

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-1714-MLM-E **TCEQ ID:** RN102555166 **CASE NO.:** 38567  
**RESPONDENT NAME:** Citgo Refining and Chemicals Company L.P.

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Citgo Corpus Christi Refinery East Plant, 1802 Nueces Bay Boulevard, Corpus Christi, Nueces County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery with a wastewater treatment facility</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 additional pending enforcement action regarding this facility location, Docket No. 2010-1150-AIR-E.</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 January 24, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Kevin Ferrall, Vice President and General Manager, Citgo Refining and Chemicals Company L.P., P. O. Box 4879, Corpus Christi, Texas 78469  Mr. Arthur G. Loudon, Vice President and General Manager, Citgo Refining and Chemicals Company L.P., P. O. Box 4879, Corpus Christi, Texas 78469  <b>Respondent's Attorney:</b> Paul Sarahan, Fulbright &amp; Jaworski L.L.P. . 1301 McKinney, Suite 5100, Houston, Texas 77010-3095</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 checked="" type="checkbox"/> Emergency Response  <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 Investigation Relating to this Case:</b> July 19, 2009 through August 11, 2009 and July 19, 2009 through December 18, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 16, 2009 and December 23, 2009 (NOE)</p> <p><b>Background Facts:</b> This was an investigation and record review.</p> <p><b>WATER</b></p> <p>1) Failed to meet the permitted effluent limit for fluoride at Outfall 001 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000467000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 001].</p> <p>2) Failed to prevent the unauthorized discharge of wastewater through Outfall 004 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000467000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 004].</p> <p>3) Failed to obtain authorization from the Commission prior to beginning an activity which resulted in non-compliance with a permit condition [30 TEX. ADMIN. CODE § 305.125(1) and (8), and TPDES Permit No. WQ0000467000, Permit Conditions No. 2.e].</p> <p>4) Failed to prevent the unauthorized discharge of process wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX.</p>	<p><b>Total Assessed:</b> \$303,294</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$151,647</p> <p><b>Total Paid to General Revenue:</b> \$151,647</p> <p><b>Compliance History Classifications:</b>                      Person/CN - Average                      Site/RN - Average</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>Findings Orders Justification:</b></p> <p>There were three previous NOVs for unauthorized discharges and human health and the environment were exposed to pollutants that exceeded protective levels.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. By August 14, 2009, ceased discharging contact fire water and vapor suppression water from Outfall 001;</p> <p>b. By September 22, 2009, ceased all unauthorized discharges of contact fire water and vapor suppression water;</p> <p>c. By December 7, 2009, submitted an amendment application for TPDES Permit No. WQ0000467000 to specifically authorize the discharge of contact fire water and vapor suppression water;</p> <p>d. By August 24, 2010, provided training to personnel responsible for emissions event reporting to ensure proper and complete reporting of emissions events; and</p> <p>e. By August 25, 2010, completed the following actions to prevent the recurrence of emissions events due to the same or similar causes as that of the July 19, 2009, emissions event:</p> <p>i. Modified external inspection checklist forms (Piping and Equipment) to include notification of the area inspector that the external inspection checklist needed a thorough review and provided training to appropriate personnel on how to properly fill out the new forms;</p> <p>ii. Reviewed quality control processes and made changes requiring 100% inspection and witnessing of final assembly for critical valves and random original equipment operator repair shop audits;</p> <p>iii. Completed an evaluation of the current construction/repair quality control procedures;</p> <p>iv. Replaced the Recycle Isobutane</p>

