily expanded with additional funding to address the significant human and community challenges that remain. As we move forward, the Group is committed to working with governmental agencies, Port Arthur citizens and various other employers to forge solutions to the City's most pressing challenges, including the relatively high levels of unemployment and re-development of the City's downtown and West Side.

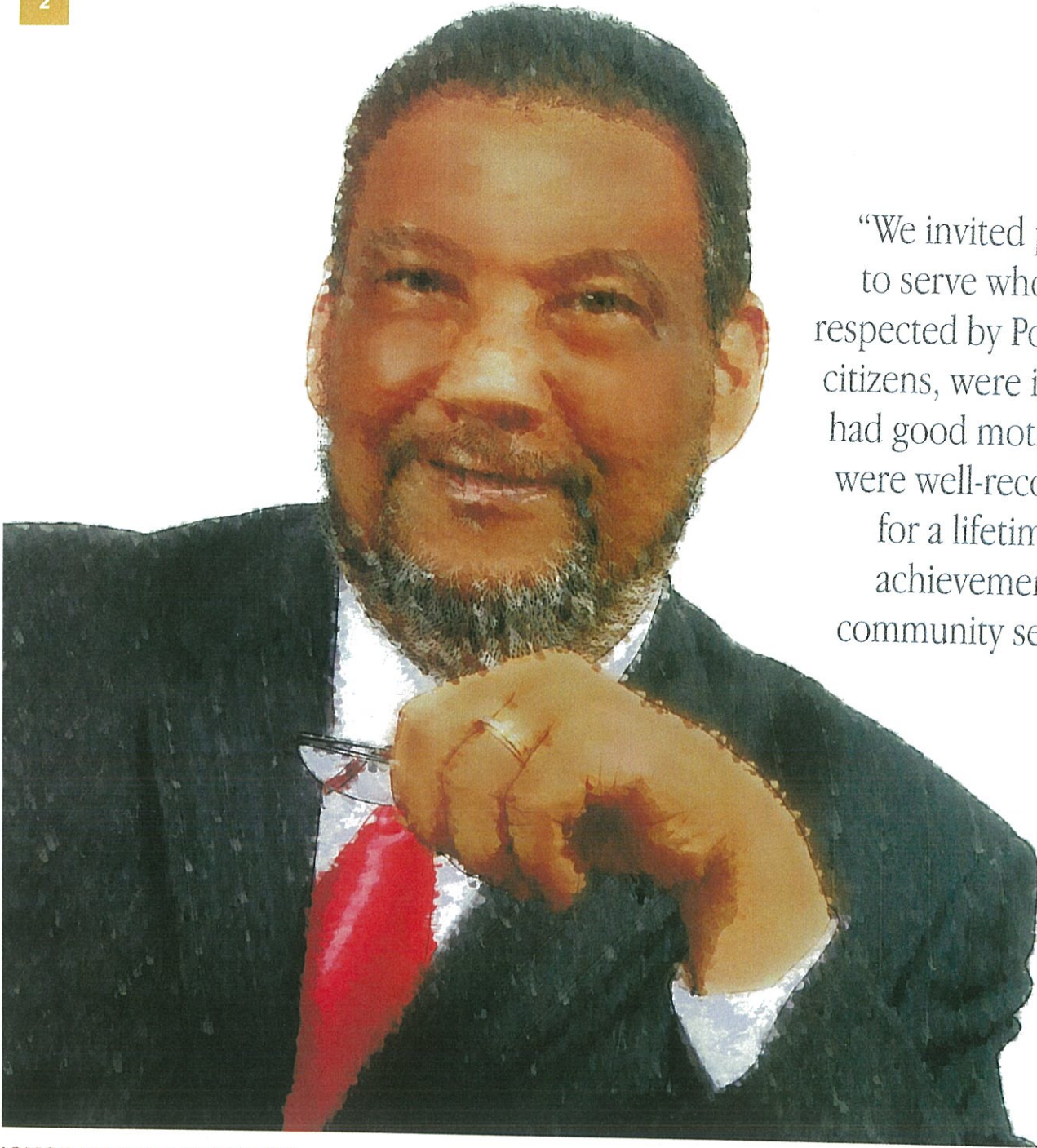
“The Group is dedicated to making Port Arthur a better place for its citizens to live.”

### Objectives

- Environmental Excellence
- Improved Education, Scholarships and Opportunities for Young People
- Community Improvement and Housing
- Workforce Development and Training
- Building Leadership Within the Community
- New Investments in Port Arthur



**JOHN HALL**  
 John Hall Public Affairs, Austin, Texas  
 Former Chairman of the Texas Commission  
 on Environmental Quality



“We invited people to serve who were respected by Port Arthur citizens, were involved, had good motives and were well-recognized for a lifetime of achievement in community service.”

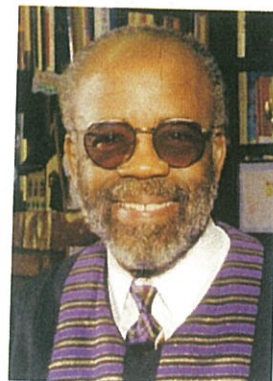
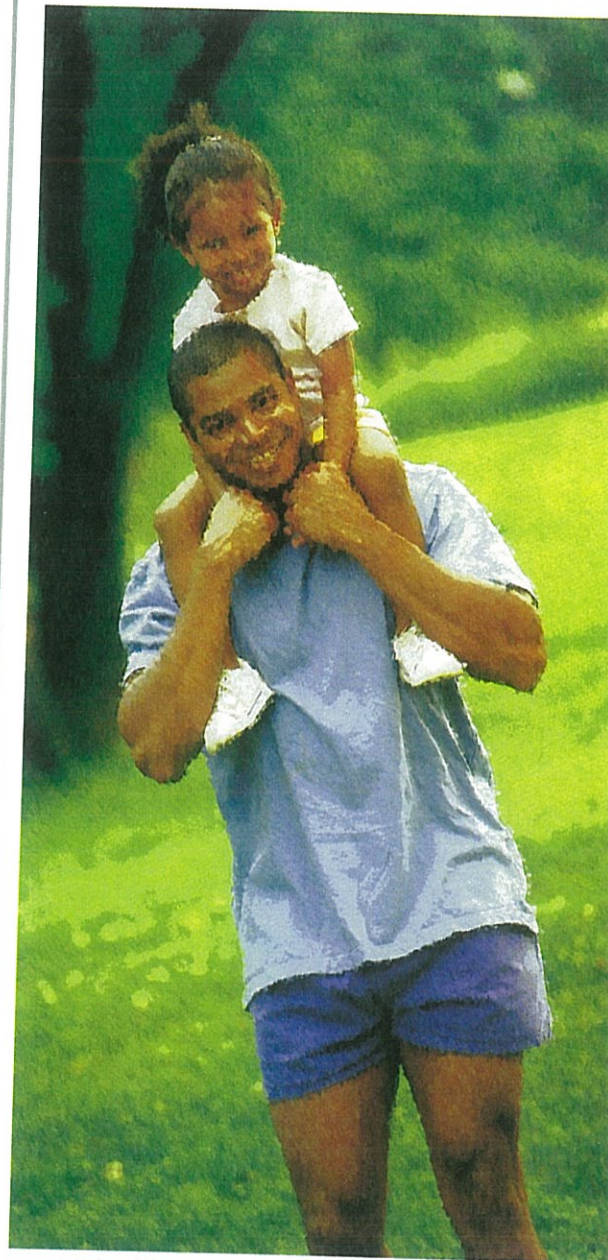
**HONORABLE JOE DESHOTEL**

*Texas State Representative – District 22  
Chairman – House Committee on Business and Industry  
Attorney and business owner*

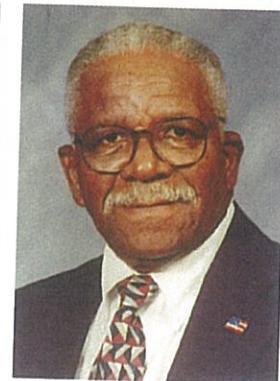
**When John Hall and several area plant managers asked for help in identifying leaders in the community for this unique collaborative, I was willing to both help and serve as a member of the Group.** We invited people to serve who were respected by Port Arthur's citizens, had the right motives and were well-recognized for a lifetime of achievement and community service. Reverend Ransom Howard and the MODEL organization were already working to help create a working relationship with industry and taking steps to improve the community. Reverend Howard and several of MODEL's board members were willing to help. Amos Evans, President of the Port Arthur Chapter of the NAACP, was another person who agreed to serve. The NAACP has had a well-recognized history of making certain that the voices of all people are heard and respected. The people of Port Arthur are better off today because of the leadership and foresight of Reverend Ransom Howard and Amos Evans.

