

**Executive Summary – Enforcement Matter – Case No. 41428  
Flint Hills Resources Corpus Christi, LLC  
RN100235266  
Docket No. 2011-0529-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Flint Hills Resources Corpus Christi West Plant, 2825 Suntide Road, Corpus Christi, Nueces County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 15, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,650

**Amount Deferred for Expedited Settlement:** \$1,330

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$5,320

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41428  
Flint Hills Resources Corpus Christi, LLC  
RN100235266  
Docket No. 2011-0529-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** January 31, 2011 through February 24, 2011

**Date(s) of NOE(s):** March 21, 2011

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, the Respondent released 72.8 pounds of benzene from a pinhole leak on a valve gasket that formed as a result of a valve being accidentally closed, causing thermal expansion in the line. The emissions event (Incident No. 148042) occurred on December 1, 2010 and lasted two hours and 19 minutes. Since the emissions event could have been avoided through better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, and Federal Operating Permit No. O1272, Special Terms and Conditions No. 30A and General Terms and Conditions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that on February 14, 2011, the Respondent implemented a record keeping and tagging program for the lines that are out of service or undergoing maintenance that will indicate which valves are susceptible to thermal expansion to ensure that those valves are locked or tagged open in order to prevent the recurrence of emissions events due to the same cause as Incident No. 148042.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Executive Summary – Enforcement Matter – Case No. 41428**  
**Flint Hills Resources Corpus Christi, LLC**  
**RN100235266**  
**Docket No. 2011-0529-AIR-E**

**Respondent:** Phil Gaarder, Vice President, Flint Hills Resources Corpus Christi, LLC,  
2825 Suntide Road, Corpus Christi, Texas 78409  
Richard Harris, Plant Manager, Flint Hills Resources Corpus Christi, LLC, 2825 Suntide  
Road, Corpus Christi, Texas 78409  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	28-Mar-2011	<b>Screening</b>	6-Apr-2011	<b>EPA Due</b>	16-Dec-2011
	<b>PCW</b>	7-Apr-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Flint Hills Resources Corpus Christi, LLC				
<b>Reg. Ent. Ref. No.</b>	RN100235266				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	41428	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-0529-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>	Roshondra Lowe
		<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>	191.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$4,775
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Notes: Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with denial of liability, and two orders without denial of liability. Reduction for nine Notice of Audit letters submitted and two Disclosures of Violations.

<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>	\$625
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$41  
Approx. Cost of Compliance \$4,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,650
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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>	\$6,650
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,650
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,330
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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>	\$5,320
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**Screening Date** 6-Apr-2011

**Docket No.** 2011-0529-AIR-E

**PCW**

**Respondent** Flint Hills Resources Corpus Christi, LLC

Policy Revision 2 (September 2002)

**Case ID No.** 41428

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100235266

**Media [Statute]** Air

**Enf. Coordinator** Roshondra Lowe

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 191%

>> **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**

Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with denial of liability, and two orders without denial of liability. Reduction for nine Notice of Audit letters submitted and two Disclosures of Violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 191%

Screening Date 6-Apr-2011

Docket No. 2011-0529-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 2 (September 2002)

Case ID No. 41428

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, and Federal Operating Permit No. O1272, Special Terms and Conditions No. 30A and General Terms and Conditions

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 72.8 pounds of benzene from a pinhole leak on a valve gasket that formed as a result of a valve being accidentally closed, causing thermal expansion in the line. The emissions event (Incident No. 148042) occurred on December 1, 2010 and lasted two hours and 19 minutes. Since the emissions event could have been avoided through better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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 has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

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.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

Corrective actions were completed on February 14, 2011, prior to the March 21, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$6,650

This violation Final Assessed Penalty (adjusted for limits) \$6,650

## Economic Benefit Worksheet

**Respondent** Flint Hills Resources Corpus Christi, LLC  
**Case ID No.** 41428  
**Rea. 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	\$4,000	1-Dec-2010	14-Feb-2011	0.21	\$41	n/a	\$41
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated expense to implement a record keeping and tagging program for lines that are out of service or undergoing maintenance that will indicate which valves are susceptible to thermal expansion to ensure those valves are locked or tagged open. The Date Required is the date of the emissions event. The Final Date is the date that 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

\$4,000

**TOTAL**

\$41

## Compliance History

Customer/Respondent/Owner-Operator: CN603741463 Flint Hills Resources Corpus Christi, LLC Classification: AVERAGE Rating: 5.64

Regulated Entity: RN100235266 FLINT HILLS RESOURCES CORPUS CHRISTI WEST PLANT Classification: AVERAGE Site Rating: 11.28

ID Number(s):	WASTEWATER	PERMIT	WQ0000531000
	WASTEWATER	EPA ID	TX0006289
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50097
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD088474663
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30529
	AIR NEW SOURCE PERMITS	REGISTRATION	94401
	AIR NEW SOURCE PERMITS	REGISTRATION	92351
	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	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	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	77530
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
POLLUTION PREVENTION PLANNING	ID NUMBER	P00371
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1780058
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0122D

Location: 2825 SUNTIDE RD CORPUS CHRISTI TX 78409

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 04, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 04, 2006 to April 04, 2011

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

Name: Roshondra Lowe Phone: 767-3553

### 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: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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.

