

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1066-AIR-E **TCEQ ID:** RN100217389 **CASE NO.:** 36029

RESPONDENT NAME: Flint Hills Resources, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Flint Hills Resources Port Arthur Facility, 4241 Savannah Avenue, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0568-AIR-E and 2008-1269-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 1, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Bruce Tylock, Senior Environmental Manager, Flint Hills Resources, LP, 4241 Savannah Avenue, Port Arthur, Texas 77640 Mr. Kevin Radke, Plant Manager, Flint Hills Resources, LP, 4241 Savannah Avenue, Port Arthur, Texas 77640 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 19, 2008</p> <p>Date of NOV/NOE Relating to this Case: May 16, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, 3,521 pounds ("lbs") of ethylene, 86 lbs of benzene, 76 lbs of 1,3-butadiene, 1,296 lbs of ethane, 180 lbs of propylene, 13 lbs of propane, 64 lbs of toluene, 3,880 lbs of carbon monoxide ("CO"), and 537 lbs of nitrogen oxides ("NOx") were released when the Respondent failed to ensure that the signal wire for the speed indication and speed probes for compressors were grounded only on one end, and failure to ensure that the design of the Ethylene Refrigeration Compressor ("ERC") met the required specifications, which caused a shutdown of the ERC during a thunderstorm, resulting in an emissions event that occurred on December 28, 2007, and lasted for six hours and eight minutes (Incident No. 101839). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit ("FOP") No. O-01317, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, 4 lbs of ethylbenzene, 87 lbs of benzene, 2 lbs of</p>	<p>Total Assessed: \$27,100</p> <p>Total Deferred: \$5,420 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$10,840</p> <p>Total Paid to General Revenue: \$10,840</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. After the emissions event on December 28, 2007, the Ethylene Compressor's unexpected shutdown was investigated and changes were made to the grounding on the over-speed safety system. The repair was completed prior to the startup of the Ethylene Compressor on the same day (Incident No. 101839);</p> <p>b. On January 19, 2008, the inoperable sump system was removed from service, the line was blinded, and the second sump system was checked to ensure that it was in working order and on auto level control. On March 26, 2008, training to ensure that contractors follow correct procedures was completed (Incident No. 102627); and</p> <p>c. Due to the February 27, 2008 emissions event, additional training was provided to console operators concerning measures to be taken in the event of a hydrogen decrease to the adiabatic reactor to prevent the recurrence of this type of incident (Incident No. 104320). The training was completed on March 14, 2008. In addition, on April 15, 2008, a pressure differential alarm in the Distributed Control System was also provided.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. By December 31, 2008, complete the installation and startup of the improved carbon monoxide control system to the Ethylene Reactors, and retrain operators on the procedures to follow to prevent recurrence of emissions due to the same cause as the February 27, 2008 emissions event (Incident No. 104320); and</p>

<p>M-Xylene, 196 lbs of nonane, 1 lb of O-Xylene, 1 lb of P-Xylene and 21 lbs of toluene, were released when the Respondent failed to ensure that the contractor working at the Gasoline Hydrogenation Unit ("GHU") followed the procedure while off loading a vacuum into the GHU sump, resulting in an emissions event that occurred on January 18, 2008, and lasted for one hour (Incident No. 102627). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, FOP No. O-01317, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions. Specifically, 0.02 lbs of acetylene, 2,778.09 lbs of ethylene, 0.98 lbs of propylene, 2,089.67 lbs of CO, and 289.32 lbs of NOx were released when the converter board operator failed to immediately respond to the drop in pressure to pressure control valve 395, resulting in an emissions event that occurred on February 27, 2008, and lasted for two hours and 17 minutes (Incident No. 104320). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, FOP No. O-01317, Special Condition No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>b. By January 15, 2009, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>
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Additional ID No(s): JE0135Q

Attachment A

Docket Number: 2008-1066-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources, LP
Payable Penalty Amount: Twenty-One Thousand Six Hundred Eighty Dollars (\$21,680)
SEP Amount: Ten Thousand Eight Hundred Forty Dollars (\$10,840)
Type of SEP: Pre-approved
Third-Party Recipient: South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit 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 nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	19-May-2008	Screening	2-Jun-2008	EPA Due	10-Feb-2009
	PCW	26-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Flint Hills Resources, LP		
Reg. Ent. Ref. No.	RN100217389		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36029	No. of Violations	3
Docket No.	2008-1066-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes:

