EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1793-AIR-E **TCEQ ID:** RN102555166 **CASE NO.:** 36818

RESPONDENT NAME: Citgo Refining and Chemicals Company L.P.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Citgo Corpus Christi Refinery East Plant, 1802 Nueces Bay Boulevard, Corpus Christi, Nueces County

TYPE OF OPERATION: Petroleum refining plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2004-1279-AIR-E, 2008-0273-IHW-E, 2008-0873-AIR-E, and 2008-1193-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 18, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Eduardo Assef, Vice President and Plant Manager, Citgo Refining and Chemicals Company L.P., P.O. Box 9176, Corpus Christi, Texas 78469-9176

Mr. Kevin Ferrau, General Manager/Vice President Corpus Christi Refinery, Citgo Refining and Chemicals Company L.P., P.O. Box 9176, Corpus Christi, Texas 78469-9176

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 30 through November 7 and June 30 through October 27, 2008 **Date of NOV/NOE Relating to this Case:** November 5 and 18, 2008 (NOE) **Background Facts:** This was a record review. **AIR** 1) Failure to submit a final emissions event report within two weeks after the end of the event (Incident No. 111222). Specifically, the event occurred and ended on July 16, 2008 and the report was due by July 30, 2008, but was not submitted until July 31, 2008 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01423, Special Condition 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to prevent unauthorized emissions and to limit opacity to 20 percent. Specifically, unauthorized emissions of 26.17 pounds ("lbs") of benzene, 8 lbs of hydrogen sulfide, 21,124 lbs of sweet gas oil and 100 percent opacity were released from the Electrostatic Precipitator ("ESP") Stack, emission point number ("EPN") 31-PR-1, in the No. 2 Fluid Catalytic Cracking Unit ("FCCU") and 2,104.10 lbs of volatile organic compounds ("VOCs"), 954.45 lbs of carbon dioxide ("CO"), 185.27 lbs of nitrogen oxides, and 12.80 lbs of sulfur dioxide ("SO2") were released from the Fluor Flare, EPN 442, in the No. 2 FCCU during an emissions event (Incident No. 111222) that occurred on July 16, 2008 and lasted five minutes. Since the emissions event was improperly reported, the demonstrations in 30 TEX. ADMIN.	**Total Assessed:** $20,459 **Total Deferred:** $4,091 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $8,184 **Total Paid to General Revenue:** $8,184 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent submitted a correction to the final emissions event report for Incident No. 111164 on October 12, 2008. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. With regard to Incident No. 111222, implement measures designed to ensure timely submittal of emissions event reports; ii. With regard to Incident No. 105554, ensure management oversight of operations personnel and provide training on proper tank filling procedures; and iii. Ensure that the storage tank is equipped with a top gauge and functioning Varec side gauge prior to filling. 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.

CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 9604A/PSD-TX-653 and 3390A, Special Condition 1, FOP O-01423, Special Conditions 1.A. and 31, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to list all compounds and total quantities associated with a startup activity. Specifically, CO and SO2 emissions were not listed in the final report that was submitted on August 4, 2008, but on October 12, 2008, 187 lbs of CO and 21 lbs of SO2 were reported to have been emitted during the startup activity (Incident No. 111164) that occurred on July 21, 2008 and lasted 8 hours [30 TEX. ADMIN. CODE §§ 101.211(b)(1)(H) and (b)(1)(I) and 122.143(4), FOP No. O-01423, Special Condition 2.G., and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 8,783.35 lbs of VOCs were released into the atmosphere due to the overfilling of Storage Tank No. 302, EPN 705, during an emissions event (Incident No. 105554) that occurred on March 27, 2008 and lasted 53 minutes. Since this emissions event was determined to be avoidable due to operator error and equipment failure, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit No. 9604A/PSD-TX-653, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: NE0027V

Attachment A
Docket Number: 2008-1793-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Citgo Refining and Chemicals Company L.P.**
Payable Penalty Amount:	**Sixteen Thousand Three Hundred Sixty-Eight Dollars ($16,368)**
SEP Amount:	**Eight Thousand One Hundred Eighty-Four Dollars ($8,184)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas A&M Corpus Christi-AutoCheck Program**
Location of SEP:	**Nueces County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to implement the AutoCheck program. AutoCheck is a remote sensing system that detects polluting vehicles as they drive past the system. Motorists are informed if their vehicles are polluting via a large electronic sign. Once a vehicle is identified, qualified service stations perform repairs on these vehicles. Pre and post emissions tests are performed and tracked, and the service stations are reimbursed for their expenses. The monies shall be used to only pay for the repair vouchers, equipment maintenance, and a program operator. The operator shall only work on the AutoCheck program.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a direct reduction in air emissions from vehicles in the Corpus Christi Urban Air Shed. This direct area includes Nueces County and part of San Patricio County.

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:

Texas A&M University-Corpus Christi
Pollution Prevention Partnership
Attention: Gretchen Arnold
6300 Ocean Drive, NRC #2200
Corpus Christi, Texas 78412

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 ATexas Commission on Environmental Quality@ and mailed to:

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

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

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	24-Nov-2008				
PCW	11-Feb-2009	Screening	3-Dec-2008	EPA Due	2-Aug-2009

RESPONDENT/FACILITY INFORMATION

Respondent	Citgo Refining and Chemicals Company L.P.		
Reg. Ent. Ref. No.	RN102555166		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36818	No. of Violations	4
Docket No.	2008-1793-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		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* $10,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 142.0% Enhancement *Subtotals 2, 3, & 7* $14,484

Notes: Penalty enhancement due to 13 NOVs issued for same or similar violations, 13 NOVs issued for dissimilar violations, and three agreed orders with a denial of liability. Penalty reduction due to five notice of audits and 2 violation disclosures 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* $25

Economic Benefit 0.0% Enhancement* *Subtotal 6* $0

Total EB Amounts $226
Approx. Cost of Compliance $3,500
*Capped at the Total EB $ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* $24,659

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $24,659

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $20,459

DEFERRAL 20.0% Reduction *Adjustment* -$4,091

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $16,368

Screening Date 3-Dec-2008 **Docket No.** 2008-1793-AIR-E **PCW**

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 36818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Trina Grieco

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*)	13	65%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements 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*)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

		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) 142%

>> 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 13 NOVs issued for same or similar violations, 13 NOVs issued for dissimilar violations, and three agreed orders with a denial of liability. Penalty reduction due to five notice of audits and 2 violation disclosures submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 142%

Screening Date 3-Dec-2008 **Docket No.** 2008-1793-AIR-E **PCW**

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 36818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01423, Special Condition 2.F. and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 111222). Specifically, the event occurred and ended on July 16, 2008 and the report was due by July 30, 2008, but was not submitted until July 31, 2008.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Most (at least 70%) of the rule requirements were met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal $100

Economic Benefit (EB) for this violation

Estimated EB Amount $26

Statutory Limit Test

Violation Final Penalty Total $242

This violation Final Assessed Penalty (adjusted for limits) $242

Economic Benefit Worksheet

Respondent Citgo Refining and Chemicals Company L.P.
Case ID No. 36818
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$500	30-Jul-2008	15-Aug-2009	1.04	$26	n/a	$26

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure timely submittal of emissions event reports. Date required is the date the report was due. Final date is the date corrective actions are projected to be completed.

