

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2002-0290-AIR-E TCEQ IDS: RN102555166 and RN100238799
CASE NOS.: 528 AND 18691
RESPONDENT NAME: CITGO REFINING AND CHEMICALS COMPANY, L.P.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1802 Nueces Bay Boulevard, Corpus Christi, Nueces County (the East Plant) and 7350 Interstate 37, Corpus Christi, Nueces County (the West Plant)

TYPE OF OPERATION: Petroleum refineries

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are four pending enforcement actions regarding the East Plant (2008-0837-AIR-E, 2008-1193-AIR-E, 2008-0273-IHW-E, 2009-0622-AIR-E) and one pending enforcement action regarding the West Plant (2009-0340-AIR-E).

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

COMMENTS RECEIVED: The *Texas Register* comment period expired July 27, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kathleen C. Decker, Litigation Division, MC 175, (512) 239-6500
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

TCEQ Enforcement Coordinator: Mr. Samuel Short, Air Enforcement Section, MC 149, (512) 239-5363

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Air Enforcement Section, MC 149, (512) 239-1044

TCEQ Regional Contact: Ms. Susan Clewis, Corpus Christi Regional Office, MC R-14, (361) 825-3104

Respondent: Mr. Kevin Ferrall, Vice President and General Manager, Citgo Refining and Chemicals Company, L.P., P.O. Box 9176, 1802 Nueces Bay Boulevard, Corpus Christi, Texas 78469-0321

Respondent's Attorney: Mr. Edward C. Lewis, Fulbright & Jaworski, LLP, 1301 McKinney, Suite 5100, Houston, Texas 77010-3095.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: August 13, 2001; April 1 - 8, 2004; September 23, 2004; May 19, 2004; and June 30, 2004</p> <p>Dates of NOEs Relating to this Case: January 26, 2002; July 19, 2004; August 31, 2004; September 17, 2004; and October 11, 2004</p> <p>Background Facts: An Agreed Order was originally obtained and set for agenda in September 2004. However, the case was remanded to address additional violations in Docket No. 2004-1279-AIR-E in conjunction with this case. The EDPRP was filed on September 12, 2006. The Respondent filed an answer and the case was referred to SOAH on December 5, 2006. The case was consolidated with Docket No. 2004-1279-AIR-E at a preliminary hearing held on February 7, 2007. At the preliminary hearing, the ALJ granted the respondent's request to abate the proceedings pending the outcome of a federal criminal trial. The federal trial concluded in June 2007, however, sentencing is still pending as of the date of the filing of these backup materials. The ALJ lifted the abatement on March 6, 2009. Settlement was achieved and a signed Agreed Order was received in May 2009.</p> <p>Current Compliance Status: Except for the permitting requirements and SEP funding, all corrective measures have been completed.</p> <p>AIR:</p> <p>1. Failed to failed to notify the TCEQ's regional office within 24 hours after the discovery of two upset events, both of which occurred on August 8, 2001, at the West Plant [30 TEX. ADMIN. CODE § 101.6(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to obtain regulatory authority or meet the demonstration requirements of 30 TEX. ADMIN. CODE § 101.11 (currently 30 TEX. ADMIN. CODE § 101.222) for upset emissions resulting from two separate events which occurred on August 8, 2001. The first event occurred in the Fuel Gas</p>	<p>Initial Calculated Penalty: \$ 74,590</p> <p>Total Assessed: \$68,640</p> <p>Total Deferred: \$34,320 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$34,320</p> <p>The Respondent paid \$34,320 of the administrative penalty. The remaining amount of \$34,320 shall be conditionally offset by a contribution to a Supplemental Environmental Project (SEP) for the <i>Texas PTA Clean School Bus Program</i>.</p> <p>Site Compliance History Classification (both Plants) <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: January 1999 for PCW No. 1; September 2002 for PCW Nos. 2 and 3.</p> <p>Explanation for Penalty Reduction: The penalty was reduced \$5,950 in consideration of the risk of litigation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has taken the following corrective measures at the East Plant:</p> <ol style="list-style-type: none"> In connection with the East Plant upset emissions event which occurred on August 8, 2001, in the Fuel Gas Amine Treating Unit from 1:15 - 1:30 p.m., additional training for the console operators was conducted on the operation of the amine system and the fuel gas contactors in order to avoid a recurrence. In connection with the East Plant upset emissions event which occurred on August 8, 2001, in the Sat. Gas Unit from 1:45 - 2:45 p.m., all wiring connections were checked on August 8, 2001 to prevent further trips due to other wires being loose. In connection with the East Plant upset emissions events which occurred on August 8, 2001, in the Fuel Gas Amine Treating Unit and Sat Gas Unit, the Respondent submitted a letter dated October 31, 2001 to supply additional information and notification as to the cause of the events and to provide further requested information. In connection with the excessive emission event that occurred on May 26, 2004, the Respondent submitted a correspondence dated August 13, 2004, stating that terminal console supervisors received refresher training on tank filling procedures and that the console supervisor involved in the emissions event was terminated due to his failure to react to the high tank level alarms. In reference to the stack test emissions of January 30, 2004, at the East Plant, the Respondent retested the CO Boiler and demonstrated compliance with the emissions limit for Carbon Monoxide after repairs were made to the boiler plenum section. The test results were received by the Corpus Christi Regional Office on March 25, 2004. <p>The Executive Director recognizes that the Respondent has taken the following corrective measures at the West Plant:</p> <ol style="list-style-type: none"> Submitted the Notification of Compliance Status Report for the MACT Tank Nos. 6011, 6012, and 6015 on August 6, 2004. Submitted the MACT-CC VOC semi-annual report for the first half of 2003 on August 20, 2004.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Amine Treating Unit from 1:15 – 1:30 p.m. Approximately 6 pounds (“lbs”) of SO₂ were released. The second event occurred in the Sat. Gas Unit from 1:45 – 2:45 p.m. Approximately 24 lbs on NO_x, 176 lbs of CO, and 523 lbs of propane were released at the West Plant [30 TEX. ADMIN. CODE § 116.115(b)(2)(G) and (c); TCEQ Permit No. 2704A, General Provision No. 1; TCEQ Permit No. 2703A, Special Provision No. 1; TCEQ Permit No. 3390A, Special Provision No.1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to demonstrate compliance with the Maximum Allowable Emission Rate (“MAER”) of Permit No. 3123A during a stack test performed at the East Plant. Specifically, the Respondent failed to demonstrate compliance with the carbon monoxide emission rate for the CO Boiler, EPN F066, as evidenced in a compliance test conducted on January 30, 2004. Test results indicated an emissions rate of 44.97 pounds/hr (“lbs/hr”) with a permit limit of 15.53 lbs/hr [30 TEX. ADMIN. CODE § 116.115(b)(2)(F); TCEQ Permit No. 3123A, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4. Failed to prevent unauthorized emission event which occurred on May 26, 2004 at the Terminal Tank Farm of the East Plant. Data results from the emissions event show that the tank emitted 24.1 lbs. of benzene in a period of 2 hours and 56 minutes. The permitted limit is 2.13 lbs/hr [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Permit No. 46641, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, including production records. The Respondent was unable to demonstrate compliance with the production rate limit for the Sulfur Recovery Unit (“SRU”) at the West Plant [30 TEX. ADMIN. CODE § 116.115(b)(2)(E); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to maintain the Tail Gas Incinerator (“TGI”) firebox exit temperature at a minimum of 1475 degrees Fahrenheit. Specifically, records review showed that the temperature did not meet the minimum requirement on August 25, 2003 and May 13 through 21, 2004, at the West Plant [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Permit No. 8778A, Special Condition No. 30; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>3. By letter dated February 14, 2005, the Respondent confirmed that it had begun fugitive monitoring for benzene at 500 ppm for both valves and pumps in August 2004 to conform to the requirements of Permit 7741A, Special Condition No. 9.</p> <p>4. By letter dated December 28, 2004, the Respondent acknowledged that it had modified its LDAR procedures to ensure that monitoring devices had a response time determined for each concentration of calibration gas in accordance with the requirements found in 40 CFR 60, Appendix A, Method 21 and Permit Nos. 7741A, Special Condition 8F and 8778A, Special Condition 12F prior to placing the instrument in service.</p> <p>5. As of January 31, 2005, the Respondent initiated procedures designed to comply with the minimum required temperature for the Tail Gas Incinerator firebox, in accordance with Permit No. 8778A, Special Condition 8.</p> <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>Implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>1. Within 30 days, submit an administratively complete permit application in accordance with 30 Tex. Admin. Code §116.110 to amend or alter NSR Permit No. 8778A to address the production rate limit specified for the SRU at the West Plant</p> <p>2. Respond completely and adequately, as determined by the Executive Director, to all requests for information concerning the permit application within 30 days after the date of such request(s), or by any other deadline specified in writing.</p> <p>3. Within 180 days, submit written certification that NSR Permit No. 8778A has been either amended or altered to address the production rate limit for the SRU, including a copy of such authorization, that operations have ceased until such time that appropriate authorization is obtained, or certify compliance with current permit conditions.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7. Failed to meet the fugitive emission monitoring requirements as specified in the permit. Specifically, 269 valves in benzene service were monitored at 2000 parts per million ("ppm") instead of the required 500 ppm, and 31 pumps in benzene service were monitored at 10,000 ppm instead of the required 500 ppm. Estimated emissions were approximately .34 tons/yr for the valves and .556 tons/yr for the pumps at the West Plant [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Permit No. 7741A, Special Condition No. 9; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8. Failed to submit the Notification of Compliance Status Report for MACT Tank Nos. 6011, 6012, and 6015 at the West Plant [30 TEX. ADMIN. CODE § 113.340; TEX. HEALTH & SAFETY CODE § 382.085(b); and 40 CFR § 63.654(f)(6)].</p> <p>9. Failed to submit the MACT-CC VOC semi-annual report for the first half of 2003 for the West Plant [30 TEX. ADMIN. CODE §§ 101.20(1) and 113.340; TEX. HEALTH & SAFETY CODE § 382.085(b); and 40 CFR §§ 60.487(a), 60.592(e), and 63.648(a)].</p> <p>10. Failed to properly calibrate the gas analyzer. Specifically, the Respondent failed to meet the response time requirements specified in 40 CFR 60, Appendix A, Reference Method 21 at the West Plant [30 TEX. ADMIN. CODE § 116.115(c); TCEQ Permit No. 7741A, Special Condition No. 8F; TCEQ Permit No. 8778A, Special Condition No. 12F; TEX. HEALTH & SAFETY Code § 382.085(b); and 40 CFR § 60.485(b)(1)].</p>		

Attachment A
Docket Number: 2002-0290-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: CITGO REFINING AND CHEMICALS COMPANY, L.P.
Penalty Amount: Sixty-eight thousand six hundred forty dollars (\$68,640)
SEP Offset Amount: Thirty-four thousand three hundred twenty dollars (\$34,320)
Type of SEP: Pre-approved
Third-Party Recipient: Texas PTA – *Texas PTA Clean School Buses*
Location of SEP: Texas Air Quality Control Region 214 – Corpus Christi-Victoria

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Texas PTA for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in the Texas Air Quality Control Region 214 – Corpus Christi-Victoria area to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

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

Ms. Kryss O'Shaughnessy, Director of Finance
Texas PTA
408 W. 11th Street
Austin, Texas 78701

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned PCW	Screening	EPA Due
	17-Jun-2006	06-Mar-2002	

RESPONDENT/FACILITY INFORMATION			
Respondent	CITGO Refining & Chemicals Company, L.P.		
Reg. Ent. Ref. No.	RN100238799		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	528	No. of Violations	2
Docket No.	2004-1279-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7** \$12,100

Notes One NOV for same or similar violations and three NOVs for unrelated violations, two findings orders and two non-adjudicated final orders or consent orders.

Culpability **Subtotal 4** \$0

Notes

Good Faith Effort to Comply **Subtotal 5** \$0

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

Notes The violations are discrete past events with no opportunity for compliance.

