

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0340-AIR-E **TCEQ ID:** RN100238799 **CASE NO.:** 37277

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 AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Citgo Corpus Christi Refinery - West Plant, 7350 Interstate Highway 37, Corpus Christi, Nueces County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2004-1279-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 24, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Kevin Ferrall, Vice President and General Manager, Corpus Christi Refinery, Citgo Refining and Chemicals Company L.P., P.O. Box 9176, Corpus Christi, Texas 78469 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 13, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 27, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 106027. Specifically, during the April 8, 2008 emissions event the following unauthorized emissions were released from the Sulfur Recovery Unit ("SRU") Tail Gas Incinerator over a period of five hours when the incinerator tripped off line due to low fuel gas: 1,421 pounds ("lbs") of sulfur dioxide, 42.50 lbs of hydrogen sulfide, and 4.50 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 8778A and PSD-TX-408M3, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to report all the emissions released during Incident No. 106027. Specifically, the carbon monoxide and nitrogen oxides emissions released during the April 8, 2008 emissions event were not included in the final report [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions during Incident No. 106028.</p>	<p>Total Assessed: \$7,700</p> <p>Total Deferred: \$1,540 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,160</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Completed actions on August 30, 2008 in response to Incident No. 106027, including modification of the sulfiding procedure to take into account the burner operation, training staff on the new sulfiding procedure, and adding a minimum main burner fuel gas stop to the distributive control system;</p> <p>b. Completed actions on September 30, 2008 in response to Incident No. 106028, including the designation of a breathing air zone around the burner, modifications to the incinerator burner air register plenum, and review of applicable procedures with staff; and</p> <p>c. Discussed and reviewed emissions event reporting requirements with staff on October 23, 2008.</p>

<p>Specifically, during the April 8, 2008 emissions event the following unauthorized emissions were released from the SRU Acid Gas Flare over a period of five hours when staff were unable to relight the SRU Tail Gas Incinerator when it tripped off line: 6,905.95 lbs of sulfur dioxide, 74.95 lbs of hydrogen sulfide, and 46.90 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 8778A and PSD-TX-408M3, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to report all the emissions released during Incident No. 106028. Specifically, the nitrogen oxides emissions released during the April 8, 2008 emissions event were not included in the final report [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): NE0192F



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	3-Mar-2009	Screening	11-Mar-2009	EPA Due	21-Nov-2009
	PCW	7-May-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37277	No. of Violations	4
Docket No.	2009-0340-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,700
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7 \$1,925
Notes	Penalty enhancement due to five NOVs issued for unrelated violations and one agreed order with a denial of liability. Penalty reduction due to three Notices of Intended Audits and one Disclosure of Violations submitted.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,925
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$135	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,500	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,700
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$7,700
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,700
DEFERRAL	20.0% Reduction	Adjustment -\$1,540
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$6,160

Screening Date 11-Mar-2009	Docket No. 2009-0340-AIR-E	PCW
Respondent Citgo Refining and Chemicals Company L.P.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37277	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN100238799		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	5	10%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	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>	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	Penalty enhancement due to five NOVs issued for unrelated violations and one agreed order with a denial of liability. Penalty reduction due to three Notices of Intended Audits and one Disclosure of Violations submitted.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 11-Mar-2009	Docket No. 2009-0340-AIR-E	PCW		
Respondent Citgo Refining and Chemicals Company L.P.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37277	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100238799				
Media [Statute] Air				
Enf. Coordinator Rebecca Johnson				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	Air Permit No. 8778A and PSD-TX-408M3, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions during Incident No. 106027. Specifically, during the April 8, 2008 emissions event the following unauthorized emissions were released from the Sulfur Recovery Unit ("SRU") Tail Gas Incinerator over a period of five hours when the incinerator tripped off line due to low fuel gas: 1,421 pounds ("lbs") of sulfur dioxide, 42.50 lbs of hydrogen sulfide, and 4.50 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="25%"/>		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>		
Matrix Notes	Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.			
Adjustment		<input type="text" value="\$7,500"/>		
		<input type="text" value="\$2,500"/>		
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
	weekly	<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"/>		
One quarterly event is recommended based on the April 8, 2008 emissions event.				
Good Faith Efforts to Comply		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$625"/>	
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent completed corrective actions on August 30, 2008, prior to the February 27, 2009 NOE.			
Violation Subtotal		<input type="text" value="\$1,875"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$55"/>	Violation Final Penalty Total	<input type="text" value="\$2,500"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$2,500"/>		

Economic Benefit Worksheet

Respondent: Citgo Refining and Chemicals Company L.P.