Avoided Costs (ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs))							
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $500

TOTAL: $26

Screening Date 3-Dec-2008 **Docket No.** 2008-1793-AIR-E **PCW**

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 36818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 9604A/PSD-TX-653 and 3390A, Special Condition 1, FOP O-01423, Special Conditions 1.A. and 31 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions and to limit opacity to 20 percent. Specifically, unauthorized emissions of 26.17 pounds ("lbs") of benzene, 8 pounds of hydrogen sulfide, 21,124 lbs of sweet gas oil and 100 percent opacity were released from the Electrostatic Precipitator ("ESP") Stack, emission point number ("EPN") 31-PR-1, in the No. 2 Fluid Catalytic Cracking Unit ("FCCU") and 2,104.10 lbs of volatile organic compounds ("VOCs"), 954.45 lbs of carbon monoxide ("CO"), 185.27 lbs of nitrogen oxides, and 12.80 lbs of sulfur dioxide ("SO2") were released from the Fluor Flare, EPN 442, in the No. 2 FCCU during an emissions event (Incident No. 111222) that occurred on July 16, 2008 and lasted five minutes. Since the emissions event was improperly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of contaminants, including 26.17 lbs of hazardous air pollutants ("HAPs") that exceeded protective levels as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $12,100

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Citgo Refining and Chemicals Company L.P.
Case ID No. 36818
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	The economic benefit for this violation is covered by the economic benefit calculated for Violation 1.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $0

TOTAL: $0

Screening Date 3-Dec-2008 **Docket No.** 2008-1793-AIR-E **PCW**

Respondent Citgo Refining and Chemicals Company L.P. *Policy Revision 2 (September 2002)*

Case ID No. 36818 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.211(b)(1)(H) and (b)(1)(I) and 122.143(4), FOP No. O-01423, Special Condition 2.G. and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to list all compounds and total quantities associated with a startup activity. Specifically, CO and SO2 emissions were not listed in the final report that was submitted on August 4, 2008, but on October 12, 2008, 187 lbs of CO and 21 lbs of SO2 were reported to have been emitted during the startup activity (Incident No. 111164) that occurred on July 21, 2008 and lasted 8 hours.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Most (at least 70%) of the rule requirements were met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1 — 69 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction — $25

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent completed corrective actions on October 12, 2008.

Violation Subtotal $75

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $217

This violation Final Assessed Penalty (adjusted for limits) $217

Economic Benefit Worksheet

Respondent Citgo Refining and Chemicals Company L.P.
Case ID No. 36818
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$500	4-Aug-2008	12-Oct-2008	0.19	$5	n/a	$5
Notes for DELAYED costs	Estimated cost of timely submitting complete and accurate information in the emissions event report. Date required is the date the report was submitted. Final date is the date the corrected information was submitted.						
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: $500

TOTAL: $5

Screening Date 3-Dec-2008 **Docket No.** 2008-1793-AIR-E **PCW**

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 36818

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), NSR Permit No. 9604A/PSD-TX-653, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 8,783.35 lbs of VOCs were released into the atmosphere due to the overfilling of Storage Tank No. 302, EPN 705, during an emissions event (Incident No. 105554) that occurred on March 27, 2008 and lasted 53 minutes. Since this emissions event was determined to be avoidable due to operator error and equipment failure, the demonstrations 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

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of contaminants, including 109 lbs of HAPs, that did not exceed protective levels as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $195

Statutory Limit Test

Violation Final Penalty Total $12,100

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Citgo Refining and Chemicals Company L.P.
Case ID No. 36818
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment	$1,000	27-Mar-2008	1-Aug-2009	1.35	$4	$90	$94
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)	$1,500	27-Mar-2008	1-Aug-2009	1.35	$101	n/a	$101

Notes for DELAYED costs: Estimated cost for additional management oversight of operations personnel and for training personnel on the proper tank filling procedures ($1,500), and to appropriately equip the storage tank with a top gauge and functioning Varec side gauge ($1,000). Date required is the date the tank overfilled. Final date is the date corrective actions are projected to be completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $2,500

TOTAL $195

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600127922	Citgo Refining and Chemicals Company L.P.	Classification: AVERAGE	Rating: 3.39
Regulated Entity:	RN102555166	CITGO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 12.15