**Other community leaders selected to serve had various backgrounds and specific knowledge needed to help the Group address the complex issues which required attention.** As a result, the vision of a highly successful community/industry partnership was realized. Although my duties in Austin keep me from personally attending every meeting, I carefully monitor the Group's progress and often send members of my staff to represent me. Over the years I have been able to help gain approvals and funding for some of the Group's projects including energy-efficient housing and workforce training initiatives. I want to thank industry for its long-term support and belief in this important organization, and for listening to these knowledgeable and dedicated community leaders.

“The people of Port Arthur are better off today because of the leadership and foresight of Reverend Ransom Howard and Amos Evans.”



REVEREND RANSOM HOWARD



AMOS EVANS



### MITCH OSBORNE

Chairman of the Port Arthur Industry and Community Leaders Advisory Group (2008-2010)  
General Manager – Veolia Environmental Services

## CONSISTENT SUPPORT. COLLABORATIVE PROCESS.

**During the early years, our meetings were characterized by industry representatives listening to the community leaders, answering questions concerning plant operations, discussing community priorities and identifying ways community leaders thought industry could better help Port Arthur.** An initial projects list was developed and smaller workgroups were formed to target specific issues. The industry representatives, led by Tom Purves (PAIG Chairman), made a \$2.5 million commitment in 2003 to create more educational opportunities for young people in Port Arthur. This financial commitment transformed the Group into the industry and community partnership it has become today. Early Group initiatives included academic and technical scholarships and summer jobs for high school students attending Memorial High School. We also placed additional permanent air monitoring equipment in West Side Port Arthur and engaged an independent environmental consultant to make regular reports to the community leaders on air quality. Many other community improvement programs have been added to our annual Group Work Plan in recent years, including: improved housing for the elderly, restoring the West Side neighborhoods through re-development, supporting indigent health care, and various workforce development initiatives to provide both Port Arthur residents and businesses an opportunity to work in the local plants.

**In our first ten years, industry membership and support for the Group have grown, and approximately \$4.5 million have been spent by the Group to improve Port Arthur.** Over the years the faces of industry representatives and community leaders have changed, but the Group remains committed to working together to address issues facing our local community. Because of the long-term commitment of industry, the Group has been able to address complex problems and make program changes along the way to improve our success. I want to thank all of the community leaders who have generously given of their time and shared their wisdom to make our community a better place for people to live and enjoy.

“...the Group remains committed to working together to address issues facing our local community.”



**I served as a member of the Environmental Workgroup. This was one of the first committees formed; we began meeting in 2000.**

The community leaders on this Workgroup had for the most part lived their entire lives in Port Arthur. They had noticed the improvements in air quality but had questions and concerns about air regulation and the impact of ozone and toxics on the health of the community. There was considerable misinformation out in the public; news media reports seemed to focus on incidents and not trends. Even accurate emissions data is often difficult for ordinary citizens to understand and interpret. Industry understood that until these community environmental questions and concerns were adequately addressed, it would be difficult to move forward on other important issues impacting the quality of life in Port Arthur. Early on, member companies began presenting regular reports to the Group on environmental and safety performance, incidents, emissions trends and environmental improvement projects. Company and government environmental experts helped answer questions about any and all environmental matters. One of the questions community leaders posed was whether existing air monitoring stations were positioned to accurately reflect the air quality in the West Side neighborhood.

**In response, four Group companies paid for the construction and operation of a new permanent air emissions monitoring station on the West Side.** This monitoring station has now been turned over to the Southeast Texas Regional Planning Commission, which has successfully operated the system of air monitors in our region for more than 20 years. An independent environmental consulting firm operates and collects the air emissions data. They report their findings to the Group and respond to questions raised about air quality and public health. One of the primary reasons for the improvement in air quality is the major investments plants in our region have made to reduce industrial emissions by 50%. During the last ten years, industry has invested more than \$1.1 billion on environmental improvements in Southeast Texas; we estimate that another \$1.4 billion in emissions control projects will be spent in the near future. The Group has also worked to help people protect the environment around their own homes through the sponsorship of environmental improvement programs like the household hazardous waste collection events.

“Industry understood that until these community environmental questions and concerns were adequately addressed, it would be difficult to move forward on other important issues impacting the quality of life in Port Arthur.”



**MORRIS CARTER**  
*Director of Environmental Quality and Public Affairs –  
Valero Port Arthur Refinery*



**SHARON ADAMS**

*School teacher and principal in PAISD for 32 years  
Graduate of East Texas State University*

## ENVIRONMENTAL SUCCESS

**At our meetings, we regularly receive reports on air quality and environmental information from our consultant, the government environmental regulatory agencies and individual companies.** Thankfully, the trends have been for fewer emissions and much cleaner air. Both regulators and industry have had a part in the success. Growing up in Port Arthur, I could often see the smoke hovering in the air, but today, our air quality is very good.

— SHARON ADAMS

**I am very pleased about the openness of company representatives on environmental issues.** We also have appreciated the time that John Hall has taken to help us better understand air quality data, terminology and the regulatory process. I am encouraged about the effects that these improvements are making on the health of our community.

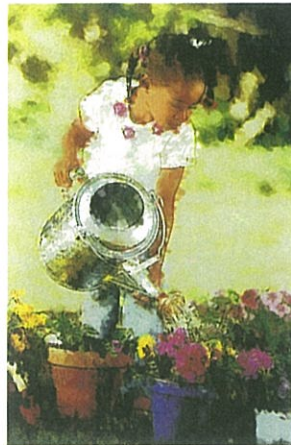
— KIRK VITAL



**KIRK VITAL**

*Pharmacist – CHRISTUS Hospital-St. Elizabeth  
Graduate of Texas Southern University*

“I am encouraged about the effects that these improvements are making on the health of our community.”





**The people who work in our plants are committed to the core values of protecting people and the environment.** Our processes and procedures are designed to assure safe and environmentally sound operations. Even so, we believe in being prepared and in training for any unforeseen events. We work together with public sector emergency responders to keep citizens safe and informed. We are proud of these well-trained and dedicated men and women.

– MARGIE CONWAY

**When a natural or man-made emergency could potentially impact the public, we respond quickly and inform the public of actions they should take to protect their family and property.**

Our emergency responders are both well-trained and dedicated. We have the latest equipment, and we are constantly working to upgrade our plans, equipment and knowledge. We have had a very good relationship with industry. We depend on each other, and in a crisis, our joint planning and intensive training pays off. Local government emergency responders, industry and the broadcast media have teamed together to create a high-tech, multi-featured emergency notification system called the Southeast Texas Alerting Network. STAN has been very effective in alerting the public to natural and man-made emergencies.

– MAJOR JOHN OWENS

**Safe and environmentally responsible operations are the top priorities at our plants.** We support PAIG's efforts to effectively share those priorities within our communities through its many projects. Specifically, the Group's work with City government to regularly inform citizens about the emergency response system and personal safety and security issues is an important effort. We strive to be a good neighbor, and I am proud of our team's efforts to operate a safe and clean plant. I am confident that other PAIG members feel the same way.

– JEFF TILLEY

“We are proud of these well-trained and dedicated men and women.”