Culpability Enhancement **Subtotal 4**

Notes:

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

PAYABLE PENALTY

Screening Date 2-Jun-2008

Docket No. 2008-1066-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 36029

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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	5	125%
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>)	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>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
<i>Please Enter Yes or No</i>			
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) 209%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to four Notices of Violations ("NOVs") issued for the same or similar violations, five NOVs issued for unrelated violations of which one was a self-reported effluent violation, three orders containing a denial of liability, and five orders without a denial of liability. Penalty reduction for four Notice of Audit letters and one Disclosure of Violation submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 209%

Screening Date 2-Jun-2008	Docket No. 2008-1066-AIR-E	PCW	
Respondent Flint Hills Resources, LP		Policy Revision 2 (September 2002)	
Case ID No. 36029		PCW Revision June 12, 2008	
Reg. Ent. Reference No. RN100217389			
Media [Statute] Air			
Enf. Coordinator Nadia Hameed			
Violation Number 1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a), 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit No. O-01317, Special Condition No. 16 and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to prevent unauthorized emissions. Specifically, 3,521 pounds ("lbs") of ethylene, 86 lbs of benzene, 76 lbs of 1,3-butadiene, 1,296 lbs of ethane, 180 lbs of propylene, 13 lbs of propane, 64 lbs of toluene, 3,880 lbs of carbon monoxide ("CO"), and 537 lbs of nitrogen oxides ("NOx") were released when the Respondent failed to ensure that the signal wire for the speed indication and speed probes for compressors were grounded only on one end, and failing to ensure that the design of the Ethylene Refrigeration Compressor ("ERC") met the required specifications, which caused a shutdown of the ERC during a thunderstorm, resulting in an emissions event that occurred on December 28, 2007, and lasted for six hours and eight minutes (Incident No. 101839). Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.		
	Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm.	
		Major Moderate Minor	
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent 50%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent 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	\$5,000	
			\$5,000
Violation Events			
	Number of Violation Events	1	Number of violation days
		1	
mark only one with an x	daily	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
			Violation Base Penalty \$5,000
One monthly event is recommended.			
Good Faith Efforts to Comply			
	10.0% Reduction		\$500
	Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
N/A	<input type="checkbox"/>	(mark with x)	
Notes	The corrective actions for this violation were completed on December 28, 2007.		
	Violation Subtotal		\$4,500
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	\$0	Violation Final Penalty Total	\$14,950
	This violation Final Assessed Penalty (adjusted for limits)		\$10,000

Economic Benefit Worksheet

Respondent Flint Hills Resources, LP
Case ID No. 36029
Reg. Ent. Reference No. RN100217389
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	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	28-Dec-2007	28-Dec-2007	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for corrective actions completed. The electrical grounding for the Ethylene Compressor was corrected prior to restarting the Ethylene Unit. Date required based on the date of the emissions event. Final date based on the date the corrective actions were completed.

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

\$0

Screening Date 2-Jun-2008	Docket No. 2008-1066-AIR-E	PCW		
Respondent Flint Hills Resources, LP	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36029	<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN100217389				
Media [Statute] Air				
Enf. Coordinator Nadia Hameed				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a), 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit No. O-01317, Special Condition No. 16 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, 4 lbs of ethybenzene, 87 lbs of benzene, 2 lbs of M-xylene, 196 lbs of nonane, 1 lb of O-xylene, 1 lb of P-xylene and 21 lbs of toluene, were released when the Respondent failed to ensure that the contractor working at the Gasoline Hydrogenation Unit ("GHU") follow the procedure while off loading a vacuum into the GHU sump, resulting in an emissions event that occurred on January 18, 2008, and lasted for one hour (Incident No. 102627). Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="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	<input type="text" value="\$7,500"/>	
		<input type="text" value="\$2,500"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="One quarterly event is recommended."/>			<input type="text" value="\$2,500"/>	
Good Faith Efforts to Comply		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$625"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The corrective actions for this violation were completed on March 26, 2008.			
		Violation Subtotal	<input type="text" value="\$1,875"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$9"/>	Violation Final Penalty Total	<input type="text" value="\$7,100"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$7,100"/>	

