

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0837-AIR-E TCEQ ID: RN102555166 CASE NO.: 35918  
RESPONDENT NAME: CITGO REFINING AND CHEMICALS COMPANY L.P.**

<b>ORDER TYPE:</b>		
<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	

<b>CASE TYPE:</b>		
<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:** 1801 Nueces Bay Boulevard, Corpus Christi, Nueces County

**TYPE OF OPERATION:** petroleum refinery

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** Four complaints have been received. The complaints alleged that the Respondent allowed the release of oil residue which coated nearby homes and vehicles. There are four pending enforcement actions regarding this facility location. [2004-1279-AIR-E; 2008-0273-IHW-E; 2008-1193-AIR-E; and 2008-1793-AIR-E].

**INTERESTED PARTIES:** The complainants have not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on September 21, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Anna M. Treadwell, Litigation Division, MC 175, (512) 239-0974  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938

**TCEQ Regional Contact:** Mr. David Turner, Corpus Christi Regional Office, MC R-14, (361) 825-3100

**Respondent:** Mr. Mark W. Cheesman, Manager of Environmental Affairs, CITGO Refining and Chemicals Company L.P., P.O. Box 9176, Corpus Christi, Texas 78469

**Respondent's Attorney:** Mr. Chris Newcomb, Senior Corporate Counsel, CITGO Refining and Chemicals Company L.P., CITGO Lemont Refinery 135th Street and New Avenue, Lemont, Illinois 60439

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Dates of Complaints Relating to this Case:</b>                      February 22, 2008 (1); February 24, 2008 (2); and                      March 9, 2008 (1)</p> <p><b>Date of Investigation Relating to this Case:</b>                      February 29, 2008</p> <p><b>Date of NOE Relating to this Case:</b>                      April 17, 2008</p> <p><b>Background Facts:</b>                      The EDPRP was filed on November 6, 2008. Respondent filed an answer and the case was referred to SOAH. The preliminary hearing was waived and the ED served Respondent with discovery requests. Settlement was achieved and Respondent signed the Agreed Order on June 26, 2009.</p> <p><b>Current Compliance Status:</b>                      No outstanding technical requirements.</p> <p><b>AIR:</b>                      Allowed the release of air contaminants in such concentration and such duration as to interfere with the normal use and enjoyment of property. Since the emissions event was avoidable, Respondent does not meet the demonstrations for an affirmative defense [30 TEX. ADMIN CODE §§ 101.4 and 116.115(b)(2)(F); TEX. HEALTH &amp; SAFETY CODE § 382.085(a) and (b); and Air New Source Review Permit No. 2695A, General Condition 8].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$10,000</p> <p>The Respondent paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The ED recognizes that Respondent implemented appropriate measures to minimize and/or avoid the reoccurrence of emissions events similar to the February 22, 2008, incident.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

**TCEQ**

<b>DATES</b>	Assigned	23-Apr-2008	Screening	18-May-2008	EPA Due	26-Feb-2009
	PCW	21-Jan-2009				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35918	No. of Violations	1
Docket No.	2008-0837-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		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 \$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** 138.0% Enhancement Subtotals 2, 3, & 7 \$6,900

Notes: The Respondent has received three 1660 Orders, 11 NOVs for similar violations, 16 NOVs for non-similar violations, and has submitted five NOAs with two associated DOVs.

**Culpability** No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0.0% Reduction Subtotal 5 \$0

Before NOV      NOV to EDCRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

**Total EB Amounts** \$108 0.0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$2,500 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$11,900

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$11,900

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$10,000

**DEFERRAL** Reduction Adjustment \$0

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

Notes

No deferral is offered.

