

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2010-0233-AIR-E **TCEQ ID:** RN100235266 **CASE NO.:** 39141  
**RESPONDENT NAME:** Flint Hills Resources, LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Flint Hills Resources Corpus Christi West Plant, 2825 Suntide Road, Corpus Christi, Nueces County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one pending enforcement action, Docket No. 2010-0433-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 21, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Phil Gaarder, Vice President and Manufacturing Manager, Flint Hills Resources, LP, Post Office Box 2608, Corpus Christi, Texas 78403  Mr. Richard Harris, Vice President and Manufacturing Manager, Flint Hills Resources, LP, Post Office Box 2608, Corpus Christi, Texas 78403  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> December 9, 2009</p> <p><b>Date of NOV Relating to this Case:</b> February 3, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions during Incident No. 129628. Specifically, during the September 19, 2009 emissions event 11.94 pounds of unauthorized benzene emissions were released from a union on the Toluene O2 Stripper Receiver over a period of 16 minutes when a leak developed while product was being introduced and the unit was pressurized. 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(c)(7), and TBX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$6,025</p> <p><b>Total Deferred:</b> \$1,205  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,820</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 Executive Director recognizes that the Toluene O2 Stripper Receiver has been shut down since the September 19, 2009 emissions event and will remain shut down until such time that preventative measures can be completed.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 129628; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

Additional ID No(s): NE0122D



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	8-Feb-2010	<b>Screening</b>	10-Feb-2010	<b>EPA Due</b>	31-Oct-2010
	<b>PCW</b>	10-Feb-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Flint Hills Resources, LP		
<b>Reg. Ent. Ref. No.</b>	RN100236266		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	39141	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0233-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	141.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,525
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**Notes** Penalty enhancement due to two NOV's for same or similar violations, six 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 seven Notices of Intended Audits and two Disclosures of Violations submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$195  
 Approx. Cost of Compliance \$3,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,025
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$6,025
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,025
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,205
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$4,820
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Screening Date 10-Feb-2010

Docket No. 2010-0233-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 39141

PCW Revision October 30, 2009

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)	2	10%
	Other written NOVs	6	12%
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 judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 141%

>> 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 two NOVs for same or similar violations, six 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 seven Notices of Intended Audits and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 141%

Screening Date 10-Feb-2010

Docket No. 2010-0233-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 39141

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(c)(7), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during Incident No. 129628. Specifically, during the September 19, 2009 emissions event 11.94 pounds of unauthorized benzene emissions were released from a union on the Toluene O2 Stripper Receiver over a period of 16 minutes when a leak developed while product was being introduced and the unit was pressurized. 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		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment have been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the September 19, 2009 emissions event.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$195

Violation Final Penalty Total \$8,025

This violation Final Assessed Penalty (adjusted for limits) \$8,025

# Economic Benefit Worksheet

**Respondent:** Flint Hills Resources, LP  
**Case ID No.:** 39141  
**Reg. Ent. Reference No.:** RN100235266  
**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

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)	\$3,500	19-Sep-2009	31-Oct-2010	1.12	\$195	n/a	\$195

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that pressure and tightness test are performed according to procedure prior to unit start-up. The date required is the date of the emissions event. The final date is the projected date corrective actions will be completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$195

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600879712	Flint Hills Resources, LP	Classification: AVERAGE	Rating: 2.73
Regulated Entity:	RN100235266	FLINT HILLS RESOURCES CORPUS CHRISTI WEST PLANT	Classification: AVERAGE	Site Rating: 3.98
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	REGISTRATION		11278
	AIR NEW SOURCE PERMITS	REGISTRATION		11813
	AIR NEW SOURCE PERMITS	REGISTRATION		15914
	AIR NEW SOURCE PERMITS	REGISTRATION		16173
	AIR NEW SOURCE PERMITS	PERMIT		22451
	AIR NEW SOURCE PERMITS	REGISTRATION		23385
	AIR NEW SOURCE PERMITS	REGISTRATION		23386
	AIR NEW SOURCE PERMITS	REGISTRATION		24297
	AIR NEW SOURCE PERMITS	REGISTRATION		24937
	AIR NEW SOURCE PERMITS	REGISTRATION		25838
	AIR NEW SOURCE PERMITS	REGISTRATION		25097
	AIR NEW SOURCE PERMITS	REGISTRATION		25312
	AIR NEW SOURCE PERMITS	REGISTRATION		27090
	AIR NEW SOURCE PERMITS	REGISTRATION		25873
	AIR NEW SOURCE PERMITS	REGISTRATION		28368
	AIR NEW SOURCE PERMITS	REGISTRATION		28775
	AIR NEW SOURCE PERMITS	REGISTRATION		28956
	AIR NEW SOURCE PERMITS	REGISTRATION		29651
	AIR NEW SOURCE PERMITS	REGISTRATION		29973
	AIR NEW SOURCE PERMITS	REGISTRATION		29650
	AIR NEW SOURCE PERMITS	REGISTRATION		31518
	AIR NEW SOURCE PERMITS	REGISTRATION		32707
	AIR NEW SOURCE PERMITS	REGISTRATION		33508