Economic Benefit Worksheet

Respondent Flint Hills Resources, LP
Case ID No. 36029
Reg. Ent. Reference No. RN100217389
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	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	18-Jan-2008	26-Mar-2008	0.19	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	18-Jan-2008	19-Jan-2008	0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost for corrective actions completed. On January 19, 2008, the inoperable sump system was removed from service and the second one was verified to ensure that it was working correctly. Personnel training was completed on March 26, 2008. Date required based on the date of the emissions event. Final dates based on the dates the corrective actions were completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **TOTAL**

\$2,000	\$9
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Screening Date 2-Jun-2008	Docket No. 2008-1066-AIR-E	PCW
Respondent Flint Hills Resources, LP	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36029	<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN100217389		
Media [Statute] Air		
Enf. Coordinator Nadia Hameed		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a), 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit No. O-01317, Special Condition No. 16 and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent unauthorized emissions. Specifically, 0.02 lbs of acetylene, 2,778.09 lbs of ethylene, 0.98 lbs of propylene, 2,089.67 lbs of CO, and 289.32 lbs of NOx were released when the converter board operator failed to immediately respond to the drop in pressure to the pressure control valve 395, resulting in an emissions event that occurred on February 27, 2008, and lasted for two hours and 17 minutes (Incident No. 104320). Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual		x		
	Potential				Percent 50%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 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 \$5,000

\$5,000

Violation Events

Number of Violation Events Number of violation days

	daily	
<small>mark only one with an x</small>	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly 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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Flint Hills Resources, LP
Case ID No. 36029
Reg. Ent. Reference No. RN100217389
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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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	27-Feb-2008	15-Apr-2008	0.13	\$0	\$9	\$9
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	\$1,000	27-Feb-2008	14-Mar-2008	0.04	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$55,000	27-Feb-2008	31-Dec-2008	0.84	\$2,321	n/a	\$2,321

Notes for DELAYED costs
 Estimated cost for providing a pressure differential alarm in the Distributed Control System on April 15, 2008, training which was completed on March 14, 2008, and completing installation of an improved CO control system. Date required based on the date of the emissions event. Final dates based on the dates the corrective actions were or are expected to be completed.

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

\$57,000

TOTAL

\$2,332

Compliance History

Customer/Respondent/Owner-Operator:	CN600879712 Flint Hills Resources, LP	Classification: AVERAGE	Rating: 3.91
Regulated Entity:	RN100217389 FLINT HILLS RESOURCES PORT ARTHUR FACILITY	Classification: AVERAGE	Site Rating: 32.09