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	17670
AIR NEW SOURCE PERMITS	PERMIT	2494A
AIR NEW SOURCE PERMITS	PERMIT	2695A
AIR NEW SOURCE PERMITS	PERMIT	2696A
AIR NEW SOURCE PERMITS	PERMIT	2697A
AIR NEW SOURCE PERMITS	PERMIT	2699A
AIR NEW SOURCE PERMITS	PERMIT	2700A
AIR NEW SOURCE PERMITS	PERMIT	2703A
AIR NEW SOURCE PERMITS	PERMIT	2704A
AIR NEW SOURCE PERMITS	PERMIT	2705A
AIR NEW SOURCE PERMITS	PERMIT	2706A
AIR NEW SOURCE PERMITS	PERMIT	2708A
AIR NEW SOURCE PERMITS	PERMIT	3119A
AIR NEW SOURCE PERMITS	PERMIT	3123A
AIR NEW SOURCE PERMITS	PERMIT	3390A
AIR NEW SOURCE PERMITS	PERMIT	3857A
AIR NEW SOURCE PERMITS	PERMIT	4728A
AIR NEW SOURCE PERMITS	PERMIT	5418A
AIR NEW SOURCE PERMITS	PERMIT	5946A
AIR NEW SOURCE PERMITS	PERMIT	6722A
AIR NEW SOURCE PERMITS	PERMIT	8653A
AIR NEW SOURCE PERMITS	PERMIT	9604A
AIR NEW SOURCE PERMITS	PERMIT	17670A
AIR NEW SOURCE PERMITS	PERMIT	10733A
AIR NEW SOURCE PERMITS	PERMIT	12005A
AIR NEW SOURCE PERMITS	PERMIT	2709A
AIR NEW SOURCE PERMITS	PERMIT	4979A
AIR NEW SOURCE PERMITS	PERMIT	19044
AIR NEW SOURCE PERMITS	PERMIT	20156
AIR NEW SOURCE PERMITS	PERMIT	21303
AIR NEW SOURCE PERMITS	PERMIT	21358
AIR NEW SOURCE PERMITS	PERMIT	21706
AIR NEW SOURCE PERMITS	PERMIT	22312
AIR NEW SOURCE PERMITS	PERMIT	22418
AIR NEW SOURCE PERMITS	PERMIT	23834
AIR NEW SOURCE PERMITS	PERMIT	28092
AIR NEW SOURCE PERMITS	PERMIT	30099
AIR NEW SOURCE PERMITS	PERMIT	42533
AIR NEW SOURCE PERMITS	PERMIT	46637
AIR NEW SOURCE PERMITS	PERMIT	46641
AIR NEW SOURCE PERMITS	PERMIT	46640
AIR NEW SOURCE PERMITS	PERMIT	46642
AIR NEW SOURCE PERMITS	PERMIT	47656
AIR NEW SOURCE PERMITS	PERMIT	49265
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0027V
AIR NEW SOURCE PERMITS	PERMIT	5418
AIR NEW SOURCE PERMITS	PERMIT	6748
AIR NEW SOURCE PERMITS	PERMIT	10309
AIR NEW SOURCE PERMITS	REGISTRATION	56720
AIR NEW SOURCE PERMITS	AFS NUM	4835500003
AIR NEW SOURCE PERMITS	REGISTRATION	71021
AIR NEW SOURCE PERMITS	PERMIT	53921
AIR NEW SOURCE PERMITS	PERMIT	54775
AIR NEW SOURCE PERMITS	EPA ID	PSDTX653M1
AIR NEW SOURCE PERMITS	PERMIT	72654
AIR NEW SOURCE PERMITS	PERMIT	74515
AIR NEW SOURCE PERMITS	REGISTRATION	74376
AIR NEW SOURCE PERMITS	REGISTRATION	75017
AIR NEW SOURCE PERMITS	REGISTRATION	75340
AIR NEW SOURCE PERMITS	EPA ID	PSDTX831
AIR NEW SOURCE PERMITS	REGISTRATION	76930
AIR NEW SOURCE PERMITS	REGISTRATION	76737
AIR NEW SOURCE PERMITS	REGISTRATION	76742
AIR NEW SOURCE PERMITS	REGISTRATION	76880
AIR NEW SOURCE PERMITS	REGISTRATION	76883
AIR NEW SOURCE PERMITS	REGISTRATION	77066
AIR NEW SOURCE PERMITS	REGISTRATION	77680
AIR NEW SOURCE PERMITS	REGISTRATION	77094
AIR NEW SOURCE PERMITS	REGISTRATION	77050
AIR NEW SOURCE PERMITS	REGISTRATION	78081
AIR NEW SOURCE PERMITS	REGISTRATION	78541
AIR NEW SOURCE PERMITS	REGISTRATION	78522
AIR NEW SOURCE PERMITS	REGISTRATION	78851
AIR NEW SOURCE PERMITS	REGISTRATION	78850
AIR NEW SOURCE PERMITS	REGISTRATION	78195
AIR NEW SOURCE PERMITS	REGISTRATION	79234

AIR NEW SOURCE PERMITS	REGISTRATION	79760
AIR NEW SOURCE PERMITS	PERMIT	80407
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1086
AIR NEW SOURCE PERMITS	PERMIT	80693
AIR NEW SOURCE PERMITS	REGISTRATION	80521
AIR NEW SOURCE PERMITS	REGISTRATION	80564
AIR NEW SOURCE PERMITS	PERMIT	80801
AIR NEW SOURCE PERMITS	REGISTRATION	83336
AIR NEW SOURCE PERMITS	REGISTRATION	83016
AIR NEW SOURCE PERMITS	REGISTRATION	86253
AIR NEW SOURCE PERMITS	REGISTRATION	83882
AIR NEW SOURCE PERMITS	REGISTRATION	83913
AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0027V
AIR OPERATING PERMITS	PERMIT	1423
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD051161990
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30532
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50160
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50160
WASTEWATER	PERMIT	WQ0000467000
WASTEWATER	PERMIT	TPDES0006211
WASTEWATER	PERMIT	TX0006211
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30532
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50160

Location: 1802 NUECES BAY BLVD, CORPUS CHRISTI, TX, 78407

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: November 24, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 24, 2003 to November 24, 2008

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Citgo Refining and Chemicals Company L.P.
4. If Yes, who was/were the prior owner(s)? Citgo Petroleum Corporation
5. When did the change(s) in ownership occur? 10/1/2007
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: 03/05/2004 ADMINORDER 2001-1469-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 20156 PERMIT
Description: Failed to limit emissions released from the Hydrar Unit to the levels allowed.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter A 101.27(a)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.116(a)
40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.21

Description: Failed to obtain appropriate regulatory authority for sour water and acid gas flares as installed and operated at the East and West Plants and to pay emissions fees or maintain flare logs for these flares.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 3390A PERMIT
Description: Failed to limit emissions released from the Unibon Unit to the levels allowed.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 101, SubChapter F 101.211

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

Description: Failed to submit notifications of upset emissions in a timely manner; to provide proper notification for maintenance events; and to maintain complete records regarding emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 3119A PERMIT
Description: Failed to comply with emissions limits applicable to the East and West Plant sulfur recovery units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 111, SubChapter A 111.111(a)(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9604A PERMIT
GP PERMIT

Description: Failed to comply with limits on emissions from Fluid Catalytic Cracking units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent fuel gas burned in combustion devices from containing excess hydrogen sulfide.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
30 TAC Chapter 335, SubChapter C 335.69(a)(3)

30 TAC Chapter 335, SubChapter C 335.69(d)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)

Rqmt Prov: II.B.9 PERMIT
IV.B.1 PERMIT

Description: Failed to submit notification of hazardous waste (HW) management areas, to comply with the accumulation time requirements, to properly label drums of HW, maintain a container of HW closed, mark containers with an accumulation start date, timely submit certification of waste minimization and limit HW to permitted wastes

Classification: Moderate

Citation: 30 TAC Chapter 327 327.5(a)
30 TAC Chapter 335, SubChapter A 335.4

TWC Chapter 26 26.121

Description: Failure to prevent the unauthorized discharge of industrial or other waste and to initiate response actions.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121
30 TAC Chapter 319, SubChapter A 319.11

30 TAC Chapter 319, SubChapter A 319.7

Rqmt Prov: Effluent limitations PERMIT
Description: Failure to comply with TPDES permits, including failure to properly operate process wastewater and stormwater collection systems, limit effluent characteristics, use proper sample collection & storage procedures, to record all required information for storm water collection, to record QA/QC data for pH & Cl.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.698(b)
40 CFR Part 60, Subpart QQQ 60.692-3(a)