<p>ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0000467000, Permit Conditions No. 2.g].</p> <p><b>AIR</b></p> <p>5) Failed to prevent unauthorized emissions during Incident No. 126966, [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Permit No. 3390A, Special Condition No. 1 and Permit No. 2708A, Special Condition No. 1].</p> <p>6) Failed to submit an administratively complete final report for Incident No. 126966 [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (b)(1)(H) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		<p>flow control valve, 83FV-9, with a valve having “fail open” capability;</p> <p>v. Verified piping specifications with the Alkylation Unit technology licensor and confirmed that strainer blowdown connections meet these specifications;</p> <p>vi. Reviewed and revised operating procedure OPS-083-405 to address 83P-8 pump and 83FV-9 operations and incorporate the new automated bypass for 83FV-9;</p> <p>vii. Provided a permanent firewater back-up system through the purchase of two 6,000 gallon-per-minute skid-mounted firewater pumps; and</p> <p>viii. Modified the Refinery Firewater Protection System procedure to clearly outline the alternate firewater supply sources available to the Plant.</p> <p>f. By October 15, 2010, submitted an Affected Property Assessment Report for the containment areas around tanks 116 and 117.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>
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Additional ID No(s): NE0027V and WQ0000467000



Attachment A  
Docket Number: 2009-1714-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

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

**Payable Penalty Amount:** Three Hundred Three Thousand Two Hundred Ninety-Four Dollars (\$303,294)

**SEP Amount:** One Hundred Fifty-One Thousand Six Hundred Forty-Seven Dollars (\$151,647)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)-Abandoned Tire Clean-Up

**Location of SEP:** Nueces County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** to be used for the *Abandoned Tire Cleanups Program* as set forth in an agreement between the Third-Party Recipient and TCEQ. The Third-Party Recipient shall coordinate with local city and county government officials and private entities to clean up sites where tires have been disposed of illegally, or to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling. Eligible tire cleanup sites will be limited to areas where a responsible party cannot be identified or where there is no preexisting obligation to clean up the site by the owner or government and where reasonable efforts have been made to prevent the dumping. The SEP Offset Amount will be used for the direct cost of collection and disposal of tires and debris. Any SEP Offset Amount remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project. The SEP will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient named above and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
Attention: SEP  
1716 Briarcrest Drive, Suite 507  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Citgo Refining and Chemicals Company L.P.  
Agreed Order – Attachment A

The check for any amount due shall be made out to “Texas Commission on Environmental Quality” and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



**Attachment A**  
**Docket Number: 2009-1714-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

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

**Payable Penalty Amount:** Three Hundred Three Thousand Two Hundred Ninety-Four Dollars (\$303,294)

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

DATES	Assigned	21-Sep-2009	Screening	22-Sep-2009	EPA Due	
	PCW	13-Sep-2010				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38567	No. of Violations	4
Docket No.	2009-1714-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Air	Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement recommended due to five orders with denial of liability, two orders without denial of liability, four NOV's with violations same or similar as those cited in this case, six self-reported monthly effluent violations, and ten NOV's with unrelated violations. Reduction due to two Notice of Audit letters and two Disclosures of Violations.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts  \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the interest of settlement.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 22-Sep-2009

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company LP

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

### 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)	10	50%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	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)	2	-2%
	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%

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) 214%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended due to five orders with denial of liability, two orders without denial of liability, four NOVs with violations same or similar as those cited in this case, six self-reported monthly effluent violations, and ten NOVs with unrelated violations. Reduction due to two Notice of Audit letters and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 239%

Screening Date 22-Sep-2009

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company LP

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000467000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 001

Violation Description Failed to meet the daily maximum and single grab concentration permitted effluent limit for fluoride at Outfall 001, as documented during an investigation conducted between July 19 and August 11, 2009, and shown in the attached table. Specifically, the single grab limit for fluoride was exceeded on July 20, 21, 23, 24, 25, 26, 27, and 30, 2009, and the daily maximum concentration was exceeded on July 21, 22, 27, 28, 29, and 30, and August 3, 4, 5, 10, 11, and 12, 2009. The automated water curtain hydrogen fluoride ("HF") mitigation system and contact fire water were the sources of the elevated levels of fluoride from Outfall 001.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

The limit for fluoride was established based on the whole effluent toxicity (WET) testing conducted by the Respondent, in which fluoride was identified as the toxicant. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 17

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$16,902

This violation Final Assessed Penalty (adjusted for limits) \$16,902

## Economic Benefit Worksheet

**Respondent** Citgo Refining and Chemicals Company LP  
**Case ID No.** 38567  
**Req. Ent. Reference No.** RN102555166  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

The economic benefit for this violation is included with violation no. 3.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