Economic Benefit **Subtotal 6** \$0

Total EB Amounts	\$1
Approx. Cost of Compliance	\$1,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$22,100

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$22,100

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$22,100

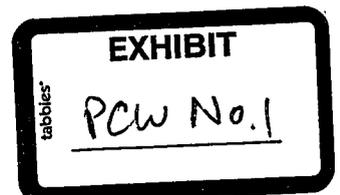
DEFERRAL **Adjustment** \$0

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

Notes

No deferral due to previous Notice of Enforcement issued for same or similar violations on 12/3/1999, and 4/10/2000

PAYABLE PENALTY \$22,100



Screening Date 06-Mar-2002	Docket No. 2004-1279-AIR-E	PCW
Respondent CITGO Refining & Chemicals Company, L.P.	Policy Revision 2 (September 2002)	
Case ID No. 528	PCW Revision May 19, 2005	
Reg. Ent. Reference No. RN100238799		
Media [Statute] Air Quality		
Enf. Coordinator Samuel Short		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	no	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Adjustment Percentage (Subtotal 2) 121%

>> 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

One NOV for same or similar violations and three NOVs for unrelated violations, two findings orders and two non-adjudicated final orders or consent orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 121%

PCW

Screening Date 06-Mar-2002 **Docket No.** 2004-1279-AIR-E
Respondent CITGO Refining & Chemicals Company, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 528 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100238799
Media [Statute] Air Quality
Enf. Coordinator Samuel Short
Violation Number 1
Primary Rule Cite(s) 30 TAC § 101.6(a)(1)
Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)
Violation Description Failure to notify the TNRCC's regional office within 24 hours after the discovery of two upset events, both of which occurred on August 8, 2001

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$5,000

Two single events based on the inspection conducted on August 8, 2001

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$0 **Violation Final Penalty Total** \$11,050

This violation Final Assessed Penalty (adjusted for limits) \$11,050

Economic Benefit Worksheet

Respondent: CITGO Refining & Chemicals Company, L.P.
 Case ID No. 528
 Reg. Ent. Reference No. RN100238799
 Media [Statute]: Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	08-Aug-2001	14-Aug-2001	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly report upset events.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date 06-Mar-2002	Docket No. 2004-1279-AIR-E	PCW
Respondent CITGO Refining & Chemicals Company, L.P.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 528	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN100238799		
Media [Statute] Air Quality		
Enf. Coordinator Samuel Short		
Violation Number <input type="text" value="2"/>		
Primary Rule Cite(s)	30 TAC §§ 116.115(b)(2)(G), Permit No. 2704A GP 1 and 30 TAC § 116.115(c), Permit Nos. 2703A, SP1 and 3390A, SP 1	
Secondary Rule Cite(s)	Texas Health & Safety Code § 382.085(b)	
Violation Description	Failure to obtain regulatory authority or meet the demonstration requirements of 30 Texas Admin. Code § 101.11 for upset emissions resulting from two separate events (Fuel Gas Amine Treating Unit and the Sat. Gas Unit) which occurred on August 8, 2001. The first event occurred in the Fuel Gas Amine Treating Unit from 1:15 - 1:30 pm and released approximately 6 pounds of SO2. The second event occurred in the Sat Gas Unit from 1:45 - 2:45 pm and released approximately 24 pounds of NOx, 176 pounds of CO, and 523 pounds of propane.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment					<input type="text" value="-\$7,500"/>

Base Penalty Subtotal	<input type="text" value="\$2,500"/>
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Violation Events				
	Number of Violation Events	<input type="text" value="2"/>		
<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>		
	<i>monthly</i>	<input type="text"/>		
	<i>quarterly</i>	<input type="text"/>		
	<i>semiannual</i>	<input type="text"/>		
	<i>annual</i>	<input type="text"/>		
	<i>single event</i>	<input checked="" type="checkbox"/>		
Violation Base Penalty				<input type="text" value="\$5,000"/>
Two single events based on the inspection conducted on August 8, 2001.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$11,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$11,050"/>	

Economic Benefit Worksheet

Respondent: CITGO Refining & Chemicals Company, L.P.
 Case ID No. 528
 Reg. Ent. Reference No. RN100238799
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	08-Aug-2001	14-Aug-2001	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train personnel about proper maintenance schedules.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator: CITGO Refining and Chemicals Company LP Classification: Average

Regulated Entity/ID Nos.: East Plant Site Rating: 44.251
Air Acct. ID No. NE-0027-V, WQ Permit
00467-000 (outfall 001), NPDES TX0006211,
RCRA ID TXD051161990, IHW Permit No.
50160, SWR Reg. #30532, Central Registry ID
Nos.: RN102555166

Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]: 1801 Nueces Bay Blvd, Corpus Christi, Nueces County 78407 Repeat Violator: (y/n) N

TCEQ Region No. 14

Date Compliance History Prepared: 11/15/02

Agency Decision Requiring Compliance History (mark one):

- the issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit
- enforcement
- the use of announced investigations (Field Ops)
- participation in innovative programs

Compliance Period: 11/15/97 - 11/15/02

TCEQ staff person to contact for additional information regarding this compliance history:

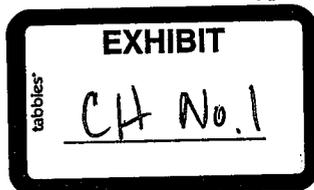
Name: Terry Murphy Phone: (512) 239-5025

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes No Unk
2. Has there been a (known) change in ownership of the site during the compliance period? Yes No Unk
3. If Yes, who is the current owner? _____
4. If Yes, who was/were the prior owner(s)? _____
5. When did the change(s) in ownership occur? _____

Components (multimedia) for the Site during the portion of the five-year compliance history the site was owned by the person who is the subject of this compliance history:

- A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government
1. Effective Date: 10/23/00 Type of Action: EPA Civil Consent Instrument with Penalty, Case No. 06-2000-1204 (CV00-2338-LC)
 Violation Citation 1: CAA 111, 42 U.S.C. § 7411, Standards of Performance for New Stationary Sources Classification: MODERATE
 Violation Description: Violations of NESHAP and NSPS
 2. Effective Date: 8/31/99 Type of Action: EPA Unilateral Administrative Order without Adjudication, Case No. 06-1999-0810 (CWA Docket No. VI-99-0082)



	Violation Citation 1: CWA 301 and NPDES Permit No. TX0006211, Parts III. C and III. D.	Classification:	MODERATE
	Violation Description: Failure to comply with permitted effluent limits for fluoride, TSS, pH, and TOC during 11/98, 1/99, 2/99, and 5/99.		
3.	Effective Date: 10/5/01	Type of Action: TNRCC Findings Agreed Order, Docket No. 1997-0151-IHW-E	
	Violation Citation 1: 30 § TAC 335.2 and 335.43	Classification:	MAJOR
	Violation Description: Stored, processed, and disposed of hazardous waste w/o a permit or other authorization.		
	Violation Citation 2: 30 § TAC 101.4 and 112.31	Classification:	MODERATE
	Violation Description: Unauthorized air emissions		
	Violation Citation 3: 30 § TAC 116.115	Classification:	MODERATE
	Violation Description: Failure to install, calibrate, test, and maintain certification of NOX analyzer		
	Violation Citation 4: 30 § TAC 116.115	Classification:	MODERATE
	Violation Description: Failure to conduct performance testing and submit a complete compliance report.		
	Violation Citation 5: 30 § TAC 335.4 and TWC 26.121	Classification:	MODERATE
	Violation Description: Unauthorized discharge of industrial waste into or adjacent to the water of the State.		
4.	Effective Date: 8/22/02	Type of Action: TNRCC Findings Order, Docket No. 1999- 0057-AIR-E	
	Violation Citation 1: 30 TAC § 116.115(c) and Permit No. 2494A, Special Condition (SC) 5	Classification:	MODERATE
	Violation Description: Failure to maintain results of outer seal inspection on floating roof storage tanks.		
	Violation Citation 2: 30 TAC § 116.115(c) and Permit No. 2494A	Classification:	MODERATE
	Violation Description: Failure to maintain throughput records for Tanks 5001-5008.		
	Violation Citation 3: 30 TAC § 116.115(c) and Permit No. 2494A	Classification:	MODERATE
	Violation Description: Failure to operate tanks within temperature limits represented in the permit application.		
	Violation Citation 4: 30 TAC § 116.115(c) and Permit No. 2494A	Classification:	MODERATE
	Violation Description: Failure to provide notification of startup, to maintain inspection records, and to submit a report certifying compliance of control equipment.		
	Violation Citation 5: 30 TAC § 116.115(c) and Permit No. 4278A	Classification:	MODERATE
	Violation Description: Failure to maintain records and provide throughput information for Tanks 4001-4003.		
	Violation Citation 6: 30 TAC § 116.115(c) and Permit No. 5418A	Classification:	MODERATE
	Violation Description: Failure to provide inspection records and provide notification of seal inspections for Tank 1027.		
	Violation Citation 7: 30 TAC § 116.115(c) and Permit No. 5418A	Classification:	MODERATE
	Violation Description: Failure to maintain throughput records and accurate calculated emissions for Tanks 4, 13, 14, 20, 40, 41, 42, 50, 929, 930, 1023, and 1027.		
	Violation Citation 8: 30 TAC § 116.115(c) and Permit No. 9604A	Classification:	MODERATE

Violation Description: Failure to maintain records of tank inspection for Tanks 57, 82, et alia.

Violation Citation 9: 30 TAC § 116.115(c) and Permit No. 9604A, Special Provision No. 1

Classification: MODERATE

Violation Description: Failure to comply with the emissions limitations set forth in the Maximum Allowable Emission Rate ("MAER") Table in Permit No. 9604A for Storage Tank No. 202

Violation Citation 10: THSC § 382.085(b);40 CFR §§ 60.485(b)(1), 60.592(d), 63.180(b)(1), 63.180(b)(2); 30 TEX. ADMIN. CODE §§ 101.20(1), 113.130, 115.324(1)(C), 115.325(1), 115.326(2)(G), 116.115(b) and 116.115(c); and TNRCC Permit Nos. 2700A, 2703A, 2704A, 2705A, 2706A, 2695A, 2697A, 2699A, and 3123A.

Classification: MODERATE

Violation Description: Failure to properly conduct fugitive monitoring in accordance with 40 CFR Part 60, Appendix A, Method 21 and by failing to monitor on an annual basis, with a hydrocarbon gas analyzer, the emissions from all process drains

Violation Citation 11: THSC § 382.085(b); 40 CFR §§ 60.482-7(h)(2) and 60.592(a); and 30 TAC § 101.20(1).

Classification: MODERATE

Violation Description: Failure to comply with the 3 percent limitation of total number of valves designated as difficult-to-monitor or hard-to-monitor ("HTM") in the Synthetic Organic Chemical Manufacturing Industry ("SOCMI") Units and Petroleum Refinery Units

Violation Citation 12: THSC § 382.085(b) and 30 TAC § 115.322(5).

Classification: MODERATE

Violation Description: Failure to mark pipeline valves and pressure relief valves in gaseous VOC service in a manner readily obvious to monitoring personnel

Violation Citation 13: THSC § 382.085(b); 40 CFR § 60.7(a); and 30 TAC § 101.20(1), 40 CFR § 60.7(a)(3), 40 CFR § 60.7(a)(4), and 40 CFR § 60.7(a)(1).

Classification: MODERATE

Violation Description: Failure to provide notification of actual date of initial startup of Boiler B, failed to notify the TNRCC in the change in the type of fuel used in Boiler B within 60 days prior to making the change, and failed to notify the TNRCC of the date of construction, or reconstruction, of the Boiler

Violation Citation 14: THSC § 382.085(b); 40 CFR §§ 60.42, 60.43, and 60.44; and 30 TAC § 101.20(1).

Classification: MODERATE

Violation Description: Failure to conduct a performance test on Boiler B as required by 40 CFR 60 Subpart D

- Violation Citation 15: THSC § 382.085(b), 30 Classification: MODERATE
TAC § 116.115(c), and
TNRCC Permit No. 3123A,
Special Condition No. 1
- Violation Description: Failure to comply with the maximum hourly nitrogen oxides ("NOx") emission rate listed in the MAER Table for the Carbon Monoxide ("CO") Boiler Stack on October 21, 1997 for at least five hours
- Violation Citation 16: THSC § 382.085(b), 30 Classification: MODERATE
TAC § 116.115(c), and
TNRCC Permit No. 3123A,
Special Condition No. 6.
- Violation Description: Failure to install, calibrate, and maintain a continuous emission monitoring system ("CEMS") to measure and record the in-stack concentration of NOx from the CO Boiler Stack [Emission Point Number ("EPN") F066] within 12 months of the permit renewal date
- Violation Citation 17: THSC § 382.085(b), 30 Classification: MODERATE
TAC § 116.115(c), and
TNRCC Permit No. 5946A,
Special Condition No. 8.
- Violation Description: Failure to comply with the combined total fuel consumed limit of 438 million british thermal units per hour ("MMBtu/hour") for boilers 60-B-1C, 61-B-1A, and 61-B-1B on March 31, 1997
- Violation Citation 18: THSC § 382.085(b); 30 Classification: MODERATE
TAC §§ 116.115(c) and
101.20(3); TNRCC Permit
No. 22312, Special
Condition Nos. 1 and 3;
and Environmental
Protection Agency ("EPA")
Permit PSD-TX-831.
- Violation Description: Failure to comply with the 25.60 pounds per hour ("PPH") emission limit for NOx as stated in the MAER Table of Permit 22312 for Boiler E
- Violation Citation 19: THSC § 382.085(b); 30 Classification: MODERATE
TAC §§ 116.115(c) and
101.20(3); TNRCC Permit
No. 22312, Special
Condition No. 10D; and
EPA Permit PSD-TX-831.
- Violation Description: Failure to report to the TNRCC Corpus Christi Regional Office, within 24 hours of detection, all equipment malfunctions for Boiler E (EPN 6100) for the second quarter of 1997 through the second quarter of 1998
- Violation Citation 20: THSC § 382.085(b); 30 Classification: MODERATE
TAC §§ 116.115(c) and
101.20(3); TNRCC Permit
No. 22312, Special
Condition No. 12; and
EPA Permit PSD-TX-831.