Description: Failed to meet the requirements of 40 CFR, Part 60, Subpart QQQ, including failure to prevent oil carryover from oil-water (o/w) separators, to equip o/w storage vessels with fixed roofs & o/w tank with closed vent system and control devices, to submit reports or conduct inspection; operated the CPI sep without flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(2)(ii)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)

Description: Failed to meet NESHAP req. for benzene wastes, including failure to conduct inspections of drain systems, equip tanks, submit complete total annual benzene report & determine quantity from each waste stream, determine the flow-weighted annual avg appropriately, limit the benzene quantity of uncontrolled waste streams.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Part 63, Subpart G 63.120(b)(3)

40 CFR Part 63, Subpart G 63.120(b)(4)
40 CFR Part 63, Subpart G 63.122(a)

Description: Failed to comply with the requirements for external floating roof tank seal gap repair and reporting.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart A 60.18

Rqmt Prov: Not specified PERMIT
Description: Failure to comply with the flare pilot operation requirements applicable to the Fluor flare or to obtain regulatory authority for uncombusted emissions from that flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT
Description: Filure to comply with emission limits during vessel loading operations.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: 46642 PERMIT
Description: Failure to demonstrate initial compliance with emission tests of Compressor Nos. 1A, 1B, and 1C (EPNs 062, 063, and 064).

Effective Date: 08/31/2007 ADMINORDER 2007-0170-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 5418A General Conditions PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 20 pounds of the Hazardous Air Pollutant benzene was released from the UDEX Unit Fugitives during an emissions event that began June 21, 2006 and lasted five minutes.

Effective Date: 12/20/2007 ADMINORDER 2007-0594-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 3123A, SC 1 PERMIT
Permit No. 3123A, Special Condition 3 PERMIT

Description: Failed to prevent an unauthorized emissions event that occurred on November 15, 2006.

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	11/21/2003	(295722)
2	12/29/2003	(295723)
3	01/27/2004	(295725)
4	01/29/2004	(258191)
5	02/02/2004	(261589)
6	02/09/2004	(256114)
7	02/09/2004	(256568)
8	02/09/2004	(256569)
9	02/23/2004	(295705)

10	03/01/2004	(264188)
11	03/01/2004	(264223)
12	03/25/2004	(295709)
13	03/27/2004	(283414)
14	04/15/2004	(266190)
15	04/28/2004	(295710)
16	05/10/2004	(270683)
17	05/24/2004	(272559)
18	05/25/2004	(295712)
19	05/28/2004	(272866)
20	06/23/2004	(276515)
21	06/24/2004	(269190)
22	06/30/2004	(352239)
23	07/01/2004	(278139)
24	07/01/2004	(278271)
25	07/19/2004	(268646)
26	07/22/2004	(352240)
27	08/30/2004	(352241)
28	08/31/2004	(291703)
29	09/15/2004	(298570)
30	09/16/2004	(334411)
31	09/28/2004	(283343)
32	10/12/2004	(335820)
33	10/29/2004	(352243)
34	11/19/2004	(336653)
35	11/19/2004	(336845)
36	11/19/2004	(339890)
37	11/19/2004	(339919)
38	11/19/2004	(341541)
39	11/22/2004	(341305)
40	11/23/2004	(352244)
41	11/30/2004	(341912)
42	12/20/2004	(352242)
43	12/20/2004	(381902)
44	12/30/2004	(342227)
45	01/21/2005	(345684)
46	01/24/2005	(381903)
47	02/03/2005	(348348)
48	02/23/2005	(381900)
49	03/08/2005	(453246)
50	03/11/2005	(372798)
51	03/24/2005	(373888)
52	03/24/2005	(374168)
53	03/28/2005	(374190)
54	03/28/2005	(381901)
55	04/26/2005	(419743)
56	05/06/2005	(378559)
57	05/23/2005	(419744)
58	06/03/2005	(392988)
59	06/03/2005	(393464)
60	06/16/2005	(395438)
61	06/23/2005	(419745)
62	07/07/2005	(395347)
63	07/18/2005	(393465)
64	07/22/2005	(440879)
65	08/18/2005	(405799)
66	08/22/2005	(402137)
67	08/26/2005	(440880)
68	09/20/2005	(440881)
69	10/11/2005	(434051)
70	10/25/2005	(468522)
71	11/16/2005	(405717)
72	11/17/2005	(436667)
73	11/28/2005	(468523)
74	12/01/2005	(435829)
75	12/22/2005	(468524)
76	01/02/2006	(450793)
77	01/02/2006	(450794)
78	01/24/2006	(468525)
79	02/09/2006	(453193)
80	02/21/2006	(451197)
81	02/24/2006	(468521)
82	03/07/2006	(454499)
83	03/08/2006	(458417)

84	03/20/2006	(498260)
85	03/27/2006	(459448)
86	04/06/2006	(459050)
87	04/13/2006	(459661)
88	04/13/2006	(459665)
89	04/18/2006	(455371)
90	04/24/2006	(498261)
91	05/23/2006	(498262)
92	05/24/2006	(467417)
93	06/05/2006	(466364)
94	06/06/2006	(467393)
95	06/23/2006	(498263)
96	07/19/2006	(482242)
97	07/21/2006	(484425)
98	07/24/2006	(520275)
99	08/09/2006	(572255)
100	08/17/2006	(520276)
101	08/21/2006	(489885)
102	08/21/2006	(520277)
103	08/22/2006	(487181)
104	08/24/2006	(482569)
105	08/31/2006	(483126)
106	09/13/2006	(510995)
107	09/25/2006	(520278)
108	10/12/2006	(514095)
109	10/12/2006	(514878)
110	10/12/2006	(514897)
111	10/16/2006	(515256)
112	10/18/2006	(510953)
113	10/18/2006	(515782)
114	10/24/2006	(544597)
115	11/15/2006	(516860)
116	11/15/2006	(518976)
117	11/27/2006	(544598)
118	11/29/2006	(512162)
119	12/19/2006	(544599)
120	12/21/2006	(534104)
121	12/29/2006	(534672)
122	01/04/2007	(516900)
123	01/08/2007	(512157)
124	01/22/2007	(544600)
125	02/12/2007	(539381)
126	02/16/2007	(540236)
127	02/18/2007	(540855)
128	02/22/2007	(575434)
129	02/26/2007	(538209)
130	03/20/2007	(538211)
131	03/26/2007	(575435)
132	04/04/2007	(554293)
133	04/23/2007	(575436)
134	04/23/2007	(575440)
135	04/25/2007	(540902)
136	05/04/2007	(558318)
137	05/08/2007	(558508)
138	05/16/2007	(575437)
139	05/25/2007	(561868)
140	06/01/2007	(559013)
141	06/21/2007	(563744)
142	06/22/2007	(575438)
143	07/13/2007	(562870)
144	07/13/2007	(564523)
145	07/13/2007	(567064)
146	07/23/2007	(575439)
147	08/17/2007	(565565)
148	08/20/2007	(607562)
149	08/27/2007	(573505)
150	08/31/2007	(572127)
151	09/14/2007	(570950)
152	09/24/2007	(607563)
153	10/02/2007	(594482)
154	10/03/2007	(608617)
155	10/17/2007	(596344)
156	10/22/2007	(481761)