AIR NEW SOURCE PERMITS	REGISTRATION	33352
AIR NEW SOURCE PERMITS	REGISTRATION	35045
AIR NEW SOURCE PERMITS	REGISTRATION	35395
AIR NEW SOURCE PERMITS	REGISTRATION	35776
AIR NEW SOURCE PERMITS	REGISTRATION	36182
AIR NEW SOURCE PERMITS	REGISTRATION	36331
AIR NEW SOURCE PERMITS	REGISTRATION	36186
AIR NEW SOURCE PERMITS	REGISTRATION	36505
AIR NEW SOURCE PERMITS	REGISTRATION	36878
AIR NEW SOURCE PERMITS	REGISTRATION	36987
AIR NEW SOURCE PERMITS	REGISTRATION	37113
AIR NEW SOURCE PERMITS	REGISTRATION	38537
AIR NEW SOURCE PERMITS	REGISTRATION	39412
AIR NEW SOURCE PERMITS	REGISTRATION	40133
AIR NEW SOURCE PERMITS	REGISTRATION	41387
AIR NEW SOURCE PERMITS	REGISTRATION	41299
AIR NEW SOURCE PERMITS	REGISTRATION	42222
AIR NEW SOURCE PERMITS	REGISTRATION	42274
AIR NEW SOURCE PERMITS	REGISTRATION	44048
AIR NEW SOURCE PERMITS	REGISTRATION	45798
AIR NEW SOURCE PERMITS	REGISTRATION	47975
AIR NEW SOURCE PERMITS	REGISTRATION	49631
AIR NEW SOURCE PERMITS	PERMIT	6819A
AIR NEW SOURCE PERMITS	REGISTRATION	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	REGISTRATION	73711
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	77177

AIR NEW SOURCE PERMITS	REGISTRATION	77652
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:

February 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

February 08, 2005 to February 08, 2010

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: Filnt 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	02/17/2005	(337774)
2	02/17/2005	(347028)
3	02/22/2005	(381911)
4	02/22/2005	(381913)
5	02/22/2005	(381914)
6	02/22/2005	(381916)
7	02/28/2005	(342613)
8	02/28/2005	(350991)
9	03/04/2005	(337092)
10	03/04/2005	(337581)
11	03/21/2005	(350992)
12	03/21/2005	(373751)
13	03/22/2005	(373190)
14	03/22/2005	(381912)
15	05/23/2005	(419753)
16	05/25/2005	(337418)
17	06/16/2005	(395317)
18	06/23/2005	(419754)
19	06/29/2005	(397679)
20	07/01/2005	(348124)
21	08/04/2005	(403348)
22	08/13/2005	(404585)
23	08/19/2005	(440889)
24	08/19/2005	(440891)
25	08/24/2005	(401812)
26	08/26/2005	(406021)
27	08/30/2005	(406208)
28	08/31/2005	(405667)
29	08/31/2005	(405868)
30	08/31/2005	(418713)
31	09/23/2005	(440890)
32	11/09/2005	(418704)
33	11/22/2005	(468539)
34	11/30/2005	(433973)
35	11/30/2005	(433974)
36	12/13/2005	(439149)
37	12/14/2005	(437435)
38	12/14/2005	(437441)
39	12/21/2005	(468540)
40	02/12/2006	(453536)