**MARGIE CONWAY**  
Plant Manager – Chevron Phillips Chemical Company, L.P.



**MAJOR JOHN OWENS**  
Major in Port Arthur Police Department for 26 years  
Director of Port Arthur's Emergency Management



**JEFF TILLEY**  
Plant Manager – Flint Hills Resources



**DR. MATTIE LONDOW**

*Long-time educator with PAISD who served as principal at Lincoln High School as well as other schools in the District. Served two terms as a member of the PAISD School Board. Former college professor and graduate of Prairie View A&M and Texas Woman's University.*



**DR. SAM MONROE**

*President – Lamar State College-Port Arthur*

## ACADEMIC SCHOLARSHIPS

**We especially encouraged the industry representatives to create new higher education opportunities for Port Arthur's young people.** In 2003, the Education Workgroup developed a very generous academic scholarship program to help graduating seniors from Memorial High School attend the college of their choice. This program continues to be one of our Group's most popular projects. Each year students are encouraged to apply for these scholarships, and we work closely with high school counselors to select the students who are most deserving. To date, 92 academic scholarships have been awarded to Memorial High School graduates by the Group.

– DR. MATTIE LONDOW

**The Port Arthur-based industrial companies have been the largest single contributor to the Port Arthur Higher Education Foundation for several years.** This was no accident. It came about because of the close working relationship between industry and Port Arthur's community leaders. The Foundation and Lamar State College-Port Arthur manage the Group's scholarship programs even though the majority of the students actually attend other colleges. Higher education is important because of its impact on a person's lifetime earning potential, and because education helps to make people better citizens. We have enjoyed our relationship with the Group, and they regularly meet on our campus. We congratulate the Group on its 10th Anniversary of working together for the betterment of our community and its people.

– DR. SAM MONROE

“Higher education is important because of its impact on a person's lifetime earning potential, and because education helps to make people better citizens.”



**The PAISD began a co-enrollment program for Memorial High School juniors and seniors in 2004.** This program helps high-achieving students take college-level courses and earn both high school and college credit. The superintendent of schools encouraged our Group to cover the tuition costs of students from families that couldn't afford the cost of tuition. We agreed to help, and looking back, it's amazing that nearly 200 high school juniors and seniors have already benefited from the Group's financial support.

— HARGIE SAVOY

**The Group has also stepped up to help children from indigent families with school supplies.** The eight elementary schools in PAISD are all eligible to participate in the Southeast Texas Food Bank's "School Tools" program. Since 2004, our Group has made an annual donation to make this possible. Teachers regularly go to the food bank to pick up school supplies and other resources for their classrooms. It's a good program, and it is well used. More than 300 Port Arthur teachers participate in the "School Tools" program each year.

— DWIGHT WAGNER

**I appreciate the support our students receive each year from the Group.** The Group has been open to considering new programs and modifications to help make existing programs better. Recently, the Group accepted my recommendations to expand the seven majors included in their technical scholarship programs and begin a new program to provide small grants to help Memorial High School graduates successfully make the transition into college. Partnerships with businesses and the community are vital to the success of a school district. I especially want to thank industry for their support in getting the recent bond issues passed. Their support has given our children several wonderful new schools with the best resources available.

— DR. JOHNNY BROWN

"Partnerships with businesses and the community are vital to the success of a school district."



**HARGIE SAVOY**

*Martin Luther King, Jr., Support Group of Southeast Texas*



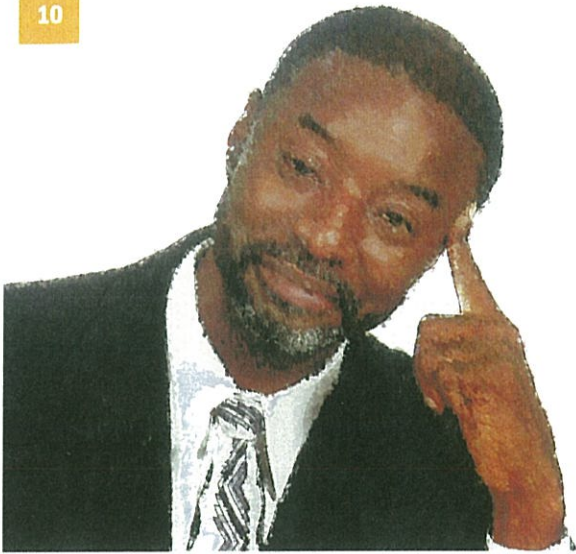
**DWIGHT WAGNER**

*Principal – Dowling Elementary School  
2007 Port Arthur Citizen of the Year. Noted recording artist.*



**DR. JOHNNY BROWN**

*Superintendent – PAISD*



**REVEREND KURT WASHINGTON**  
 Pastor – Mt. Calvary Baptist Church



**VERNA RUTHERFORD**  
 Manager, External Affairs – Motiva Enterprises, LLC



**LOIS CORNWELL**  
 Executive Director – Workforce Centers in SETX

## PREPARING YOUNG PEOPLE FOR LIFE

**Education is very important, but education must lead to productive careers and a lifetime of learning.** Preparing young people to enter the workforce and giving them the opportunity to get their first job is vital. The Group has encouraged its industry partners to help, and they have responded to the need. As a result, more than 200 Memorial High School juniors and seniors have participated in the Group's summer jobs initiative since 2003.

– REVEREND KURT WASHINGTON

**Motiva takes a keen interest in the young people in our community as we strategically identify ways to invest in their future.** The Motiva Youth Training Academy (MYTA) is one such innovative example of this. The first class of Memorial High School students began at MYTA in August 2006. The initial concept was for students to enhance their educational experience by gaining life-skills training, while Motiva shared in the salaries paid to students who worked for mentors in various business settings. The program later evolved into one that also includes college co-enrollment classes through a partnership with Motiva, PAISD and Lamar State College-Port Arthur. Students' lives have been further enhanced by the relationships they have gained while working with mentors who have devoted time to help them become better prepared for the workforce.

– VERNA RUTHERFORD

**It has been especially rewarding for me to have worked with the Group over a several year period on a variety of workforce issues.** In 2007 we began managing the Group's summer jobs initiative which already had a track record of great success. The companies have generously supported this program even though very few of the students receiving summer jobs actually work at the companies providing financial support. Instead, the program mostly provides summer workers to non-profits, small businesses and the public sector at no cost. After a student's summer job is over, many have continued working part-time for the same employer while they complete their education. Because of its many innovative youth workforce initiatives, the Group won the Future Workforce Award for our region from the Workforce Development Board in 2004. Last year, the Group received the top Future Workforce Award for the State of Texas. Congratulations on ten years of service to the youth of Port Arthur.

– LOIS CORNWELL

“Preparing young people to enter the workforce and giving them the opportunity to get their first job is vital.”

## TECHNICAL EDUCATION & SUMMER INTERNS

**With all the new industrial construction, the challenge has been to help Port Arthur residents that would like to work in the plants to develop the skills needed to be successful.** The Group has taken on this challenge. Although the Group’s academic scholarships can be used for any field of study, we encourage Memorial students to take as much science and math as possible, because Port Arthur industry especially needs engineers.

– PHUONG HUE TAT

**Working at the plants isn’t for everybody, but locally the plants are an abundant source of high-paying jobs.** We work closely with the Port Arthur Industry and Community Leaders Advisory Group to make certain that PAISD students and their parents are aware of these local job opportunities. We recently worked with the Group to expand its co-enrollment program to include technical courses leading to skilled operator and technician jobs at local plants. It’s vital to Port Arthur’s future for our brightest minds to be able to find good jobs locally.

– DR. MARK PORTERIE

**Since 2003, the Group has offered technical scholarships to Memorial High School students seeking degrees in process operations and instrumentation.** These skills are needed in industry. Since 2004, we offered these scholarships to any Port Arthur resident through our 2nd Chance Program. To give our citizens the best chance to get a job, we also created a Summer Intern Program where technical students can get summer employment at the plants under the guidance of an experienced craftsman or front-line supervisor.

– JAMES “COACH” GAMBLE

“It’s vital to Port Arthur’s future for our brightest minds to be able to find good jobs locally.”



