

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1614-AIR-E **TCEQ ID:** RN100235266 **CASE NO.:** 38478
RESPONDENT NAME: Flint Hills Resources, LP

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: Flint Hills Resources Corpus Christi West Plant, 2825 Sunside Road, 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 no record of additional pending enforcement actions regarding this facility location.</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 February 22, 2010. 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. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Richard Harris, Vice President and Manufacturing Manager, Flint Hills Resources, LP, P.O. Box 2608, Corpus Christi, Texas 78403 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: July 2, 2009</p> <p>Date of NOV/NOE Relating to this Case: September 24, 2009 (NOE)</p> <p>Background Facts: This was a record review investigation.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 121830. Specifically, during the March 25, 2009 emissions event 10,553.70 pounds ("lbs") of unauthorized carbon monoxide ("CO") emissions were released from the CO Boiler over a period of 13 hours and 51 minutes when the primary steam turbine shut down due to a leak from a hole in a pressure gauge bourdon tube and when the boiler shut down due to the inadvertant opening of the electric draft fan louvers. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 8803A and PSD-TX-413M9, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions during Incident No. 121939. Specifically, during the March 27, 2009 emissions event the following unauthorized emissions were released from the First Stage Flare and the Second Stage Flare over a period of 18 hours due to a faulty pressure transmitter: 1,115.90 lbs of sulfur dioxide, 302.70 lbs of CO, 100.15 lbs of volatile organic compounds, 22.80 lbs of nitrogen oxides, and 12.10 lbs of hydrogen sulfide. Since the emissions event was not properly</p>	<p>Total Assessed: \$15,876</p> <p>Total Deferred: \$3,175 <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: \$12,701</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. In response to Incident No. 121830, corrective actions were completed on October 19, 2009, including the installation of a new pressure gauge, modifications to the lubrication system, the addition of a temperature indicator to the turbine bearing housings, modifications to the Control Room Process Manager, labeling of the fan controls, development of a new shut down procedure, and employee training; and</p> <p>b. In response to Incident No. 121939, employee training was completed on July 26, 2009 to emphasize the emissions event reporting requirements and to prevent the recurrence of emissions events due to the same.</p>

<p>reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 8803A and PSD-TX-413M9, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to report Incident No. 121939 within 24 hours after discovery. Specifically, Incident No. 121939 was initially discovered on March 27, 2009 at 15:22 hours, however, the initial report was not submitted until March 28, 2009 at 16:25 hours [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): NE0122D



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	28-Sep-2009	Screening	2-Oct-2009	EPA Due	21-Jun-2010
	PCW	2-Oct-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Flint Hills Resources, LP
Reg. Ent. Ref. No.	RN100235266
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38478	No. of Violations	3
Docket No.	2009-1614-AIR-E	Order Type	1860
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** \$7,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 151.0% Enhancement **Subtotals 2, 3, & 7** \$11,476

Notes: Penalty enhancement due to three NOV's for same or similar violations, seven NOV's for unrelated violations, four agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to six Notices of Intended Audits and one Disclosure of Violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$1,150

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

Total EB Amounts \$326
Approx. Cost of Compliance \$12,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$17,926

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$17,926

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$15,876

DEFERRAL 20.0% Reduction **Adjustment** -\$3,175

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 \$12,701

Screening Date 2-Oct-2009

Docket No. 2009-1614-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 38478

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 151%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Adjustment Percentage (Subtotals 2, 3, & 7) 151%

Screening Date 2-Oct-2009

Docket No. 2009-1614-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 38478

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 8803A and PSD-TX-413M9, Special Condition No. 1, 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during Incident No. 121830. Specifically, during the March 25, 2009 emissions event 10,553.70 pounds ("lbs") of unauthorized carbon monoxide ("CO") emissions were released from the CO Boiler over a period of 13 hours and 51 minutes when the primary steam turbine shut down due to a leak from a hole in a pressure gauge bourdon tube and when the boiler shut down due to the inadvertent opening of the electric draft fan louvers. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		60%
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 1 Number of violation days 1

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 March 25, 2009 emissions event.

Good Faith Efforts to Comply

10.0% Reduction

\$500

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

Notes Corrective actions were completed on October 19, 2009, which was after the NOE issued on September 24, 2009, and before the initial settlement offer.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$285

Violation Final Penalty Total \$12,060

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

Economic Benefit Worksheet

Respondent Flint Hills Resources, LP

Case ID No. 38478

Reg. Ent. Reference No. RN100235268

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	25-Mar-2009	19-Oct-2009	0.57	\$285	n/a	\$285

Notes for DELAYED costs

Estimated cost to install a new pressure gauge, modify the lubrication system, install temperature indicators, modify the Control Room Process Manager, develop a written procedure, and conduct training to prevent the recurrence of an emissions event due to the same cause. The date required is the date of the emissions event. The final date is the date corrective actions were completed.