- Violation Description: Failure to submit a complete report, on a quarterly basis, fulfilling the requirements of Special Condition 12A, B, C, and E, regarding Boiler E (EPN 6100) for the first quarter of 1996, the third and fourth quarters of 1997, and the first quarter of 1998
- Violation Citation 21: THSC § 382.085(b), 30 Classification: MODERATE
TEX. ADMIN. CODE §
116.115(b), and TNRCC
Permit No. 9604A, General
Provision No. 6G.
- Violation Description: Failure to maintain monthly VOC emission records for its loading operations at the tanker truck loading station, also known as the truck rack (EPN 521), from January 1, 1997 through May 1998
- Violation Citation 22: THSC § 382.085(b); 30 Classification: MODERATE
TEX. ADMIN. CODE §
116.115(c); TNRCC
Permit No. 5418A, Special
Condition No. 2.
- Violation Description: Failure to comply with the maximum firing rate of 34.3 MMBtu/hr for the ADP Heater (17-H-1) by operating at a rate of 40.8 on June 30, 1997
- Violation Citation 23: THSC § 382.085(b), 30 Classification: MODERATE
TEX. ADMIN. CODE §
116.115(c), and TNRCC
Permit No. 6722A, Special
Condition Nos. 12 and 13.
- Violation Description: Failure to maintain, from January 1, 1997 through May 12, 1998, cumene production records, denoted as cumulative barrels per year ("BPY"), as required by Special Condition 12 to ensure continuous compliance with the annual limit of 4,467,965 barrels
- Violation Citation 24: THSC § 382.085(b), 30 Classification: MODERATE
TAC § 116.115(c), and
TNRCC Permit No. 20156,
Special Condition No. 16.
- Violation Description: Failure to maintain, from January 1, 1997 through May 12, 1998, cyclohexane production records, denoted as cumulative BPY, to ensure continuous compliance with the emission limits of TNRCC Permit No. 20156
- Violation Citation 25: THSC § 382.085(b); 40 Classification: MODERATE
CFR § 60.104(a)(1); 30
TAC §§ 101.20(1),
101.20(3), and 116.115(c);
and TNRCC Permit No.
22312/EPA Permit No.
PSD-TX-831, Special
Condition No. 4.
- Violation Description: Failure to control the hydrogen sulfide ("H₂S") concentration in the refinery fuel gas, which serves combustion devices in the East Plant, to a concentration below 230 milligrams per dry standard cubic meters (0.10 grains per dry standard cubic foot)

- Violation Citation 26: THSC § 382.085(b), 40 Classification: MODERATE
CFR § 60.105(c), and 30
TAC § 101.20(1).
- Violation Description: Failure to maintain a daily record of the average coke burn-off rate, in thousands of kilograms per hour, and the hours of operation for the FCCU catalyst regenerator at FCCU #2 from January 1, 1997 through May 12, 1998
- Violation Citation 27: THSC § 382.085(b), 30 Classification: MODERATE
TAC § 116.115(b), and
TNRCC Permit No. 19044,
General Provision No. 7.
- Violation Description: Failure to vent all carbon compound waste gases, including those from the relief valves other than those for "fire only" emergency purposes, to a flare
- Violation Citation 28: THSC § 382.085(b) and 30 Classification: MAJOR
TAC § 116.116(a).
- Violation Description: Failure to obtain permit authorization, from May 12, 1998 through the present, to operate the Cumene Flare (EPN 446) as a process flare
- Violation Citation 29: THSC § 382.085(b) and 30 Classification: MODERATE
TAC § 111.111(a)(4)(A)(ii)
- Violation Description: Failure to maintain a flare operation log since January 1, 1997 for both the Cumene Flare (EPN 446) and the Corrugated Plate Interceptor ("CPI") Flare (EPN F454)
- Violation Citation 30: THSC § 382.085(b); 40 Classification: MODERATE
CFR §§ 60.18, 60.482-
10(d), 60.485(g)(1) through
60.485(g)(7), 60.592(a),
60.592(d), 61.13(a)(2),
61.242-11(d),
61.349(a)(2)(iii), 61.349(d),
and 63.172(d); and 30 TEX.
ADMIN. CODE §§ 101.20(1),
101.20(2), and 113.130.
- Violation Description: Failure to conduct performance tests or request waivers from testing on the Cumene Flare, the Fluor Flare, and the CPI Flare as documented by the TNRCC Corpus Christi Regional Office on May 12, 1998
- Violation Citation 31: THSC § 382.085(b), 40 Classification: MODERATE
CFR §§ 61.10(b) and
61.10(c), and 30 TAC §
101.20(2).
- Violation Description: Failure to install controls on the desalter before the termination of the waiver period, i.e. January 7, 1995, and failed to provide change of information, as related to the desalter and CPI separator, to the Administrator within 30 days after the change
- Violation Citation 32: THSC § 382.085(b), 40 Classification: MODERATE
CFR § 61.357(d), and 30
TAC § 101.20(2).

Violation Description: Failure to submit complete Total Annual Benzene ("TAB") reports containing the information listed in 40 CFR § 61.357(a)(1) through § 61.357(a)(3) as required by 40 CFR § 61.357(d)(2) and quarterly certifications, as required by 40 CFR § 61.357(d)(6), from the first quarter of 1995 through the first quarter of 1998, or required inspections

Violation Citation 33: THSC § 382.085(b); 40 CFR §§ 63.152(b), 63.182(c), 63.182(c)(4); and 30 TAC §§ 113.110, 113.120, and 113.130. Classification: MODERATE

Violation Description: Failure to submit on schedule a Notification of Compliance Status ("NCS") report as required by Subparts G and H of 40 CFR ch. 63 for the new methyl tertiary-butyl ether ("MTBE") Unit and failed to submit on schedule an NCS report as required by Subpart H of 40 CFR ch. 63 for the Aromatic Units

Violation Citation 34: TEX. WATER CODE § 26.121, and TNRCC Permit No. TX0006211 Classification: MODERATE

Violation Description: Failure to comply with the maximum daily average limit of 10 milligrams per liter ("mg/l") for total Fluoride for November 1998, January 1999, and February 1999

Violation Citation 35: 30 TAC § 116.115(c), THSC § 382.085(b), and Permit No. 2494A, Special Condition No. 3 Classification: MODERATE

Violation Description: Exceeded the crude oil throughput limit for Storage Tank No. 5008

Violation Citation 36: 30 TAC §§ 116.115(c), Classification: MODERATE
Permit Nos. 2494A, Special
Condition No. 4D; 2695A,
Special Condition Nos. 8D
and 10D; 2697A, Special
Condition Nos. 5D and 7D;
2700A, Special Condition
No. 1D; 2703A, Special
Condition Nos. 5D and 7D;
2704, Special Condition
No. 1D; 2705A, Special
Condition No. 2D; 2706A,
Special Condition No. 1D;
2707A, Special Condition
No. 6D; 3123A, General
Provision No. 7D; 3390A,
General Provision No. 7D;
3857A, Special Condition
No. 7D; 5418A, Special
Condition Nos. 11D, 12D,
and 13D; 6722A, Special
Condition No. 9D; 20156,
Special Condition Nos. 1D
and 2D; 21303, General
Provision No. 7D; 21358,
General Provision No. 7D;
and 22312, Special
Condition No. 8D.

Violation Description: Failure to maintain a list of non-accessible valves for each permit as stated in the fugitive monitoring special conditions

Violation Citation 37: 30 TAC §§ 101.7 and Classification: MODERATE
116.115(c), THSC §
382.085(b), and Permit No.
2494A, Special Condition
No. 5

Violation Description: Failure to notify TNRCC of needed maintenance on visible openings on Tank Nos. 5001, 5002, and 5008 in the seal or seal fabric or record the corrective action taken

Violation Citation 38: 30 TAC § 116.115(c), Classification: MODERATE
THSC § 382.085(b), and
Permit No. 2695A, Special
Condition No. 2

Violation Description: Exceeded the Crude Heater (11-H-1) fired duty maximum rate of 440 MMBtu/hour on three days, June 30, 1998 (441 MMBtu/hour) September 30, 1998 (444 MMBtu/hour) and July 29, 1999 (447 MMBtu/hour)

Violation Citation 39: 30 TAC § 116.115(c), Classification: MODERATE
THSC § 382.085(b), and
Permit No. 2695A, Special
Condition No. 3

Violation Description: Exceeded the Vacuum Heater (11-H-2) fired duty maximum rate of 132 MMBtu/hour on July 29, 1999

Violation Citation 40: 40 CFR § 60.104(a)(1), 30 TAC §§ 101.20(1) and 116.115(c), THSC § 382.085(b), and Permit Nos. 2695A, Special Condition Nos. 4 and 7; 2697A, Special Condition Nos. 3 and 4; 2703A, Special Condition Nos. 2 and 4; 2707A, Special Condition No. 1; 3123A, Special Provision No. 4; 5418A, Special Condition No. 7; 5946A, Special Condition No. 6; 6722A, Special Condition No. 7; 9604A, Special Provision No. 2; 20156, Special Condition No. 5; and 22312, Special Condition No. 4.

Classification:

MODERATE

Violation Description: Exceeded, from March 13, 1999 through March 23, 1999, the hydrogen sulfide (H₂S) concentration limit of 230 mg/dscm (0.10 grain per dry standard cubic foot) in refinery fuel gas which serves combustion devices in the East Plant

Violation Citation 41: 30 TAC § 116.115(c), THSC § 382.085(b), and Permit Nos. 2695A, Special Condition No. 9.

Classification:

MODERATE

Violation Description: Failure to implement fugitive monitoring in the preheat train and pump suction areas, within 180 days after the issuance of the permit amendments

Violation Citation 42: 40 CFR §§ 60.592(d) and 61.245(b), 30 TAC §§ 101.20(1), 101.20(2), and 116.115(c), THSC§ 382.085(b), and Permit Nos. 2695A, Special Condition Nos. 10F and 10G; 2697A, Special Condition No. 7F; 2699A, Special Condition No. 1F; 2703A, Special Condition No. 7F; 2494A, Special Condition No. 4F; 2704A, Special Condition No. 1F; 2705A, Special Condition No. 2F; 2706A, Special Condition No. 1F; 2707A, Special Condition No. 6F; 3390, General Provision No. 7F; 3857A, Special Condition No. 7F; 5418A, Special Condition No. 11F; 6722A, Special Condition No. 9F; 8653A, Special Condition No. 5F; 21303, General Provision No. 7F; 21358, General Provision No. 7F; 21706, General Provision No. 7F; and 22312, Special Condition No. 8F.

Classification:

MODERATE

Violation Description: Failure to properly conduct fugitive monitoring in accordance with 40 CFR Part 60, Appendix A, Method 21. Gas analyzer Bacharach TLV KK0530 was placed in service on April 22, 1998 without conducting the required precision test

Violation Citation 43: 30 TAC §§ 116.115(b)(2)(G) and 116.115(c), THSC § 382.085(b), and Permit No. 2695A, General Condition No. 8 and Special Condition No. 11.

Classification:

MODERATE

Violation Description: Failure to conduct stack sampling within 90 days from completion of construction. Stack testing was required on or before February 22, 1998. However, testing was not conducted until June 17, 1998 and May 25, 1999

Violation Citation 44: 30 TAC § 116.115(c), THSC § 382.085(b), and Permit Nos. 2695A, Special Condition Nos. 8A and 10A; 2697A, Special Condition Nos. 5A and 7A; 2699A, Special Condition No. 1A; 2700A, Special Condition No. 1A; 2703A, Special Condition Nos. 5A and 7A; 2704A, Special Condition No. 1A; 2705A, Special Condition No. 2A; 2707A, Special Condition No. 6A; 3857A, Special Condition No. 8A; 5418A, Special Condition Nos. 12A and 13A; 6722A, Special Condition No. 9A; and 20156, Special Condition No. 2A.