Effective Date: 03/20/2010

ADMINORDER 2009-1614-AIR-E

Classification: Moderate

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

Rqmt Prov: [Flex 8803A/PSD-TX-413M9] SC 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 121830.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failed to report Incident No. 121939 within 24 hours after discovery.

Classification: Moderate

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

Rqmt Prov: [Flex 8803A/PSD-TX-413M9] SC 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 121939.

Effective Date: 08/09/2010

ADMINORDER 2010-0233-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flexible Permit No. 8803A, SC No. 1 PERMIT

Description: 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 i

Effective Date: 08/21/2010

ADMINORDER 2010-0433-AIR-E

Classification: Moderate

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

Rqmt Prov: [TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 772.2 pounds ("lbs") of sulfur dioxide, 307.6 lbs of carbon monoxide, 27.2 lbs of nitrogen oxide and 73 lbs of volatile organic compounds from the First Stage Flare during an avoidable emissions event (Incident No. 132858) that began December 4, 2009 and lasted four hours and eight minutes. A positioner associated to a pressure regulating control valve failed, causing the valve to malfunction.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 05/22/2006 (418953)

2 07/21/2006 (486580)

3	09/15/2006	(489520)
4	08/30/2006	(490319)
5	08/21/2006	(508941)
6	08/23/2006	(509435)
7	08/30/2006	(510851)
8	01/31/2007	(513496)
9	10/16/2006	(515334)
10	10/26/2006	(516897)
11	10/25/2006	(516898)
12	04/13/2007	(518319)
13	01/29/2007	(519260)
14	12/06/2006	(532315)
15	01/04/2007	(534091)
16	08/08/2007	(534723)
17	10/02/2007	(534725)
18	01/24/2007	(535454)
19	02/16/2007	(538999)
20	05/18/2007	(542502)
21	03/15/2007	(543230)
22	04/05/2007	(556107)
23	05/09/2007	(557774)
24	06/25/2007	(558967)
25	05/18/2007	(560035)
26	05/18/2007	(560248)
27	05/29/2007	(560778)
28	07/13/2007	(561122)
29	06/04/2007	(561366)
30	07/16/2007	(564659)
31	08/20/2007	(565993)
32	07/17/2007	(567734)

33 08/01/2007 (569775)  
34 08/21/2007 (570742)  
35 08/24/2007 (573157)  
36 10/15/2007 (596343)  
37 01/07/2008 (613411)  
38 02/08/2008 (616859)  
39 04/29/2008 (653836)  
40 06/30/2008 (680445)  
41 06/27/2008 (684512)  
42 06/30/2008 (684533)  
43 08/27/2008 (699734)  
44 08/25/2008 (700781)  
45 11/24/2008 (708619)  
46 01/14/2009 (723040)  
47 06/22/2009 (749554)  
48 08/17/2009 (759094)  
49 08/25/2009 (759151)  
50 09/24/2009 (760984)  
51 09/11/2009 (762719)  
52 08/27/2009 (765986)  
53 08/25/2009 (767166)  
54 08/26/2009 (767319)  
55 09/02/2009 (767563)  
56 08/31/2009 (767759)  
57 12/10/2009 (776485)  
58 02/03/2010 (785254)  
59 03/11/2010 (788597)  
60 02/19/2010 (789083)  
61 01/28/2010 (789271)  
62 01/28/2010 (789608)  
63 01/28/2010 (790113)

64 02/22/2010 (792985)

65 05/06/2010 (800052)

66 07/20/2010 (801349)

67 05/18/2010 (801496)

68 08/13/2010 (841260)

69 09/07/2010 (848917)

70 09/07/2010 (850622)

71 10/06/2010 (850656)

72 10/04/2010 (857457)

73 09/07/2010 (857511)

74 11/01/2010 (864784)

75 09/29/2010 (865715)

76 11/01/2010 (866149)

77 11/10/2010 (866183)

78 10/15/2010 (870096)

79 11/09/2010 (872048)

80 02/01/2011 (891702)

81 03/02/2011 (893511)

82 03/21/2011 (894196)

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

Date: 08/28/2008 (699734) CN603741463

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: 08/28/2009 (765986) CN603741463  
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.