41	02/21/2006	(468536)
42	02/21/2006	(468538)
43	02/28/2006	(451808)
44	03/23/2006	(468537)
45	04/24/2006	(498271)
46	05/18/2006	(461571)
47	05/22/2006	(418953)
48	05/22/2006	(498272)
49	06/23/2006	(498273)
50	07/21/2006	(486580)
51	08/21/2006	(508941)
52	08/21/2006	(520285)
53	08/22/2006	(489391)
54	08/23/2006	(509435)
55	08/30/2006	(490319)
56	08/30/2006	(510851)
57	09/15/2006	(489520)
58	09/25/2006	(520286)
59	09/29/2006	(514148)
60	10/16/2006	(515334)
61	10/24/2006	(544608)
62	10/25/2006	(516898)
63	10/26/2006	(516897)
64	11/27/2006	(544609)
65	12/06/2006	(532315)
66	12/27/2006	(544610)
67	01/04/2007	(534091)
68	01/22/2007	(544611)
69	01/24/2007	(535454)
70	01/29/2007	(519260)
71	01/31/2007	(513496)
72	02/16/2007	(538999)
73	02/22/2007	(575452)
74	03/15/2007	(543230)
75	03/23/2007	(575453)
76	04/05/2007	(556107)
77	04/10/2007	(556407)
78	04/13/2007	(518319)
79	04/23/2007	(575454)
80	05/09/2007	(557774)
81	05/18/2007	(542502)
82	05/18/2007	(560035)
83	05/18/2007	(560248)
84	05/23/2007	(575455)
85	05/29/2007	(560778)
86	06/04/2007	(561366)
87	06/25/2007	(558967)
88	06/25/2007	(575456)
89	07/13/2007	(561122)
90	07/16/2007	(564659)
91	07/17/2007	(567734)
92	07/20/2007	(575457)
93	08/01/2007	(569775)
94	08/08/2007	(534723)
95	08/20/2007	(565993)
96	08/21/2007	(570742)
97	08/22/2007	(601658)
98	08/24/2007	(573157)
99	09/24/2007	(601659)

100 10/02/2007 (534725)  
 101 10/15/2007 (596343)  
 102 10/23/2007 (619555)  
 103 11/19/2007 (619556)  
 104 12/20/2007 (619557)  
 105 01/07/2008 (613411)  
 106 01/16/2008 (672081)  
 107 02/08/2008 (616859)  
 108 02/21/2008 (672079)  
 109 03/24/2008 (672080)  
 110 04/22/2008 (690008)  
 111 04/29/2008 (653836)  
 112 05/22/2008 (690009)  
 113 06/23/2008 (690010)  
 114 06/27/2008 (684512)  
 115 06/30/2008 (680445)  
 116 06/30/2008 (684533)  
 117 07/22/2008 (710784)  
 118 08/25/2008 (700781)  
 119 08/25/2008 (710785)  
 120 08/25/2008 (710787)  
 121 08/25/2008 (710788)  
 122 08/27/2008 (699734)  
 123 09/22/2008 (710786)  
 124 10/22/2008 (727522)  
 125 11/24/2008 (708619)  
 126 11/24/2008 (727523)  
 127 12/22/2008 (750313)  
 128 01/14/2009 (723040)  
 129 03/23/2009 (750312)  
 130 04/22/2009 (768399)  
 131 05/08/2009 (745041)  
 132 05/21/2009 (768400)  
 133 06/22/2009 (749554)  
 134 07/02/2009 (744526)  
 135 08/17/2009 (759094)  
 136 08/25/2009 (759151)  
 137 08/25/2009 (767166)  
 138 08/26/2009 (767319)  
 139 08/27/2009 (765986)  
 140 08/31/2009 (767759)  
 141 09/02/2009 (767563)  
 142 09/11/2009 (762719)  
 143 09/24/2009 (760984)  
 144 12/10/2009 (776485)  
 145 01/28/2010 (789271)  
 146 01/28/2010 (789608)  
 147 01/28/2010 (790113)  
 148 02/03/2010 (785254)

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

**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 8803A/PSD-TX-413M8] SC 18G PERMIT  
[Flex 8803A/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. WQ00000531-012 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)**

**Disclosure Date: 03/13/2009**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)  
30 TAC Chapter 115, SubChapter J 115.930  
40 CFR Part 60, Subpart QQQ 60.690(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.690(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)  
40 CFR Part 60, Subpart QQQ 60.692-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

Description: Failure to inspect drains for various units.

**Notice of Intent Date: 09/29/2009 (782877)**

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**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0233-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 Suntide 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 February 8, 2010.
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 Six Thousand Twenty-Five Dollars (\$6,025) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Eight Hundred Twenty Dollars (\$4,820) of the administrative penalty and One Thousand Two Hundred Five Dollars (\$1,205) 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 Toluene O2 Stripper Receiver has been shut down since the September 19, 2009 emissions event and will remain shut down until such time that preventative measures can be completed.
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 failed to prevent unauthorized emissions during Incident No. 129628, 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(c)(7), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 9, 2009. Specifically, during the September 19, 2009 emissions event 11.94 pounds of unauthorized benzene emissions were released from a union on the Toluene O2 Stripper Receiver over a period of 16 minutes when a leak developed while product was being introduced and the unit was pressurized. 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.

## 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. 2010-0233-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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 129628; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

3. 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Sollen  
For the Executive Director

5/21/2010  
Date

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

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

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

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

[Signature]  
Signature

4/13/10  
Date

Phil Gearder  
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.