Classification:

MODERATE

Violation Description: Failure to maintain a list of equipment excluded from the fugitive monitoring program due to vapor pressure or size limitations

Violation Citation 45: 40 CFR § 60.104(a)(2), 30 TAC §§ 101.20(1) and 116.115(c), THSC § 382.085(b), and Permit No. 3119A, Special Condition No. 1.

Classification:

MODERATE

Violation Description: Exceeded the 250 ppm in-stack sulfur dioxide (SO₂) concentration limit for the Shell Claus Off-gas Treating unit tail gas incinerator

Violation Citation 46: 30 TAC § 116.115(c), THSC § 382.085(b), and Permit No. 3857A, Special Condition No. 5

Classification:

MODERATE

Violation Description: Exceeded the gasoline loading throughput limit of 720,000 barrels of gasoline per year at the No. 2 Barge Dock

Violation Citation 47: 30 TAC § 116.115(c), THSC § 382.085(b), and Permit No. 5418A, Special Condition No. 2.

Classification:

MODERATE

Violation Description: Exceeded the ADP Heater (17-H-1) maximum fired duty rate of 34.3 MMBtu/hour on December 31, 1998

Violation Citation 48: 30 TAC § 116.115(b), THSC § 382.085(b), and Permit No. 9604A, General Provision No. 6D.

Classification:

MODERATE

- Violation Description: Failure to maintain complete annual floating roof seal inspection records on Tank Nos. 57, 82, 83, 201, 202, 211, 212, 221, 222, 223, 301, 402, 403, 1011, 1014, 1029, and 1031 for 1998
- Violation Citation 49: 30 TAC §§ 101.20(3) and 116.115(c), THSC § 382.085(b), TNRCC Permit No. 22312/ Environmental Protection Agency Permit No. PSD-TX-831, Special Condition Nos. 11E and 12E Classification: MODERATE
- Violation Description: Failure to submit, on a quarterly basis, a certification statement signed by the permit holder that the records of fuel supplier certification submitted represent all of the fuel supplied or combusted during the quarter
- Violation Citation 50: 30 TAC § 101.6(a)(2) and THSC § 382.085(b). Classification: MODERATE
- Violation Description: Failure to submit timely and/or complete reportable upset notifications
- Violation Citation 51: 30 TAC §§ 101.6(b) and 101.7(c) and THSC § 382.085(b) Classification: MODERATE
- Violation Description: Failure to create complete records of reportable and non-reportable by-pass upsets, maintenance, start-ups, and shutdowns with unauthorized emissions as soon as practicable, but no later than two weeks after upsets occurred
- Violation Citation 52: 30 TAC § 101.10(b) and THSC § 382.085(b). Classification: MODERATE
- Violation Description: Failure to include excess emissions occurring during maintenance, startups, shutdowns, upsets, and downtime in the Annual Emissions Inventory Update
- Violation Citation 53: 30 TAC § 115.327(4) and THSC § 382.085(b). Classification: MODERATE
- Violation Description: Failure to notify the executive director of the shutdown, as it occurred, of the Aromatics Disproportionation Unit (Permit No. 5418A) when it was brought off-line in June 1998 and the old Methyl T-Butyl Ether (MTBE) Unit (Permit No. 8653A) which was brought off-line around August 1994
- Violation Citation 54: 40 CFR § 63.168(i)(2), 30 TAC § 113.130, and THSC § 382.085(b). Classification: MODERATE
- Violation Description: Failure to comply with the three percent limitation of total number of valves designated as difficult-to-monitor/hard-to-monitor in the SOCOMI Units and Petroleum Refinery Units
- Violation Citation 55: 40 CFR §§ 60.486(f), 61.246(f), and 63.181(b)(7), 30 TAC §§ 101.20(1), 101.20(2), and 113.130, and THSC § 382.085(b). Classification: MODERATE
- Violation Description: Failure to maintain an up-to-date, complete, and readily accessible log for the fugitive monitoring program

Violation Citation 56: 40 CFR § 61.342(e)(2)(i), Classification: MODERATE
30 TAC § 101.20(2), and
THSC § 382.085(b)

Violation Description: Exceeded the 6.0 Megagrams (Mg) of benzene yearly limit for facility waste, for the years 1998 through 2000

Violation Citation 57: 40 CFR §§ 61.357(d)(2) Classification: MODERATE
and 61.357(d)(5), 30 TAC §
101.20(2), and THSC §
382.085(b).

Violation Description: Failure to submit a complete Total Annual Benzene report for 1998

Violation Citation 58: 30 TAC § Classification: MODERATE
116.115(b)(2)(G), TEX.
HEALTH & SAFETY CODE §
382.085(b), and Permit No.
3119A, General Condition
No. 8

Violation Description: Exceeded the SO₂ hourly maximum allowable emission rate of 26.44 pounds per hour

Violation Citation 59: THSC § 382.085(b) Classification: MODERATE

Violation Description: Emitted unauthorized VOC and benzene emissions and had excessive opacity

Violation Citation 60: THSC § 382.085(b). Classification: MODERATE

Violation Description: Emitted unauthorized VOC and benzene emissions from the BTX wastewater stripper on March 8 through March 19, 1999 for a total of 262 hours and from the CPI flare pilot light outages on August 9 through August 15, 1998

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

Conviction Date:

Count 1:

C. Chronic excessive emissions events: None

D. The dates of investigations.

- | | |
|--------------|--------------------------|
| 1. 9/24/97 | 20. 3/5/02 |
| 2. 4/3/00 | 21. 5/12/98 |
| 3. 10/20/97 | 22. 8/31/99 |
| 4. 7/27/00 | 23. 6/12/02 |
| 5. 6/12/00 | 24. 4/18/02 |
| 6. 6/9/00 | 25. 4/14/00 |
| 7. 11/21/97 | 26. 8/8/01 |
| 8. 10/9/00 | 27. 4/6/99 |
| 9. 11/17/00 | 28. 3/602 |
| 10. 12/20/00 | 29. 3/12/02 |
| 11. 1/26/01 | 30. 3/19/02 |
| 12. 1/16/01 | 31. 6/3/02 |
| 13. 2/15/01 | 32. 4/28/02 |
| 14. 5/18/01 | 60 months of DMRS |
| 15. 8/10/01 | |
| 16. 5/28/99 | |
| 17. 12/13/01 | |
| 18. 1/23/02 | |
| 19. 11/17/01 | |

E. Written notices of violation (NOV)

- | | | | | | |
|----|---|-----------------|---|--|----------|
| 1. | Date: 2/7/01 | Self-reported? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| | Violation Citation 1: 116.110(A) | Classification: | | | MODERATE |
| | Violation Description: Unauthorized emissions | | | | |
| 2. | Date: 10/00 | Self-reported? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| | Violation Citation 1: 30 TEX. ADMIN. CODE § 305.125(1) and Permit No. 00467-000 | Classification: | | | MODERATE |
| | Violation Description: Effluent Violations | | | | |
| 3. | Date: 1/01 | Self-reported? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| | Violation Citation 1: 30 TEX. ADMIN. CODE § 305.125(1) and Permit No. 00467-000 | Classification: | | | MODERATE |
| | Violation Description: Effluent Violations | | | | |
| 4. | Date: 12/01 | Self-reported? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| | Violation Citation 1: 30 TEX. ADMIN. CODE § 305.125(1) and Permit No. 00467-000 | Classification: | | | MODERATE |
| | Violation Description: Effluent Violations | | | | |

F. Environmental audits.

- | | | |
|----|----------------------------|-----------------|
| 1. | Notice of Intent Date: N/A | |
| | Disclosure Date: N/A | |
| | Violation Citation 1: | Classification: |
| | Violation Description: | |

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

State: N/A

Site Name:

Location:

Type of Action:

Effective Date:



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES	PCW	31-Jan-2007	Screening	04-Oct-2004	Priority Due	03-Dec-2004	EPA Due	10-Feb-2005
--------------	-----	-------------	-----------	-------------	--------------	-------------	---------	-------------

RESPONDENT/FACILITY INFORMATION	
Respondent	Citgo Refining and Chemicals Company, L.P. (East Plant)
Reg. Ent. Ref. No.	RN102555166
Additional ID No(s)	Air Account No. NE0027V
Facility/Site Region	14-Corpus Christi < Major/Minor Source Major Source <

CASE INFORMATION			
Enf./Case ID No.	528	No. of Violations	2
Docket No.	2002-0290-AIR-E	Order Type	1660 without deferral <
Case Priority	2 (SNC/HPV) <	Enf. Coordinator	Audra L. Ruble
Media Program(s)	Air Quality <	EC's Team	Enforcement Team 5 <
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 175% Enhancement Subtotals 2, 3, & 7 **\$8,750**

Notes: The Respondent has two findings orders (Docket 1997-0151-IHW-E, issued October 5, 2001 and Docket 1999-0057-AIR-E issued August 22, 2002), one 1660 order (Docket 2001-1469-AIR-E, issued March 5, 2004), 9 same or similar NOV's, 19 non-similar NOV's and three Notices of Intended Audit.

Culpability No < 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

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

Notes: The Respondent does not meet the good faith effort criteria.

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

Total EB Amounts	\$268	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$12,500	

SUM OF SUBTOTALS 1-7 Final Subtotal **\$13,750**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$13,750**

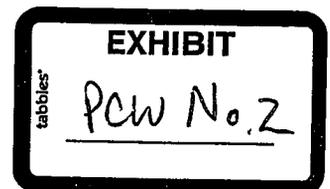
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$13,750**

DEFERRAL Reduction Adjustment **\$0**

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

Notes: No deferral is recommended because settlement was not achieved through the expedited process.

PAYABLE PENALTY **\$13,750**



Screening Date 04-Oct-2004

Docket No. 2002-0290-AIR-E

PCW

Respondent Citgo Refining and Chemicals Company, L.P.

ember 2002)

Case ID No. 528

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102555166

Additional ID No(s). Air Account No. NE0027V

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Site Address 1802 Nueces Bay Boulevard, Corpus Christi, Nueces County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	9	45%
	Other written NOV's	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 150%

>> Repeat Violator (Subtotal 3)

Yes <

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer <

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has two findings orders (Docket 1997-0151-IHW-E, issued October 5, 2001 and Docket 1999-0057-AIR-E issued August 22, 2002), one 1660 order (Docket 2001-1469-AIR-E, issued March 5, 2004), 9 same or similar NOV's, 19 non-similar NOV's and three Notices of Intended Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 175%

Screening Date 04-Oct-2004

Docket No. 2002-0290-AIR-E

PCW

Respondent Citgo Refining and Chemicals Company, L.P.

ember 2002)

Case ID No. 528

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102555166

Additional ID No(s). Air Account No. NE0027V

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and Permit No. 3123A, Special Condition 1

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failure to demonstrate compliance with the Maximum Allowable Emission Rate of Permit No. 3123A. Specifically, the company failed to demonstrate compliance with the carbon monoxide emission rate for the CO Boiler, EPN F066, as evidenced in a compliance test conducted on January 30, 2004. Test results indicated emissions of 44.97 lbs/hr, with a permit limit of 15.53 lbs/hr.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes
 The failure to demonstrate compliance with the emissions limit has resulted in the release of an insignificant amount of pollutants.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from date of testing (January 30, 2004) through the date of compliance (April 7, 2004).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

(East P

Respondent: Citgo Refining and Chemicals Company, L.P.
 Case ID No.: 528
 Reg. Ent. Reference No.: RN102555166
 Additional ID No(s): Air Account No. NE0027V
 Media [Statute]: Air Quality
 Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	30-Jan-2004	07-Apr-2004	0.2	\$6	\$124	\$130
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to conduct maintenance and repairs on the boiler.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Screening Date 04-Oct-2004 **Docket No.** 2002-0290-AIR-E **PCW**
Respondent Citgo Refining and Chemicals Company, L.P. *ember 2002)*
Case ID No. 528 *PCW Revision May 17, 2004*
Reg. Ent. Reference No. RN102555166

Additional ID No(s). Air Account No. NE0027V
Media [Statute] Air Quality
Enf. Coordinator Audra L. Ruble
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