**PHUONG HUE TAT**  
*Independent businesswoman.  
Owner of commercial office buildings and service companies.*



**DR. MARK PORTERIE**  
*Deputy Superintendent – PAISD*



**JAMES “COACH” GAMBLE**  
*PAISD employee and coach for 33 years.  
Coached four State Championship basketball teams.  
Drainage District #7 Commissioner  
and Pleasure Island Commissioner*



**CHRIS WITTE**

Plant Manager – BASF FINA Petrochemical, LP/  
Sabina Petrochemicals, LLC



**TOM HELLER**

Plant Manager – Air Products, LP

## NEW JOB-CREATING INVESTMENTS

The plant managers in the Group were instrumental in convincing their companies, as well as their suppliers, to make new job-creating plant and equipment investments in Port Arthur. More than \$15 billion in new investments have been made or are in process. As an example, Motiva's owners are making an investment which will make its refinery the largest in the United States, and were also instrumental in encouraging Praxair to construct a new plant here.

**Many people feel that the construction of our new plants in Port Arthur was the initial catalyst for the tremendous growth South Jefferson County is experiencing today.** Our plants began operating in 2001 and 2004. Today we have 230 BASF employees at our site, and our contractors employ another 220 workers.

– CHRIS WITTE

**Our original Port Arthur hydrogen plant was commissioned in 2000, and in 2006, we built a second plant that more than doubled our capacity.** Port Arthur was attractive to our company because of the concentration of industrial companies that need hydrogen, the availability of local industrial services, and a highly skilled workforce.

– TOM HELLER

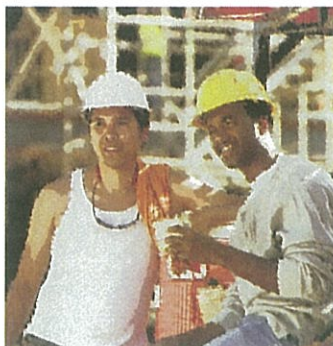
Port Arthur Steam Energy, LP, is one of the largest examples of energy efficiency and industrial cooperation in the United States. The plant recovers 2,000-degree Fahrenheit exhaust heat from the Oxbow calcining facility that would otherwise be vented to the atmosphere, and instead converts this energy resource to useful steam for the neighboring Valero Refinery and electricity for both Oxbow and the local utility grid. The energy recovery process includes no combustion of fossil fuels, so we generate zero emissions to the environment, making PASE an extremely green energy facility. We are proud of our business and proud to be a part of the PAIG.

— BEN DAVIS

We are currently at peak construction for our “Deep Conversion Project,” which will be completed in 2011 at a cost of \$2.2 billion. More than 4,000 construction workers are at the site each day helping us build facilities to produce low-emissions diesel fuel and process a wider range of feedstocks.

— DARRELL JACOBS

“We are proud of our business and proud to be a part of the PAIG.”



**BEN DAVIS**  
Plant Manager – Port Arthur Steam Energy, LP



**DARRELL JACOBS**  
Plant Manager – TOTAL Petrochemical USA, Inc.



**SHEDRICK EVANS**

Manager – Golden Triangle Empowerment Center



**FORREST LAUHER**

General Manager – Motiva Enterprises, LLC

## TRAINING THE UNEMPLOYED

**Not everyone in Port Arthur has the education and skills needed to work for one of the major industrial companies in Port Arthur.**

Some citizens simply have not had the opportunity to succeed, while others have made some bad personal choices that have limited their employment opportunities. But first-time employees, and even persons with criminal records, can improve their lives through our construction training program. Digital Workforce came to Port Arthur because of the commitment of industrial contractors to hire trainees from our program. We initially built the Golden Triangle Empowerment Center on Stilwell Boulevard with the help of Motiva and Conex and with state funds. Last year, the Port Arthur Industry and Community Leaders Advisory Group provided us with a grant to continue our work in construction skills training. To date, we have trained 228 people and placed 205 of these people in construction jobs working at the plants. The average wage paid to these workers was \$14.50 per hour.

– SHEDRICK EVANS

**We have taken strategic steps in working with others to identify and train Port Arthur residents for opportunities in our industry.**

As plans were underway for construction of the Motiva Crude Expansion Project, we worked with elected officials, education, training and workforce providers to develop programs in which local workers could be better prepared to meet the needs of employers. State Representative Joe Deshotel's relationship with Melvin White, founder of Digital Workforce Academy in Austin, Texas, opened the door for us to support him in starting a similar program in Port Arthur. This program, known as the Golden Triangle Empowerment Center (GTEC), has evolved into a grass roots training program where unemployed Port Arthur residents improve their life skills and acquire construction-industry training. The program has proven to be highly successful, resulting in many Port Arthur residents becoming gainfully employed and better prepared for future opportunities. As we further leverage opportunities for Port Arthur residents and for our company, we look forward to continuing our successful workforce development initiatives with Lamar State College-Port Arthur, the City of Port Arthur, the Port Arthur Economic Development Corporation, the Southeast Texas Workforce Development Board, as well as other education and training partners.

– FORREST LAUHER

“The program has proven to be highly successful, resulting in many Port Arthur residents becoming gainfully employed and better prepared for future opportunities.”



## INCREASED PURCHASES

**The refining and petrochemical businesses have been in Port Arthur for more than 100 years.** Because of industries' long presence in Southeast Texas, many of the companies from which we purchase supplies, equipment and services have moved their businesses close by to better serve our plants. Purchasing locally makes perfect sense to industry because in most cases, it costs less.  
 – PAT AVERY

**We have been encouraging Port Arthur industry to take one additional step in their efforts to purchase locally.** We need companies to continue to give special consideration, where possible, to purchasing from Port Arthur businesses. This is an important priority of our Group. People in our City understand that the Port Arthur-based minority contractors and vendors that serve the industry have a strong track record of hiring Port Arthur citizens. Many of the plants have done a lot in using these Port Arthur-based contractors. It's nice to see that the better utilization of local minority contractors by local plants has resulted in these contractors also investing in new facilities and lines of business in our City. This is how the economic multiplier was meant to work.  
 – HONORABLE JOHN BEARD

**The results of industries' new investments in our community and its focus on local purchasing have helped the City of Port Arthur prosper.** Today, city government has the financial resources and tax base to improve streets, water, sewer and drainage, develop affordable housing, re-develop downtown and reduce crime. Because industry is growing, revenue from sales and property taxes has been growing without increasing tax rates. This has been good for our Chamber's small business members.  
 – MARY ANN REID

“Because industry is growing, revenue from sales and property taxes has been growing without increasing tax rates.”



**PAT AVERY**  
 Human Resources and Communications Manager –  
 TOTAL Port Arthur Refinery



**HONORABLE JOHN BEARD**  
 Port Arthur City Councilman – District 5



**MARY ANN REID**  
 President – Greater Port Arthur Chamber of Commerce



**SELEDONIO QUESADA**  
*Director – Port Arthur Housing Authority*



**GERALDINE HUNT**  
*Nutrition Center Manager – City of Port Arthur Senior Citizens Center.  
 Director of MODEL, Inc. First woman to serve on Port Arthur City Council.  
 Graduate of Lamar Tech.*



**REVEREND MAX HORTON**  
*Port Arthur Pastor since 1999*

## IMPROVED HOUSING

**In 2005 and 2008, Port Arthur and Southeast Texas were hit by two major natural disasters – Hurricanes Rita and Ike.**

Considerable damage was done particularly to the City's housing stock. Port Arthur continues to recover from the tremendous losses created by these powerful storms. The financial and in-kind contributions made to non-profit organizations by the plants were instrumental in Port Arthur's recovery. The Housing Authority and federal partners have also stepped forward to help Port Arthur in its recovery. To date, 500 apartment unit homes have been rebuilt or repaired. The Housing Authority is also working with the Group and the City to help place new housing where it is needed most.