**PAYABLE PENALTY** \$10,000

**Screening Date** 18-May-2008

**Docket No.** 2008-0837-AIR-E

**PCW**

**Respondent** Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

**Case ID No.** 35918

PCW Revision April 29, 2008

**Reg. Ent. Reference No.** RN102555166

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

### 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>	11	55%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>	5	-5%
	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>	2	-4%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 138%

>> **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 received three 1660 Orders, 11 NOVs for similar violations, 16 NOVs for non-similar violations, and has submitted five NOAs with two associated DOVs.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 138%

<b>Screening Date</b> 18-May-2008	<b>Docket No.</b> 2008-0837-AIR-E	<b>PCW</b>
<b>Respondent</b> Citgo Refining and Chemicals Company L.P.		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35918		<i>PCW Revision April 29, 2008</i>
<b>Reg. Ent. Reference No.</b> RN102555166		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Kimberly Morales		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.4 and 116.115(b)(2)(F); Tex. Health & Safety Code § 382.085(a) and (b); and Air Permit No. 2695A, General Condition 8	
<b>Violation Description</b>	Failed to prevent the release of air contaminants in such concentration and such duration as to interfere with the normal use and enjoyment of property, as documented during an investigation conducted on February 29, 2008. Specifically, during a four hour emissions event involving a pipe leak from emission point number F290 which occurred on February 22, 2008, approximately 280.2 pounds ("lbs") of volatile organic compounds, 39.4 lbs of hazardous air pollutants, and 35 lbs of particulate matter (flushed crude oil) were dispersed over a residential area of 1.25 square miles, affecting property and vegetation. The emissions are not authorized by the permit. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).	
<b>Base Penalty</b>		\$10,000

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

<b>OR</b>	<b>Harm</b>				
		Major	Moderate		Minor
	<b>Actual</b>	x			
	<b>Potential</b>				
				<b>Percent</b> <input type="text" value="50%"/>	

**>> Programmatic Matrix**

	Major	Moderate	Minor	
<b>Falsification</b>				
				<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes** The event resulted in the discharge of a significant amount of pollutants which did not exceed protective levels.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$108"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$11,900"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$10,000"/>	

### Economic Benefit Worksheet

**Respondent:** Citgo Refining and Chemicals Company L.P.

**Case ID No.:** 35918

**Reg. Ent. Reference No.:** RN102555166

**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
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	22-Feb-2008	1-Jan-2009	0.86	\$108	n/a	\$108

Notes for DELAYED costs

Estimated cost to investigate and implement procedures to prevent reoccurrence. Date required is the date of the event and Final date is when compliance is expected to be achieved.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$108

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600127922	Citgo Refining and Chemicals Company L.P.	Classification: AVERAGE	Rating: 3.80
Regulated Entity:	RN102555166	CITGO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 11.79
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		483550003
	AIR NEW SOURCE PERMITS	REGISTRATION		71021
	AIR NEW SOURCE PERMITS	PERMIT		53921
	AIR NEW SOURCE PERMITS	PERMIT		54775
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX653M1
	AIR NEW SOURCE PERMITS	PERMIT		72654
	AIR NEW SOURCE PERMITS	PERMIT		74515
	AIR NEW SOURCE PERMITS	REGISTRATION		74376
	AIR NEW SOURCE PERMITS	REGISTRATION		75017
	AIR NEW SOURCE PERMITS	REGISTRATION		75340
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX831
	AIR NEW SOURCE PERMITS	REGISTRATION		76930
	AIR NEW SOURCE PERMITS	REGISTRATION		76737
	AIR NEW SOURCE PERMITS	REGISTRATION		76742
	AIR NEW SOURCE PERMITS	REGISTRATION		76880
	AIR NEW SOURCE PERMITS	REGISTRATION		76883
	AIR NEW SOURCE PERMITS	REGISTRATION		77066
	AIR NEW SOURCE PERMITS	REGISTRATION		77680
	AIR NEW SOURCE PERMITS	REGISTRATION		77094
	AIR NEW SOURCE PERMITS	REGISTRATION		77050
	AIR NEW SOURCE PERMITS	REGISTRATION		78081
	AIR NEW SOURCE PERMITS	REGISTRATION		78541
	AIR NEW SOURCE PERMITS	REGISTRATION		78522