Screening Date 22-Sep-2009

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company LP

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000467000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 004

Violation Description

Failed to prevent the unauthorized discharge of wastewater through Outfall 004, as documented during an investigation conducted between July 19 and August 11, 2009. Specifically, between July 23 and August 2, 2009, 55,400,000 gallons of contact fire water and vapor suppression water were discharged from Outfall 004, which is authorized to discharge only non-process area storm water runoff. The automated water curtain HF mitigation system entrained airborne HF and was the source of the vapor suppression water discharged from Outfall 004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceeded protective levels as a result of this violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 11

11 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$110,000

Eleven daily events are recommended, from the date the discharge began (July 23, 2009) to the date it ended (August 2, 2009).

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 \$110,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$371,848

This violation Final Assessed Penalty (adjusted for limits) \$110,000

## Economic Benefit Worksheet

**Respondent** Citgo Refining and Chemicals Company LP  
**Case ID No.** 38567  
**Req. Ent. Reference No.** RN102555166  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

The economic benefit for this violation is included with violation no. 3.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

Screening Date 22-Sep-2009

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company LP

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (8), and TPDES Permit No. WQ0000467000, Permit Conditions No. 2.e

Violation Description

Failed to obtain authorization from the Commission prior to beginning an activity which resulted in non-compliance with a permit condition, as documented during an investigation conducted between July 19 and August 11, 2009. Specifically, contact fire water and vapor suppression water were discharged from Outfall 001 without obtaining prior authorization from the Commission. The automated water curtain HF mitigation system entrained airborne HF and was the source of the vapor suppression water discharged from Outfall 001.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

65 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three monthly events are recommended from the date of the investigation (July 19, 2009) to the date of screening (September 22, 2009).

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$483

Violation Final Penalty Total \$25,353

This violation Final Assessed Penalty (adjusted for limits) \$25,353

## Economic Benefit Worksheet

**Respondent** Citgo Refining and Chemicals Company LP  
**Case ID No.** 38567  
**Reg. Ent. Reference No.** RN102555166  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$25,000	19-Jul-2009	7-Dec-2009	0.39	\$483	n/a	\$483
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to prepare and submit a major permit amendment to TPDES Permit No. WQ0000467000 to authorize the discharge of contact fire water and vapor suppression water. Date required is the date of the investigation. Final date is the date the amendment application was submitted.

### 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

\$25,000

**TOTAL**

\$483

Screening Date 22-Sep-2009

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company LP

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 4

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 325.105(1), TPDES Permit No. WQ0000467000, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of process wastewater into or adjacent to water in the state, as documented during an investigation conducted between July 19 and August 11, 2009. Specifically, on July 19, 2009, approximately 7.56 million gallons of untreated process wastewater and fire suppression water was discharged from tanks 116 and 117 to the unlined secondary containment area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which did not exceed protective levels as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 3

65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Three monthly events are recommended, from the date the discharge began (July 19, 2009) to the date of screening (September 22, 2009).

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,421

Violation Final Penalty Total \$50,707

This violation Final Assessed Penalty (adjusted for limits) \$50,707

## Economic Benefit Worksheet

**Respondent** Citgo Refining and Chemicals Company LP  
**Case ID No.** 38567  
**Reg. Ent. Reference No.** RN102555166  
**Media** Water Quality  
**Violation No.** 4

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	\$5,000	19-Jul-2009	15-Oct-2010	1.24	\$310	n/a	\$310
Remediation/Disposal	\$50,000	19-Jul-2009	15-Oct-2010	1.24	\$3,103	n/a	\$3,103
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	19-Jul-2009	30-Jul-2009	0.03	\$8	n/a	\$8

**Notes for DELAYED costs**  
 Estimated cost to pump process wastewater from the secondary containment area around tanks 116 and 117 to tank 5001 and to prepare and submit an Affected Property Assessment Report ("APAR") for the affected area. Date required is the date the discharge from tanks 116 and 117 occurred. Final dates are the date the wastewater was pumped out (July 30, 2009) and the date the APAR was submitted.