– SELEDONIO QUESADA

**We encouraged industry to find ways to help people living closest to industrial facilities to benefit from the Texas Commission on Environmental Quality's Supplemental Environmental Project (SEP) Program.** The Group's Community Improvement Workgroup developed the Lighthouse Project, which is an energy-efficiency SEP managed by the Regional Planning Commission. Local companies work with TCEQ to keep approximately one-half of air quality fine money at home. These funds are used to make energy-efficiency repairs to homes of the elderly and disabled. The program also saves money for these citizens living on a fixed income. More than 100 homes in Port Arthur have already been completed through this Group effort.

– GERALDINE HUNT

**The Community Improvement Workgroup continues to be involved in various issues and projects that affect the well-being of Port Arthur.** Through our Workgroup discussions, we hope to identify foundational causes of inner city problems and then work to achieve their solutions.

– REVEREND MAX HORTON

“The financial and in-kind contributions made to non-profit organizations by the plants were instrumental in Port Arthur's recovery.”

**Many of the Group's community leaders grew up in the West Side neighborhoods, attended school on the West Side, own property, attend church, and some still live on the West Side.**

This is an area of the City that has been in a state of economic decline in recent years and the community leaders have asked their industry partners to help them work with the City to encourage new housing and commercial investments on the West Side.

— REVEREND CLAUDE COMEAUX

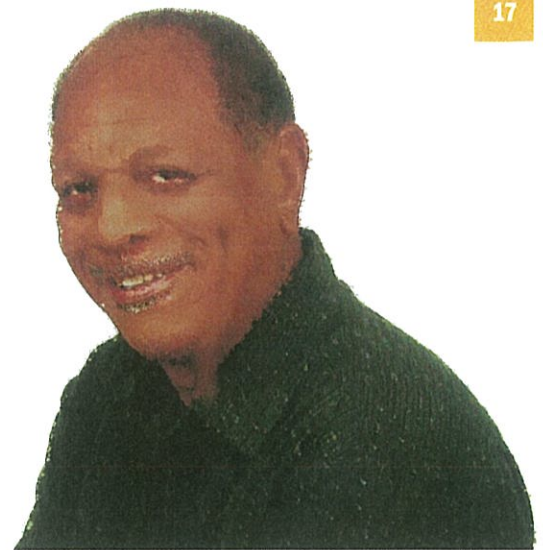
**Developing the West Side has been a high priority of MODEL even before the formation of the Group.** There have been studies on re-developing the West Side, but little action has been taken. Through the persistence of the industrial plants, a new agreement was entered into with the City to hire an experienced urban planning consultant. She is working with the Group and City leaders to implement the best ideas from various studies performed in past years and identify potential sources of funding.

— LUVERDA BATISTE

**I was born and raised on the West Side and it remains my home. I appreciate the rich and storied history of Port Arthur's West Side.** In my work with the West Side Neighborhood Association, we are looking back to move forward as we endeavor to preserve that history and encourage new investment opportunities and development efforts. I am excited about the Association's partnership with the PAIG and city officials. Both industry and city leaders have been extremely responsive to our proposals as we work in conjunction with them to develop a long-range revitalization plan to bring in new businesses, housing developments, and employment opportunities. This collaboration will be beneficial in improving the quality of life for West Side residents. It is a promising time, not only for the West Side, but for the entire City of Port Arthur.

— MELVIN GETWOOD

“It is a promising time, not only for the West Side, but for the entire City of Port Arthur.”



**REVEREND CLAUDE COMEAUX**  
Pastor – New St. John's Missionary Baptist Church



**LUVERDA BATISTE**  
President of MODEL, Inc.  
Community activist



**MELVIN GETWOOD**  
Assistant Superintendent – PAISD.  
President of the West Side Neighborhood Association



**BRIAN JOHNSON**

*Wellness Center – The Medical Center of Southeast Texas  
Graduate of Lamar University*



**LUIS SILVA**

*Former CEO and hospital administrator, business owner,  
and Gulf Coast Health Center board member*

## INDIGENT HEALTH CARE

**The Gulf Coast Health Center was established in Port Arthur in 1989 and became a project of the Port Arthur Industry and Community Leaders Advisory Group in 2003.** This non-profit organization provides medical, dental and pharmaceutical services to indigent families. The Center has a highly competent and dedicated staff. It receives federal and state funds and donations. Several years ago, the Group became aware of capital and equipment needs of the Health Center. We have been making donations to help modernize our Community Health Center and keep its equipment and facilities up to date.

– BRIAN JOHNSON

**Port Arthur industrial companies and community leaders have provided leadership for this important health care organization.** Both industry and community leaders have served on the governing board of this wonderful medical clinic for the people of our community. Industry has directed more than \$1 million in donations to support the Center.

– LUIS SILVA

“Both industry and community leaders have served on the governing board of this wonderful medical clinic for the people of our community.”



## INDUSTRY IN THE COMMUNITY

**Industry understands the importance of taking an active role in the communities where we live and work.** Our partnership with the Group's community leaders has enabled us to better focus our efforts in support of many important community betterment projects and worthy non-profit organizations.

– VICKI DERESE

**The funding provided by member companies through the Group's many projects is only the tip of the iceberg of corporate giving to community organizations.** In addition to financial support, industry employees volunteer thousands of hours each year to make our community a better place to live and work.

– JOE ARNOLD

**As an example, Valero and its employees donated nearly \$500,000 to United Way and had more than 10,000 volunteer hours in 2009.** From funds generated through the Valero Texas Open and Benefit for Children Golf Classic, another \$500,000 was provided to local charities which benefit children, such as Hughen Center, James Hope Center for Children, LAW Academy, Jack 1 Foundation, Port Arthur Helping Our People Excel, YMCA and Project Access. Other companies and their employees and contractors are also involved in programs to help educate children, provide recreational opportunities, fight crime, fund health care research and improve the economy.

– BARBARA PHILLIPS

“Industry understands the importance of taking an active role in the communities where we live and work.”



**VICKI DERESE**

*Manager, Community Affairs – Chevron Phillips Chemical Company, LP*



**JOE ARNOLD**

*Manager, Community and Government Affairs – BASF FINA Petrochemical, LP/Sabina Petrochemicals, LLC*



**BARBARA PHILLIPS**

*Manager, Public Affairs – Valero Port Arthur Refinery*



**JOE JOHNSON**

*Business owner and educator  
Member of the Board of Directors of the Sabine Neches  
Navigation District*



**HONORABLE DELORIS (BOBBIE) PRINCE**

*Mayor of Port Arthur since 2007; re-elected in 2010*

## BUILDING TRUST TO BUILD THE FUTURE

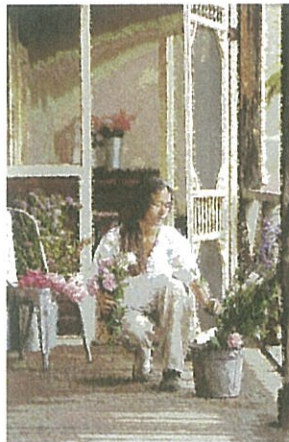
Perhaps the greatest single thing that the Group has done in the past 10 years is to use a proven process of talking together openly about community issues and making decisions on a consensus basis. We have generated a lot of good ideas, and industry has helped us make these ideas into successful projects. As a result, we have created mutual respect for each other and have learned to work together. We have built a foundation based on trust which continues to grow and will serve as a springboard for accomplishing much greater things in the next ten years.

— JOE JOHNSON

The Port Arthur Industry and Community Leaders Advisory Group has been the best-kept secret in our City. It hasn't sought publicity for itself; only for the high-quality programs it has made available to our citizens. The Group often gives City officials a gentle nudge in the right direction and then generously makes funding available to initiate programs supported by a broad spectrum of our citizens. I want to congratulate everyone involved in the Group in their 10th Anniversary celebration. Keep up the great work!

— MAYOR PRINCE

“The Port Arthur Industry and Community Leaders Advisory Group has been the best-kept secret in our City.”