(East P

Respondent: Citgo Refining and Chemicals Company, L.P.
 Case ID No. 528
 Reg. Ent. Reference No. RN102555166
 Additional ID No(s): Air Account No. NE0027V
 Media [Statute]: Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	26-May-2004	13-Aug-2004	0.2	\$5	n/a	\$5
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to train personnel on tank filling procedures. Date required is the date of the event. Final date is when compliance documentation was received indicating that personnel have received training on tank filling procedures.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

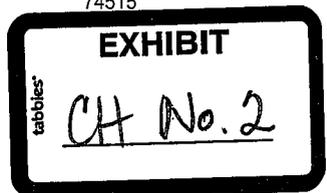
Approx. Cost of Compliance

TOTAL

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600127922	Citgo Refining and Chemicals Company L.P.	Classification: AVERAGE	Rating: 15.67
Regulated Entity:	RN102555166	CITGO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 34.86

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	
	AIR NEW SOURCE PERMITS	REGISTRATION	
	AIR NEW SOURCE PERMITS	REGISTRATION	
	AIR NEW SOURCE PERMITS	EPA ID	
	AIR NEW SOURCE PERMITS	REGISTRATION	



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 NEW SOURCE PERMITS	REGISTRATION	NE0027V
AIR OPERATING PERMITS	ACCOUNT NUMBER	1423
AIR OPERATING PERMITS	PERMIT	TXD051161990
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	
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: 1801 NUECES BAY BLVD, CORPUS CHRISTI, TX, 78407

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 07, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 30, 1999 to November 30, 2004

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

Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Citgo Refining and Chemicals Company L.P.
Champlin Refining Company.
4. If Yes, who was/were the prior owner(s)/operator(s) ? Citgo Refining and Chemicals Company L.P.
5. When did the change(s) in owner or operator occur? 09/25/2002
6. Rating Date: 9/1/2004 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: 10/05/2001 ADMINORDER 1997-0151-IHW-E
Classification: Major
Citation: 30 TAC Chapter 335, SubChapter A 335.4
Rqmt Prov: 10 ORDER
Description: Unauthorized discharge of industrial waste into or adjacent to waters in the state.

Effective Date: 08/22/2002 ADMINORDER 1999-0057-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special condition 5 PERMIT
Description: Failed to maintain results of outer floating roof seal inspections on Tank Nos. 5005, 5006, and 5007

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 3 and 6 PERMIT
Description: Failed to maintain records of monthly and year-to-date throughput for Tank Nos. 5001 through 5008

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 2494A PERMIT
Description: Failed to operate storage tank Nos. 5006 and 5008 within the temperature limits represented in permit application for Permit No. 2494A

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(d)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to provide notification of Tank No. 1016 startup date, maintain records of internal floating roof tank inspections, and failed to submit a report describing control equipment and certifying control equipment meets specifications.

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

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GP 5 PERMIT
SP 3 PERMIT
Description: Failed to maintain records and provide, as requested, the annual throughput of each diesel storage tank in Area 91, ie., Tanks Nos.4001, 4002, and 4003
Classification: Moderate

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

Rqmt Prov: SC 16D PERMIT
Description: Failed to provide seal inspection records to verify seal integrity on Storage Tank No. 1027

and failed to provide notification of tank seal inspections for Tank No. 1027.

Classification: Minor

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

Rqmt Prov: 16G PERMIT

Description: Failed to maintain records which include the monthly and year-to-date VOC throughput for Tank #s 13,14,20,40,41,42,50,929 and 930 and failed to maintain accurate calculated emissions for these tanks and Tank Nos 4, 1023, and 1027.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GP 6D PERMIT

Description: Failed to maintain records of the annual floating roof seal inspections on Tank Nos. 57, 82, 83, 201, 202, 211, 212, 222, 223, 301, 402, 403, 1011, 1014, 1029, 1030, & 1031.

Classification: Moderate

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

Rqmt Prov: 9604A, SP 1 PERMIT

Description: Failed to comply with the emissions limitations set forth in the MAER table in Permit No. 9604A for Storage Tank No. 202.

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 115.324(1)(C)
30 TAC Chapter 115, SubChapter D 115.325(1)
30 TAC Chapter 115, SubChapter D 115.326(2)
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 GGG 60.592(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Unknown PERMIT

Description: Failed to properly conduct fugitive monitoring in accordance with 40 CFR Part 60, Appendix A, Method 21 and by failing to monitor on an annual basis, with a hydrocarbon gas analyzer, the emissions from all process drains.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to comply with the 3 % limitation of total number of valves designated as difficult-to-monitor or hard-to-monitor (HTM) in the SOCMI and Petroleum Refinery Units.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.322(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to mark pipeline and pressure relief valves in gaseous VOC service in a manner readily obvious to monitoring personnel.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide notification of actual date of initial startup of Boiler B, failed to notify the TNRCC in the change in the type of fuel used in Boiler B within 60 days prior to making the change, and failed to notify the TNRCC of the date of construction.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42

40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.43

40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44

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

Description: Failed to conduct a performance test on Boiler B as required by 40 CFR 60 Subpart D

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with the maximum hourly NOx emission rate listed in the MAER Table for the CO Boiler Stack on October 21, 1997 for at least five hours.

Classification: Moderate

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

Rqmt Prov: SC 6 PERMIT

Description: Failed to install, calibrate, and maintain a continuous emission monitoring system (CEMS) to measure and record the in-stack concentration of NOx from the CO Boiler Stack within 12 months of the permit renewal date.

Classification: Moderate

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

Rqmt Prov: 5946A, SC 8 PERMIT

Description: Failed to comply with the combined total fuel consumed limit of 438 MMBtu/hr for Boilers 60-B-1C, 61-B-1B on March 31, 1997

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1 and 3 PERMIT

Description: Failed to comply with the 25.60 PPH emission limit for NOx as stated in the MAER table of Permit 22312 for Boiler E.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 10D PERMIT

Description: Failed to report, within 24 hours of detection, all equipment malfunctions for Boiler E for the second quarter of 1997 through the second quarter of 1998.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 12 PERMIT

Description: Failed to submit a complete report, on a qtrly basis, regarding Boiler E for the first quarter of 1996, the third and fourth quarters of 1997, and the 1st quarter of 1998.

Classification: Moderate

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

Rqmt Prov: 9604A, GP 6G PERMIT

Description: Failed to maintain monthly VOC emission records for its loading operations at the tanker truck loading station, also known as the truck rack (EPN 521) from 1/1/97 thru 5/98.

Classification: Moderate

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

Rqmt Prov: SC 2 PERMIT

Description: Failed to comply with the maximum firing rate of 34.3 MMBtu/hr for the ADP Heater (17-H-1) by operating at a rate of 40.8 on 6/30/97

Classification: Moderate

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

Rqmt Prov: 6722A, SC 12&13 PERMIT

Description: Failed to maintain, from January 1, 1997 thru May 12, 1998, cumene production records, denoted as cumulative BPY as required by Special condition 12 to ensure continuous compliance with the annual limit of 4,467,965 barrels.

Classification: Moderate

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

Rqmt Prov: SC 16 PERMIT

Description: Failed to maintain, from 1/1/97 thru 5/12/98, cyclohexane production records denoted as cumulative BPY, to ensure continuous compliance with the emission limits of TNRCC Permit No. 20156.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
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: SC 4 PERMIT

Description: Failed to control the H2S concentration in the refinery fuel gas to a concentration below 230 milligrams per day dry standard cubic meters (0.10 grains per dry standard cubic foot).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain a daily record of the average coke burn-off rate, in thousands of kilograms per hour, and the hours of operation for the FCCU catalyst regenerator at FCCU #2 from 1/1/97 thru 5/12/98.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GP 7 PERMIT

Description: Failed to vent all carbon compound waste gases, including those from the relief valves other than those for "fire only" emergency purposes, to a flare.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain permit authorization from May 12, 1998 through the present to operate the Cumene Flare as a process flare.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain a flare operation log since January 1, 1997 for both the Cumene Flare and the Corrugated Plate Interceptor Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(g)(7)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.13(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-11(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to conduct performance tests or request waivers from testing on the Cumene Flare, the Fluor Flare, and the CPI Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.10(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.10(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to install controls on the desalter before the termination of the waiver period, i.e. Jan 7, 1995, and failed to provide change of information, as related to the desalter and CPI separator, to the Administrator within 30 days after the change.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit complete Total Annual Benzene (TAB) reports containing the information listed in 40 CFR 61.357(a)(1) thru 61.347(a)(6) as required by 40 CFR 61.357(d)(2) and quarterly certifications as required from 1st qtr 95 thru 1st qtr 98.

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit on schedule a Notification of Compliance Status report as required by Subparts G and H of 40 CFR ch 63 for the new MTBE Unit and failed to submit on schedule an NCS report as required by Subpart H of 40 CFR ch 63 for Aromatic Units.

Classification: Moderate

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

Rqmt Prov: SC 3 PERMIT

Description: Exceeded the crude oil throughput limit for Storage Tank No. 5008.

Classification: Moderate

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

Rqmt Prov: SC 8D and 10D PERMIT

1D PERMIT

5D and 7D PERMIT

6722A, SC 9D PERMIT

GP 7D PERMIT

SC 11D, 12D, 13D PERMIT

SC 1D and 2D PERMIT

SC 1D PERMIT

SC 2D PERMIT

SC 4D PERMIT

SC 5D and 7D PERMIT

SC 6D PERMIT

SC 7D PERMIT

SC 8D PERMIT

Description: Failed to maintain a list of non-accessible valves for each permit as stated in the fugitive monitoring special conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.7
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT

Description: Failed to notify TNRCC of needed maintenance on visible openings on Tank Nos. 5001, 5002, and 5008 in the seal or seal fabric or record the corrective action taken.

Classification: Moderate

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

Rqmt Prov: SC 2 PERMIT

Description: Exceeded the Crude Heater (11-H-1) fired duty maximum rate of 440 MMBtu/hour on three days, June 30, 1998(441 MMBtu/hr) 9/30/98 (444 MMBtu/hr) and 7/29/99 (447 MMBtu/hr).

Classification: Minor

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

Rqmt Prov: SC 3 PERMIT

Description: Exceeded the Vacuum Heater (11-H-2) fired duty maximum rate of 132 MMBtu/hour on 7/29/99.

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)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5946A, SC 6 PERMIT
6722A, SC 7 PERMIT
9604A, SP 2 PERMIT
SC 1 PERMIT
SC 2 and 4 PERMIT
SC 3 and 4 PERMIT
SC 4 and 7 PERMIT
SC 4 PERMIT
SC 5 PERMIT
SC 7 PERMIT
SP 4 PERMIT

Description: Exceeded, from 3/13/99 thru 3/23/99 the hydrogen sulfide concentration limit of 230 mg/dscm (0.10 grain per dry standard cubic foot) in refinery fuel gas which serves combustion devices in the East Plant.

Classification: Moderate

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

Rqmt Prov: SC 9 PERMIT

Description: Failed to implement fugitive monitoring in the preheat train and pump suction areas within 180 days after the issuance of the permit amendments.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 11F PERMIT
5946A - SC 6, 6722A - SC 7 PERMIT
8653A - SC5F PERMIT
GP 7F PERMIT
SC 10F and 10G PERMIT
SC 1F PERMIT
SC 2F PERMIT
SC 4F PERMIT
SC 6F PERMIT
SC 7F PERMIT
SC 8F PERMIT

Description: Failed to properly conduct fugitive monitoring in accordance with 40 CFR Part 60, Appendix A, Method 21. Gas analyzer Bacharach TLV KK0530 was placed in service on April 22, 1998 without conducting the required precision test.

Classification: Moderate

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

Rqmt Prov: GC 8, SC 11 PERMIT

Description: Exceeded the short term VOC emission rate for the Crude and Vacuum Heaters, 11-H-1 and 11-H-2 and failed to conduct stack sampling within 90 days from completion of construction. Stack testing was required on or before February 22, 1998.

Classification: Moderate

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

Rqmt Prov: 2A PERMIT
6722A -SC 9A PERMIT
SC 12A and 13A PERMIT
SC 1A PERMIT
SC 2A PERMIT
SC 5A and 7A PERMIT
SC 6A PERMIT
SC 8A and 10A PERMIT
SC 8A PERMIT

Description: Failed to maintain a list of equipment from the fugitive monitoring program due to vapor pressure or size limitations.

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)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Exceeded the 250 ppm in-stack dioxide (SO₂) concentration limit for the Shell Claus Off-gas Treating unit tail gas incinerator.

Classification: Moderate

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

Rqmt Prov: SC 5 PERMIT

Description: Exceeded the gasoline loading throughput limit of 720,000 barrels of gasoline per year at the No. 2 barge dock.