Avoided Costs

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

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

\$10,000

TOTAL

\$285

Screening Date: 2-Oct-2009

Docket No.: 2009-1614-AIR-E

PCW

Respondent: Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No.: 38478

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100235266

Media [Statute]: Air

Enf. Coordinator: Rebecca Johnson

Violation Number: 2

Rule Cite(s)

Air Permit No. 8803A and PSD-TX-413M9, Special Condition No. 1, 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during incident No. 121939. Specifically, during the March 27, 2009 emissions event the following unauthorized emissions were released from the First Stage Flare and the Second Stage Flare over a period of 18 hours due to a faulty pressure transmitter: 1,115.90 lbs of sulfur dioxide, 302.70 lbs of CO, 100.15 lbs of volatile organic compounds, 22.80 lbs of nitrogen oxides, and 12.10 lbs of hydrogen sulfide. Since the emissions event was not properly reported, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

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

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 Number of violation days: 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$2,500

One quarterly event is recommended based on the March 27, 2009 emissions event.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

Corrective actions were completed on July 26, 2009, which was prior to the NOV issued on September 24, 2009.

Violation Subtotal: \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$0

Violation Final Penalty Total: \$5,650

This violation Final Assessed Penalty (adjusted for limits): \$5,650

Economic Benefit Worksheet

Respondent: Flint Hills Resources, LP
Case ID No.: 38478
Reg. Ent. Reference No.: RN100235266
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 3.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 2-Oct-2009 **Docket No.** 2009-1614-AIR-E **PCW**
Respondent Flint Hills Resources, LP *Policy Revision 2 (September 2002)*
Case ID No. 38478 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100235266
Media [Statute] Air
Enf. Coordinator Rebecca Johnson
Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to report Incident No. 121939 within 24 hours after discovery. Specifically, Incident No. 121939 was initially discovered on March 27, 2009 at 15:22 hours, however, the initial report was not submitted until March 28, 2009 at 16:25 hours.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

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

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended based on the one report that was not properly submitted.

Good Faith Efforts to Comply 25.0% Reduction \$25

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

Notes Corrective actions were completed on July 26, 2009, which was prior to the NOE issued on September 24, 2009.

Violation Subtotal \$75

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

Estimated EB Amount \$41 **Violation Final Penalty Total** \$226

This violation Final Assessed Penalty (adjusted for limits) \$228

Economic Benefit Worksheet

Respondent: Flint Hills Resources, LP
Case ID No.: 38478
Reg. Ent. Reference No.: RN100235286
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)				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	28-Mar-2009	26-Jul-2009	0.33	\$41	n/a	\$41

Notes for DELAYED costs

Estimated cost to conduct training on the emissions event reporting requirements and procedures and to implement measures designed to prevent the recurrence of emissions events due to the same cause. The date required is the the date the report was due to be submitted. The 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

\$2,500

TOTAL

\$41

Compliance History Report

Customer/Respondent/Owner-Operator: CN600879712 Flint Hills Resources, LP Classification: AVERAGE Rating: 2.73
Regulated Entity: RN100235266 FLINT HILLS RESOURCES CORPUS Classification: AVERAGE Site Rating: 3.98
CHRISTI WEST PLANT

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD088474663
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30529
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50097
	WASTEWATER	PERMIT	WQ0000531000
	WASTEWATER	PERMIT	TPDES0006289
	WASTEWATER	PERMIT	TX0006289
	AIR NEW SOURCE PERMITS	PERMIT	8803A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0122D
	AIR NEW SOURCE PERMITS	PERMIT	1533
	AIR NEW SOURCE PERMITS	PERMIT	1914
	AIR NEW SOURCE PERMITS	PERMIT	6628
	AIR NEW SOURCE PERMITS	PERMIT	11278
	AIR NEW SOURCE PERMITS	PERMIT	11813
	AIR NEW SOURCE PERMITS	PERMIT	15914
	AIR NEW SOURCE PERMITS	PERMIT	16173
	AIR NEW SOURCE PERMITS	PERMIT	22451
	AIR NEW SOURCE PERMITS	PERMIT	23385
	AIR NEW SOURCE PERMITS	PERMIT	23386
	AIR NEW SOURCE PERMITS	PERMIT	24297
	AIR NEW SOURCE PERMITS	PERMIT	24937
	AIR NEW SOURCE PERMITS	PERMIT	25838
	AIR NEW SOURCE PERMITS	PERMIT	25097
	AIR NEW SOURCE PERMITS	PERMIT	25312
	AIR NEW SOURCE PERMITS	PERMIT	27090
	AIR NEW SOURCE PERMITS	PERMIT	25873
	AIR NEW SOURCE PERMITS	PERMIT	28368
	AIR NEW SOURCE PERMITS	PERMIT	28775
	AIR NEW SOURCE PERMITS	PERMIT	28956
	AIR NEW SOURCE PERMITS	PERMIT	29651
	AIR NEW SOURCE PERMITS	PERMIT	29973
	AIR NEW SOURCE PERMITS	PERMIT	29650
	AIR NEW SOURCE PERMITS	PERMIT	31518
	AIR NEW SOURCE PERMITS	PERMIT	32707