## PAST & PRESENT PAIG PROJECTS

### **Port Arthur West Side Air Monitor**

– *measures toxics and ozone*

### **Summer Jobs**

– *for Port Arthur high school juniors and seniors*

### **Academic Scholarships**

– *for Memorial High School students*

### **Technical Scholarships**

– *for Memorial High School students*

### **Second Chance Scholarships**

– *for any Port Arthur resident*

### **Academic and Technical Co-Enrollment**

– *for high-performing Memorial High School juniors and seniors from indigent families*

### **Equipment Improvements for Gulf Coast Health Center**

### **Golden Triangle Empowerment Center**

– *donations for training the chronically unemployed*

### **School Supplies**

– *for Port Arthur elementary schools*

### **Donations to the City**

– *for help with Brownfields Grants*

### **Community Leader Designations**

– *donations to numerous small Port Arthur non-profits*

### **Lighthouse Program**

– *to support the West Port Arthur SEP Program, which provides energy-efficient repairs to homes of the elderly and disabled*

### **Sponsorship of the Workforce Commission Mobile Lab**

### **Financial Support to Communities in Schools**

### **Internships**

– *for PAIG technical scholarship students*

### **Funding of Consultant**

– *working on the West Side re-development plan*

### **Sponsorship of Port Arthur Household Hazardous Waste Events**

### **Donation to PowerZone GED Program**

### **“Good Neighbors” Newsletter**

### **Kid Fest**

– *educational and fun event for Port Arthur youth*

### **Grant Writing**

– *assistance to non-profits via leveraging local resources*

### **Re-Engineering Grants**

– *help to college-bound Memorial High School graduating seniors*



## PORT ARTHUR INDUSTRY AND COMMUNITY LEADERS ADVISORY GROUP

### CHARTER COMMUNITY LEADER MEMBERS

Sharon Adams  
Luverda Batiste  
Representative Joe Deshotel  
James "Coach" Gamble  
Geraldine Hunt  
Dr. Mattie Londow  
Hargie Savoy  
Kirk Vital  
Dwight Wagner  
Reverend Kurt Washington

### COMMUNITY LEADER MEMBERS

Glenn Alexander  
Councilman John Beard  
Rodney Broussard, Jr.  
Eddie Ray Brown  
Dr. Johnny Brown  
Constable Eddie Collins  
Rev. Claude Comeaux  
Melvin Getwood  
Modestine Hill  
Reverend Max Horton  
Judyette Jackson  
Brian Johnson  
Joseph Johnson  
Larry Kelly  
Namon Marks  
Dr. Sam Monroe  
Joseph Newcost  
Dr. Mark Porterie  
Mayor Deloris Prince  
Cele Quesada  
Mary Ann Reid  
Luis Silva  
Commissioner Michael Sinegal  
Phuong Hue Tat

### CHARTER COMPANY REPRESENTATIVE MEMBERS

Morris Carter  
*Valero Port Arthur Refinery*  
Vicki Derese  
*Chevron Phillips Chemical Company, LP*  
Dan Duncan  
*Veolia Environmental Services*

### COMPANY REPRESENTATIVES

Joe Arnold <i>BASF FINA Petrochemicals, LP, and Sabina Petrochemicals, LLC</i>	Forrest Lauher <i>Motiva Enterprises, LLC</i>
Pat Avery <i>TOTAL Port Arthur Refinery</i>	Mitch Osborne <i>Veolia Environmental Services</i>
Tony Botello <i>Oxbow Calcining, LLC</i>	Barbara Phillips <i>Valero Port Arthur Refinery</i>
Clark T. Colvin <i>Flint Hills Resources</i>	Verna Rutherford <i>Motiva Enterprises, LLC</i>
Margie Conway <i>Chevron Phillips Chemical Company, LP</i>	Jeff Tilley <i>Flint Hills Resources</i>
Ben Davis <i>Port Arthur Steam Energy, LP</i>	Chris Witte <i>BASF FINA Petrochemicals, LP and Sabina Petrochemicals, LLC</i>
Robin Eastham <i>TOTAL Port Arthur Refinery</i>	David Zieba <i>Praxair</i>
Greg Gentry <i>Valero Port Arthur Refinery</i>	
Tom Heller <i>Air Products, LP</i>	
Darrell Jacob <i>TOTAL Port Arthur Refinery</i>	

### PAIG FACILITATOR

John Hall  
*John Hall Public Affairs*



### PAST PAIG CHAIRMEN

Mike Killien  
 – *Motiva Port Arthur Refinery*

Tom Purves  
 – *Motiva Port Arthur Refinery*

Hermie L. Bundick  
 – *Huntsman*

Dick Cuneo  
 – *Chevron Phillips  
 Chemical Company, LP*

### PAIG COMMUNITY PARTNERS

Lamar State College – Port Arthur  
 Workforce Solutions Southeast Texas  
 Southeast Texas Regional  
 Planning Commission  
 City of Port Arthur  
 Port Arthur Independent  
 School District (PAISD)  
 Southeast Texas Food Bank  
 Port Arthur Economic  
 Development Corporation  
 Digital Workforce/Golden Triangle  
 Empowerment Center  
 Gulf Coast Health Center  
 MODEL, Inc.  
 American Personnel & Temps  
 Industrial Safety Training Center  
 Lamar Institute of Technology  
 Lakeside Palomar  
 Neighborhood Association  
 Communities in Schools

### SPECIAL THANKS TO:

Tom Neal, Patricia Guidry and Allison Wright  
 – *Lamar State College-Port Arthur*

Pamela Lewis, Bob Dickinson and Mike Foster  
 – *Southeast Texas Regional Planning Commission*

Emilie Irving – *Southeast Texas Food Bank*

Floyd Batiste  
 – *Port Arthur Economic Development Corporation*

Cloteal Davis Haynes – *Haynes, Eaglin, Waters*

Lou Fowler and Al Hendler – *URS*

Earl J. Frost – *American Personnel & Temps*

Stephen Fitzgibbons, Doris Gill (retired),  
 and Dr. Albert Thigpen – *City of Port Arthur*

Patty Collins – *Industrial Safety Training Council*

Marilyn Smith, Ira McNeil and Sue Rutledge  
 – *Workforce Solutions Southeast Texas*

Ramona Lee and Carmen Hudson – *Memorial High School*

Martha Harris – *Stillwell Technical Center*

Yolanda Avery – *Lamar Institute of Technology*

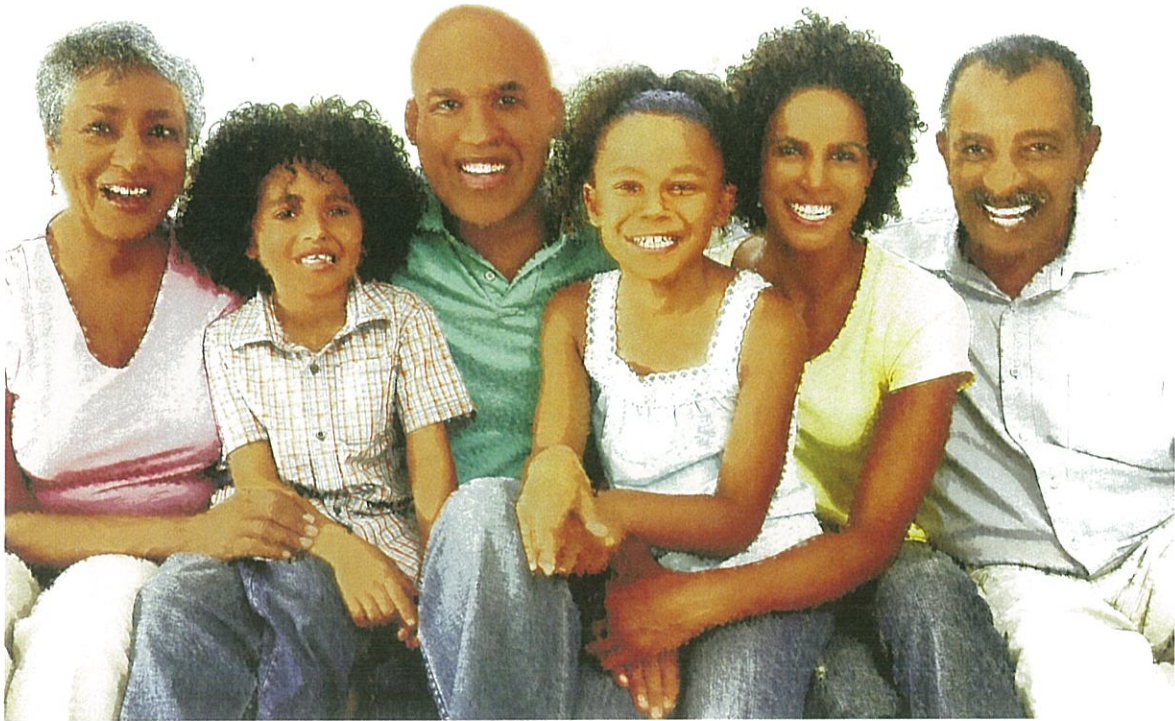
Melvin White – *Digital Workforce*

Michael Lee and Debby Stasinopoulou  
 – *Michael Lee Advertising & Design, Inc.*