Classification: Moderate

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

Rqmt Prov: SC 2 PERMIT

Description: Exceeded the ADP Heater (17-H-1) maximum fired duty rate of 34.3 MMBtu/hour on 12/31/98.

Classification: Minor

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

Rqmt Prov: 9604A - GP 6D PERMIT

Description: Failed to maintain complete annual floating seal inspection records on Tanks Nos. 57, 82, 83, 201, 202, 211, 212, 221-223, 301, 402,403,1011, 1014,1029 and 1031 for 1998.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 11E and 12E PERMIT

Description: Failed to submit, on a quarterly basis, a certification statement signed by the permit holder that the records of fuel supplier certification submitted represent all of the fuel supplied or combusted during the quarter.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit timely and/or complete reportable upset notifications.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)
30 TAC Chapter 101, SubChapter A 101.7(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to create complete records of reportable and non-reportable by-pass upsets, maintenance, start-ups, and shutdowns with unauthorized emissions as soon as practicable, but no later than two weeks after upsets occurred.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)

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

Description: Failed to include excess emissions occurring during maintenance, startups, shutdowns, upsets, and downtime in the Annual Emissions Inventory Update submitted on March 15, 1999.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.327(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the executive director of the shutdown, as it occurred, of the Aromatics Disproportionation Unit when it was brought off-line in June 98 and the old Methyl T-Butyl Ether (MTBE) Unit which was brought off-line around August 1994.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to comply with the three percent limitation of total number of valves designated as difficult-to-monitor/hard-to-monitor in the SOxMI Units and Petroleum Refinery Units.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain an up-to-date, complete, and readily accessible log for the fugitive monitoring program.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded the 6.0 Megagrams (Mg) of benzene yearly limit for facility waste, for the years 1998 thru 2000.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a complete Total Annual Benzene report for 1998.

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: 3119A, GC8 PERMIT

Description: Exceeded the SO₂ hourly maximum allowable emission rate of 26.44 pounds per hour.

Classification: Moderate

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

Description: Emitted unauthorized VOC and benzene emissions and had excessive opacity

Classification: Moderate

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

Description: Emitted unauthorized VOC and benzene emissions from the BTX wastewater stripper on March 8 through March 19, 1999 for a total of 262 hours and from the CPI flare pilot light outages on 8/9 thru 8/15/98.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121

Rqmt Prov: - PERMIT

Description: Failed to comply with the maximum daily average limit of 10 milligrams per liter for total Fluoride for Nov 98, Jan 99, and Feb 99.

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: Failure 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).

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 12/02/1999 (142303)
2 12/02/1999 (246550)

3	12/02/1999	(332774)
4	12/16/1999	(144050)
5	12/22/1999	(158914)
6	01/07/2000	(246546)
7	01/07/2000	(332772)
8	02/03/2000	(158918)
9	02/18/2000	(158873)
10	03/21/2000	(158880)
11	03/27/2000	(30857)
12	04/10/2000	(142304)
13	04/12/2000	(287458)
14	04/20/2000	(158881)
15	05/24/2000	(158885)
16	06/12/2000	(246548)
17	06/12/2000	(332773)
18	06/12/2000	(370895)
19	06/14/2000	(158889)
20	07/19/2000	(142305)
21	07/28/2000	(158893)
22	08/08/2000	(142306)
23	08/14/2000	(142307)
24	08/15/2000	(142308)
25	08/21/2000	(158897)
26	08/29/2000	(142309)
27	09/29/2000	(158900)
28	10/24/2000	(158903)
29	10/26/2000	(142310)
30	11/21/2000	(158907)
31	12/27/2000	(158911)
32	01/11/2001	(142312)
33	01/22/2001	(158915)
34	01/29/2001	(142313)
35	01/30/2001	(142314)
36	01/30/2001	(142315)
37	01/30/2001	(142316)
38	01/30/2001	(142317)
39	02/12/2001	(142311)
40	02/26/2001	(158874)
41	02/27/2001	(142318)
42	03/27/2001	(158877)
43	03/28/2001	(142319)
44	04/23/2001	(158882)
45	05/29/2001	(158886)
46	06/07/2001	(142320)
47	07/02/2001	(158890)
48	07/31/2001	(158894)
49	08/08/2001	(IE0001143011001
50	08/14/2001	(39636)
51	08/17/2001	(39784)
52	08/30/2001	(158898)
53	08/31/2001	(142321)
54	09/20/2001	(246549)
55	09/27/2001	(158901)
56	10/03/2001	(142322)
57	11/01/2001	(158904)
58	12/03/2001	(158908)
59	12/17/2001	(142323)
60	12/27/2001	(158912)
61	01/25/2002	(142324)
62	01/28/2002	(158916)
63	01/31/2002	(142325)

64	03/04/2002	(158875)
65	03/07/2002	(142326)
66	03/27/2002	(158878)
67	04/22/2002	(158883)
68	05/20/2002	(158887)
69	05/23/2002	(142327)
70	05/23/2002	(142328)
71	06/10/2002	(142329)
72	06/10/2002	(142330)
73	06/12/2002	(142331)
74	06/12/2002	(142332)
75	06/21/2002	(142333)
76	07/02/2002	(158891)
77	08/02/2002	(158895)
78	08/26/2002	(158899)
79	09/23/2002	(284321)
80	09/26/2002	(158902)
81	09/30/2002	(12547)
82	10/30/2002	(15118)
83	10/30/2002	(158905)
84	12/09/2002	(158909)
85	01/06/2003	(158913)
86	01/28/2003	(158917)
87	01/30/2003	(22329)
88	03/03/2003	(158876)
89	03/31/2003	(158879)
90	04/04/2003	(246547)
91	04/28/2003	(158884)
92	05/22/2003	(158888)
93	06/13/2003	(28894)
94	06/13/2003	(28895)
95	06/13/2003	(33932)
96	06/13/2003	(62480)
97	06/24/2003	(158892)
98	07/22/2003	(158896)
99	08/11/2003	(149101)
100	08/11/2003	(149496)
101	08/15/2003	(147279)
102	08/19/2003	(295716)
103	09/19/2003	(295718)
104	10/30/2003	(249984)
105	10/30/2003	(250829)
106	10/30/2003	(252796)
107	10/30/2003	(252955)
108	10/30/2003	(295720)
109	11/21/2003	(295722)
110	12/29/2003	(295723)
111	01/27/2004	(295725)
112	01/29/2004	(258191)
113	02/02/2004	(261589)
114	02/09/2004	(256114)
115	02/09/2004	(256568)
116	02/09/2004	(256569)
117	02/23/2004	(295705)
118	03/01/2004	(264188)
119	03/01/2004	(264223)
120	03/25/2004	(295709)
121	03/27/2004	(283414)
122	04/15/2004	(266190)
123	04/28/2004	(295710)
124	05/10/2004	(270683)

125 05/24/2004 (272559)
 126 05/25/2004 (295712)
 127 05/28/2004 (272866)
 128 06/23/2004 (276515)
 129 06/24/2004 (269190)
 130 06/30/2004 (352239)
 131 07/01/2004 (278139)
 132 07/01/2004 (278271)
 133 07/19/2004 (268646)
 134 07/22/2004 (352240)
 135 08/30/2004 (352241)
 136 08/31/2004 (291703)
 137 09/15/2004 (298570)
 138 09/16/2004 (334411)
 139 09/28/2004 (283343)
 140 10/12/2004 (335820)
 141 10/29/2004 (352243)
 142 11/19/2004 (336653)
 143 11/19/2004 (336845)
 144 11/19/2004 (339890)
 145 11/19/2004 (339919)
 146 11/22/2004 (341305)
 147 11/23/2004 (352244)
 148 11/30/2004 (341912)

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

Date: 12/02/1999 (332774) CN600127922
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 12/31/1999 (158918) CN600127922
 Self 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: 01/07/2000 (246546) CN600127922
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 06/12/2000 (370895) CN600127922
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 10/31/2000 (158907) CN600127922
 Self 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: 01/31/2001 (158874) 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: 02/07/2001 (142311)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 Description: UNAUTHORIZED EMISSIONS
 Date: 08/31/2001 (158901) CN600127922
 Self Report? YES Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)
 Failure to meet the limit for one or more permit parameter
 Date: 09/20/2001 (246549) CN600127922
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 10/31/2001 (158908) 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: 12/31/2001 (158916) 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: 06/30/2002 (158895) 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: 08/31/2002 (158902) 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: 09/30/2002 (158905) 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: 11/30/2002 (158913) 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: 04/04/2003 (246547) CN600127922
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 04/30/2003 (158888) 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: 08/18/2003 (147279) CN600127922
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ0000467-000 PERMIT

Description: Failure to limit the effluent characteristics to those specified in the permit.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 WQ0000467-000 PERMIT

Description: Failure to maintain required records for each measurement or sample collected and analyzed at the facility.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 WQ0000467-000 PERMIT

Description: Failure to maintain a record of quality assurance/quality control (QA/QC) data for the analysis of total residual chlorine.

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c) WQ0000467-000 PERMIT		
Description:	Failure to monitor and record temperatures inside ovens used in the analysis of Total Suspended Solids (TSS).		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b) WQ0000467-000 PERMIT		
Description:	Failure to use the appropriate reagent for the analysis of total residual chlorine.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0000467-000 PERMIT		
Description:	Failure to properly operate and maintain the storm water collection system.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ0000467-000 PERMIT		
Description:	Failure to properly operate and maintain the clarifier at the East Plant.		
Date:	10/31/2003	(249984)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)		
Description:	Failure to provide initial notification of an emissions event within 24 hours of discovery.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 30 TAC Chapter 116, SubChapter B 116.115(c)(1) Air Permit No. 3390A PERMIT VERP No. 46641 PERMIT		
Description:	Failure to obtain regulatory authority for, or satisfy all criteria of 30 Texas Admin. Code §101.222 to exempt from compliance limitations, the emissions released during an emissions event.		
Date:	02/03/2004	(258191)	
Self Report?	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 Report?	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 Report?	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 Report?	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)	
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.
(256114)

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.
(256568)

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)

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)

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)

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)	
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.		

F. Environmental audits.

Notice of Intent Date:	06/24/2004	(334400)
Notice of Intent Date:	07/07/2004	(334338)
No DOV Associated		
Notice of Intent Date:	07/27/2004	(509717)
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

Penalty Calculation Worksheet (PCW)
Policy Revision 2 (September 2002) PCW Revision May 17, 2004

DATES

PCW	06-Apr-2009	Screening	04-Oct-2004	Priority Due	03-Dec-2004	EPA Due	10-Feb-2005
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RESPONDENT/FACILITY INFORMATION

Respondent	Citgo Refining and Chemicals Company, L.P. (West Plant)	
Reg. Ent. Ref. No.	RN100238799	
Additional ID No(s).	Air Account No. NE0192F	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Major Source

CASE INFORMATION

Enf./Case ID No.	18691	No. of Violations	6
Docket No.	2002-0290-AIR-E	Order Type	1660
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Miriam Hall
Media Program(s)	Air Quality	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$26,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	49% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$12,740
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Notes: The Respondent has one findings order (Docket 1999-0057-AIR-E issued August 22, 2002), one 1660 order (Docket 2001-1469-AIR-E, issued March 5, 2004), one same or similar NOV, and one Notice of Audit.

Culpability	No	0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	<i>Subtotal 5</i>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$432	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$4,500	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$38,740
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OTHER FACTORS AS JUSTICE MAY REQUIRE	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$38,740
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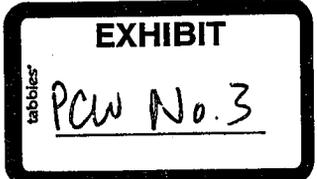
STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$38,740
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DEFERRAL	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended because settlement has not been achieved through the expedited process.

PAYABLE PENALTY	\$38,740
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Screening Date 04-Oct-2004

Docket No. 2002-0290-AIR-E

PCW

Respondent Citgo Refining and Chemicals Company, L.P.

ember 2002)

Case ID No. 18691

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100238799

Additional ID No(s). Air Account No. NE0192F

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Site Address 7350 Interstate Highway 37, Corpus Christi, Nueces County

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	1	5%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 49%

>> **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

The Respondent has one findings order (Docket 1999-0057-AIR-E issued August 22, 2002), one 1660 order (Docket 2001-1469-AIR-E, issued March 5, 2004), one same or similar NOV, and one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 49%

Screening Date 04-Oct-2004

Docket No. 2002-0290-AIR-E

PCW

Respondent Citgo Refining and Chemicals Company, L.P.

ember 2002)

Case ID No. 18691

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100238799

Additional ID No(s). Air Account No. NE0192F

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to maintain records containing the information and data sufficient to demonstrate compliance with the permit, including production records. The Respondent has been unable to demonstrate compliance with the production rate limit for the Sulfur Recovery Unit ("SRU").