AIR NEW SOURCE PERMITS	PERMIT	33508
AIR NEW SOURCE PERMITS	PERMIT	33352
AIR NEW SOURCE PERMITS	PERMIT	35045
AIR NEW SOURCE PERMITS	PERMIT	35395
AIR NEW SOURCE PERMITS	PERMIT	35776
AIR NEW SOURCE PERMITS	PERMIT	36182
AIR NEW SOURCE PERMITS	PERMIT	36331
AIR NEW SOURCE PERMITS	PERMIT	36186
AIR NEW SOURCE PERMITS	PERMIT	36505
AIR NEW SOURCE PERMITS	PERMIT	36878
AIR NEW SOURCE PERMITS	PERMIT	36987
AIR NEW SOURCE PERMITS	PERMIT	37113
AIR NEW SOURCE PERMITS	PERMIT	38537
AIR NEW SOURCE PERMITS	PERMIT	39412
AIR NEW SOURCE PERMITS	PERMIT	40133
AIR NEW SOURCE PERMITS	PERMIT	41387
AIR NEW SOURCE PERMITS	PERMIT	41299
AIR NEW SOURCE PERMITS	PERMIT	42222
AIR NEW SOURCE PERMITS	PERMIT	42274
AIR NEW SOURCE PERMITS	PERMIT	44048
AIR NEW SOURCE PERMITS	PERMIT	45798
AIR NEW SOURCE PERMITS	PERMIT	47975
AIR NEW SOURCE PERMITS	PERMIT	49631
AIR NEW SOURCE PERMITS	PERMIT	6819A
AIR NEW SOURCE PERMITS	PERMIT	24346
AIR NEW SOURCE PERMITS	REGISTRATION	76274
AIR NEW SOURCE PERMITS	REGISTRATION	75765
AIR NEW SOURCE PERMITS	REGISTRATION	76194
AIR NEW SOURCE PERMITS	AFS NUM	4835500017
AIR NEW SOURCE PERMITS	REGISTRATION	70303
AIR NEW SOURCE PERMITS	EPA ID	PSDTX413M7
AIR NEW SOURCE PERMITS	EPA ID	PSDTX772M2
AIR NEW SOURCE PERMITS	REGISTRATION	725
AIR NEW SOURCE PERMITS	REGISTRATION	72670
AIR NEW SOURCE PERMITS	PERMIT	74076
AIR NEW SOURCE PERMITS	REGISTRATION	73711
AIR NEW SOURCE PERMITS	REGISTRATION	75266
AIR NEW SOURCE PERMITS	REGISTRATION	76446

AIR NEW SOURCE PERMITS	EPA ID	PSDTX777M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX777M2
AIR NEW SOURCE PERMITS	REGISTRATION	76539
AIR NEW SOURCE PERMITS	REGISTRATION	77459
AIR NEW SOURCE PERMITS	REGISTRATION	77177
AIR NEW SOURCE PERMITS	REGISTRATION	77652
AIR NEW SOURCE PERMITS	REGISTRATION	77655
AIR NEW SOURCE PERMITS	REGISTRATION	79214
AIR NEW SOURCE PERMITS	REGISTRATION	79195
AIR NEW SOURCE PERMITS	REGISTRATION	79770
AIR NEW SOURCE PERMITS	EPA ID	PSDTX413M8
AIR NEW SOURCE PERMITS	REGISTRATION	82956
AIR NEW SOURCE PERMITS	REGISTRATION	83266
AIR NEW SOURCE PERMITS	EPA ID	PSDTX413M9
AIR OPERATING PERMITS	PERMIT	1272
AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0122D
WASTEWATER LICENSING	LICENSE	WQ0000531000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30529
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50097
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50097
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1780058
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0122D

Location:

2825 SUNTIDE RD

TCEQ Region:

REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared:

October 02, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

October 02, 2004 to October 02, 2009

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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: 05/12/2006

ADMINORDER 2005-1659-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to satisfy all demonstration criteria as described in 30 Tex. Admin. Code § 101.222 and gain an affirmative defense for contaminants released from this emissions event, Incident No. 58502. The regulated entity failed to satisfy the demonstration criteria of 30 TAC § 101.222(b)(1), (2), and (3).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit to the Region 14 office a final report which included all individually listed compounds which were known to have been released during the emissions event.