Date: 02/19/2010 (789083) CN603741463

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(h)

Description: Failure to comply with notification requirements.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: Flint Hills Resource - West failed to comply with manifesting requirements.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT F 266.70(c)

Description: Failure to comply with recordkeeping requirements for recyclable materials utilized for precious metals recovery.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)  
PP Section II.A Std Permit Conditions PERMIT  
PP Section III.D General Inspection Req. PERMIT

Description: Failure to indicate on the inspection records all required information; specifically the date and nature of any repairs or other remedial actions.

Date: 09/08/2010 (848917)

CN603741463

Self Report? NO

Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M9] SC 42C PERMIT  
[FOP No. O-01272] STC 30A 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 use a leak collection and/or containment system to prevent hydrogen sulfide leaks until repair or replacement could be made. Specifically, FHR failed to adequately repair leaks within 6 hours and no leak collection or containment system was implemented, between 01/01/2008 and 06/30/2008, as described on page 4 of 17 of the 07/30/2008 semiannual DR for FOP No. O-01272. There were 5 leaks identified in the SRUs and 16 leaks identified in the Sour Water Strippers.

Self Report? NO

Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M9] SC 34 PERMIT  
[Flex 8803A/PSD-TX-413M9] SC 37 PERMIT  
[FOP No. O-01272] STC 30A 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 collect emissions from the SRU Nos. 1, 2 and 3 sulfur pits and associated tank truck sulfur loading operations by a vapor collection system and routed to the SRU TGI via the sulfur pits. Specifically, FHR failed to route sulfur truck loading and sulfur pit vapors to the TGI, between 01/01/2008 and 12/04/2008, as described on page 4 of 17 of the 07/30/2008 semiannual DR and page 3 of 18 of the 01/29/2009 DR for FOP No. O-01272. During the reporting periods, there were 14 occurrences.

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 emissions event or maintenance/startup/shutdown activity no later than 14 days after the end of the incident. Specifically, FHR failed to generate complete final records no later than 2 weeks after each incident for 6 recordable incidents that occurred between 01/01/2008 and 12/31/2008 as described on page 17 of 17 in the 07/30/2008 semiannual DR and page 18 of 18 in the 01/29/2009 DR for FOP No. O-01272.

Self Report? NO

Classification: Moderate

Citation: [FOP No. O-01272] GTC OP  
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 between 01/01/2008 and 12/22/2008 that occurred during previous reporting periods and compliance certification periods that were not reported.

Self Report? NO

Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M9] SC 38 PERMIT  
[FOP No. O-01272] STC 30A 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 vent vapors from the seal legs on SRU Nos. 1, 2 and 3 to the sulfur pits. Specifically, FHR failed to route vapors from the seal legs on SRU No. 2 to the sulfur pit, on 07/05/2008 and 07/06/2008, as described on page 3 of 18 of the 01/29/2009 semiannual DR for FOP No. O-01272.

F. Environmental audits.

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

Notice of Intent Date: 03/10/2010 (826687)

No DOV Associated

Notice of Intent Date: 09/28/2010 (870520)

No DOV Associated

Notice of Intent Date: 11/30/2010 (887106)

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  
CORPUS CHRISTI, LLC  
RN100235266**

§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2011-0529-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 Corpus Christi, LLC ("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 March 26, 2011.
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 Six Hundred Fifty Dollars (\$6,650) is assessed by the Commission in settlement of the violations alleged in Section

- II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Twenty Dollars (\$5,320) of the administrative penalty and One Thousand Three Hundred Thirty Dollars (\$1,330) 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 on February 14, 2011, the Respondent implemented a record keeping and tagging program for the lines that are out of service or undergoing maintenance that will indicate which valves are susceptible to thermal expansion to ensure that those valves are locked or tagged open in order to prevent the recurrence of emissions events due to the same cause as Incident No. 148042.
  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, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, and Federal Operating Permit No. O1272, Special Terms and Conditions No. 30A and General Terms and Conditions, as documented during an investigation conducted from January 31, 2011 through February 14, 2011. Specifically, the Respondent released 72.8 pounds of benzene from a pinhole leak on a valve gasket that formed as a result of a valve being accidentally closed, causing thermal expansion in the line. The emissions event (Incident No. 148042) occurred on December 1, 2010 and lasted two hours and 19 minutes. Since the emissions event could have been avoided through better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### 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 Corpus Christi, LLC, Docket No. 2011-0529-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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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.

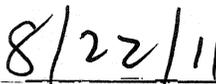
## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



\_\_\_\_\_  
For the Executive Director



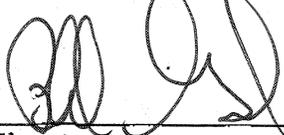
\_\_\_\_\_  
Date

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.

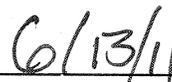
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- 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

Phil Gaarder

Vice President

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Flint Hills Resources Corpus Christi, LLC

\_\_\_\_\_  
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.