

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0916-AIR-E TCEQ ID: RN100217389 CASE NO.: 37793
RESPONDENT NAME: Flint Hills Resources, LP

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 manufacturing 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. 2009-1676-AIR-E and 2009-1335-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 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Jeff Tilley, 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: May 4 and June 10, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 3 and July 8, 2009 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 122769. Specifically, during the April 14, 2009 emissions event the following unauthorized emissions were released from the Light Olefins Unit Flare over a period of 43 minutes when an increased carbon dioxide concentration in the product stream resulted in flaring: 1,259.14 pounds ("lbs") of volatile organic compounds ("VOCs"), 895.32 lbs of carbon monoxide, and 123.96 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions during Incident No. 121878. Specifically, during the March 25, 2009 emissions event 81,977.07 lbs of unauthorized VOCs were released from the South Decoke Drum over a period of four hours and 23 minutes when hydrocarbons were not adequately removed from the process water used to produce steam. Since the emissions event could have been</p>	<p>Total Assessed: \$18,275</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$9,137</p> <p>Total Paid to General Revenue: \$9,138</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>Findings Orders Justification: Human health has been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent conducted incident investigations and identified corrective actions that were implemented in response to the incidents as follows:</p> <p>a. For Incident No. 122769, on April 14, 2009, the ethylene carbon dioxide product specification was changed in the Distributed Control System Operating Control and Management System to correctly meet the ethylene pipeline finished product requirements. On July 8, 2009, the Specification Change Procedure was changed to require generation and approval of a Management of Change before a new or revised specification can be implemented. In addition, on August 21, 2009, following a review of the causes of why analyzers C-31-1-CO2, C-15-1-CO2, and C-30-1-H2S were inoperable during the incident, preventative maintenance practices were revised to improve reliability; and</p> <p>b. For Incident No. 121878, on April 7, 2009, stopped decooking while lined up to the decoke drum using steam made from process water in the Dilution Steam Generator.</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. Within 30 days after the effective date of this Agreed Order, implement the remaining corrective measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 122769, as follows: update operating procedures and/or Distributed Control System alarms to prompt operators to make a quicker response to increasing CO2 trends and review the operating procedures and make updates accordingly; and</p>

<p>avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>b. Within 45 days after the effective date of this Agreed Order, 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>
---	--	---

Additional ID No(s): JE0135Q

Attachment A
Docket Number: 2009-0916-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources, LP
Payable Penalty Amount:	Eighteen Thousand Two Hundred Seventy-Five Dollars (\$18,275)
SEP Amount:	Nine Thousand One Hundred Thirty-Seven Dollars (\$9,137)
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

Performing Party shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

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

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

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
2210 Eastex Freeway
Beaumont, TX 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:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	13-Jul-2009	Screening	21-Jul-2009	EPA Due	1-Mar-2010
	PCW	8-Sep-2009				

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.	37793	No. of Violations	2
Docket No.	2009-0916-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		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	\$12,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	231.0% Enhancement	Subtotals 2, 3, & 7	\$28,875
Notes	Penalty enhancement due to five NOV's issued for same or similar violations, seven NOV's issued for unrelated violations, five agreed orders with a denial of liability, and four agreed orders without a denial of liability. Penalty reduction due to six Notices of Intended Audits and one Disclosure of Violations submitted.		
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	\$2,500
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$229	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$10,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$38,875
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Notes			
		Final Penalty Amount	\$38,875
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$18,275
DEFERRAL	0.0% Reduction	Adjustment	\$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY			\$18,275

Screening Date 21-Jul-2009

Docket No. 2009-0916-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 37793

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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 (number of NOVs meeting criteria)	5	25%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	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	4	100%
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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
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) 231%

>> 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 five NOVs issued for same or similar violations, seven NOVs issued for unrelated violations, five agreed orders with a denial of liability, and four agreed orders without a denial of liability. Penalty reduction due to six Notices of Intended Audits and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 231%