Effective Date: 08/20/2006

ADMINORDER 2005-0018-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent the unauthorized release of benzene on October 26, 2004 at the No. 1 Cumene Reactor (Equipment No. 04DA420).

Effective Date: 09/21/2007

ADMINORDER 2007-0029-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FLEX 8803A/PSD-TX-413M8 SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 548.8 lbs of sulfur dioxide and 69.5 lbs of the HAP benzene were released from the 1st Stage Flare (EPN V-6), 2nd Stage Flare (EPN V-5) and the Hydrocracker Fugitives unit (F-26) during an emissions event that began October 10, 2006 and lasted one hour and 12 min

Effective Date: 10/25/2007

ADMINORDER 2007-0297-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8803A PERMIT

PSD-TX-413M8 PERMIT

Description: Failure to comply with any and all general and special conditions of the flexible permit. Specifically, the RE failed to gain the affirmative defense for unauthorized emissions for emissions event, Incident No. 76682 that occurred on June 5, 2006. This event resulted in the unauthorized release of 11,930.40 of CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8803A PERMIT

PSD-TX-413M8 PERMIT

Description: Failure to comply with any and all general and special conditions of the flexible permit. Specifically, the RE failed to gain the affirmative defense for unauthorized emissions for emissions event, Incident No. 79293 that occurred on July 31, 2006. There was a release of 37 lbs of benzene, that exceeded the cap limit.

Effective Date: 02/08/2008

ADMINORDER 2007-1095-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC 1 PA
SC 10 PA

Description: Flint Hills failed to prevent unauthorized emissions during a January 2, 2007 emissions event.

Effective Date: 02/08/2009

ADMINORDER 2008-1222-AIR-E

Classification: Moderate

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

Rqmt Prov: 8803A / Special Condition No. 1 PA

Description: Failure to gain an affirmative defense for unauthorized emissions that were released during an emissions event that occurred on January 23, 2008. Specifically, 701.30 pounds of nitrogen oxides were released when two isolation valves on the steam system were inadvertently closed by operations during a preventative maintenance activity, causing a loss of steam injection to the Cogeneration Unit, resulting in an emissions event which began on January 23, 2008, and lasted for three hours and 52 min.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	11/19/2004	(341703)
2	11/23/2004	(352260)
3	11/23/2004	(352261)
4	12/06/2004	(342992)
5	12/17/2004	(381915)
6	01/11/2005	(342595)
7	01/14/2005	(343443)
8	02/17/2005	(337774)
9	02/17/2005	(347028)
10	02/22/2005	(381911)
11	02/22/2005	(381913)
12	02/22/2005	(381914)
13	02/22/2005	(381916)
14	02/28/2005	(342613)
15	02/28/2005	(350991)
16	03/04/2005	(337092)
17	03/04/2005	(337581)
18	03/21/2005	(350992)
19	03/21/2005	(373751)
20	03/22/2005	(373190)
21	03/22/2005	(381912)
22	05/23/2005	(419753)
23	05/25/2005	(337418)
24	06/16/2005	(395317)
25	06/23/2005	(419754)
26	06/29/2005	(397679)
27	07/01/2005	(348124)
28	08/04/2005	(403348)
29	08/13/2005	(404585)

30	08/19/2005	(440889)
31	08/19/2005	(440891)
32	08/24/2005	(401812)
33	08/26/2005	(406021)
34	08/30/2005	(406208)
35	08/31/2005	(405667)
36	08/31/2005	(405868)
37	08/31/2005	(418713)
38	09/23/2005	(440890)
39	11/09/2005	(418704)
40	11/22/2005	(468539)
41	11/30/2005	(433973)
42	11/30/2005	(433974)
43	12/13/2005	(439149)
44	12/14/2005	(437435)
45	12/14/2005	(437441)
46	12/21/2005	(468540)
47	02/12/2006	(453536)
48	02/21/2006	(468536)
49	02/21/2006	(468538)
50	02/28/2006	(451808)
51	03/23/2006	(468537)
52	04/24/2006	(498271)
53	05/18/2006	(461571)
54	05/22/2006	(418953)
55	05/22/2006	(498272)
56	06/23/2006	(498273)
57	07/21/2006	(486580)
58	08/21/2006	(508941)
59	08/21/2006	(520285)
60	08/22/2006	(489391)
61	08/23/2006	(509435)
62	08/30/2006	(490319)
63	08/30/2006	(510851)
64	09/15/2006	(489520)
65	09/25/2006	(520286)
66	09/29/2006	(514148)
67	10/16/2006	(515334)
68	10/24/2006	(544608)
69	10/25/2006	(516898)
70	10/26/2006	(516897)
71	11/27/2006	(544609)
72	12/06/2006	(532315)
73	12/27/2006	(544610)
74	01/04/2007	(534091)
75	01/22/2007	(544611)
76	01/24/2007	(535454)
77	01/29/2007	(519260)
78	01/31/2007	(513496)
79	02/16/2007	(538999)
80	02/22/2007	(575452)
81	03/15/2007	(543230)
82	03/23/2007	(575453)
83	04/05/2007	(556107)
84	04/10/2007	(556407)
85	04/13/2007	(518319)
86	04/23/2007	(575454)
87	05/09/2007	(557774)
88	05/18/2007	(542502)