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0135Q
	AIR OPERATING PERMITS	PERMIT	1317
	WASTEWATER	PERMIT	WQ0003057000
	WASTEWATER	PERMIT	TPDES0105287
	WASTEWATER	PERMIT	TX0105287
	AIR NEW SOURCE PERMITS	PERMIT	3305
	AIR NEW SOURCE PERMITS	PERMIT	3525
	AIR NEW SOURCE PERMITS	PERMIT	4947
	AIR NEW SOURCE PERMITS	PERMIT	16989
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0135Q
	AIR NEW SOURCE PERMITS	REGISTRATION	54780
	AIR NEW SOURCE PERMITS	REGISTRATION	54845
	AIR NEW SOURCE PERMITS	REGISTRATION	55149
	AIR NEW SOURCE PERMITS	REGISTRATION	55150
	AIR NEW SOURCE PERMITS	REGISTRATION	55148
	AIR NEW SOURCE PERMITS	REGISTRATION	75753
	AIR NEW SOURCE PERMITS	REGISTRATION	76098
	AIR NEW SOURCE PERMITS	REGISTRATION	75685
	AIR NEW SOURCE PERMITS	REGISTRATION	76342
	AIR NEW SOURCE PERMITS	REGISTRATION	75824
	AIR NEW SOURCE PERMITS	REGISTRATION	56739
	AIR NEW SOURCE PERMITS	AFS NUM	4824500082
	AIR NEW SOURCE PERMITS	REGISTRATION	70435
	AIR NEW SOURCE PERMITS	REGISTRATION	70504
	AIR NEW SOURCE PERMITS	REGISTRATION	70231
	AIR NEW SOURCE PERMITS	REGISTRATION	70256
	AIR NEW SOURCE PERMITS	REGISTRATION	70780
	AIR NEW SOURCE PERMITS	REGISTRATION	71484
	AIR NEW SOURCE PERMITS	REGISTRATION	71465
	AIR NEW SOURCE PERMITS	REGISTRATION	72282
	AIR NEW SOURCE PERMITS	REGISTRATION	72235
	AIR NEW SOURCE PERMITS	REGISTRATION	71742
	AIR NEW SOURCE PERMITS	REGISTRATION	72541
	AIR NEW SOURCE PERMITS	REGISTRATION	73136
	AIR NEW SOURCE PERMITS	REGISTRATION	73892
	AIR NEW SOURCE PERMITS	REGISTRATION	73618
	AIR NEW SOURCE PERMITS	REGISTRATION	73988
	AIR NEW SOURCE PERMITS	REGISTRATION	74779
	AIR NEW SOURCE PERMITS	REGISTRATION	75061
	AIR NEW SOURCE PERMITS	REGISTRATION	74299
	AIR NEW SOURCE PERMITS	REGISTRATION	74850
	AIR NEW SOURCE PERMITS	REGISTRATION	75259
	AIR NEW SOURCE PERMITS	REGISTRATION	75258
	AIR NEW SOURCE PERMITS	REGISTRATION	76405
	AIR NEW SOURCE PERMITS	REGISTRATION	76648
	AIR NEW SOURCE PERMITS	PERMIT	79802
	AIR NEW SOURCE PERMITS	REGISTRATION	80894
	AIR NEW SOURCE PERMITS	REGISTRATION	80420
	AIR NEW SOURCE PERMITS	REGISTRATION	80563
	AIR NEW SOURCE PERMITS	REGISTRATION	81224
	AIR NEW SOURCE PERMITS	REGISTRATION	81542
	AIR NEW SOURCE PERMITS	REGISTRATION	54846
	AIR NEW SOURCE PERMITS	REGISTRATION	56574
	AIR NEW SOURCE PERMITS	REGISTRATION	70191
	AIR NEW SOURCE PERMITS	REGISTRATION	84551
	AIR NEW SOURCE PERMITS	REGISTRATION	48586
	AIR NEW SOURCE PERMITS	REGISTRATION	83299
	AIR NEW SOURCE PERMITS	REGISTRATION	52327
	AIR NEW SOURCE PERMITS	REGISTRATION	52120

Location:	4241 SAVANNAH AVE, PORT ARTHUR, TX, 77640	Rating Date: 9/1/2007 Repeat Violator: NO
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TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: May 28, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 27, 2003 to May 27, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: NHameed Phone: 713-767-3629

Site Compliance History Components

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 of the site during the compliance period? Yes
3. If Yes, who is the current owner? Flint Hills Resources, LP
4. If Yes, who was/were the prior owner(s)? Huntsman Petrochemical Corporation
5. When did the change(s) in ownership occur? 11/5/2007

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 06/12/2003

ADMINORDER 2001-0638-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
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: SC 1 PERMIT
SC 20 PERMIT

Description: Released approx 55.88 lbs of benzene, 1.3 butadiene, 5991.8 lbs of ethylene, and 437.6 lbs of NOx to the atmosphere from the LOU flare on 1/3/01 and failed to limit visible emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 20 PERMIT

Description: Released 157 lbs of propylene, 23 lbs of butylene, 26 lbs of benzene, 22 lbs of 1,3 butadiene, 4935 lbs of ethylene, 606 lbs NOx and 4378 lbs of CO from the LOU Flare on 7/25/01.

Effective Date: 08/07/2003

ADMINORDER 2002-1431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

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: SC1 PERMIT
SC10 PERMIT

Description: Failure to maintain an emission rate below the allowable limits.

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 include all required information when notifying the agency of a reportable emissions event caused by the boiler feed water pump shutdown which occurred on 10/7/02.

Effective Date: 07/15/2005

ADMINORDER 2004-0518-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to satisfy the initial and final reporting requirements for a reportable 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: 16989/PSD-TX-794, SC 1 PERMIT

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)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for the light olefins Unit (LOU) Flare.

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: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for the boiler feedwater pumps LOUflare.

Effective Date: 06/15/2006

ADMINORDER 2005-1774-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the LOU Flare (EPN - LOUFLARE).

Effective Date: 10/02/2006

ADMINORDER 2006-0512-AIR-E

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: 16989 and PSD-TX-794 / SC 27 PERMIT

16989 and PSD-TX-794 / SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent a nuisance.

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)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with emissions limitations.