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			Percent <input type="text"/>
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent <input type="text" value="25%"/>
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Citgo Refining and Chemicals Company, L.P. (West P
 Case ID No. 18691
 Reg. Ent. Reference No. RN100238799
 Additional ID No(s): Air Account No. NE0192F
 Media [Statute]: Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	01-Jul-2003	01-Sep-2005	2.2	\$109	n/a	\$109
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost maintain records sufficient to demonstrate compliance with permit limits.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: \$1,000

TOTAL: \$109

Screening Date	04-Oct-2004	Docket No.	2002-0290-AIR-E	PCW
Respondent	Citgo Refining and Chemicals Company, L.P.			ember 2002)
Case ID No.	18691			PCW Revision May 17, 2004
Reg. Ent. Reference No.	RN100238799			
Additional ID No(s).	Air Account No. NE0192F			
Media [Statute]	Air Quality			
Enf. Coordinator	Miriam Hall			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Permit No. 8778A, Special Condition 30			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to maintain the Tail Gas Incinerator ("TGI") firebox exit temperature at a minimum of 1475 degrees Fahrenheit. Specifically, records reviewed showed that the temperature did not meet the minimum requirement on August 25, 2003 and May 13 through 21, 2004.			
Base Penalty	\$10,000			

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health and/or the environment could be exposed to an insignificant amount of pollutants.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events: 10

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10,000

Ten single events, one for each day of noncompliance, are recommended based on the date of investigation (May 19, 2004).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$37	Violation Final Penalty Total: \$14,900
This violation Final Assessed Penalty (adjusted for limits): \$14,900	

Economic Benefit Worksheet

Respondent Citgo Refining and Chemicals Company, L.P. (West P
Case ID No. 18691
Reg. Ent. Reference No. RN100238799
Additional ID No(s). Air Account No. NE0192F
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	25-Aug-2003	21-May-2004	0.7	\$37	n/a	\$37
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to train personnel on the minimum heating requirements.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000 **TOTAL** \$37

Screening Date 04-Oct-2004
Docket No. 2002-0290-AIR-E **PCW**
Respondent Citgo Refining and Chemicals Company, L.P. *ember 2002)*
Case ID No. 18691 *PCW Revision May 17, 2004*
Reg. Ent. Reference No. RN100238799
Additional ID No(s). Air Account No. NE0192F
Media [Statute] Air Quality
Enf. Coordinator Miriam Hall
Violation Number 3
Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c) and Permit No. 7741A, Special Condition 9
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description Failure to meet the fugitive emission monitoring requirements as specified in the permit. Specifically, 269 valves in benzene service are being monitored at 2000 ppm instead of the required 500 ppm, and 31 pumps in benzene service are being monitored at 10,000 ppm instead of the required 500 ppm. Estimated emissions is approximately .34 tons/yr for the valves and .556 tons/yr for the pumps, respectively.
Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health and/or the environment have been exposed to an insignificant amount of pollutants.

Adjustment: -\$7,500

Base Penalty Subtotal: \$2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	X
	single event	

Violation Base Penalty: \$2,500

One annual event is recommended for the year preceding the investigation date of May 19, 2004, to make penalty commensurate with situation.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$14

Violation Final Penalty Total: \$3,725

This violation Final Assessed Penalty (adjusted for limits): \$3,725

Economic Benefit Worksheet

(West P

Respondent Citgo Refining and Chemicals Company, L.P.
 Case ID No. 18691
 Reg. Ent. Reference No. RN100238799
 Additional ID No(s). Air Account No. NE0192F
 Media [Statute] Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	19-May-2004	01-Sep-2004	0.3	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cost to train personnel to monitor according to requirements.						

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance

TOTAL

Screening Date 04-Oct-2004

Docket No. 2002-0290-AIR-E

PCW
ember 2002)

Respondent Citgo Refining and Chemicals Company, L.P.

Case ID No. 18691

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100238799

Additional ID No(s). Air Account No. NE0192F

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 113.340

Secondary Rule Cite(s) 40 CFR § 63.654(f)(6); Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to submit the Notification of Compliance Status Report for the MACT Tank Nos. 6011, 6012, and 6015.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$7,500

Three single events, one for each tank notification, is recommended based on the investigation date of May 19, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$233

Violation Final Penalty Total \$11,175

This violation Final Assessed Penalty (adjusted for limits) \$11,175

Economic Benefit Worksheet

(West P

Respondent Citgo Refining and Chemicals Company, L.P.
Case ID No. 18691
Reg. Ent. Reference No. RN100238799
Additional ID No(s). Air Account No. NE0192F
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	18-Apr-1995	06-Aug-2004	9.3	\$233	n/a	\$233

Notes for DELAYED costs Estimated cost to submit the report to the TCEQ.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500
TOTAL \$233

2004.gpw

Screening Date 04-Oct-2004

Docket No. 2002-0290-AIR-E

PCW

Respondent Citgo Refining and Chemicals Company, L.P.

ember 2002)

Case ID No. 18691

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN100238799

Additional ID No(s). Air Account No. NE0192F

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 113.340

Secondary Rule Cite(s) 40 CFR §§ 60.487(a), 60.592(e), and 63.648(a); Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to submit the MACT-CC VOC semi-annual report for the first half of 2003.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

		Harm			Percent
Release		Major	Moderate	Minor	
OR	Actual				
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	Percent
			X			

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended based on the investigation date of May 19, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$3,725

This violation Final Assessed Penalty (adjusted for limits) \$3,725

Economic Benefit Worksheet

(West P

Respondent Citgo Refining and Chemicals Company, L.P.
Case ID No. 18691
Reg. Ent. Reference No. RN100238799
Additional ID No(s). Air Account No. NE0192F
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	30-Jul-2003	20-Aug-2004	1.1	\$27	n/a	\$27

Notes for DELAYED costs: Estimated cost to submit the report to the TCEQ.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$500
TOTAL \$27

2004.qpw

Screening Date 04-Oct-2004 **Docket No.** 2002-0290-AIR-E **PCW**
ember 2002)

Respondent Citgo Refining and Chemicals Company, L.P. PCW Revision May 17, 2004

Case ID No. 18691

Reg. Ent. Reference No. RN100238799

Additional ID No(s). Air Account No. NE0192F

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c) and Permit Nos. 7741A, Special Condition 8F and 8778A, Special Condition 12F

Secondary Rule Cite(s) 40 CFR § 60.485(b)(1); Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to properly calibrate the gas analyzer. Specifically, the Respondent failed to meet the response time requirements specified in 40 CFR 60, Appendix A, Reference Method 21.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="10%"/>
	Potential			x	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					Percent <input type="text"/>

Matrix Notes Failure to properly conduct the response time test may result in the undetected release of an insignificant amount of pollutants which would not exceed levels protective of human health and/or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	
	monthly	
<i>mark only one</i>	quarterly	
<i>use a small x</i>	semiannual	
	annual	
	single event	x

Violation Base Penalty

One single event is recommended based on observance of the testing conducted during the investigation on June 30, 2004.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$12"/>	Violation Final Penalty Total <input type="text" value="\$1,490"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,490"/>	

Economic Benefit Worksheet

Respondent: Citgo Refining and Chemicals Company, L.P. (West P
 Case ID No. 18691
 Reg. Ent. Reference No. RN100238799
 Additional ID No(s). Air Account No. NE0192F
 Media [Statute] Air Quality
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	30-Jun-2004	28-Dec-2004	0.5	\$12	n/a	\$12
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to submit train personnel to conduct proper monitoring procedures.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500**

TOTAL \$12

5C THC Chapter 382, SubChapter A 382.0518(a)

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

Rqmt Prov: SC 37 PERMIT

Description: Failed to obtain permit authorization to operate the West Plant Emergency Flare (EPN-ME) as a process flare.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 2 PERMIT

Description: Failed to install an internal floating roof or equivalent emission control on VOC storage tanks Nos. 13A, 13B, 6011, 6012, 6020, 6021, 6022, and 6023.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 25D PERMIT

Description: Failed to report to cylinder gas audit exceedances of plus or minus 15 % accuracy and any CEMS downtime not corrected within 24 hours for the CEMS installed on Tail Gas Incinerator Stack (EPN-554-ME5).

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 13 PERMIT

Description: Failed to maintain an operator's log or equivalent documenting the dates and times of leak inspections.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)

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

Description: Failed to submit an initial report summarizing the regulatory status of each benzene-containing waste stream or a report stating that no benzene is onsite in wastes, products, byproducts.

Classification: Major

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

5C THC Chapter 382, SubChapter A 382.0518(a)

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

Description: Failed to obtain authorization for a temporary boiler. Specifically, a rental boiler was used as a temporary replacement for Boiler No. 1 from December 12, 1997 thru January 14, 1998.

Classification: Moderate

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

Rqmt Prov: SC 15 PERMIT

Description: Failed to maintain sulfur dioxide (SO₂) emissions below 250 ppm and failed to create records of non-reportable upsets for those events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)

30 TAC Chapter 101, SubChapter A 101.7(b)

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

Description: Failed to submit prior notification of maintenance on the West Plant SRU initiated on the "A" Sulfur Train on June 4, 1998 at 2:35 pm.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)

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

Description: Failed to include upset/maintenance emissions on the 1998 annual emission inventory update submitted on March 15, 1999.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.322(2)

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

Description: Failed to initiate a first attempt repair within five days after a leak was discovered. Specifically, two 2-inch Control Valve-Strippers (Tag No. 547-59 and 547-69) were found leaking on June 11, 1998.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)

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

Description: Failed to conduct annual emissions monitoring on process drains. Annual monitoring was not conducted on process drains at the facility as required for 1998.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.325(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to calibrate fugitive emission analyzer as specified in 40 CFR Part 60, Appendix A, Method 21.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 3 PERMIT

Description: Failed to maintain an accurate system for the recording/reporting of excess emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 6 PERMIT

Description: Failed to provide vapor pressure data for Storage Tanks Nos. 13A, 13B, 6001, 6002, 6011, 6012, 6020, 6021, 6022, 6023 sufficient to determine applicability and compliance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 7 PERMIT

Description: Failed to comply with the nitrogen oxide emission rate for the SRU Tail Gas Incinerator

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 13 PERMIT

Description: Failed to adequately maintain, in an operator's log or equivalent, the record of the date and time of each walk through leak inspection.

Effective Date: 03/05/2004

ADMINORDER 2001-1469-AIR-E

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: 8778A and PSD-TX-408M2 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 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(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

Rqmt Prov: 8778A, SC Nos. 15 and 27 PERMIT

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: 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: Pg 6 MR 3c 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.