Case ID No.: 37277

Reg. Ent. Reference No.: RN100238799

Media: Air

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	8-Apr-2008	30-Aug-2008	0.39	\$3	\$53	\$55
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to modify the sulfiding procedure, train staff on the new sulfiding procedure, and add a minimum main burner fuel gas stop to the distributive control system. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$55

Screening Date 11-Mar-2009	Docket No. 2009-0340-AIR-E	PCW
Respondent Citgo Refining and Chemicals Company L.P.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37277		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN100238799		
Media [Statute] Air		
Enf. Coordinator Rebecca Johnson		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(1)(G) and (H) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to report all of the emissions released during Incident No. 106027. Specifically, the carbon monoxide and nitrogen oxides emissions released during the April 8, 2008 emissions event were not included in the final report.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

Falsification				
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	
				Percent <input type="text" value="1%"/>

Matrix Notes

Less than 30% of the reporting requirements were not met.

Adjustment

Violation Subtotal

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>	

Violation Base Penalty

One single event is recommended based on the one inaccurate final report.

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>	<input type="text"/>
	Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
	N/A	<input type="text"/>	<small>(mark with x)</small>

Notes

The Respondent completed corrective actions on October 23, 2008, prior to the February 27, 2009 NOE.

Violation Subtotal

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="\$100"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$100"/>	

Economic Benefit Worksheet

Respondent: Citgo Refining and Chemicals Company L.P.
Case ID No.: 37277
Reg. Ent. Reference No.: RN100238799
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	24-Apr-2008	23-Oct-2008	0.50	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to review the emissions event reporting requirements with staff. Date required is the date the incomplete reports were submitted. Final date is the date corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$12

Screening Date 11-Mar-2009 **Docket No.** 2009-0340-AIR-E **PCW**
Respondent Citgo Refining and Chemicals Company L.P. *Policy Revision 2 (September 2002)*
Case ID No. 37277 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100238799

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s) Air Permit No. 8778A and PSD-TX-408M3, Special Condition No. 1, 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during Incident No. 106028. Specifically, during the April 8, 2008 emissions event the following unauthorized emissions were released from the SRU Acid Gas Flare over a period of five hours when staff were unable to re-light the SRU Tail Gas Incinerator when it tripped off line: 6,905.95 lbs of sulfur dioxide, 74.95 lbs of hydrogen sulfide, and 46.90 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment have been exposed to a significant amount of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended based on the April 8, 2008 emissions event.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed corrective actions on September 30, 2008, prior to the February 27, 2009 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$67

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent: Citgo Refining and Chemicals Company L.P.

Case ID No.: 37277

Reg. Ent. Reference No.: RN100238799

Media: Air

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	8-Apr-2008	30-Sep-2008	0.48	\$3	\$64	\$67
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to designate a breathing air zone around the incinerator burner, modify the incinerator burner air register plenum, and review modifications with staff. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$67

Screening Date 11-Mar-2009 **Docket No.** 2009-0340-AIR-E **PCW**
Respondent Citgo Refining and Chemicals Company L.P. *Policy Revision 2 (September 2002)*
Case ID No. 37277 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100238799
Media [Statute] Air
Enf. Coordinator Rebecca Johnson

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and (H) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to report all the emissions released during Incident No. 106028. Specifically, the nitrogen oxides emissions released during the April 8, 2008 emissions event were not included in the final report.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification			X	

Matrix Notes Less than 30% of the reporting requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 182

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended based on the one inaccurate final report.

Good Faith Efforts to Comply 25.0% Reduction \$25

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

Notes The Respondent completed corrective actions on October 23, 2008, prior to the February 27, 2009 NOE.