157	10/22/2007	(619546)
158	11/26/2007	(619547)
159	11/28/2007	(598481)
160	12/27/2007	(619548)
161	01/18/2008	(598045)
162	02/02/2008	(594422)
163	02/11/2008	(617736)
164	02/11/2008	(617821)
165	02/25/2008	(672070)
166	03/25/2008	(672071)
167	04/01/2008	(639935)
168	04/17/2008	(689998)
169	04/28/2008	(653240)
170	05/19/2008	(689999)
171	05/20/2008	(670835)
172	05/27/2008	(657010)
173	05/29/2008	(657015)
174	06/04/2008	(642002)
175	06/17/2008	(636408)
176	06/20/2008	(690000)
177	06/20/2008	(690001)
178	07/02/2008	(671093)
179	08/20/2008	(710775)
180	08/29/2008	(683983)
181	09/22/2008	(710776)
182	09/22/2008	(710777)
183	10/16/2008	(705092)
184	10/21/2008	(702325)
185	10/21/2008	(704422)
186	10/30/2008	(720824)
187	11/06/2008	(701557)

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

Date: 02/03/2004 (258191) CN600127922

Self NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
Description: Failure to provide required information in the notification of a reportable emissions, released as a result of emissions events at the Vacuum Unit on November 18, 2003, to the commission's regional office within 24 hours of discovery.

Self NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Failure to provide required information in the final record of a reportable emissions, released as a result of emissions events at the Vacuum Unit on November 18, 2003, to the commission's regional office no later than two weeks after the end of the emission event.

Self NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Permit 2695A - General Conditions PA
Description: Failure to obtain regulatory authority for the emissions released from the 11-H2 Vacuum Heater facility during an emissions event on November 18, 2003. Specifically, all criteria identified in §101.222(b) were not satisfied as required.

Self NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to obtain regulatory authority for the opacity based emissions released from the 11-H2 Vacuum Heater facility during an emissions event on November 18, 2003. Specifically, all criteria identified in §101.222(b) were not satisfied as required.

Date: 02/06/2004 (256569) CN600127922
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
9604A PERMIT
Description: Failure to operate the Cumene Flare with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
9604A PERMIT
Description: Failure to maintain the Cumene Flare in good working order.

Date: 02/06/2004 (256114) CN600127922
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
3123A PERMIT
Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222(b)(2), (b)(3), (b)(6), and (b)(9), for reportable emissions resulting from an emissions event.

Date: 02/06/2004 (256568) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to obtain regulatory authority for, or satisfy all criteria of 30 Texas Admin. Code §101.222(b), to exempt from compliance limitations, the emissions released during an emissions event.

Date: 04/15/2004 (266190)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)

Description: Failure to meet the demonstration criteria of 30 TAC 101.222.

Date: 04/30/2004 (295712) CN600127922

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: 05/21/2004 (272559) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
3119A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for emissions involving the SRU during an emissions event which began on January 5, 2004.

Date: 06/23/2004 (276515) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
9604A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for emissions involving the Fluor Flare during an emissions event which began on March 3, 2004.

Date: 08/31/2004 (291703) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.162(a)
5418A & 20156 PA

Description: Failure to demonstrate compliance with the fugitive emission standards for all components in HON service at the BTX and Hydrar Units as directed by § 63.162(a) and (f).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.166

Description: Failure to equip process sampling stations with a closed-purge, closed-loop, or closed-vent system

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.167
5418A & 20156 PA

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.325(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.180(b)
5418A & 20156 PA

Description: Failure to demonstrate that fugitive monitoring was being performed in accordance with Method 21 of 40 CFR part 60, appendix A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.182(d)

Description: Failure to submit an accurate and complete HON semiannual report due on or about July 2003 for the reporting period of January through June 2003.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.182(d)

Description: Failure to include in the BTX and Hydrar Unit HON semiannual reports the number and percent of connectors leaking, and the total number of connectors monitored. Additionally, the number and percent of valves leaking and the total number of valves monitored are incorrect.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5418A & 20156 PA

Description: Failure to maintain and provide, upon request, lists of equipment excluded from fugitive emission monitoring requirements due to vapor pressure, operating pressure and/or size. Additionally, the operator failed to demonstrate that the weekly AVO inspections of connectors and/or flanges are being conducted.

Date: 11/19/2004 (341305) CN600127922

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)
Special Condition No. 3 PERMIT
Description: Failure to satisfy all demonstrations criteria as listed under 30 Tex. Admin. Code § 101.222 and gain authority for emissions released from an event that occurred on April 14, 2004, TCEQ incident No. 37963.

Date: 11/29/2004 (341912)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 327 327.3(b)
Description: The regulated entity failed to notify the TCEQ of a reportable incident as soon as possible, but no later than 24 hours. The CASA Line Filter at CITGO East in Corpus Christi, Texas released approx. 10 barrels of 2-Oil to the ground on 09/18/04, however, CITGO personnel did not notify the TCEQ until 09/28/04.

Date: 12/29/2004 (342227) CN600127922
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
Description: Failure to submit all additional or more detailed information requested for TCEQ STEERS No. 39028 within the time frame established in the request. Information requested to be submitted by September 22, 2004 was received on November 24,2004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(12)
Description: All additional information necessary to evaluate the emissions event (TCEQ STEERS No. 39028) which occurred on or about May 4, 2004 was not provided in the final record.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
Description: Failure to submit in writing an analysis of the probable cause of an emissions event (TCEQ STEERS No. 39028) within 60 days from the date of the request.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
Description: Failure to prevent the occurrence of visible emissions with an opacity of greater than 20% averaged over a six- minute period for emissions released from the No. 2 FCCU during an emissions event (TCEQ STEERS No. 39028) that occurred on or about May 4, 2004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
Description: Failure to maintain compliance with applicable requirements specified in New Source Performance Standards (NSPS) for Petroleum Refineries 40 Code of Federal Regulations (CFR) Part 60 Subpart J.