AIR NEW SOURCE PERMITS	REGISTRATION	78851
AIR NEW SOURCE PERMITS	REGISTRATION	78850
AIR NEW SOURCE PERMITS	REGISTRATION	78195
AIR NEW SOURCE PERMITS	REGISTRATION	79234
AIR NEW SOURCE PERMITS	REGISTRATION	79760
AIR NEW SOURCE PERMITS	PERMIT	80407
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1086
AIR NEW SOURCE PERMITS	PERMIT	80693
AIR NEW SOURCE PERMITS	REGISTRATION	80521
AIR NEW SOURCE PERMITS	REGISTRATION	80564
AIR NEW SOURCE PERMITS	PERMIT	80801
AIR NEW SOURCE PERMITS	REGISTRATION	83336
AIR NEW SOURCE PERMITS	REGISTRATION	83016
AIR NEW SOURCE PERMITS	REGISTRATION	86253
AIR NEW SOURCE PERMITS	REGISTRATION	83882
AIR NEW SOURCE PERMITS	REGISTRATION	83913
AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0027V
AIR OPERATING PERMITS	PERMIT	1423
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD051161990
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30532
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50160
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50160
WASTEWATER	PERMIT	WQ0000467000
WASTEWATER	PERMIT	TPDES0006211
WASTEWATER	PERMIT	TX0006211
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30532
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50160

Location: 1801 NUECES BAY BLVD, CORPUS CHRISTI, TX, 78407

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: January 21, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 15, 2003 to May 15, 2008

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

Name: Kimberly Morales Phone: (713) 422-8938

**Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Citgo Refining and Chemicals Company L.P.
4. If Yes, who was/were the prior owner(s)? Citgo Petroleum Corporation
5. When did the change(s) in ownership occur? 10/1/2007
6. Rating Date: 9/1/2007 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.

- 1 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).

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit 5418A General Conditions PERMIT

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

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

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 3123A, SC 1 PERMIT

Permit No. 3123A, Special Condition 3 PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/22/2003	(158888)
2	06/13/2003	(28894)
3	06/13/2003	(28895)
4	06/13/2003	(33932)
5	06/13/2003	(62480)
6	06/24/2003	(158892)
7	07/22/2003	(158896)
8	08/11/2003	(149101)
9	08/11/2003	(149496)
10	08/15/2003	(147279)
11	08/19/2003	(295716)
12	09/19/2003	(295718)
13	10/30/2003	(249984)
14	10/30/2003	(250829)
15	10/30/2003	(252796)

16	10/30/2003	(252955)
17	10/30/2003	(295720)
18	11/21/2003	(295722)
19	12/29/2003	(295723)
20	01/27/2004	(295725)
21	01/29/2004	(258191)
22	02/02/2004	(261589)
23	02/09/2004	(256114)
24	02/09/2004	(256568)
25	02/09/2004	(256569)
26	02/23/2004	(295705)
27	03/01/2004	(264188)
28	03/01/2004	(264223)
29	03/25/2004	(295709)
30	03/27/2004	(283414)
31	04/15/2004	(266190)
32	04/28/2004	(295710)
33	05/10/2004	(270683)
34	05/24/2004	(272559)
35	05/25/2004	(295712)
36	05/28/2004	(272866)
37	06/23/2004	(276515)
38	06/24/2004	(269190)
39	06/30/2004	(352239)
40	07/01/2004	(278139)
41	07/01/2004	(278271)
42	07/19/2004	(268646)
43	07/22/2004	(352240)
44	08/30/2004	(352241)
45	08/31/2004	(291703)
46	09/15/2004	(298570)
47	09/16/2004	(334411)
48	09/28/2004	(283343)
49	10/12/2004	(335820)
50	10/29/2004	(352243)
51	11/19/2004	(336653)
52	11/19/2004	(336845)
53	11/19/2004	(339890)
54	11/19/2004	(339919)
55	11/19/2004	(341541)
56	11/22/2004	(341305)
57	11/23/2004	(352244)
58	11/30/2004	(341912)
59	12/20/2004	(352242)
60	12/20/2004	(381902)
61	12/30/2004	(342227)
62	01/21/2005	(345684)
63	01/24/2005	(381903)
64	02/03/2005	(348348)
65	02/23/2005	(381900)
66	03/08/2005	(453246)
67	03/11/2005	(372798)
68	03/24/2005	(373888)
69	03/24/2005	(374168)
70	03/28/2005	(374190)
71	03/28/2005	(381901)
72	04/26/2005	(419743)
73	05/06/2005	(378559)
74	05/23/2005	(419744)
75	06/03/2005	(392988)
76	06/03/2005	(393464)
77	06/16/2005	(395438)
78	06/23/2005	(419745)
79	07/07/2005	(395347)
80	07/18/2005	(393465)
81	07/22/2005	(440879)
82	08/18/2005	(405799)
83	08/22/2005	(402137)
84	08/26/2005	(440880)
85	09/20/2005	(440881)
86	10/11/2005	(434051)