Effective Date: 12/02/2006

ADMINORDER 2005-0926-AIR-E

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: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain emission rates below the allowable limits for 14 incidents (Nos. 25731, 27057, 30707, 31311, 32702, 34503, 40721, 25734, 30674, 32709, 43499, 31309 & 34502) NOW EIGHT. Special Condition 1 of permit limits the Carbon Monoxide (CO) and the Nitrogen Oxide (NOx) and VOC emission cap rate. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions for 4 [now 3] incidents (Numbers 29303, 29945,

33470 [dropped], & 44032). A8c2Aii

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: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit of VOC and of Benzene for Incident 44200. Special Condition 1 of Permit 16989 / PSD-TX-794 limits the Volatile Organic Compound (VOC) emission cap rate. A8c2Aii

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ Beaumont Regional Office no later than 24 hours after the discovery of a reportable emission event for Incident Numbers 30674 & 30707. C3

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: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for Incident 29181. Special Condition 1 of Permit 16989 / PSD-TX-794 limits the Volatile Organic Compound (VOC) emission cap rate. A8c2Aii

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: Special Condition 1 PERMIT

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)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions: Incident Nos. 50480 and 50486 relating to both VOC and non-VOC emissions above 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)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 & 27 PERMIT

Description: Failed to maintain an emission rate below the permitted limits.

Classification: Minor

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: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emission limits.

Classification: Minor

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 THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emissions 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)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emissions limits.

Effective Date: 11/09/2007

ADMINORDER 2007-0343-AIR-E

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 D 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794 / SC1 PERMIT
16989 and PSD-TX-794 / SC27 PERMIT

Description: Failed 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 D 382.085(b)

Rqmt Prov: Permit 16989/PSD-TX-794 SC (1) PERMIT

Description: Failed 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)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, General Terms and Conditions OP

O-01317, Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent the release of unauthorized emissions to the atmosphere during an unplanned shutdown activity.

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)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, General Terms and Conditions OP

O-01317, Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 05/27/2003 (323050)
- 2 06/13/2003 (37851)
- 3 06/17/2003 (113070)
- 4 06/24/2003 (323051)
- 5 06/26/2003 (35650)
- 6 07/24/2003 (323052)
- 7 08/12/2003 (145852)
- 8 08/25/2003 (323053)
- 9 08/29/2003 (145670)
- 10 08/29/2003 (150916)
- 11 09/25/2003 (323054)
- 12 10/16/2003 (249969)
- 13 10/24/2003 (323055)
- 14 11/17/2003 (255097)
- 15 11/24/2003 (323056)
- 16 12/11/2003 (253069)
- 17 12/22/2003 (257174)
- 18 12/29/2003 (323057)
- 19 01/27/2004 (323058)
- 20 02/18/2004 (257798)
- 21 02/18/2004 (257555)
- 22 02/24/2004 (323047)
- 23 03/05/2004 (258707)
- 24 03/25/2004 (323048)
- 25 03/30/2004 (264152)
- 26 04/26/2004 (323049)
- 27 04/27/2004 (267489)
- 28 05/12/2004 (257799)
- 29 05/24/2004 (364434)

30	06/23/2004	(364435)
31	07/07/2004	(278431)
32	07/07/2004	(278433)
33	07/07/2004	(278544)
34	07/07/2004	(278545)
35	07/07/2004	(278434)
36	07/12/2004	(278543)
37	07/13/2004	(257800)
38	07/22/2004	(364436)
39	07/23/2004	(284067)
40	08/24/2004	(364437)
41	09/30/2004	(364438)
42	10/13/2004	(291185)
43	10/22/2004	(292535)
44	10/25/2004	(364439)
45	11/23/2004	(337200)
46	11/29/2004	(388763)
47	12/21/2004	(343764)
48	12/27/2004	(388764)
49	01/25/2005	(388765)
50	01/26/2005	(344557)
51	01/31/2005	(347316)
52	02/23/2005	(388761)
53	03/22/2005	(388762)
54	04/26/2005	(426339)
55	04/28/2005	(337253)
56	04/29/2005	(371588)
57	05/24/2005	(426340)
58	06/15/2005	(376683)
59	06/16/2005	(426341)
60	07/15/2005	(394390)
61	07/22/2005	(446662)
62	07/26/2005	(400177)
63	07/26/2005	(401118)
64	08/02/2005	(394561)
65	08/14/2005	(379713)
66	08/19/2005	(379633)
67	08/23/2005	(446663)
68	09/20/2005	(446664)
69	10/26/2005	(479516)
70	11/15/2005	(418534)
71	11/22/2005	(479517)
72	12/02/2005	(405596)
73	12/09/2005	(435983)
74	12/15/2005	(435695)
75	12/27/2005	(479518)
76	01/27/2006	(479519)
77	02/27/2006	(479515)
78	04/21/2006	(505237)
79	04/24/2006	(505238)
80	04/26/2006	(457779)
81	05/01/2006	(457784)
82	05/01/2006	(457781)
83	05/23/2006	(505239)
84	06/22/2006	(505240)
85	07/20/2006	(527519)
86	08/02/2006	(480166)
87	08/22/2006	(527520)
88	08/31/2006	(487243)
89	09/25/2006	(527521)
90	09/28/2006	(466186)
91	10/23/2006	(551246)
92	10/26/2006	(517315)
93	11/15/2006	(513585)
94	11/15/2006	(519115)
95	11/16/2006	(551247)
96	11/29/2006	(518544)