Date: 03/31/2005 (419743) CN600127922
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: 07/18/2005 (393465) CN600127922
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 00467-003 PERMIT
Description: Failure to comply with the 0.5 mg/l daily maximum permit limit for BTEX.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.4
TPDES Permit No. 00467-003 PERMIT
Description: Failure to meet minimum self-monitoring requirements for sample collection and laboratory analysis.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 00467-001 PERMIT
Description: Failure to comply with the maximum pH permit limit of 9.0 su (standard units).

Date: 12/31/2005 (468525) CN600127922
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: 08/24/2006 (482569) CN600127922
Self Report? NO Classification: Moderate
Citation: TPDES Permit No. WQ0000467-001 PERMIT
TWC Chapter 26 26.121(a)(1)
Description: Failure to prevent an unauthorized discharge of approximately 6 barrels of slop oil into the Corpus Christi Inner Harbor.

Date: 08/31/2006 (483126) CN600127922
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
Description: Failure to meet accumulation time limits as required for storage of hazardous waste without a permit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Failure to inspect all container storage areas as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PP III.D. OP

Description: Failure to inspect Permitted Units as per permit requirements.

Date: 11/28/2006 (512162) CN600127922

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent discharge of industrial or other waste into or adjacent to any water in the state.

Date: 03/31/2007 (575436) CN600127922

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: 05/31/2007 (575438) CN600127922

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: 07/31/2007 (607562) CN600127922

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/17/2007 (565565) CN600127922

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent an un-permitted discharge of commingled process wastewater, storm water, cooling tower blow-down, and fire water via outfall 003

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 00467-001 PERMIT

Description: Failure to comply with the daily maximum effluent permit limit for biochemical oxygen demand (BOD) and chemical oxygen demand (COD) for 12/2005 at outfall 001.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.4
TPDES Permit No. 00467-003 PERMIT

Description: Failure to analyze total chrome at storm water outfall 003 for the month of November 2005. On 11/26/2005, a discharge occurred at outfall 003 with a corresponding rain event. A sample was collected during the discharge for laboratory analyses of the required permit parameters. The in-house laboratory did not perform the total chromium analysis due to a laboratory error.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 00467-003 PERMIT

Description: Failure to comply with the daily maximum effluent permit limit for oil and grease for 07/2007 at outfall 003.

Date: 08/31/2007 (572127) CN600127922

Self Report? NO Classification: Moderate

Citation: 19044, SC 2E PERMIT
20156, SC 1E PERMIT
21303, SC 5E PERMIT
21706, SC 6E PERMIT
2695A, Special Condition 10E PERMIT
2697A, SC 9E PERMIT
2703A, SC 5E PERMIT
2708A, SC 8E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3123A, SC 7E PERMIT
3857A, 13E PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
46640, SC 6E PERMIT
46641, SC 14E PERMIT
5418A, SC 8E PERMIT
6722A, SC 10E PERMIT

72654, SC 3E PERMIT

9604A/PSD-TX-653, SC18E PERMIT
FOP O-01423, Special Term & Condition 1A OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.322(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(g)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
FOP O-01423, Special Term & Condition 1A OP

Description: Failure to make a first attempt at repair within five days.

Self Report? NO Classification: Moderate

Citation:
21303, SC 5H PERMIT
2697A, SC 9I PERMIT
2703A, 5I PERMIT
2708A, SC 8I PERMIT
30 TAC Chapter 115, SubChapter D 115.322(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
46640, SC 6I PERMIT
46641, SC 14I PERMIT
5418A, SC 8I PERMIT
6722A, SC 10I PERMIT
9604A/PSD-TX-653, SC 18H PERMIT
FOP O-1423, Special Term & Condition 1A OP

Description: Failure to make an effective repair or delay of repair placement within the appropriate time limits.

Date: 09/30/2007 (619546) CN600127922

Self Report? YES Classification: Moderate

Citation:
2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/03/2007 (608617) CN600127922

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/29/2008 (683983) CN600127922

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)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
General Terms & Conditions (GT & C) OP

Description: Failure to include all instances of deviation in Deviation Reports (DRs) which were submitted on March 21, 2007, September 17, 2007 and March 17, 2008 (DR2, DR3 and DR4, respectively). Additionally, by failing to include or reference pertinent deviations in DR2, DR3, and DR4, the company failed to certify an accurate PCC for each of the periods ending February 19, 2007 and February 19, 2008.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
General Condition (GC) 8 & SC 5 PA

Description: Failure to comply with the VOC short term emission rate in the MAERT for the combined Crude and Vacuum Units. The number of one-hour periods in deviation reports are described in the following: 1. DR1 - Crude Unit - 109 periods in pages 235-237; Vacuum Unit -25 periods in pages 143-144; 2. DR2 - Crude Unit - 209 periods in pages 43-45; Vacuum Unit- page 46. Note: The company has reduced the number of exceedances of the VOC short-term rate since February 2007.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 4 & SC 6 PA

Description: Failure to demonstrate compliance with the CO and NOx concentrations of 500 ppm and 60 ppm, respectively, for the FCCU regenerator stack (EPN 31-PR-1). On various days from January 15, 2006 through February 2007, hourly records requested on February 28, 2008 indicated concentrations of CO above permitted limits. Additionally, on August 23 and 24, 2007, the 24-hr rolling average of NOx exceeded the permitted concentration limit in SC 6.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 6 PA

Description: Failure to maintain the rolling 12-month loading limits of alkylate and C5/Platformate at marine Docks 1 and 2. According to records provided on March 4, 2008, alkylate and

C5/Platformate exceeded the permitted loading limits of 1.6 million and 1.2 barrels per year, respectively. Alkylate loading was exceeded from April through December 2006. The C5/Platformate loading limit was exceeded all of CY 2006 and January 2007.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 3 PA

Description: Failure to maintain the NOx emissions limit below the permitted rate of 0.08 lbs NOx /MMBtu. The emissions limit was exceeded in 27 periods between January 2, 2006 and April 30, 2007. The duration of each period varied from 1 hour to 29 hours. Records of exceedances for 2006 and 2007 were provided on March 4 and March 5, 2008. Exceedances were represented in DR1 (page 150) and DR2 (pages 41 and 42).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 11E & SC12 PA

Description: Failure to include fuel certification statements in quarterly reports and failed to submit a 3Q07 fuel certification report. Additionally, a semiannual report for the second half of 2007 (2H07) was incomplete. The third quarter report for 2007 (3Q07) report was not submitted. Since only the 4Q07 report was submitted, the partial 2H07 was deemed incomplete.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter H 116.814
5C THSC Chapter 382 382.085(b)
SC5, SC8F & SC8H PA

Description: Failure to monitor 1520 components in accordance with the 28MID fugitive monitoring program. According to SC 5, the 28 MID program was to be implemented 180 days after the permit issuance date of October 9, 2003. Additionally, it was determined that Pump No 85-P-105B (FEMS tag No 56233) was not repaired in three instances in 2006 and 2007 when the pump seal leak rate exceeded 500 ppm.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter H 116.814
5C THSC Chapter 382 382.085(b)
GC1 & SC 9G PA