Screening Date 21-Jul-2009	Docket No. 2009-0916-AIR-E	PCW																		
Respondent Flint Hills Resources, LP		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 37793		<small>PCW Revision October 30, 2008</small>																		
Reg. Ent. Reference No. RN100217389																				
Media [Statute] Air																				
Enf. Coordinator Rebecca Johnson																				
Violation Number 1																				
Rule Cite(s)	Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)																			
Violation Description	Failed to prevent unauthorized emissions during Incident No. 122769. Specifically, during the April 14, 2009 emissions event the following unauthorized emissions were released from the Light Olefins Unit Flare over a period of 43 minutes when an increased carbon dioxide concentration in the product stream resulted in flaring: 1,259.14 pounds ("lbs") of volatile organic compounds ("VOCs"), 895.32 lbs of carbon monoxide, and 123.96 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.																			
	Base Penalty	\$10,000																		
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td rowspan="2" style="text-align: right;">Percent 25%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual			x	Percent 25%	Potential			
	Harm																			
Release	Major	Moderate	Minor																	
Actual			x	Percent 25%																
Potential																				
>> Programmatic Matrix																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent 0%</td> </tr> </table>		Major	Moderate	Minor		Falsification				Percent 0%									
	Major	Moderate	Minor																	
Falsification				Percent 0%																
Matrix Notes	Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.																			
	Adjustment	\$7,500																		
		\$2,500																		
Violation Events																				
	Number of Violation Events 1	Number of violation days 1																		
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$2,500				
daily																				
weekly																				
monthly																				
quarterly	x																			
semiannual																				
annual																				
single event																				
	One quarterly event is recommended based on the event which occurred on April 14, 2009.																			
Good Faith Efforts to Comply																				
	0.0% Reduction	\$0																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to ED/PRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to ED/PRP/Settlement Offer	Extraordinary			Ordinary			N/A	x	(mark with x)							
	Before NOV	NOV to ED/PRP/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	\$2,500																		
Economic Benefit (EB) for this violation																				
	Estimated EB Amount \$220	Violation Final Penalty Total \$8,275																		
	Statutory Limit Test																			
	This violation Final Assessed Penalty (adjusted for limits) \$8,275																			

Economic Benefit Worksheet

Respondent Flint Hills Resources, LP
Case ID No. 37793
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$5,000	14-Apr-2009	1-Mar-2010	0.88	\$220	n/a	\$220

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that an increased carbon monoxide concentration in the product stream does not result in flaring and unauthorized emissions. The date required is the date of the emissions event. The final date is the projected date corrective actions will 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 \$5,000

TOTAL \$220

Screening Date 21-Jul-2009	Docket No. 2009-0916-AIR-E																								
Respondent Flint Hills Resources, LP	PCW <small>Policy Revision 2 (September 2002)</small>																								
Case ID No. 37793	<small>PCW Revision October 30, 2008</small>																								
Reg. Ent. Reference No. RN100217389																									
Media [Statute] Air																									
Enf. Coordinator Rebecca Johnson																									
Violation Number <input type="text" value="2"/>																									
Rule Cite(s)	Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)																								
Violation Description	Failed to prevent unauthorized emissions during Incident No. 121878. Specifically, during the March 25, 2009 emissions event 81,977.07 lbs of unauthorized VOCs were released from the South Decoke Drum over a period of four hours and 23 minutes when hydrocarbons were not adequately removed from the process water used to produce steam. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.																								
Base Penalty	<input type="text" value="\$10,000"/>																								
>> Environmental, Property and Human Health Matrix																									
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="100%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm					Major	Moderate	Minor		Release					Actual	x			Percent <input type="text" value="100%"/>	Potential			
	Harm																								
	Major	Moderate	Minor																						
Release																									
Actual	x			Percent <input type="text" value="100%"/>																					
Potential																									
>> Programmatic Matrix																									
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		Falsification				Percent <input type="text" value="0%"/>														
	Major	Moderate	Minor																						
Falsification				Percent <input type="text" value="0%"/>																					
Matrix Notes	Human health or the environment have been exposed to a significant amount of pollutants as a result of the violation.																								
Adjustment	<input type="text" value="\$0"/>																								
	<input type="text" value="\$10,000"/>																								
Violation Events																									
Number of Violation Events	<input type="text" value="1"/>																								
	<input type="text" value="1"/> Number of violation days																								
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>	daily	x	weekly		monthly		quarterly		semiannual		annual		single event											
daily	x																								
weekly																									
monthly																									
quarterly																									
semiannual																									
annual																									
single event																									
Violation Base Penalty	<input type="text" value="\$10,000"/>																								
<input type="text" value="One daily event is recommended based on the event which occurred on March 25, 2009."/>																									
Good Faith Efforts to Comply	<input type="text" value="25.0%"/> Reduction <input type="text" value="\$2,500"/>																								
	<small>Before NOV NOV to EDP/R/Settlement Offer</small>																								
Extraordinary																									
Ordinary	x																								
N/A	<small>(mark with x)</small>																								
Notes	The Respondent completed corrective actions on April 7, 2009, which was prior to the NOE issuance on July 8, 2009.																								
Violation Subtotal	<input type="text" value="\$7,500"/>																								
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="\$30,600"/>																								
This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$10,000"/>																								