97 12/20/2006 (551248)
 98 12/28/2006 (335044)
 99 12/28/2006 (268049)
 100 12/28/2006 (335759)
 101 01/17/2007 (551249)
 102 01/19/2007 (519404)
 103 02/01/2007 (538360)
 104 02/28/2007 (497606)
 105 02/28/2007 (541429)
 106 03/19/2007 (543387)
 107 03/20/2007 (587916)
 108 03/20/2007 (587917)
 109 04/10/2007 (542262)
 110 04/20/2007 (587918)
 111 05/17/2007 (587919)
 112 06/06/2007 (561378)
 113 06/13/2007 (587920)
 114 06/15/2007 (564423)
 115 07/16/2007 (587921)
 116 08/14/2007 (605258)
 117 09/12/2007 (605259)
 118 09/25/2007 (563763)
 119 10/12/2007 (572514)
 120 10/15/2007 (605260)
 121 11/02/2007 (628816)
 122 11/09/2007 (573219)
 123 11/09/2007 (541901)
 124 11/27/2007 (609694)
 125 12/18/2007 (600620)
 126 12/27/2007 (676531)
 127 01/14/2008 (628817)
 128 01/26/2008 (612204)
 129 02/07/2008 (611799)
 130 02/07/2008 (611952)
 131 02/19/2008 (676528)
 132 02/28/2008 (618936)
 133 03/03/2008 (617774)
 134 03/03/2008 (615535)
 135 03/03/2008 (636554)
 136 03/12/2008 (637159)
 137 03/12/2008 (676529)
 138 03/20/2008 (615923)
 139 03/20/2008 (636924)
 140 03/31/2008 (617489)
 141 04/14/2008 (676530)
 142 04/23/2008 (637551)
 143 05/08/2008 (641183)
 144 05/16/2008 (639769)

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

Date 02/18/2004 (257798)
 Self Report? NO Classification Minor
 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: PERMIT 16989 / PSD-TX-794
 Description: Sampling the AU Cooling Tower on vertical piping instead of top of horizontal piping.

Date 07/12/2004 (278543)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to provide 30-day inspection notice for Tank 1596 prior to the seal gap measurement inspection. B3

Date 08/19/2005 (379633)

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 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to perform daily CEMS calibrations.

Self Report? NO Classification Minor

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 THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to conduct monitoring for benzene in the cooling water.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to use an approved method for quarterly sampling of the cooling water.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 QQQ 60.703(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.
away from the control device to the atmosphere.

Self Report? NO Classification Minor

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(1)
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 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to repair a component within 15 days of the discovery of the leak.

Self Report? NO Classification Minor

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 Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to notify the administrator 30 days in advance of any gap measurements required by paragraph 40 CFR 60.113b(b)(1).

Self Report? NO Classification Minor

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)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794

OP O-01317
Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
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 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794

OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794

OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794

OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.18
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(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 VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794

OP O-01317
Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 QQQ 60.703(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794

OP O-01317
Description: Failure to conduct monthly visual inspection of bypass line valves.