89 05/18/2007 (560035)
90 05/18/2007 (560248)
91 05/23/2007 (575455)
92 05/29/2007 (560778)
93 06/04/2007 (561366)
94 06/25/2007 (558967)
95 06/25/2007 (575456)
96 07/13/2007 (561122)
97 07/16/2007 (564659)
98 07/17/2007 (567734)
99 07/20/2007 (575457)
100 08/01/2007 (569775)
101 08/08/2007 (534723)
102 08/20/2007 (565993)
103 08/21/2007 (570742)
104 08/22/2007 (601658)
105 08/24/2007 (573157)
106 09/24/2007 (601659)
107 10/02/2007 (534725)
108 10/15/2007 (596343)
109 10/23/2007 (619555)
110 11/19/2007 (619556)
111 12/20/2007 (619557)
112 01/10/2008 (613411)
113 01/16/2008 (672081)
114 02/08/2008 (616859)
115 02/12/2008 (672079)
116 03/24/2008 (672080)
117 04/22/2008 (690008)
118 04/29/2008 (653836)
119 05/22/2008 (690009)
120 06/23/2008 (690010)
121 06/27/2008 (684512)
122 06/30/2008 (680445)
123 06/30/2008 (684533)
124 07/22/2008 (710784)
125 08/25/2008 (700781)
126 08/25/2008 (710785)
127 08/25/2008 (710787)
128 08/25/2008 (710788)
129 08/27/2008 (699734)
130 09/22/2008 (710786)
131 10/22/2008 (727522)
132 11/24/2008 (708619)
133 11/24/2008 (727523)
134 12/22/2008 (750313)
135 01/14/2009 (723040)
136 03/23/2009 (750312)
137 04/22/2009 (768399)
138 05/08/2009 (745041)
139 05/21/2009 (768400)
140 06/22/2009 (749554)
141 07/02/2009 (744526)
142 08/17/2009 (759094)
143 08/25/2009 (759151)
144 08/25/2009 (767166)
145 08/26/2009 (767319)
146 08/27/2009 (765986)
147 08/31/2009 (767759)

148 09/02/2009 (767563)
149 09/11/2009 (762719)
150 09/24/2009 (760984)

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

Date: 01/11/2005 (342595)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)(1)
Special Condition 1 PA
Description: Failure to comply with the visible emission requirements for stationary vents, and to meet the demonstration requirements of 30 TAC § 101.222(b) or obtain regulatory authority for contaminants released from the WFCCU Bypass Stack.

Date: 01/31/2005 (381911)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/10/2005 (347028)
Self Report? NO **Classification:** Moderate
Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)
CP-50097 §III.E. & Attach. B No. 11 IHWPERMTCP
HW-50097-000 P.P.VI. B. & Attach. F OP
HW-50097-000 Permit Provision II.A. OP
Description: FHR West failed to follow the Field Plan as required by the permit

Date: 08/22/2006 (489391)
Self Report? NO **Classification:** Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121
Permit Conditions No. 2(g), Pg. 7 PERMIT
Description: Failure to prevent the discharge of wastewater or any other waste.

Date: 09/30/2006 (544608)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (601658)
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: 07/31/2008 (710785)
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/28/2008 (699734)
Self Report? NO **Classification:** Minor
Citation: [FOP No. O-01272], STC 1E(I) OP
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(d)

5C THSC Chapter 382 382.085(b)

Description: Failure to revise the Startup, Shutdown, and Malfunction Plan (SSMP) within 45 days after an event (that the SSMP failed to address and that meets the characteristics of a malfunction) to include detailed procedures for operating and maintaining the source during similar malfunction events.

Self Report? NO **Classification:** Moderate

Citation: [FOP No. O-01272] STC 14A OP
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial and annual monitoring for each individual drain system subject to 40 Code of Federal Regulations (CFR) 61 Subpart FF.

Self Report? NO **Classification:** Moderate

Citation: [FOP No. O-01272] STC 1A OP
30 TAC Chapter 115, SubChapter D 115.324(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor any relief valve which has vented to the atmosphere within 24 hours.

Self Report? NO **Classification:** Moderate

Citation: [FOP No. O-01272] STC 1A OP
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(f)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct a first attempt repair no later than five calendar days after an improper work practice or a control equipment failure is identified for fugitive components subject to 40 CFR 63 Subpart G.