### 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

\$60,000

**TOTAL**

\$3,421

Citgo Refining and Chemicals Company L.P.  
Docket No. 2009-1714-MLM-E  
WQ0000467000

<b>Effluent Violation Table - Fluoride</b>		
<b>Date</b>	<b>Single Grab Conc. (Limit 10 mg/l)</b>	<b>Daily Max. Conc. (Limit 10 mg/l)</b>
07/20/2009	66	c
07/21/2009	72	55.7
07/22/2009	NS	78.8
07/23/2009	150	NS
07/24/2009	74	NS
07/25/2009	72	NS
07/26/2009	53	NS
07/27/2009	54	53.1
07/28/2009	NS	57.2
07/29/2009	NS	74.1
07/30/2009	67	74.3
08/03/2009	NS	79.9
08/04/2009	NS	37.7
08/05/2009	NS	35.4
08/10/2009	NS	16.9
08/11/2009	NS	13.9
08/12/2009	NS	12.0

Conc. = concentration  
c = compliant

mg/l = milligrams per liter  
NS = No sample taken

Max.= maximum



## Compliance History

Customer/Respondent/Owner-Operator:	CN600127922	Citgo Refining and Chemicals Company L.P.	Classification: AVERAGE	Rating: 3.06
Regulated Entity:	RN102555166	CITGO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 3.24
ID Number(s):				50160
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD051161990
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30532
	AIR NEW SOURCE PERMITS	REGISTRATION		91706
	AIR NEW SOURCE PERMITS	REGISTRATION		92382
	AIR NEW SOURCE PERMITS	REGISTRATION		91621
	AIR NEW SOURCE PERMITS	PERMIT		2695A
	AIR NEW SOURCE PERMITS	PERMIT		2697A
	AIR NEW SOURCE PERMITS	PERMIT		2699A
	AIR NEW SOURCE PERMITS	PERMIT		2700A
	AIR NEW SOURCE PERMITS	PERMIT		2703A
	AIR NEW SOURCE PERMITS	PERMIT		2704A
	AIR NEW SOURCE PERMITS	PERMIT		2705A
	AIR NEW SOURCE PERMITS	PERMIT		2706A
	AIR NEW SOURCE PERMITS	PERMIT		2708A
	AIR NEW SOURCE PERMITS	PERMIT		3119A
	AIR NEW SOURCE PERMITS	PERMIT		3123A
	AIR NEW SOURCE PERMITS	PERMIT		3390A
	AIR NEW SOURCE PERMITS	PERMIT		3857A
	AIR NEW SOURCE PERMITS	PERMIT		5418A
	AIR NEW SOURCE PERMITS	PERMIT		6722A
	AIR NEW SOURCE PERMITS	PERMIT		8653A
	AIR NEW SOURCE PERMITS	PERMIT		9604A
	AIR NEW SOURCE PERMITS	REGISTRATION		10733A
	AIR NEW SOURCE PERMITS	REGISTRATION		12005A
	AIR NEW SOURCE PERMITS	PERMIT		2709A
	AIR NEW SOURCE PERMITS	PERMIT		4979A
	AIR NEW SOURCE PERMITS	PERMIT		19044
	AIR NEW SOURCE PERMITS	PERMIT		20156
	AIR NEW SOURCE PERMITS	PERMIT		21303
	AIR NEW SOURCE PERMITS	PERMIT		21358
	AIR NEW SOURCE PERMITS	PERMIT		21706
	AIR NEW SOURCE PERMITS	PERMIT		22312
	AIR NEW SOURCE PERMITS	PERMIT		22418