Violation Subtotal \$75

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

Estimated EB Amount \$0 Violation Final Penalty Total \$100

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent Citgo Refining and Chemicals Company L.P.

Case ID No. 37277

Reg. Ent. Reference No. RN100238799

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation included in Violation No. 2.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600127922 Citgo Refining and Chemicals Company L.P. Classification: AVERAGE Rating: 2.57

Regulated Entity: RN100238799 CITGO CORPUS CHRISTI REFINERY - WEST PLANT Classification: AVERAGE Site Rating: 6.50

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0192F
	AIR OPERATING PERMITS	PERMIT	1420
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD981153711
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33763
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50353
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50353
	AIR NEW SOURCE PERMITS	PERMIT	7741A
	AIR NEW SOURCE PERMITS	PERMIT	8778A
	AIR NEW SOURCE PERMITS	PERMIT	36783
	AIR NEW SOURCE PERMITS	PERMIT	46180
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0192F
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX408M3
	AIR NEW SOURCE PERMITS	AFS NUM	4835500115
	AIR NEW SOURCE PERMITS	REGISTRATION	77665
	AIR NEW SOURCE PERMITS	REGISTRATION	77419
	AIR NEW SOURCE PERMITS	REGISTRATION	78499
	AIR NEW SOURCE PERMITS	PERMIT	80810
	AIR NEW SOURCE PERMITS	PERMIT	47421
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50353
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	33763
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670084

Location: 7350 IH 37, CORPUS CHRISTI, TX, 78409

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: March 11, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 11, 2004 to March 11, 2009

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A

4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 08/15/2008

ADMINORDER 2007-1853-AIR-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: TCEQ NSR Permit 8778A, SC 1 PA

Description: Failure to gain an affirmative defense against penalties for unauthorized emissions released during an emissions event (STEERS 90377) which was discovered on April 26, 2007.

- 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	03/27/2004	(283425)
2	06/29/2004	(277187)
3	08/31/2004	(290432)
4	09/29/2004	(250527)
5	09/29/2004	(250617)
6	10/20/2004	(337503)
7	03/24/2005	(374535)
8	05/05/2005	(535305)
9	06/20/2005	(395017)
10	07/15/2005	(399326)
11	07/20/2005	(400391)
12	08/30/2005	(407275)
13	03/08/2006	(535285)
14	03/09/2006	(535289)
15	03/23/2006	(449808)
16	07/12/2006	(486344)
17	07/21/2006	(486970)
18	08/24/2006	(489178)
19	08/31/2006	(509336)
20	10/12/2006	(513606)
21	10/12/2006	(514156)
22	10/16/2006	(467278)
23	10/18/2006	(515700)
24	05/25/2007	(561849)
25	07/16/2007	(563337)
26	08/13/2007	(566603)
27	08/17/2007	(565598)
28	08/30/2007	(568343)
29	09/14/2007	(567805)
30	10/17/2007	(573032)
31	10/17/2007	(596345)
32	01/15/2008	(610077)
33	02/29/2008	(619140)
34	02/29/2008	(636571)

35 06/10/2008 (679944)
36 01/06/2009 (722680)
37 01/20/2009 (723004)
38 02/24/2009 (682626)

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

Date: 02/07/2006 (449808)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
Description: Failure to label a hazardous waste tank.

Date: 08/24/2006 (489178)

Self Report? NO Classification: Moderate
Citation: TPDES Permit No. WQ0000467-002 PERMIT
TWC Chapter 26 26.121(a)(1)
Description: Failure to prevent the discharge of 19,026 gallons (453 barrels) of untreated wastewater to the Corpus Christi Inner Harbor.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0000467-002 PERMIT
Description: Failure to meet effluent grab limits for Oil and Grease at the West Plant wastewater treatment facility.

Date: 08/31/2006 (509336)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Description: Failure to demonstrate that observations of visible emissions from nine heater stacks were conducted at least once during each calendar quarter for the following three quarters: June 16, 2005 to September 15, 2005; September 16, 2005 to December 15, 2005; and December 16, 2005 to March 15, 2006.