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 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 61, SubChapter C, PT 61, SubPT FF 61.354(d) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 16989 and PSD-TX-794 OP O-01317		
Description:	Failure to switch waste gas to an alternate set of carbon canisters within three hours of breakthrough.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.356(2)(C) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to record required LDAR monitoring data.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 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 61, SubChapter C, PT 61, SubPT FF 61.354(d) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 16989 and PSD-TX-794 OP O-01317		
Description:	Failure to conduct daily monitoring of the carbon absorption system.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 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 61, SubChapter C, PT 61, SubPT V 61.242-7(c)(2) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 16989 and PSD-TX-794 OP O-01317		
Description:	Failure to monitor a valve monthly after a leak is detected.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01317		
Description:	Failure to report the correct information in the Notification of Compliance Status (NCS). Failure to report the correct information in the Notification of Compliance Status (NCS).		
Date	04/30/2006	(505239)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/12/2006	(464981)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.4 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	FAILURE TO PREVENT NUISANCE CONDITIONS.		
Date	08/03/2006	(480166)	
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 THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 16989 and PSD-TX-794 OP O-01317		

Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989, SC23B
OP O-01317, SC1 and SC16

Description: Failure to perform daily CEMS calibrations.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 RRR 60.703(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to conduct monthly visual inspection of bypass line valves.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 RRR 60.703(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor

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(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 VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
OP O-01317

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 16989 and PSD-TX-794
 OP O-01317
 Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification Minor
 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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
 OP O-01317
 Description: Failure to control the analyzer vent waste gas from Analyzer AR 3319 by a flare or by an Atmospheric Reference Valve (ARV).

Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 16989 and PSD-TX-794
 OP O-01317
 Description: Failure to continuously monitor CO from the LOUBOILER6.
 Date 06/07/2007 (561378)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP-O-01317 Special Condition 16
 Description: Failure to incorporate NSR Permit 56282 into FOP-O-01317.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart VV 60.482-7
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP-O-01317 Special Condition 1
 Description: Failure to repair LDAR component K-0821 within 15 days of leak determination.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18(c)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP-O-01317 Special Condition 1
 Description: Failure to have the pilot flame on AU flare lit for a period of 12 minutes on April 4, 2006.
 Date 09/26/2007 (563763)

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.120
 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 16989/PSD-TX-794, Special Condition 7
 OP O-01317, General Terms and Conditions
 PERMIT O-01317, Special Condition 16
 OP O-01317, Special Condition 1A
 Description: Failure to properly operate Tank 33755.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to provide notification of an off-permit change.
Date 02/28/2008 (618953)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP FOP-O-01317 General Terms and Conditions
Description: Failure to submit deviation report for the period of July 1, 2007, through November 4, 2007, in a timely manner.
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)
Rqmt Prov: PERMIT 16989 Special Condition 8(G)
OP FOP-O-01317 Special Condition 16
Description: Failure to paint pyrolysis fuel oil tank white or aluminum.
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)
Rqmt Prov: OP FOP-O-01317 General Terms and Conditions
Description: Failure to report deviations in the period of its occurrence.
Self Report? NO Classification Minor
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 VV 60.482-6(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP FOP-O-01317 Special Condition 16
PERMIT Permit 16989 Special Condition 15(E)
Description: Failure to install a cap or plug on an open-ended line or valve.

F. Environmental audits.

Notice of Intent Date: 06/25/2004 (348010)
No DOV Associated

Notice of Intent Date: 07/22/2004 (334189)
No DOV Associated

Notice of Intent Date: 02/01/2007 (573881)
Disclosure Date: 06/27/2007

Viol. Classification: Minor
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to maintain up to date emergency contact and equipment information in the contingency plan.

Viol. Classification: Minor
Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Description: Failure to properly label drums with the words used oil in the garage area.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.13(d)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33(d)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34(e)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.35(c)(1)

Description: Failure to properly label/store universal waste. Specifically, fluorescent light bulbs were in unlabeled boxes and on the ground in the Electrician's shop, and spent bulbs were throughout the Texaco Research Building not labeled or boxed.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter Q 335.475(6)

Description: Failure to file and have a pollution prevention plan executive summary and a signed certification available during the audit.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 350, SubChapter B 350.33(d)

Description: Failure to maintain a copy of the RAP for SWMU 3.

Viol. Classification: Moderate

Rqmt IHWPERMTCP IX.B.1.e.

Description: Failure to submit a written report to the TCEQ within 60 days after a pipeline release of cyclohexane on 1/12/07.