Self Report? NO **Classification:** Moderate

Citation: [Flex 8803A/PSD-TX-413M8] SC 18E PERMIT
[Flex 8803A/PSD-TX-413M8] SC 19E PERMIT

[FOP No. O-01272] STC 1A OP
[FOP No. O-01272] STC 27A OP
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 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. As per the TCEQ Enforcement Initiation Criteria, this violation is a Category C10.

Self Report? NO **Classification:** Moderate

Citation: [Flex 8803A/PSD-TX-413M8] SC 10 PERMIT
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with flex permit special conditions.

Self Report? NO **Classification:** Moderate

Citation: [Flex 8803A/PSD-TX-413M8] SC 54 PERMIT
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with flex permit special conditions. Specifically, between

August 16, 2006 and October 25, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery discovered that weekly fluoride samples were missed four separate weeks, as described on page 35 of 38 of the January 19, 2007 deviation report for FOP No. O-01272. During the reporting period, weekly fluoride samples were not analyzed for a total of four (4) weeks.

Self Report?	NO	Classification:	Minor
Citation:	[FOP No. O-01272] STC 3A(iii) OP [FOP No. O-01272] STC 3B(iii) OP [FOP No. O-01272] STC 3C(iii) OP [FOP No. O-01272] STC 3D(iii) OP 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with federal operating permit special terms and special conditions. Specifically, between June 21, 2006 and September 20, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery discovered that opacity observations were not documented when no visible emissions were detected for stationary vents and structures as described on page 36 of 38 of the January 19, 2007 deviation report for FOP No. O-01272. Four (4) occurrences of opacity observations were not documented.		
Self Report?	NO	Classification:	Moderate
Citation:	[FOP No. O-01272] STC 1A OP 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a) 40 CFR Part 60, Subpart VV 60.482-5 5C THSC Chapter 382 382.085(b)		
Description:	Failure to equip identified sample stations with a closed purge or closed loop system. Specifically, between June 21, 2006 and June 29, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery discovered that historical sample stations were not upgraded to closed loop or closed purge prior to the MACT CC effective date as described on page 36 of 38 of the January 19, 2007 deviation report for FOP No. O-01272.		
Self Report?	NO	Classification:	Moderate
Citation:	[Flex 8803A/PSD-TX-413M8] SC 42C PERMIT [FOP No. O-01272] STC 27A OP 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with flex permit special conditions. Specifically, between August 24, 2006 and December 17, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery failed to use a leak collection and/or containment system to prevent the leak until repair or replacement could be made as described on page 37 of 38 of the January 19, 2007 deviation report for FOP No. O-01272. Four (4) leaks in the Sulfur Recovery Units were identified without a collection/containment system.		
Self Report?	NO	Classification:	Moderate
Citation:	[Flex 8803A/PSD-TX-413M8] SC 19F PERMIT [FOP No. O-01272] STC 1A OP [FOP No. O-01272] STC 27A OP 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 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.324 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b) 40 CFR Part 60, Subpart VV 60.482-7 5C THSC Chapter 382 382.085(b)		
Description:	Failure to conduct monitoring for valves in gas/vapor and in light liquid service as required. Specifically, 81 valves [Group No. FU-63H+, FU-115+; SOP Index No.		

63HALL, R5322ALL] and 526 valves [Group No. FU-63CC+, FU-115+; SOP Index No. 63CCVV-ALL, R5322ALL] described on page 38 of 38 of the January 19, 2007 deviation report for FOP No. O-01272 had not been tagged in the field and added to the LeakDas database. Subsequently, no monitoring had occurred as required.

*81 valves (243 reported)

Self Report? NO Classification: Moderate
Citation: [Flex 8803/PSD-TX-413M8] SC 18G PERMIT
[Flex 8803/PSD-TX-413M8] SC 19G PERMIT
[FOP No. O-01272] STC 1A OP
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.324
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct monitoring for pumps in light liquid service as required. Specifically, 35 pumps [Group No. FU-63CC+, FU-115+; SOP Index No. 63CCVV-ALL, R5322ALL] described on page 38 of 38 of the January 19, 2007 deviation report for FOP No. O-01272 had not been tagged in the field and added to the LeakDas database. Subsequently, 35 pumps had no weekly visual inspection and 35 pumps had no monitoring as required.

Date: 07/02/2009 (744526)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0000531-000 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for biochemical oxygen demand (BOD), cyanide, dissolved oxygen, phenols and pH for the months of July 2007 and July 2008.

Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 319, SubChapter A 319.4
TPDES Permit No. WQ0000531-012 PERMIT

Description: Allegation: Failure to collect samples for Chronic Biomonitoring analyses at Outfall 012 for the month of July 2008.