87	10/25/2005	(468522)
88	11/16/2005	(405717)
89	11/17/2005	(436667)
90	11/28/2005	(468523)
91	12/01/2005	(435829)
92	12/22/2005	(468524)
93	01/02/2006	(450793)
94	01/02/2006	(450794)
95	01/24/2006	(468525)
96	02/09/2006	(453193)
97	02/21/2006	(451197)
98	02/24/2006	(468521)
99	03/07/2006	(454499)
100	03/08/2006	(458417)
101	03/20/2006	(498260)
102	03/27/2006	(459448)
103	04/06/2006	(459050)
104	04/13/2006	(459661)
105	04/13/2006	(459665)
106	04/18/2006	(455371)
107	04/24/2006	(498261)
108	05/23/2006	(498262)
109	05/24/2006	(467417)
110	06/05/2006	(466364)
111	06/06/2006	(467393)
112	06/23/2006	(498263)
113	07/19/2006	(482242)
114	07/21/2006	(484425)
115	07/24/2006	(520275)
116	08/09/2006	(572255)
117	08/17/2006	(520276)
118	08/21/2006	(489885)
119	08/21/2006	(520277)
120	08/22/2006	(487181)
121	08/24/2006	(482569)
122	08/31/2006	(483126)
123	09/13/2006	(510995)
124	09/25/2006	(520278)
125	10/12/2006	(514095)
126	10/12/2006	(514878)
127	10/12/2006	(514897)
128	10/16/2006	(515256)
129	10/18/2006	(510953)
130	10/18/2006	(515782)
131	10/24/2006	(544597)
132	11/15/2006	(516860)
133	11/15/2006	(518976)
134	11/27/2006	(544598)
135	11/29/2006	(512162)
136	12/19/2006	(544599)
137	12/21/2006	(534104)
138	12/29/2006	(534672)
139	01/04/2007	(516900)
140	01/08/2007	(512157)
141	01/22/2007	(544600)
142	02/12/2007	(539381)
143	02/16/2007	(540236)
144	02/18/2007	(540855)
145	02/22/2007	(575434)
146	02/26/2007	(538209)
147	03/20/2007	(538211)
148	03/26/2007	(575435)
149	04/04/2007	(554293)
150	04/23/2007	(575436)
151	04/23/2007	(575440)
152	04/25/2007	(540902)
153	05/04/2007	(558318)
154	05/08/2007	(558508)
155	05/16/2007	(575437)
156	05/25/2007	(561868)
157	06/01/2007	(559013)