Description: Failure to maintain the annual VOC throughputs limits for Tank No. 3101 in calendar year 2006 (CY 06) and Tank No. 3102 in CY 07. Additionally, based on a rolling 12-month period, storage vessels 1001, 1017, and 1031 exceeded the annual emissions limitation for December 2006. Tanks 1001, 1017, 1025, 1028, 3101, and 3102 exceed their emissions limit for various months in CY 07.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter H 116.814
SC 2, SC 12, & SC 13 PA

Description: Failure to conduct emissions evaluations of engine performance on three engines (Nos. 4, 5, 6) within 60 days of upgrading engine controls. Additionally, the

emission controls project on the Platformer Reactor Heater (EPNs 82, 83. and 84) was completed on December 6, 2002. The SC 2 required completion by October 31, 2002.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(f)(6)
5C THSC Chapter 382 382.085(b)
GT&C; ST&C 1 OP

Description: Failure to report in the appropriate Notice of Compliance Status (NOCS) report or Periodic Report (PR) that 13 internal floating roof (IFR) storage vessels had achieved compliance in various periods from October 20, 1998 (tank No. 1030) to June 9, 2004 (tank No. 223).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(g)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to submit two Periodic Reports (PRs) for the first half 2002 (1H02) and 1H03, 60 days after the end of each 6-month period. The affected reports were due August 29, 2002 and August 29, 2003, respectively. The 1H02 report was submitted August 20, 2004, and the 1H03 report on August 19, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to conduct a 5 year primary seal inspection on external floating roof (EFR) storage tank No. 928 within the time allotted by rule. Records provided on August 12, 2008, documented an inspection conducted on June 15, 2007. The required inspection was due to be performed no later than February 18, 2007.

was due to be performed no later than February 18, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to postmark or deliver a compliance report (CR) required by § 63.1575(a) no later than January 31, 2007, as specified in § 63.1575(b)(4). Additionally, the company failed to certify a CR submitted on July 29, 2005 as required by § 63.1575(c)(2). Also, the company failed to submit a certified report for the period of July 1 through September 5, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 3 PA

Description: Failure to operate the C4SHP Unit at less than a permitted total feed rate of 199,551 pounds per hour (pph) of C4 olefin (raffinate). Specifically, DR1 (pages 98-102) describes at least 296 hours, on various days from March 24 through June 3, 2006, where the feed rate exceeded the permitted rate. Records received on March 11, 2008 state the amount of each exceedance. A PBR registration (No. 79234) was issued by the Agency on July 5, 2006, allowed an increase in the feed rate to 258,839 pph.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter H 116.814
5C THSC Chapter 382 382.085(b)
SC 13 PA

Description: Failure to comply with the NOx emissions standard of 0.05 lbs NOx /MMBtu during normal operations. The Platformer Reactor Heaters (EPNs 82, 83, 84) operated numerous instances in exceedance of the NOx emission rate in numerous.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC1, SC2, & SC4 PA

Description: Failure to maintain compliance with the 250 ppm limit of in-stack concentration of sulfur dioxide at both tail gas incinerators (TGIs). Additionally, the company failed to demonstrate compliance with all MAERT short-term allowables (except sulfur dioxide) at times when the hourly fired duties of the incinerators were exceeded (11.4 MMBtu/hr and 15.0 MMBtu/hr for the TGI 1 and 2 , respectively).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
SC 2 PA
SC 4 PA

Description: Failure to operate the CPI Flare and Fluor Flare at all times and to maintain a constant pilot flame. Additionally, the company failed to maintain in operation the system that senses the pilot flame at each of the flares as directed by the permit and 40 CFR 60.18 (f)(2).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.564(e)(2)
5C THSC Chapter 382 382.085(b)
GC 8 & SC 9 PA

Description: Failure to maintain a minimum operating temperature of 1495 degrees Fahrenheit at the Dock 1 and 2 Marine Emissions Control (MEC) vapor combustor (EPN MEC). Additionally, failure to demonstrate compliance with the 98 % destruction efficiency for VOC (SC 9) and the MAERT short-term allowables when the minimum temperatures are not maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 2 PA

Description: Failure to comply with the fired duty rates (hourly and annual basis) for the Crude Heater (11H-1). In 2007, the fired duty rate averaged on an annual basis was 438 MMBtu/hr. The authorized rate is 411 MMBtu/hr. Additionally, the authorized short term firing rate of 475 MMBtu per hour was exceeded in the following periods as follows: 1. DR1 Crude Unit - pages 238-239; 2. DR3 - page 32.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

SC 4 PA

Description: Failure to comply with the throughput limit of 15 million barrels per year for Tank No. 5005. In 2006, the throughput for the affected storage vessel was 18.3 million barrels. The throughput exceedance was recorded on page 126 of DR1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)
5C THSC Chapter 382 382.085(b)
ST & C 1 OP

Description: Failure to include SRU TGI 1 and TGI 2 excess emissions incidents in either the NSPS Summary Reports for the first quarter (1Q07) or the Periodic Report for the first half of 2007 (IH07). The March 14 and March 19, 2007, SO2 excursions at the SRU were not represented in applicable reports.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.322(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 6E PA

Description: Failure to equip each open-ended valve or lines with a cap, blind flange, plug, or second valve. Specifically, it was reported in DR3 that there were a total of 129 open-ended lines or valves (OELs) discovered at 12 permitted units in a period from February 26 through August 14, 2007 (reference DR3-LDAR section - pages 83-136). The DR4 described a total of 60 OELs discovered at 11 permitted units in a period from August 28, 2007 through February 19, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.322(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THSC Chapter 382 382.085(b)
SC 8I PA

Description: Failure to repair hydrocarbon leaks at components in a fugitive monitoring program within the time allotted by the applicable rule and permit SC. In a period from October 15, 2007 through February 19, 2008, the DR4 report stated that a total of 34 components in nine permitted units remained leaking after the repair period allotted by rule expired. Note: Affected components were subsequently repaired.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST & C No. 30 OP

Description: Failure to comply with the requirements of the Periodic Monitoring Summary (PMS) storage vessel No. 64-TK0013 and units in Title V Group ID No. GRP1STACK (EPN MEC) and No. GRP2STACK (EPNs 252 and 292).