Date: 08/28/2009 (765986)

Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC42C PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with permit special conditions. Specifically, between February 26, 2007 and December 31, 2007, FHR failed to use a leak collection and/or containment system to prevent hydrogen sulfide leaks until repair or replacement could be made as described on page 6 of 8 of the July 30, 2007 DR and pages 4-5 of 18 of the January 30, 2008 DR for FOP No. O-01272. During the reporting periods, there were 5 leaks identified in the SRUs and 9 leaks identified in the Sour Water Strippers.

Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC34 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with permit special conditions. Specifically, between February

26, 2007 and December 31, 2007, FHR failed to route sulfur pit vapors to the Tail Gas Incinerator due to a malfunction of the Sulfur Pit Educator as described on page 6 of 8 (four occurrences) in the July 30, 2007 DR and page 5 of 18 in the January 30, 2008 DR for FOP No. O-01272.

- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC44B PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with permit special conditions. Specifically, between January 1, 2007 and June 30, 2007, FHR failed to calibrate the VOC flame ionization detector prior to sampling the Process Grit Chamber (EPN P-WT-1) with a certified standard gas mixture at 10 ppm, on each day that sampling was required as described on page 6 of 8 in the July 30, 2007 DR and page 5 of 18 in the January 30, 2008 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 27 OP
[TCEQ PBR Registration No. 77530] PERMIT
30 TAC Chapter 106, SubChapter T 106.452(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with Permit-By-Rule (PBR) special conditions. Specifically, between February 6, 2007 and March 6, 2007, FHR's sandblasting abrasive usage rate exceeded one ton per day for a total of eleven days as described on page 6 of 8 in the July 30, 2007 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 18 OP
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(b)(3)
5C THSC Chapter 382 382.085(b)
- Description: Failure to maintain all openings in a closed position at all times (regarding the Temporary Sludge Processing System, Unit ID 08FB109R). Specifically, FHR discovered that there was an opening in the centrifuge where the solids exit and openings on the mix tanks where the mixers pass through the fixed roofs that provided pathways for vapors (HAPs) to bypass passive vapor controls (scrubbers and carbon canisters) as described on page 7 of 8 in the July 30, 2007 DR for FOP No. O-01272.
- Self Report? NO Classification: Minor
Citation: [FOP No. O-01272] STC 2F OP
[FOP No. O-01272] STC 2G OP
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to generate a final record for an EE/MSS no later than two weeks after the end of the incident. Specifically, FHR failed to generate complete final records no later than two weeks after each incident for fifty (50) non-reportable incidents that occurred between January 1, 2007 and December 31, 2007 as described on page 7 of 8 in the July 30, 2007 semiannual deviation report (DR) and page 18 of 18 in the January 30, 2008 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC77 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with special conditions. Specifically, FHR discovered that on October 16, 2006, the Coker Charge Heater burnout emissions exceeded hourly limits. Specifically, operations burnout event was completed in 10.5 hours, where the permitted coker burnout lb/hr emissions are based on burnout duration of 24 hours. The shorter burnout duration resulted in exceedance of the hourly emission limitation as described on page 8 of 8 in the July 30, 2007 DR for FOP No. O-01272.

Self Report?	NO	Classification:	Moderate
Citation:	[FOP No. O-01272] General Terms & Conds. OP 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(C) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to report all instances of deviations, the probable cause of the deviation, and any corrective actions or preventative measures taken for each emission unit addressed in the permit. Specifically, FHR discovered deviations during the January 1, 2007 through June 30, 2007 and July 1, 2007 through December 31, 2007 reporting periods that occurred during previous reporting periods and PCC periods that were not reported because FHR was not aware of them when such reports were generated.		
Self Report?	NO	Classification:	Minor
Citation:	[FOP No. O-01272] STC 30A OP [TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC52 PERMIT [TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC54 PERMIT 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with permit special conditions. Specifically, between July 1, 2007 and November 30, 2007, FHR failed to analyze two (2) separate weekly fluoride samples regarding the REX Cooling Tower (EPN F-S-4) as described on page 4 of 18 of the January 30, 2008 DR for FOP No. O-01272. During the reporting period, weekly fluoride samples were not analyzed for a total of two (2) weeks due to sample delivery problems.		
Self Report?	NO	Classification:	Moderate
Citation:	[FOP No. O-01272] STC 30A OP [TCEQ Flex Pmt 8803A] SC32 PERMIT 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with permit special conditions. Specifically, between September 20, 2007 and October 4, 2007, FHR failed to maintain a minimum sulfur recovery efficiency for SRU No. 1 (Unit ID PRO34SRU1) of 99.9 % as described on page 5 of 18 of the January 30, 2008 DR for FOP No. O-01272. A low waste heat boiler setting resulted in a slightly lower SRU reactor temperature that prevented the unit from achieving 99.9 % sulfur recovery efficiency.		
Self Report?	NO	Classification:	Moderate
Citation:	[FOP No. O-01272] STC 1A OP 30 TAC Chapter 115, SubChapter D 115.324(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to monitor any relief valve which has vented to the atmosphere within 24 hours. Specifically, a pressure relief device [ID No. 40PSV0262] had not been monitored within 24 hours after a pressure release event as described on page 5 of 18 of the January 30, 2008 DR for FOP No. O-01272.		
Self Report?	NO	Classification:	Moderate
Citation:	[FOP No. O-01272] STC 30A OP [TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC50B PERMIT 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with permit special conditions. Specifically, FHR failed to perform a cylinder gas audits (CGA) on the NOx CEMS of the West Crude and Tol Frac Heaters (Unit ID 40BA1/3 and 39BA3906) with the correct audit gas pollutant range during the second quarter of 2007 in accordance with 40 CFR Part 60, Appendix F, Procedure 1, §5.1.2, as described on page 6 of 18 of the January 30, 2008 DR for FOP No. O-01272.		
Self Report?	NO	Classification:	Moderate
Citation:	[FOP No. O-01272] STC 1A OP 30 TAC Chapter 115, SubChapter D 115.324(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382 382.085(b)