Ashley Hall – *John Hall Public Affairs*

**MODEL, INC. –**  
 Luverda Batiste,  
 Brian Johnson and  
 Geraldine Hunt





“As we move forward, the Group is committed to working with governmental agencies, Port Arthur citizens and various other employers to forge solutions to the City’s most pressing challenges including the relatively high levels of unemployment and re-development of the City’s downtown and West Side.”

– JOHN HALL

**PORT ARTHUR INDUSTRY AND COMMUNITY LEADERS ADVISORY GROUP**

For information, contact John Hall at 512.992.1109; email: [jhallpa@aol.com](mailto:jhallpa@aol.com)

**Exhibit 14**

Copyrighted  
materials, not  
included.



# Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process<sup>1</sup>

This standard is issued under the fixed designation E1527; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon ( $\epsilon$ ) indicates an editorial change since the last revision or reapproval.

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**Exhibit 15**

10:00 AM Carver Terrace  
Meeting Apartment.

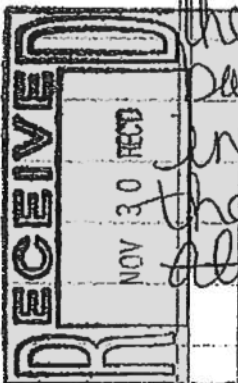
Nov. 30, 2012

(b)(6)

I am looking forward to moving the apartment in Carver Terrace are not up to par at all. So much fighting, shooting. My child can't go outside and play. So I with the disposition / demolition of Carver Terrace, I also have had mold in my apartment me and my child have been sick and forward to the doctor for 3 years I had lived out here I applied for Section 8 2 years ago at Lamar. I have not got anything in the mail at all. Back in 2010 I paid off my balance from Gulf Breeze Apartment Mrs. Pat didn't turn in that important so Celia Quesada & Joe put me on the top of the list for Public Housing. I also applied for Section 8 at the Housing Authority a few year back due to Mrs. Pat not turning in the paper work I didn't get that also. So I have been through a lot.

Thank you.

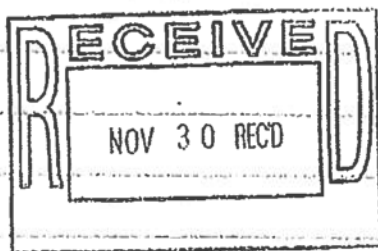
(b)(6)



Its time for a Fresh Start for all  
People living out here. There is so  
much Drugs & violence & Drama going  
on. I ready to move, because im  
beyond tired of all of it.

Everyone who works out here never  
see what happens when the office  
closes at 5pm. I have a few ~~the~~ ideas  
on how to fix, but none will get done.

Anyone who dosent want to move is  
crazy. Its time for a change but the  
bad part is, yall are move the bad with  
the good so anyone yall move will  
trash-out the new places.



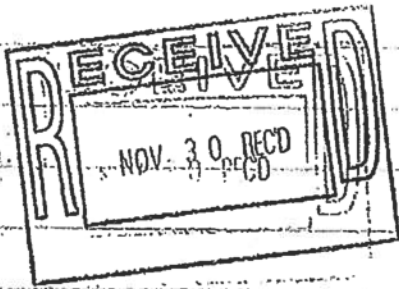
*Joseph G. Lopez*

(b)(6)



(b)(6)

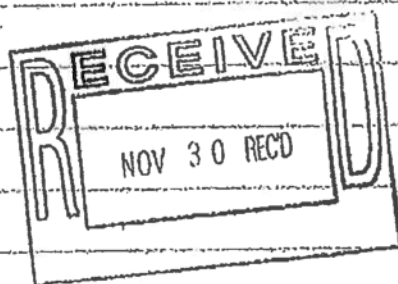
I [redacted] agree that they should move us out because it is bad to me and my kids health



(b)(6)

I appreciate everything that you guys have done for me. I am glad that they are going to move us to other apts. and are giving an opportunity to better myself and have better living conditions.

Thank you



I support Ann's to move from CAROLINA Terrace

(b)(6)

(b)(6)

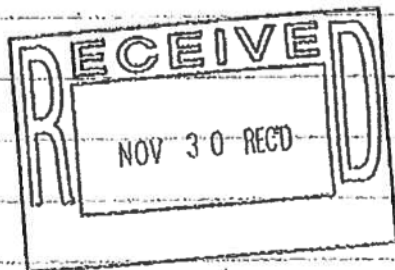
RECEIVED  
NOV 30 RECD

I know All Apartments are not  
the same. It's not the place  
it's the people. I work and  
stay in, play ~~the~~ games with  
the kids. They are so bored, because  
they ~~can't~~ <sup>can't</sup> go out side half the  
~~time~~  
time. I don't mind what  
you all do with it, because I  
won't be back

(b)(6)

11-30-2012

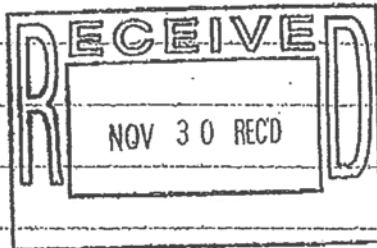
(b)(6)



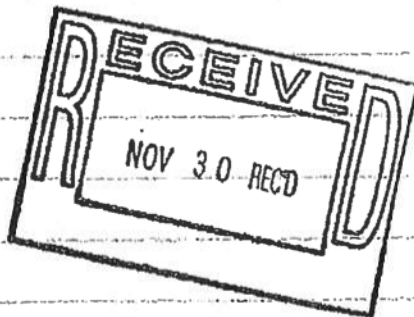
I know that you-all need to  
close Carver-Terr Apt down, for a  
better inuonment, and better living  
for poor people.

(b)(6)

(b)(6)



I'm ready to move out of  
Conver Terrace now!!! This is not  
where I want my family to be  
anyway. I've been suppose receive  
a voucher to move + have not  
yet possess one!!! The referees  
are cause health issues with me.



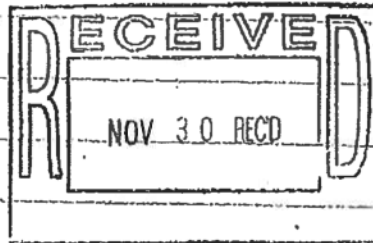
Question: When can I move?  
What do I need to do to rust the  
process, since I've been waiting for  
about 2 years for my voucher?

(b)(6)

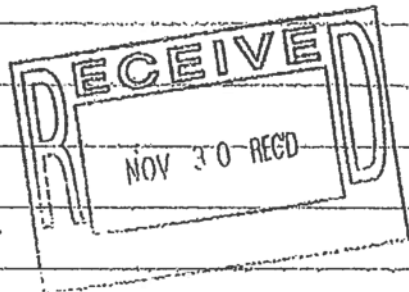
(b)(6)

I am For it. I believe it would  
benefit my family to move into  
a better environment. I believe  
that people with no infractions  
should get vouchers first.

I would like the whole idea.