158 06/21/2007 (563744)  
 159 06/22/2007 (575438)  
 160 07/13/2007 (562870)  
 161 07/13/2007 (564523)  
 162 07/13/2007 (567064)  
 163 07/23/2007 (575439)  
 164 08/17/2007 (565565)  
 165 08/20/2007 (607562)  
 166 08/27/2007 (573505)  
 167 08/31/2007 (572127)  
 168 09/14/2007 (570950)  
 169 09/24/2007 (607563)  
 170 10/02/2007 (594482)  
 171 10/03/2007 (608617)  
 172 10/17/2007 (596344)  
 173 10/22/2007 (481761)  
 174 10/22/2007 (619546)  
 175 11/26/2007 (619547)  
 176 11/28/2007 (598481)  
 177 12/27/2007 (619548)  
 178 01/18/2008 (598045)  
 179 02/02/2008 (594422)  
 180 02/11/2008 (617736)  
 181 02/11/2008 (617821)  
 182 02/25/2008 (672070)  
 183 03/25/2008 (672071)  
 184 04/01/2008 (639935)  
 185 04/17/2008 (689998)  
 186 04/28/2008 (653240)

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

1

Date: 08/18/2003 (147279) CN600127922  
 Self 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 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 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 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 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

2

Date: 10/31/2003 (249984) CN600127922  
 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.

- 3 Date: 02/03/2004 (258191) CN600127922  
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.

- 4 Date: 02/06/2004 (256569) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
9604A PERMIT  
Description: Failure to operate the Cumene Flare with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
9604A PERMIT  
Description: Failure to maintain the Cumene Flare in good working order.

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

- 6 Date: 02/06/2004 (256568) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
Description: Failure to obtain regulatory authority for, or satisfy all criteria of 30 Texas Admin. Code §101.222(b), to exempt from compliance limitations, the emissions released during an emissions event.

- 7 Date: 04/15/2004 (266190) CN600127922  
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.

- 8 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

- 9 Date: 05/21/2004 (272559) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)  
3119A PA  
Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for emissions involving the SRU during an emissions event which began on January 5, 2004.

- 10 Date: 06/23/2004 (276515) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
9604A PA  
Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for emissions involving the Fluor Flare during an emissions event which began on March 3, 2004.

11 Date: 08/31/2004 (291703) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart H 63.162(a)  
5418A & 20156 PA  
Description: Failure to demonstrate compliance with the fugitive emission standards for all components in HON service at the BTX and Hydrar Units as directed by § 63.162(a) and (f).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Part 63, Subpart H 63.166  
Description: Failure to equip process sampling stations with a closed-purge, closed-loop, or closed-vent system  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart H 63.167  
5418A & 20156 PA  
Description: Failure to equip applicable each open-ended valve or line with a cap, blind flange, plug, or a second valve.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.325(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart H 63.180(b)  
5418A & 20156 PA  
Description: Failure to demonstrate that fugitive monitoring was being performed in accordance with Method 21 of 40 CFR part 60, appendix A.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Part 63, Subpart H 63.182(d)  
Description: Failure to submit an accurate and complete HON semiannual report due on or about July 2003 for the reporting period of January through June 2003.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Part 63, Subpart H 63.182(d)  
Description: Failure to include in the BTX and Hydrar Unit HON semiannual reports the number and percent of connectors leaking, and the total number of connectors monitored. Additionally, the number and percent of valves leaking and the total number of valves monitored are incorrect.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5418A & 20156 PA  
Description: Failure to maintain and provide, upon request, lists of equipment excluded from fugitive emission monitoring requirements due to vapor pressure, operating pressure and/or size. Additionally, the operator failed to demonstrate that the weekly AVO inspections of connectors and/or flanges are being conducted.

12 Date: 11/19/2004 (341305) CN600127922  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Special Condition No. 3 PERMIT  
Description: Failure to satisfy all demonstrations criteria as listed under 30 Tex. Admin. Code § 101.222 and gain authority for emissions released from an event that occurred on April 14, 2004, TCEQ incident No. 37963.

13 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.

14 Date: 12/29/2004 (342227) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)  
Description: Failure to submit all additional or more detailed information requested for TCEQ STEERS No. 39028 within the time frame established in the request. Information requested to be submitted by September 22, 2004 was received on November 24, 2004.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(12)  
Description: All additional information necessary to evaluate the emissions event (TCEQ STEERS No. 39028) which occurred on or about May 4, 2004 was not provided in the final record.