Economic Benefit Worksheet

Respondent Flint Hills Resources, LP
Case ID No. 37793
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$5,000	25-Mar-2009	7-Apr-2009	0.04	\$9	n/a	\$9

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure adequate hydrocarbon removal from the process water and prevent unauthorized emissions. The date required is the date of the emissions event. The final date is date 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 \$5,000

TOTAL \$9

Compliance History Report

Customer/Respondent/Owner-Operator: CN600879712 Flint Hills Resources, LP Classification: AVERAGE Rating: 3.71
Regulated Entity: RN100217389 FLINT HILLS RESOURCES PORT ARTHUR FACILITY Classification: AVERAGE Site Rating: 9.38

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	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	86625
AIR NEW SOURCE PERMITS	REGISTRATION	48586
AIR NEW SOURCE PERMITS	REGISTRATION	83299
AIR NEW SOURCE PERMITS	REGISTRATION	52327
AIR NEW SOURCE PERMITS	REGISTRATION	52120
AIR NEW SOURCE PERMITS	REGISTRATION	85841
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50399

Location: 4241 SAVANNAH AVE, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 15, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 15, 2004 to June 15, 2009

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

Name: Rebecca Johnson Phone: (361) 825-3420

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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Flint Hills Resources, LP
4. If Yes, who was/were the prior owner(s)/operator(s)? Huntsman Petrochemical Corporation
5. When did the change(s) in owner or operator occur? 11/05/2007
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 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.

Effective Date: 05/22/2008

ADMINORDER 2006-1775-MLM-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)
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 THSC 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.

Effective Date: 11/17/2008

ADMINORDER 2008-0568-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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent the failure of the governor valve and subsequent shutdown of the Light Olefins Unit ("LOU") Ethylene Compressor and flaring of process gases on Nove. During the emissions event lasting 13 hours and 20 minutes, the total unauthorized emissions from the LOU flare were 3,747.2 pounds ("lbs") of carbon monoxide ("CO"), 2,732.85 lbs of volatile organic compounds ("VOC"), and 518.81 lbs of nitrogen oxides ("NOx").

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: 16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent a contractor from inadvertently closing the air supply valve to the hydrogen feed valve, resulting in loss of hydrogen flow to the acetylene reactors, resulting in the automatic diversion of the ethylene tower feed from the de-ethanizer overhead to the LOU flare on November 30, 2007. During the emissions event lasting seven hours, the total unauthorized emissions from the LOU flare were 7,176.86 lbs of VOC, 6,521.22 lbs of CO, and 902.88 lbs NOx.

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: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent excess emissions from Tank 33752 on November 19, 2007, when hydrocarbon streams which were at a cool temperature were introduced into the tank which was at an elevated temperature. During the emissions event which lasted 30 minutes, 186.79 lbs of benzene and 151.69 lbs of other VOCs were released. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense could not be met.

Effective Date: 01/30/2009

ADMINORDER 2008-1066-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 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The December 28, 2007, emissions event resulted due to the shut down of the Ethylene Refrigeration Compressor, which was initiated by a false high speed indication, during a thunderstorm. According to the internal investigation report submitted by FHR, the design of the Ethylene Refrigeration Compressor was not to the required specifications, and the high speed indication wiring was grounded at both ends.

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: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The January 18, 2008, emissions event resulted when a contractor failed to follow facility procedure while off loading the vacuum truck into the GHU sump.

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: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The February 27, 2008, emissions event resulted when the converter board operator failed to immediately respond to the drop in pressure to pressure control valve 395.