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	12/02/1999	(30879)
2	03/28/2000	(109227)
3	03/31/2000	(30880)
4	05/30/2000	(109229)
5	08/08/2000	(109228)
6	08/28/2000	(109230)
7	12/29/2000	(109231)
8	12/29/2000	(109232)
9	12/29/2000	(109233)
10	12/29/2000	(109234)
11	02/08/2001	(109235)
12	02/27/2001	(109236)
13	03/28/2001	(109237)
14	06/25/2001	(109238)
15	07/09/2001	(109239)
16	07/16/2001	(109240)
17	07/16/2001	(109241)
18	07/16/2001	(109242)
19	07/16/2001	(109243)
20	07/16/2001	(109244)
21	07/16/2001	(109245)
22	08/16/2001	(109246)
23	03/12/2002	(535321)
24	03/12/2002	(IE0001458006001)
25	04/25/2002	(535262)
26	09/23/2002	(285700)
27	01/30/2003	(22328)
28	04/30/2003	(26144)
29	07/25/2003	(114318)
30	03/01/2004	(264366)
31	03/01/2004	(264386)
32	03/27/2004	(283425)
33	06/29/2004	(277187)
34	08/31/2004	(290432)
35	09/29/2004	(250527)
36	09/29/2004	(250617)
37	10/20/2004	(337503)

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

Date: 02/07/2001 (109231)

Self Report? NO

Classification: Moderate

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

Description: Failure to Comply

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.6		
Description:	Failure to Comply		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)		
Description:	Failure to Comply		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.6		
Description:	Failure to Comply		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)		
Description:	Failure to Comply		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)		
Description:	UNAUTHORZIED EMISSION		

F. Environmental audits.

Notice of Intent Date: 07/07/2004 (334350)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
AGAINST
CITGO REFINING AND
CHEMICALS COMPANY, L.P.
RN102555166 and RN100238799

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2002-0290-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. ("Citgo") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Litigation Division, and Citgo, represented by Edward C. Lewis, of the law firm of Fulbright & Jaworski, LLP, appear before the Commission and together stipulate that:

1. Citgo owns and operates a petroleum refinery, consisting of two plants. One is located at 1802 Nueces Bay Boulevard, Corpus Christi, Nueces County, Texas ("the East Plant") and the other is located at 7350 Interstate Highway 37, Corpus Christi, Nueces County, Texas ("the West Plant").
2. The East Plant and West Plant each consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382, and TCEQ rules.
4. The Commission and Citgo agree that the Commission has jurisdiction to enter this Agreed Order, and that Citgo is subject to the Commission's jurisdiction.
5. Citgo received notice of the violations alleged in Section II ("Allegations") on or about February 1, 2002; July 24, September 5, September 22 and October 16, 2004.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Citgo of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
7. An administrative penalty in the amount of sixty-eight thousand six hundred forty dollars (\$68,640.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Citgo has paid thirty-four thousand three hundred twenty dollars (\$34,320.00) of the administrative penalty. Thirty-four thousand three hundred twenty dollars (\$34,320.00) shall be conditionally offset by Citgo's completion of a Supplemental Environmental Project as defined in Attachment A and incorporated herein by reference. Citgo'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.
8. 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.
9. The Executive Director of the TCEQ and Citgo have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that Citgo has taken the following corrective measures at the East Plant:
 - a. In connection with the East Plant upset emissions event which occurred on August 8, 2001, in the Fuel Gas Amine Treating Unit from 1:15 - 1:30 p.m., additional training for the console operators was conducted on the operation of the amine system and the fuel gas contactors in order to avoid a recurrence.
 - b. In connection with the East Plant upset emissions event which occurred on August 8, 2001, in the Sat. Gas Unit from 1:45 - 2:45 p.m., all wiring connections were checked on August 8, 2001 to prevent further trips due to other wires being loose.
 - c. In connection with the East Plant upset emissions events which occurred on August 8, 2001, in the Fuel Gas Amine Treating Unit and Sat Gas Unit, Citgo submitted a letter dated October 31, 2001 to supply additional information and notification as to the cause of the events and to provide further requested information.
 - d. In connection with the emissions event that occurred on May 26, 2004, Citgo submitted correspondence dated August 13, 2004 stating that terminal console supervisors received refresher training on tank filling procedures and

that the console supervisor involved in the emissions event was terminated due to his failure to react to the high tank level alarms.

- e. In reference to the stack test emissions of January 30, 2004, at the East Plant, Citgo retested the CO Boiler and demonstrated compliance with the emissions limit for Carbon Monoxide after repairs were made to the boiler plenum section. The test results were received by the Corpus Christi Regional Office on March 25, 2004.
11. The Executive Director recognizes that Citgo has taken the following corrective measures at the West Plant:
 - a. Submitted the Notification of Compliance Status Report for the MACT Tank Nos. 6011, 6012, and 6015 on August 6, 2004.
 - b. Submitted the MACT-CC VOC semi-annual report for the first half of 2003 on August 20, 2004.
 - c. By letter dated February 14, 2005, Citgo confirmed that it had begun fugitive monitoring for benzene at 500 parts per million ("ppm") for both valves and pumps in August 2004 to conform to the requirements of Permit 7741A, Special Condition No. 9.
 - d. By letter dated December 28, 2004, Citgo acknowledged that it had modified its LDAR procedures to ensure that monitoring devices had a response time determined for each concentration of calibration gas in accordance with the requirements found in 40 CFR 60, Appendix A, Method 21 and Permit Nos. 7741A, Special Condition 8F and 8778A, Special Condition 12F prior to placing the instrument in service.
 - e. As of January 31, 2005, Citgo initiated procedures designed to comply with the minimum required temperature for the Tail Gas Incinerator firebox, in accordance with Permit No. 8778A, Special Condition 8.
 12. 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 Citgo has not complied with one or more of the terms or conditions in this Agreed Order.
 13. 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.

14. 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

Citgo is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 101.6(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to notify the TCEQ's regional office within 24 hours after the discovery of two upset events, both of which occurred on August 8, 2001, as documented by a TCEQ Corpus Christi Regional investigator during an inspection conducted on August 13, 2001 at the West Plant.
2. 30 TEX. ADMIN. CODE § 116.115(b)(2)(G) and (c); TCEQ Permit No. 2704A, General Provision No. 1; TCEQ Permit No. 2703A, Special Provision No.1; TCEQ Permit No. 3390A, Special Provision No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to obtain regulatory authority or meet the demonstration requirements of 30 TEX. ADMIN. CODE § 101.11¹ for upset emissions resulting from two separate events which occurred on August 8, 2001. The first event occurred in the Fuel Gas Amine Treating Unit from 1:15 - 1:30 p.m. Approximately 6 pounds ("lbs") of SO₂ were released. The second event occurred in the Sat. Gas Unit from 1:45 - 2:45 p.m. Approximately 24 lbs of NO_x, 176 lbs of CO, and 523 lbs of propane were released, as documented by a TCEQ Corpus Christi Regional Office investigator during an inspection conducted on August 13, 2001 at the West Plant.
3. 30 TEX. ADMIN. CODE § 116.115(b)(2)(F); Permit No. 3123A, Special Condition No.1; and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to demonstrate compliance with the Maximum Allowable Emission Rate ("MAER") of Permit No. 3123A during a stack test performed at the East Plant. Specifically, Citgo failed to demonstrate compliance with the carbon monoxide emission rate for the CO Boiler, EPN F066, as evidenced in a compliance test conducted on January 30, 2004. Test results indicated an emissions rate of 44.97 pounds/hour ("lbs/hr") with a permit limit of 15.53 lbs/hr, as documented by a TCEQ Corpus Christi Regional Office investigator during a record review conducted from April 1, 2004 through April 8, 2004.
4. 30 TEX. ADMIN. CODE § 116.115(c); Permit No. 46641, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to prevent an unauthorized emission event which occurred on May 26, 2004 at the Terminal Tank Farm of the East Plant. Data results

¹ Currently 30 TEX. ADMIN. CODE § 101.222

from the emissions event show that the tank emitted 24.1 lbs of benzene in a period of 2 hours and 56 minutes, as documented by a TCEQ Corpus Christi Regional Office investigator during a record review conducted on September 23, 2004. The permitted limit is 2.13 lbs/hr.

5. 30 TEX. ADMIN. CODE § 116.115(b)(2)(E) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain records containing the information and data sufficient to demonstrate compliance with the permit, including production records. Citgo was unable to demonstrate compliance with the production rate limit for the Sulfur Recovery Unit ("SRU"), as documented during an investigation conducted on May 19, 2004 at the West Plant.
6. 30 TEX. ADMIN. CODE § 116.115(c); Permit No. 8778A, Special Condition No. 30; and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain the Tail Gas Incinerator ("TGI") firebox exit temperature at a minimum of 1475 degrees Fahrenheit. Specifically, records reviewed showed that the temperature did not meet the minimum requirement on August 25, 2003 and May 13 through 21, 2004, as documented by a TCEQ Corpus Christi Regional investigator during an investigation conducted on May 19, 2004 at the West Plant.
7. 30 TEX. ADMIN. CODE § 116.115(c); Permit No. 7741A, Special Condition No. 9; and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to meet the fugitive emission monitoring requirements as specified in the permit. Specifically, 269 valves in benzene service were monitored at 2000 ppm instead of the required 500 ppm, and 31 pumps in benzene service were monitored at 10,000 ppm instead of the required 500 ppm. Estimated emissions were approximately .34 tons/yr for the valves and .556 tons/yr for the pumps, as documented by a TCEQ Corpus Christi Regional investigator during an investigation conducted on May 19, 2004 at the West Plant.
8. 30 TEX. ADMIN. CODE § 113.340; TEX. HEALTH & SAFETY CODE § 382.085(b); and 40 CFR § 63.654(f)(6), by failing to submit the Notification of Compliance Status Report for MACT Tank Nos. 6011, 6012, and 6015, as documented by a TCEQ Corpus Christi Regional investigator during an investigation conducted on May 19, 2004 at the West Plant.
9. 30 TEX. ADMIN. CODE §§ 101.20(1) and 113.340; TEX. HEALTH & SAFETY CODE § 382.085(b); and 40 CFR §§ 60.487(a), 60.592(e), and 63.648(a), by failing to submit the MACT-CC VOC semi-annual report for the first half of 2003, as documented by a TCEQ Corpus Christi Regional investigator during an investigation conducted on May 19, 2004 at the West Plant.
10. 30 TEX. ADMIN. CODE § 116.115(c); Permit No. 7741A, Special Condition No. 8F and Permit No. 8778A, Special Condition No. 12F; TEX. HEALTH & SAFETY CODE § 382.085(b), and 40 CFR § 60.485(b)(1), by failing to properly calibrate the gas analyzer. Specifically,

Citgo failed to meet the response time requirements specified in 40 CFR 60, Appendix A, Reference Method 21, as documented by a TCEQ Corpus Christi Regional investigator during an investigation conducted on June 30, 2004 at the West Plant.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Citgo pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and Citgo'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 actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Citgo Refining and Chemicals Company, L.P., Docket No. 2002-0290-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. Citgo shall implement and complete a Supplemental Environmental Project in accordance with TEX. WATER CODE § 7.067. Thirty-four thousand three hundred twenty dollars (\$34,320.00) of the assessed penalty shall be offset with the condition that Citgo implement the SEP defined in Attachment A. Citgo'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. Within 30 days after the effective date of this Agreed Order, Citgo shall submit an administratively complete permit application in accordance with 30 TEX. ADMIN. CODE §116.110 to amend or alter NSR Permit No. 8778A to address the production rate limit specified for the SRU at the West Plant. The application shall be sent to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Respond completely and adequately, as determined by the Executive Director, to all requests for information concerning the permit application within 30 days after the date of such request(s), or by any other deadline specified in writing.
5. Within 180 days after the effective date of this Agreed Order, Citgo shall submit written certification that NSR Permit No. 8778A has been either amended or altered to address the production rate limit for the SRU, including a copy of such authorization, that operations have ceased until such time that appropriate authorization is obtained, or certify compliance with current permit conditions.

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."

Citgo shall submit all correspondence, reports, documentation and certifications required by this Ordering Provision 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:

Mr. David Turner, Air Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200, Unit 5839
Corpus Christi, Texas 78412

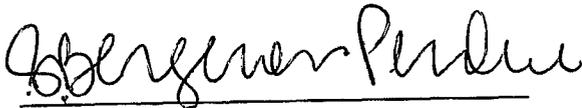
6. The provisions of this Agreed Order shall apply to and be binding upon Citgo. Citgo is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

7. If Citgo 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, Citgo's failure to comply is not a violation of this Agreed Order. Citgo has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Citgo shall notify the Executive Director within seven days after Citgo becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. 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 Citgo shall be made in writing to the Executive Director. Extensions are not effective until Citgo receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
9. This Agreed Order, issued by the Commission, shall not be admissible against Citgo in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of the Agreed Order to Citgo, or three days after the date on which the Commission mails notice of the Agreed Order to Citgo, 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



For the Executive Director

7/10/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 Citgo Refining and Chemicals Company, L.P.'s (Citgo) failure to comply with the Ordering Provisions, if any, in this order and/or Citgo's failure to timely pay the penalty amount, may result in:

- A negative impact on Citgo's compliance history;
- Greater scrutiny of any permit applications submitted by Citgo;
- 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 against Citgo;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Citgo; and
- TCEQ seeking other relief as authorized by law.

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


Signature

5/19/09
Date

KEVIN FERRALL
Name (printed or typed)
Authorized Representative of
Citgo Refining and Chemicals Company, L.P.

VP/CM CORPUS CHRISTI REFINERY
Title

Attachment A
Docket Number: 2002-0290-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: CITGO REFINING AND CHEMICALS COMPANY, L.P.
Penalty Amount: Sixty-eight thousand six hundred forty dollars (\$68,640)
SEP Offset Amount: Thirty-four thousand three hundred twenty dollars (\$34,320)
Type of SEP: Pre-approved
Third-Party Recipient: Texas PTA – *Texas PTA Clean School Buses*
Location of SEP: Texas Air Quality Control Region 214 – Corpus Christi-Victoria

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Texas PTA for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in the Texas Air Quality Control Region 214 – Corpus Christi-Victoria area to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

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

Ms. Kryss O'Shaughnessy, Director of Finance
Texas PTA
408 W. 11th Street
Austin, Texas 78701

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.