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)
ST & C No. 10 OP

Description: Failure to submit a certification that all required inspections have been conducted in accordance with the requirements of Subpart FF. Additional noncompliance items were: 1. The facility could not demonstrate that daily monitoring readings were being conducted per § 61.354(d) at the Docks 1 and 2 collection sump (085-SUMP-005) carbon absorption system. 2. The quarterly reports to comply with § 61.357(d)(6) and (d)(7) for the 1Q03 and 2Q03 were submitted late.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(e)
5C THSC Chapter 382 382.085(b)
ST & C No. 8 OP

Description: Failure to maintain a sealed cover on a downstream refinery wastewater collection box (sump). Specifically, a refinery wastewater collection tank (former API oil-water separator) was discovered on March 27, 2008, with contents open to the atmosphere due to a broken cover.

F. Environmental audits.

Notice of Intent Date: 06/24/2004 (334400)
Disclosure Date: 12/21/2004
Viol. Classification: Major
Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)

Description: Failure to report emission events.

Notice of Intent Date: 07/07/2004 (334338)

No DOV Associated

Notice of Intent Date: 07/27/2004 (509717)

No DOV Associated

Notice of Intent Date: 06/02/2005 (403329)

Disclosure Date: 12/01/2005

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)

Description: Failed to control 63 open-ended lines by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)

Description: Failure to maintain records of weekly visual inspections documenting inspection of non-leaking pumps.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT R 60.181(d)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)

Description: Failure to properly complete DOR forms.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.326

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to submit monitoring reports on time and Reports did not contain all information required by the regulations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.322

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168

Description: Failure to tag components in the ADP and BTX units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

Description: The 5 to 15 day report submitted in July 2005 generated by the fugitive software had inaccurate or not probable dates that reported excessive deviations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(v)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(v)

Description: Failure to identify compressor leaks in semi-annual report for 2004 MACT or HON units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(3)

Description: Failure to include complete downtime information in several MACT reports for the East Plant.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(xiii)

Description: Failure to include reason for delay of repair on the 2004 HON and MACT semiannual reports.

Notice of Intent Date: 08/08/2007 (639331)

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
CITGO REFINING AND CHEMICALS	§	**TEXAS COMMISSION ON**
COMPANY L.P.	§	
RN102555166	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-1793-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refining plant at 1802 Nueces Bay Boulevard in Corpus Christi, Nueces County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 10 and 23, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty Thousand Four Hundred Fifty-Nine Dollars ($20,459) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Eight Thousand One Hundred Eighty-Four Dollars ($8,184) of the administrative penalty and Four Thousand Ninety-One Dollars ($4,091) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand One Hundred Eighty-Four Dollars ($8,184) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent submitted a correction to the final emissions event report for Incident No. 111164 on October 12, 2008.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 111222), in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), Federal Operating Permit ("FOP") No. O-01423, Special Condition 2.F. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted September 30 through November 7, 2008. Specifically, the event occurred and ended on July 16, 2008 and the report was due by July 30, 2008, but was not submitted until July 31, 2008.

2. Failed to prevent unauthorized emissions and to limit opacity to 20 percent, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 9604A/PSD-TX-653 and 3390A, Special Condition 1, FOP O-01423, Special Conditions 1.A. and 31 and TEX. HEALTH & SAFETY CODE § 382.085(b),

as documented during a record review conducted September 30 through November 7, 2008. Specifically, unauthorized emissions of 26.17 pounds ("lbs") of benzene, 8 lbs of hydrogen sulfide, 21,124 lbs of sweet gas oil and 100 percent opacity were released from the Electrostatic Precipitator ("ESP") Stack, emission point number ("EPN") 31-PR-1, in the No. 2 Fluid Catalytic Cracking Unit ("FCCU") and 2,104.10 lbs of volatile organic compounds ("VOCs"), 954.45 lbs of carbon dioxide ("CO"), 185.27 lbs of nitrogen oxides, and 12.80 lbs of sulfur dioxide ("SO2") were released from the Fluor Flare, EPN 442, in the No. 2 FCCU during an emissions event (Incident No. 111222) that occurred on July 16, 2008 and lasted five minutes. Since the emissions event was improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. Failed to list all compounds and total quantities associated with a startup activity, in violation of 30 TEX. ADMIN. CODE §§ 101.211(b)(1)(H) and (b)(1)(I) and 122.143(4), FOP No. O-01423, Special Condition 2.G. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted September 30 through November 7, 2008. Specifically, CO and SO2 emissions were not listed in the final report that was submitted on August 4, 2008, but on October 12, 2008, 187 lbs of CO and 21 lbs of SO2 were reported to have been emitted during the startup activity (Incident No. 111164) that occurred on July 21, 2008 and lasted 8 hours.

4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), NSR Permit No. 9604A/PSD-TX-653, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted June 30 through October 27, 2008. Specifically, unauthorized emissions of 8,783.35 lbs of VOCs were released into the atmosphere due to the overfilling of Storage Tank No. 302, EPN 705, during an emissions event (Incident No. 105554) that occurred on March 27, 2008 and lasted 53 minutes. Since this emissions event was determined to be avoidable due to operator error and equipment failure, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Citgo Refining and Chemicals Company L.P., Docket No. 2008-1793-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand One Hundred Eighty-Four Dollars ($8,184) 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:

      i. With regard to Incident No. 111222, implement measures designed to ensure timely submittal of emissions event reports;

      ii. With regard to Incident No. 105554, ensure management oversight of operations personnel and provide training on proper tank filling procedures; and

      iii. Ensure that the storage tank is equipped with a top gauge and functioning Varec side gauge prior to filling.

   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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 4/28/2009
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

MMC _____ 3/11/09
Signature Date

KEVIN FOKKEN GM/VP CORPUS CHRISTI REFINERY
Name (Printed or typed) Title
Authorized Representative of
Citgo Refining and Chemicals Company L.P.

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: 2008-1793-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Citgo Refining and Chemicals Company L.P.**
Payable Penalty Amount:	**Sixteen Thousand Three Hundred Sixty-Eight Dollars ($16,368)**
SEP Amount:	**Eight Thousand One Hundred Eighty-Four Dollars ($8,184)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas A&M Corpus Christi-AutoCheck Program**
Location of SEP:	**Nueces County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to implement the AutoCheck program. AutoCheck is a remote sensing system that detects polluting vehicles as they drive past the system. Motorists are informed if their vehicles are polluting via a large electronic sign. Once a vehicle is identified, qualified service stations perform repairs on these vehicles. Pre and post emissions tests are performed and tracked, and the service stations are reimbursed for their expenses. The monies shall be used to only pay for the repair vouchers, equipment maintenance, and a program operator. The operator shall only work on the AutoCheck program.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a direct reduction in air emissions from vehicles in the Corpus Christi Urban Air Shed. This direct area includes Nueces County and part of San Patricio County.

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:

Texas A&M University-Corpus Christi
Pollution Prevention Partnership
Attention: Gretchen Arnold
6300 Ocean Drive, NRC #2200
Corpus Christi, Texas 78412

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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