Effective Date: 03/12/2009

ADMINORDER 2008-1269-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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1317, General Terms and Conditions OP
1317, Special Condition 16 OP
16989/PSD-TX-794, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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	06/23/2004	(364435)
2	07/07/2004	(278431)
3	07/07/2004	(278433)
4	07/07/2004	(278434)
5	07/07/2004	(278544)
6	07/07/2004	(278545)
7	07/12/2004	(278543)
8	07/13/2004	(257800)
9	07/22/2004	(364436)
10	07/23/2004	(284067)
11	08/24/2004	(364437)
12	09/30/2004	(364438)
13	10/13/2004	(291185)

14	10/22/2004	(292535)
15	10/25/2004	(364439)
16	11/23/2004	(337200)
17	11/29/2004	(388763)
18	12/21/2004	(343764)
19	12/27/2004	(388764)
20	01/25/2005	(388765)
21	01/26/2005	(344557)
22	01/31/2005	(347316)
23	02/23/2005	(388761)
24	03/22/2005	(388762)
25	04/26/2005	(426339)
26	04/28/2005	(337253)
27	04/29/2005	(371588)
28	05/24/2005	(426340)
29	06/15/2005	(376683)
30	06/16/2005	(426341)
31	07/15/2005	(394390)
32	07/22/2005	(446662)
33	07/26/2005	(400177)
34	07/26/2005	(401118)
35	08/02/2005	(394561)
36	08/14/2005	(379713)
37	08/19/2005	(379633)
38	08/23/2005	(446663)
39	09/20/2005	(446664)
40	10/26/2005	(479516)
41	11/15/2005	(418534)
42	11/22/2005	(479517)
43	12/02/2005	(405596)
44	12/09/2005	(435983)
45	12/15/2005	(435695)
46	12/27/2005	(479518)
47	01/27/2006	(479519)
48	02/27/2006	(479515)
49	04/21/2006	(505237)
50	04/24/2006	(505238)
51	04/26/2006	(457779)
52	05/01/2006	(457781)
53	05/01/2006	(457784)
54	05/23/2006	(505239)
55	06/22/2006	(505240)
56	07/20/2006	(527519)
57	08/02/2006	(480166)
58	08/22/2006	(527520)
59	08/31/2006	(487243)
60	09/25/2006	(527521)
61	09/28/2006	(466186)
62	10/23/2006	(551246)
63	10/26/2006	(517315)
64	11/15/2006	(513585)
65	11/15/2006	(519115)
66	11/16/2006	(551247)
67	11/29/2006	(518544)
68	12/20/2006	(551248)
69	12/28/2006	(268049)
70	12/28/2006	(335044)
71	12/28/2006	(335759)
72	01/17/2007	(551249)

73	01/19/2007	(519404)
74	02/01/2007	(538360)
75	02/28/2007	(497606)
76	02/28/2007	(541429)
77	03/19/2007	(543387)
78	03/20/2007	(587916)
79	03/20/2007	(587917)
80	04/10/2007	(542262)
81	04/20/2007	(587918)
82	05/17/2007	(587919)
83	06/06/2007	(561378)
84	06/13/2007	(587920)
85	06/15/2007	(564423)
86	07/16/2007	(587921)
87	08/14/2007	(605258)
88	09/12/2007	(605259)
89	09/25/2007	(563763)
90	10/12/2007	(572514)
91	10/15/2007	(605260)
92	11/02/2007	(628816)
93	11/09/2007	(541901)
94	11/09/2007	(573219)
95	11/27/2007	(609694)
96	12/18/2007	(600620)
97	12/27/2007	(676531)
98	01/14/2008	(628817)
99	01/26/2008	(612204)
100	02/07/2008	(611799)
101	02/07/2008	(611952)
102	02/19/2008	(676528)
103	02/28/2008	(618936)
104	03/03/2008	(615535)
105	03/03/2008	(617774)
106	03/03/2008	(636554)
107	03/12/2008	(637159)
108	03/12/2008	(676529)
109	03/20/2008	(615923)
110	03/20/2008	(636924)
111	03/31/2008	(617489)
112	04/14/2008	(676530)
113	04/23/2008	(637551)
114	05/08/2008	(641183)
115	05/13/2008	(695002)
116	05/16/2008	(639769)
117	06/06/2008	(682318)
118	06/16/2008	(695003)
119	06/26/2008	(680218)
120	06/27/2008	(682444)
121	07/14/2008	(695004)
122	07/16/2008	(683700)
123	07/17/2008	(682761)
124	07/31/2008	(684054)
125	08/02/2008	(686169)
126	08/18/2008	(716508)
127	09/04/2008	(687705)
128	09/04/2008	(688797)
129	09/08/2008	(687142)
130	09/08/2008	(702304)
131	09/10/2008	(716509)