I <sup>(b)(6)</sup> believe that  
is has been time to due away with  
these apartments, not only are the  
apartments old, but It's time  
to move some of the people  
around. It's too crime infested  
I barely feel safe letting my  
children play outdoors. Also  
the inside of these apartments  
are mold infested, their are too  
many roaches and the air around  
here is keeping my children and  
myself sick. I'm expecting another  
baby real soon. One of my main  
concerns are moving people  
around to have less crime  
around this side of town.



(b)(6)

(b)(6)

11/30/2012



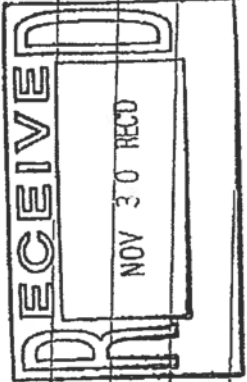
Nov. 30, 2012

(b)(6)

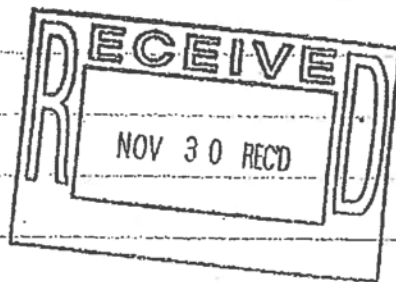
This

(b)(6)

Please help me move from  
Port Arthur help me I have  
3 kids and one on the way  
the community is horrible and  
everything falling apart in my apart-  
ment. please help me



my name is (b)(6) and I live  
in unit (b)(6) I think it would be a  
great ideal to move us out of the  
area because its ~~so~~ always loud  
people fighting and I just hate how  
it looks inside and out evry thing  
including jobs are distance from us  
I'm just sick of being here period!!  
I would love to live comfortable  
and in a peaceful area.



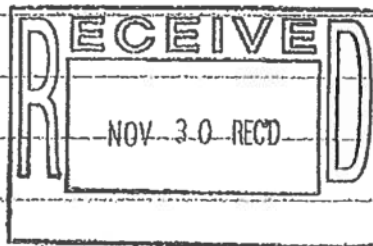
To Whom this may concern,

I think that it is a good thing for Housing to get rid of Carver Terrace finally. Only because people have been here for a lot of years and will feel good about getting out of here.

(b)(6)

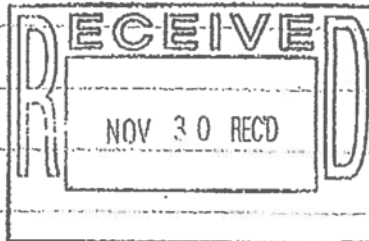
(b)(6)

1106 Carver Terrace



T. support for us to move from CARLER Terrace.

(b)(6)

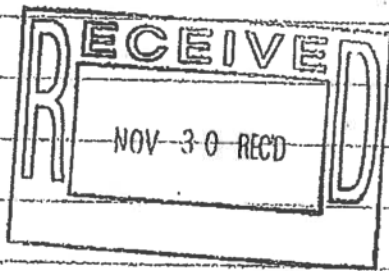


Drugs  
Fighting  
~~Violence~~

I am (b)(6) in (b)(6) i dont have no  
problem but i am glad they are doing thiz. All  
apartment is not the same But thiz is not a place  
tha kids to hang ~~up~~ out have fun. They got nothing  
but fighting, gang bang, shooting nd i am not really  
safe with my kids to play outside cause of safety  
problem. Thanks for what yall have done but i  
just lettin yall know

(b)(6)

(b)(6) Apartment



**Exhibit 16**



**THE GERALD A. TEEL COMPANY, INC.**

*Real Estate Consultants and Appraisers*

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September 27, 2012

Mr. Chris Akbari  
ITEX Property Management LLC  
3735 Honeywood Court  
Port Arthur, Texas 77642

Re: Carver Terrace/Lincoln Square Apartments

Dear Mr. Akbari:

In fulfillment of the agreement outlined in the letter of engagement dated September 17, 2012, this letter is to transmit the attached report of our appraisal of the property rights identified within the report concerning the referenced above, as of, September 25, 2012. The report sets forth supporting data and reasoning which form the basis of our opinion of the market value.

The value opinion reported is qualified by certain definitions, limiting conditions, and certifications which are set forth within this report. The reader is directed to review all assignment conditions set forth in the introduction section of this report. Those included are the General Assumptions, General Limiting Conditions, Extraordinary Assumptions, and any Hypothetical Conditions which may affect the final opinion of value.

This report was prepared for and invoiced to ITEX Property Management LLC. It is intended only for use by ITEX Property Management LLC. It may not be distributed to or relied upon by other persons or entities without our written permission.

The property was inspected by David D. Magnuson, and the appraisal was developed by Tim N. Treadway and David D. Magnuson. If you have any questions concerning the report, please contact our office.

The Gerald A. Teel Company appreciates the opportunity to provide these real estate valuation and consultation services. We look forward to working with you in the future.

**THE GERALD A. TEEL COMPANY, INC.**

BY: Tim N. Treadway, MAI, CCIM, Partner  
State Certified TX 1323331-G

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

Market Value

Project:	Carver Terrace/Lincoln Square	
Location:	1400 DeWalt Avenue Port Arthur, Texas 77640	
Year of Construction:	1952	
Effective Age (after repair):	40 Years	(60 Yrs Econ. Life)
Total Number of Rentable Units:	204	
Number of Residential Buildings:	24 + office/maint bldgs (2)	
Net Rentable Area:	139,160 SQ FT	
Average Size Unit:	682 SQ FT	
Land Area:	8.0690	351,486 SQ FT
Estimated Land Value (as if vacant):	\$160,000	\$0.46 /SQ FT

**Market Values**

	<u>Land As-Is</u>	<u>Land As If Vacant Hypothetical Vacant Land</u>
Indicated Value By Sales Comparison Approach:	\$1,670,000	
Indicated Value By Sales Comparison Approach:		\$160,000
<b>Final Value Estimate:</b>	<b>\$1,670,000</b> <b>\$8,186 /Unit</b>	
As-Is Valuation Date	September 25, 2012	



## SIGNIFICANT ISSUES

- This is a property in two locations about two blocks away from each other. This valuation is for both sites and their improvements. The property is known as Carver Terrace for the DeWalt address, and Lincoln Square for the site on Abe Lincoln Avenue.
- The subject property is an older project that has historically been operated as a low income project by the Port Arthur Housing Authority. Though originally built in a very solid manner, its age and styling leaves it less competitive to newer properties. We noted a fairly new roof and what appeared to be newer condensing units. The interiors showed signs of functional obsolescence with small closets, lack of dryer connections, worn-out counters/cabinetry, and kitchen styling that does not accommodate full size appliances in some cases. As if frozen in a different time, clothes lines adorn the courtyard and are still used due to lack of dryers. One of the questions to be answered in this report will be whether or not the existing improvements offer any remaining contributory value to a renovator, or if the property has more value as vacant land.
- The property is nearly 100% occupied due to the tenants paying little or no rent (housing authority owns). Were the property to be offered on market terms and rents, it would have difficulty being competitive in its current configuration and with its existing amenities and finish appointments, and considering its age and functional obsolescence.
- One building is burned containing eight units, and two more units are burned in another building.
- We have relied on the PCNA by JPS & Associates for the unit mix, count, unit square footages, and deferred maintenance. The land area in the PCNA was disregarded as it appeared to be incomplete (not containing both parcels).
- The Income Approach is typically used on income properties but not used herein because of the large amount of repair needs and functional obsolescence. A typical buyer would not be able to continue with the current tenant set because the government pays for their rent; however, the property is operating. There could be many forms of renovation and associated costs with the buyer pool for this sort of asset (poor location, fair to poor condition, costly repair needs as indicated by the PCNA). Some buyers might spend less and attempt to eke out some remaining life. Some buyers might spend more to remove most of the obstacles and reposition the property. This is beyond the scope of the report to determine every possible repair or renovation proposition. Brokers for this type of property tend to sell these assets on a price per unit basis, with an eye to the replacement value of the shell more so than income characteristics. As such, the Sales Comparison Approach is used herein to estimate value.