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(f)		
	Description:	Failure to submit in writing an analysis of the probable cause of an emissions event (TCEQ STEERS No. 39028) within 60 days from the date of the request.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)		
	Description:	Failure to prevent the occurrence of visible emissions with an opacity of greater than 20% averaged over a six- minute period for emissions released from the No. 2 FCCU during an emissions event (TCEQ STEERS No. 39028) that occurred on or about May 4, 2004.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)		
	Description:	Failure to maintain compliance with applicable requirements specified in New Source Performance Standards (NSPS) for Petroleum Refineries 40 Code of Federal Regulations (CFR) Part 60 Subpart J.		
15	Date:	03/31/2005 (419743)	CN600127922	
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		
16	Date:	07/18/2005 (393465)	CN600127922	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 00467-003 PERMIT		
	Description:	Failure to comply with the 0.5 mg/l daily maximum permit limit for BTEX.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 319, SubChapter A 319.4 TPDES Permit No. 00467-003 PERMIT		
	Description:	Failure to meet minimum self-monitoring requirements for sample collection and laboratory analysis.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TPDES Permit No. 00467-001 PERMIT		
	Description:	Failure to comply with the maximum pH permit limit of 9.0 su (standard units).		
17	Date:	12/31/2005 (468525)	CN600127922	
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		
18	Date:	08/24/2006 (482569)	CN600127922	
	Self Report?	NO	Classification:	Moderate
	Citation:	TPDES Permit No. WQ0000467-001 PERMIT TWC Chapter 26 26.121(a)(1)		
	Description:	Failure to prevent an unauthorized discharge of approximately 6 barrels of slop oil into the Corpus Christi Inner Harbor.		
19	Date:	08/31/2006 (483126)	CN600127922	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 335, SubChapter C 335.69(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)		
	Description:	Failure to meet accumulation time limits as required for storage of hazardous waste without a permit.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A) 30 TAC Chapter 335, SubChapter E 335.112(a)(8) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174		
	Description:	Failure to inspect all container storage areas as required.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) PP III.D. OP		
	Description:	Failure to inspect Permitted Units as per permit requirements.		
20	Date:	11/28/2006 (512162)	CN600127922	
	Self Report?	NO	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 335, SubChapter A 335.4		
	Description:	Failure to prevent discharge of industrial or other waste into or adjacent to any water in the state.		
21	Date:	03/31/2007 (575436)	CN600127922	
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
	Description:	Failure to meet the limit for one or more permit parameter		

22 Date: 05/31/2007 (575438) CN600127922  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

23 Date: 07/31/2007 (607562) CN600127922  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

24 Date: 08/17/2007 (565565) CN600127922  
Self Report? NO Classification: Moderate  
Citation: TWC Chapter 26 26.121(a)(1)  
Description: Failure to prevent an un-permitted discharge of commingled process wastewater, storm water, cooling tower blow-down, and fire water via outfall 003

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit No. 00467-001 PERMIT  
Description: Failure to comply with the daily maximum effluent permit limit for biochemical oxygen demand (BOD) and chemical oxygen demand (COD) for 12/2005 at outfall 001.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.4  
TPDES Permit No. 00467-003 PERMIT  
Description: Failure to analyze total chrome at storm water outfall 003 for the month of November 2005. On 11/26/2005, a discharge occurred at outfall 003 with a corresponding rain event. A sample was collected during the discharge for laboratory analyses of the required permit parameters. The in-house laboratory did not perform the total chromium analysis due to a laboratory error.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit No. 00467-003 PERMIT  
Description: Failure to comply with the daily maximum effluent permit limit for oil and grease for 07/2007 at outfall 003.