132 10/09/2008 (716510)
 133 10/31/2008 (704800)
 134 11/11/2008 (731995)
 135 11/18/2008 (704872)
 136 12/10/2008 (731996)
 137 12/15/2008 (721155)
 138 01/12/2009 (707510)
 139 01/14/2009 (731997)
 140 02/03/2009 (723045)
 141 02/03/2009 (723298)
 142 02/04/2009 (708100)
 143 02/04/2009 (721031)
 144 02/20/2009 (725410)
 145 02/20/2009 (725937)
 146 02/25/2009 (720934)
 147 02/25/2009 (725735)
 148 02/25/2009 (735477)
 149 03/03/2009 (736948)
 150 03/11/2009 (723118)
 151 03/23/2009 (726546)
 152 03/23/2009 (727084)
 153 03/23/2009 (735503)
 154 03/23/2009 (737040)
 155 03/25/2009 (736039)
 156 04/02/2009 (723636)
 157 04/09/2009 (722988)
 158 05/13/2009 (735746)
 159 05/28/2009 (744271)
 160 06/04/2009 (744519)
 161 06/04/2009 (744697)
 162 06/04/2009 (746883)

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

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: 16989 and PSD-TX-794 PERMIT
 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)
 O-01317 OP

Description: Failure to perform daily CEMS calibrations.

Self Report? NO

Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
 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)
 O-01317 OP

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: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO Classification: Moderate

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

Description: Failure to conduct daily monitoring of the carbon absorption system.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Description: Failure to perform daily CEMS calibrations.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

Description: Failure to conduct monthly visual inspection of bypass line valves.
Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT

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)
O-01317 OP

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

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
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)
O-01317 OP

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: 16989 and PSD-TX-794 PERMIT

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)
O-01317 OP

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)
FOP-O-01317 Special Condition 16 OP

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)
FOP-O-01317 Special Condition 1 OP

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)
FOP-O-01317 Special Condition 1 OP

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: 16989/PSD-TX-794, Special Condition 7 PERMIT
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)
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 PERMIT
O-01317, Special Condition 1A OP

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)
FOP-O-01317 General Terms and Conditions OP

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: 16989 Special Condition 8(G) PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 Special Condition 16 OP

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)
FOP-O-01317 General Terms and Conditions OP

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)

FOP-O-01317 Special Condition 16 OP
Permit 16989 Special Condition 15(E) PERMIT

Description: Failure to install a cap or plug on an open-ended line or valve.

Date: 09/08/2008 (687142)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 10(G) OP

Description: Failure to submit tank seal inspection notifications in a timely manner.

Date: 02/25/2009 (725735)

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)
Special Condition 16 OP
Special Condition 23B/PSD-TX794 PERMIT

Description: Failure to perform 10 required quarterly CEMS Cylinder Gas Audits during the second quarter of 2008.

Date: 03/11/2009 (723118)

Self Report? NO Classification: Minor

Citation: 16989 Special Condition 7/PSD-TX-794 PERMIT
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 THSC Chapter 382 382.085(b)
FOP O-01317, Special Condition 16 OP

Description: Failure to maintain records of all periods and duration when the seal mechanism is broken, the bypass line valve position has changed, the serial number of the broken car-seal has changed, or when the key for a lock-and type configuration has been checked out.

Date: 04/02/2009 (723636)

Self Report? NO Classification: Minor

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)
O-01317, General Terms and Conditions PERMIT

Description: Failure to submit all deviations in a Title V semi-annual deviation report.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions PERMIT
Description: Failure to maintain a hatch, cover or lid closed except during use.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 2F PERMIT
Description: Failure to document a final record for a non-reportable incident within two weeks.

Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-792, Special Condition 11 OP
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)
O-01317, Special Condition 16 PERMIT
Description: Failure to control the analyzer vent waste gas from by a flare or by an Atmospheric Reference Valve.

Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-794, Special Condition 15E OP
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 THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT
Description: Failure to operate without a cap, plug, second valve installed on equipment in Volatile Organic Compounds (VOCs) service.

Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-794, Special Conditions 15E OP
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)
O-01317, Special Condition 16 PERMIT
Description: Failure to monitor newly installed or reworked components within 15 days of being placed in VOCs service.

Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-794, Special Condition 14A OP
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)
O-01317, Special Condition 16 PERMIT
Description: Failure to maintain a list of exempt Leak Detection and Repair (LDAR) components.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 3 PERMIT
Description: Failure to conduct annual visual emissions opacity observations.

Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-794, Special Condition 2 OP
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)
O-01317, Special Condition 16 PERMIT

Description: Failure to properly calculate the 12-month emission caps.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 13D OP
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)
O-01317, Special Condition 16 PERMIT
Description: Failure to determine maximum production scenarios for the Regenerative Thermal Oxidizer (RTO).
B3 MOD 2d

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 Prov: 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

Notice of Intent Date: 07/17/2008 (688108)

No DOV Associated

Notice of Intent Date: 08/18/2008 (703367)

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**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0916-AIR-E

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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical manufacturing 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. During a record review on May 4, 2009, TCEQ staff documented that during Incident No. 122769 on April 14, 2009, the following unauthorized emissions were released from the Light Olefins Unit Flare over a period of 43 minutes when an increased carbon dioxide concentration in the product stream resulted in flaring: 1,259.14 pounds ("lbs") of volatile organic compounds ("VOCs"), 895.32 lbs of carbon monoxide, and 123.96 lbs of nitrogen oxides.
4. During a record review on June 10, 2009, TCEQ staff documented that 81,979.07 lbs of unauthorized VOCs were released from the South Decoke Drum over a period of four hours and 23 minutes during Incident No. 121878 on March 25, 2009, when hydrocarbons were not adequately removed from the process water used to produce steam.
5. The Respondent received notices of the violations on June 8, 2009 and July 13, 2009.
6. The Executive Director recognizes that the Respondent conducted incident investigations and identified corrective actions that were implemented in response to the incidents as follows:
 - a. For Incident No. 122769, on April 14, 2009 the ethylene carbon dioxide product specification was changed in the Distributed Control System Operating Control and Management System to correctly meet the ethylene pipeline finished product requirements. On July 8, 2009 the Specification Change Procedure was changed to require generation and approval of a Management of Change before a new or revised specification can be implemented. In addition, on August 21, 2009, following a review of the causes of why analyzers C-31-1-CO₂, C-15-1-CO₂, and C-30-1-H₂S were in-operable during the incident, preventative maintenance practices were revised to improve reliability; and
 - b. For Incident No. 121878, on April 7, 2009 stopped decoking while lined up to the decoke drum using steam made from process water in the Dilution Steam Generator.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions during Incident No. 122769, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during Incident No. 121878, in violation of Air Permit No. 16989, Special Condition No. 1, Air

Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Eighteen Thousand Two Hundred Seventy-Five Dollars (\$18,275) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Nine Thousand One Hundred Thirty-Eight Dollars (\$9,138) of the administrative penalty. Nine Thousand One Hundred Thirty-Seven Dollars (\$9,137) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Eighteen Thousand Two Hundred Seventy-Five Dollars (\$18,275) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2009-0916-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 II, Paragraph 5 above, Nine Thousand One Hundred Thirty-Seven Dollars (\$9,137) 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. Within 30 days after the effective date of this Agreed Order, implement the remaining corrective measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 122769, as follows: update operating procedures and/or Distributed Control System alarms to prompt operators to make a quicker response to increasing CO2 trends and review the operating procedures and make updates accordingly; 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 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 8. 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.
 9. 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.
 10. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan
For the Executive Director

11/2/2009
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Flint Hills Resources, LP. I am authorized to agree to the attached Agreed Order on behalf of Flint Hills Resources, LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Flint Hills Resources, LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Jeff Tilley
Signature

9/29/09
Date

Jeff Tilley
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.

Attachment A
Docket Number: 2009-0916-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources, LP
Payable Penalty Amount:	Eighteen Thousand Two Hundred Seventy-Five Dollars (\$18,275)
SEP Amount:	Nine Thousand One Hundred Thirty-Seven Dollars (\$9,137)
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

Performing Party shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

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

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

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
2210 Eastex Freeway
Beaumont, TX 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:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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.