Notice of Intent Date: 11/02/2007 (610103)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES, LP
RN100217389**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1066-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Flint Hills Resources, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical plant at 4241 Savannah Avenue 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 Commission 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 notice of the violations alleged in Section II ("Allegations") on or about May 21, 2008.
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 Twenty-Seven Thousand One Hundred Dollars (\$27,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Eight Hundred Forty Dollars (\$10,840) of the administrative penalty and Five Thousand Four Hundred Twenty Dollars (\$5,420) 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. Ten Thousand Eight Hundred Forty Dollars (\$10,840) 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 of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. After the emissions event on December 28, 2007, the Ethylene Compressor's unexpected shutdown was investigated and changes made to the grounding on the over-speed safety system. The repair was completed prior to the startup of the Ethylene Compressor on the same day (Incident No. 101839);
 - b. On January 19, 2008, the inoperable sump system was removed from service, the line was blinded, and the second sump system was checked to ensure that it was in working order and on auto level control. On March 26, 2008, training to ensure that contractors follow correct procedures was completed (Incident No. 102627); and
 - c. Due to the February 27, 2008 emissions event, additional training was provided to console operators concerning measures to be taken in the event of a hydrogen decrease to the adiabatic reactor to prevent the recurrence of this type of incident (Incident No. 104320). The training was completed on March 14, 2008. In addition, on April 15, 2008, a pressure differential alarm in the Distributed Control System was also provided.
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), 116.715(a), 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit No. O-01317, Special Condition No. 16 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 19, 2008. Specifically, 3,521 pounds ("lbs") of ethylene, 86 lbs of benzene, 76 lbs of 1,3-butadiene, 1,296 lbs of ethane, 180 lbs of propylene, 13 lbs of propane, 64 lbs of toluene, 3,880 lbs of carbon monoxide ("CO"), and 537 lbs of nitrogen oxides ("NOx") were released when the Respondent failed to ensure that the signal wire for the speed indication and speed probes for compressors were grounded only on one end, and failing to ensure that the design of the Ethylene Refrigeration Compressor ("ERC") met the required specifications, which caused a shutdown of the ERC during a thunderstorm, resulting in an emissions event that occurred on December 28, 2007, and lasted for six hours and eight minutes (Incident No. 101839). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit No. O-01317, Special Condition No. 16 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 19, 2008. Specifically, 4 lbs of ethylbenzene, 87 lbs of benzene, 2 lbs of M-Xylene, 196 lbs of nonane, 1 lb of O-Xylene, 1 lb of P-Xylene and 21 lbs of toluene, were released when the Respondent failed to ensure that the contractor working at the Gasoline Hydrogenation Unit ("GHU") follow the procedure while off loading a vacuum into the GHU sump, resulting in an emissions event that occurred on January 18, 2008, and lasted for one hour (Incident No. 102627). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), 122.143(4), Air Permit No. 16989/PSD-TX-794, Special Condition No. 1, Federal Operating Permit No. O-01317, Special Condition No. 16 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 19, 2008. Specifically, 0.02 lbs of acetylene, 2,778.09 lbs of ethylene, 0.98 lbs of propylene, 2,089.67 lbs of CO, and 289.32 lbs of NOx were released when the converter board operator failed to immediately respond to the drop in pressure to the pressure control valve 395, resulting in an emissions event that occurred on February 27, 2008, and lasted for two hours and 17 minutes (Incident No. 104320). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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: Flint Hills Resources, LP, Docket No. 2008-1066-AIR-E" to:

Financial Administration Division, Revenues 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, Ten Thousand Eight Hundred Forty Dollars (\$10,840) of the assessed administrative penalty shall be offset with the condition that the Respondent implement 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. By December 31, 2008, complete the installation and startup of the improved carbon monoxide control system to the Ethylene Reactors, and retrain operators on the procedures to follow to prevent recurrence of emissions due to the same cause as the February 27, 2008 emissions event (Incident No. 104320); and
 - b. By January 15, 2009, 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 fine 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
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. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Soderer
For the Executive Director

11/14/2008
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.

Kevin Proke
Signature

9/3/08
Date

KEVIN PROKE
Name (Printed or typed)
Authorized Representative of
Flint Hills Resources, LP

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Handwritten text, possibly a signature or name, located in the lower-right quadrant of the page.

Attachment A
Docket Number: 2008-1066-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources, LP
Payable Penalty Amount: Twenty-One Thousand Six Hundred Eighty Dollars (\$21,680)
SEP Amount: Ten Thousand Eight Hundred Forty Dollars (\$10,840)
Type of SEP: Pre-approved
Third-Party Recipient: South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit 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 nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