Description: Failure to monitor process drains annually. Specifically, FHR failed to monitor thirteen (13) process drains in the Alkylation and Continuous Catalytic Reformer Units [20348A, 21167, 21474A, 21477A, 22241A, 33507A, 33552A, 33552B, 33552C, 33552D, 02119A, 02327A & 02355A] within the 2007 calendar year as described on page 6 of 18 of the January 30, 2008 DR for FOP No. O-01272.

F. Environmental audits.

Notice of Intent Date: 07/10/2006 (488046)

No DOV Associated

Notice of Intent Date: 08/03/2007 (572669)

No DOV Associated

Notice of Intent Date: 01/11/2008 (616231)

No DOV Associated

Notice of Intent Date: 07/15/2008 (688096)

No DOV Associated

Notice of Intent Date: 08/18/2008 (703345)

Disclosure Date: 02/04/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)

Description: Failure to keep automatic bleeder (vacuum breaker vents) closed at all times except when roof is being floated off or landed on leg supports. Instances were observed where breakers opened prematurely as a result of improper settings.

Notice of Intent Date: 10/13/2008 (706583)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES, LP
RN100235266**

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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1614-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 Flint Hills Resources, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2825 Suntime Road 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 September 29, 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 Fifteen Thousand Eight Hundred Seventy-Six Dollars (\$15,876) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Seven Hundred One Dollars (\$12,701) of the administrative penalty and Three Thousand One Hundred Seventy-Five Dollars

(\$3,175) 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. In response to Incident No. 121830, corrective actions were completed on October 19, 2009, including the installation of a new pressure gauge, modifications to the lubrication system, the addition of a temperature indicator to the turbine bearing housings, modifications to the Control Room Process Manager, labeling of the fan controls, development of a new shut down procedure, and employee training; and
 - b. In response to Incident No. 121939, employee training was completed on July 26, 2009 to emphasize the emissions event reporting requirements and to prevent the recurrence of emissions events due to the same.
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. 121830, in violation of Air Permit No. 8803A and PSD-TX-413M9, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 2, 2009. Specifically, during the March 25, 2009 emissions event 10,553.70 pounds ("lbs") of unauthorized carbon monoxide ("CO") emissions were released from the CO Boiler over a period of 13 hours and 51 minutes when the primary steam turbine shut down due to a leak from a hole in a pressure gauge bourdon tube and when the boiler shut down

due to the inadvertant opening of the electric draft fan louvers. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

2. Failed to prevent unauthorized emissions during Incident No. 121939, in violation of Air Permit No. 8803A and PSD-TX-413M9, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 2, 2009. Specifically, during the March 27, 2009 emissions event the following unauthorized emissions were released from the First Stage Flare and the Second Stage Flare over a period of 18 hours due to a faulty pressure transmitter: 1,115.90 lbs of sulfur dioxide, 302.70 lbs of CO, 100.15 lbs of volatile organic compounds, 22.80 lbs of nitrogen oxides, and 12.10 lbs of hydrogen sulfide. Since the emissions event was not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
3. Failed to report Incident No. 121939 within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 2, 2009. Specifically, Incident No. 121939 was initially discovered on March 27, 2009 at 15:22 hours, however, the initial report was not submitted until March 28, 2009 at 16:25 hours.

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: Flint Hills Resources, LP, Docket No. 2009-1614-AIR-E" to:

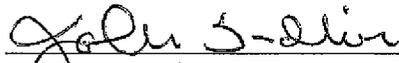
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice 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



For the Executive Director

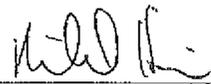
Date 1/19/2010

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

Date 11-17-09

Richard Harris

Name (Printed or typed)
Authorized Representative of
Flint Hills Resources, LP

VP/Manufacturing Mgr
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.