Date: 01/15/2008 (610077)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
FOP O-01420 Special Term & Cond. no 4 OP
Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. A total of 44 open-ended lines for all events combined were found not to have been equipped with a plug, cap, blind flange or second valve. The lines are subject to 30 TAC Chapter 115 - Fugitive Emission Control in Petroleum Refineries.

Date: 03/03/2008 (619140)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 115, SubChapter D 115.322(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
5C THSC Chapter 382 382.085(b)
Description: Failure to tag components in the West Plant. In addition, the audit comparative monitoring lead to the discovery of about 2500 components on Plat 5 that had been tagged, but not documented in the database.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.324
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
5C THSC Chapter 382 382.085(b)

Description: Prior to 2005 failed to monitor 14,000 components in WPLT service. In addition, Monitoring covered only about 4,000 out of about 18,000 components that should

have been monitored.

F. Environmental audits.

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

Notice of Intent Date: 06/02/2005 (403345)
Disclosure Date: 12/01/2005

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.322(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167

Description: Failed to control 21 open-ended lines by cap, plug, blind or double block valves.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)

Description: Failure to properly complete DOR forms.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.326
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.322
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168

Description: Failure to tag components in the Plat 5 unit.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.115
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(v)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(v)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(3)

Description: Failure to include complete downtime information in several MACT reports. January 2005 West Plant report does not include any downtime information.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(xiii)

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

Notice of Intent Date: 08/13/2007(639334)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITGO REFINING AND CHEMICALS
COMPANY L.P.
RN100238799

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0340-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refinery at 7350 Interstate Highway 37 in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Seven Hundred Dollars (\$7,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Six Thousand One Hundred Sixty Dollars (\$6,160) of the administrative penalty and One Thousand Five Hundred Forty Dollars (\$1,540) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Completed actions on August 30, 2008 in response to Incident No. 106027, including modification of the sulfiding procedure to take into account the burner operation, training staff on the new sulfiding procedure, and adding a minimum main burner fuel gas stop to the distributive control system;
 - b. Completed actions on September 30, 2008 in response to Incident No. 106028, including the designation of a breathing air zone around the burner, modifications to the incinerator burner air register plenum, and review of applicable procedures with staff; and
 - c. Discussed and reviewed emissions event reporting requirements with staff on October 23, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions during Incident No. 106027, in violation of Air Permit No. 8778A and PSD-TX-408M3, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13, 2008. Specifically, during the April 8, 2008 emissions event the

following unauthorized emissions were released from the Sulfur Recovery Unit ("SRU") Tail Gas Incinerator over a period of five hours when the incinerator tripped off line due to low fuel gas: 1,421 pounds ("lbs") of sulfur dioxide, 42.50 lbs of hydrogen sulfide, and 4.50 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to report all the emissions released during Incident No. 106027, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13, 2008. Specifically, the carbon monoxide and nitrogen oxides emissions released during the April 8, 2008 emissions event were not included in the final report.
3. Failed to prevent unauthorized emissions during Incident No. 106028, in violation of Air Permit No. 8778A and PSD-TX-408M3, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13, 2008. Specifically, during the April 8, 2008 emissions event the following unauthorized emissions were released from the SRU Acid Gas Flare over a period of five hours when staff were unable to relight the SRU Tail Gas Incinerator when it tripped off line: 6,905.95 lbs of sulfur dioxide, 74.95 lbs of hydrogen sulfide, and 46.90 lbs of nitrogen oxides. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
4. Failed to report all the emissions released during Incident No. 106028, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 13, 2008. Specifically, the nitrogen oxides emissions released during the April 8, 2008 emissions event were not included in the final report.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Citgo Refining and Chemicals Company L.P., Docket No. 2009-0340-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallie

For the Executive Director

8/6/2009

Date

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

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

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

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

[Signature]

Signature

6/09/09

Date

KEVIN FERRAN

Name (Printed or typed)
Authorized Representative of
Citgo Refining and Chemicals Company L.P.

VP/Gen CORPUS CHRISTI REGION

Title

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