25 Date: 08/31/2007 (572127) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 19044, SC 2E PERMIT  
20156, SC 1E PERMIT  
21303, SC 5E PERMIT  
21706, SC 6E PERMIT  
2695A, Special Condition 10E PERMIT  
2697A, SC 9E PERMIT  
2703A, SC 5E PERMIT  
2708A, SC 8E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3123A, SC 7E PERMIT  
3857A, 13E PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
46640, SC 6E PERMIT  
46641, SC 14E PERMIT  
5418A, SC 8E PERMIT  
6722A, SC 10E PERMIT  
72654, SC 3E PERMIT  
9604A/PSD-TX-853, SC18E PERMIT  
FOP O-01423, Special Term & Condition 1A OP  
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(g)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
FOP O-01423, Special Term & Condition 1A OP  
Description: Failure to make a first attempt at repair within five days.

Self Report? NO Classification: Moderate

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

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

26 Date: 09/30/2007 (619546) CN600127922  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 10/03/2007 (608617) CN600127922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits.

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

2 Notice of Intent Date: 07/07/2004 (334338)  
 No DOV Associated

3 Notice of Intent Date: 07/27/2004 (509717)  
 No DOV Associated

4 Notice of Intent Date: 06/02/2005 (403329)  
 2 Disclosure Date: 12/01/2005  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)  
 Description: Failed to control 63 open-ended lines by cap, plug, blind, or double block valves.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)  
 Description: Failure to maintain records of weekly visual inspections documenting inspection of non-leaking pumps.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT R 60.181(d)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)  
 Description: Failure to properly complete DOR forms.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.326  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182  
 Description: Failure to submit monitoring reports on time and Reports did not contain all information required by the regulations.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.322  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168  
 Description: Failure to tag components in the ADP and BTX units.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)  
 Description: The 5 to 15 day report submitted in July 2005 generated by the fugitive software had inaccurate or not probable dates that reported excessive deviations.  
 Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

5 Notice of Intent Date: 08/08/2007 (639331)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITGO REFINING AND  
CHEMICALS COMPANY L.P.  
RN102555166**

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§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-0837-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("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. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and CITGO represented by Chris Newcomb, Senior Corporate Counsel of CITGO, appear before the Commission and together stipulate that:

1. CITGO owns and operates a petroleum refinery located at 1801 Nueces Bay Boulevard, Corpus Christi, Nueces County, Texas (the "Plant").
2. 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.
3. 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.
4. CITGO received notice of the violations alleged in Section II ("Allegations") on or about April 22, 2008.
5. 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.

6. An administrative penalty in the amount of ten thousand dollars (\$10,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). CITGO paid ten thousand dollars (\$10,000.00) of the administrative 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 CITGO agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that CITGO implemented appropriate measures to minimize and/or avoid the reoccurrence of emissions events similar to the February 22, 2008 incident.
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 CITGO 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

During an investigation conducted on February 29, 2008, a TCEQ Corpus Christi Regional Office investigator documented that CITGO violated 30 TEX. ADMIN. CODE §§ 101.4 and 116.115(b)(2)(F), TEX. HEALTH & SAFETY CODE § 382.085(a) and (b), and Air New Source Review Permit No. 2695A, General Condition No. 8 by failing to prevent the release of air contaminants in such concentration and such duration as to interfere with the normal use and enjoyment of property. Specifically, during a four hour emissions event involving a pipe leak from emission point number F290 which occurred on February 22, 2008, approximately 280.2 pounds ("lbs") of volatile organic compounds, 39.4 lbs of hazardous air pollutants, and 35 lbs of particulate matter (flashed crude oil) were dispersed over a residential area of 1.25 square miles, affecting property and vegetation. The emissions are not authorized by the permit. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

### 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 6, 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 considering or requiring corrective action or penalties for violations which 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. 2008-0837-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. 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.
3. 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.
4. 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 Order to CITGO, or three days after the date on which the Commission mails notice of the 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

8/20/2009  
\_\_\_\_\_  
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 my 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, I understand that any falsification of any compliance documents may result in criminal prosecution

  
\_\_\_\_\_  
Signature

8/26/09  
\_\_\_\_\_  
Date

KEVIN FERRALL  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
CITGO Refining and Chemicals Company L.P.

VP/GM COMPLIANCE CURRISTI  
\_\_\_\_\_  
Title