AIR NEW SOURCE PERMITS	REGISTRATION	23834
AIR NEW SOURCE PERMITS	REGISTRATION	28092
AIR NEW SOURCE PERMITS	REGISTRATION	30099
AIR NEW SOURCE PERMITS	REGISTRATION	42533
AIR NEW SOURCE PERMITS	PERMIT	46637
AIR NEW SOURCE PERMITS	PERMIT	46641
AIR NEW SOURCE PERMITS	PERMIT	46640
AIR NEW SOURCE PERMITS	PERMIT	46642
AIR NEW SOURCE PERMITS	REGISTRATION	47656
AIR NEW SOURCE PERMITS	REGISTRATION	49265
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0027V
AIR NEW SOURCE PERMITS	PERMIT	6748
AIR NEW SOURCE PERMITS	REGISTRATION	10309
AIR NEW SOURCE PERMITS	REGISTRATION	56720
AIR NEW SOURCE PERMITS	AFS NUM	4835500003
AIR NEW SOURCE PERMITS	REGISTRATION	71021
AIR NEW SOURCE PERMITS	REGISTRATION	90292
AIR NEW SOURCE PERMITS	REGISTRATION	53921
AIR NEW SOURCE PERMITS	REGISTRATION	54775
AIR NEW SOURCE PERMITS	EPA ID	PSDTX653M1
AIR NEW SOURCE PERMITS	PERMIT	72654
AIR NEW SOURCE PERMITS	REGISTRATION	74515
AIR NEW SOURCE PERMITS	REGISTRATION	74376
AIR NEW SOURCE PERMITS	REGISTRATION	75017
AIR NEW SOURCE PERMITS	REGISTRATION	75340
AIR NEW SOURCE PERMITS	EPA ID	PSDTX831
AIR NEW SOURCE PERMITS	REGISTRATION	76930
AIR NEW SOURCE PERMITS	REGISTRATION	76737
AIR NEW SOURCE PERMITS	REGISTRATION	76742
AIR NEW SOURCE PERMITS	REGISTRATION	76880
AIR NEW SOURCE PERMITS	REGISTRATION	76883
AIR NEW SOURCE PERMITS	REGISTRATION	77066
AIR NEW SOURCE PERMITS	REGISTRATION	77680
AIR NEW SOURCE PERMITS	REGISTRATION	77094
AIR NEW SOURCE PERMITS	REGISTRATION	77050
AIR NEW SOURCE PERMITS	REGISTRATION	78081
AIR NEW SOURCE PERMITS	REGISTRATION	78541
AIR NEW SOURCE PERMITS	REGISTRATION	78522

AIR NEW SOURCE PERMITS	REGISTRATION	78851
AIR NEW SOURCE PERMITS	REGISTRATION	78850
AIR NEW SOURCE PERMITS	REGISTRATION	78195
AIR NEW SOURCE PERMITS	REGISTRATION	79234
AIR NEW SOURCE PERMITS	REGISTRATION	79760
AIR NEW SOURCE PERMITS	REGISTRATION	80407
AIR NEW SOURCE PERMITS	PERMIT	80693
AIR NEW SOURCE PERMITS	REGISTRATION	80521
AIR NEW SOURCE PERMITS	REGISTRATION	80564
AIR NEW SOURCE PERMITS	PERMIT	80801
AIR NEW SOURCE PERMITS	REGISTRATION	83336
AIR NEW SOURCE PERMITS	REGISTRATION	83016
AIR NEW SOURCE PERMITS	REGISTRATION	86253
AIR NEW SOURCE PERMITS	REGISTRATION	83882
AIR NEW SOURCE PERMITS	REGISTRATION	83913
AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0027V
AIR OPERATING PERMITS	PERMIT	1423
WASTEWATER	PERMIT	WQ0000467000
WASTEWATER	EPA ID	TX0006211
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30532
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0027V

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

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: September 17, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 17, 2004 to September 17, 2009

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

Name: Evette Alvarado Phone: (512) 239 - 2573

### 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? Yes
3. If Yes, who is the current owner/operator? OWNOPR Citgo Refining and Chemicals Company L.P.
4. If Yes, who was/were the prior owner(s)/operator(s)?  
OWNOPR Champlin Refining Company  
OWNOPR Citgo Petroleum Corporation
5. When did the change(s) in owner or operator occur? 10/01/2007
6. Rating Date: 9/1/2009 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: 08/31/2007

ADMINORDER 2007-0170-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 5418A General Conditions PERMIT

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

Effective Date: 12/20/2007

ADMINORDER 2007-0594-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 3123A, SC 1 PERMIT

Permit No. 3123A, Special Condition 3 PERMIT

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

Effective Date: 06/15/2009

ADMINORDER 2008-1793-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: 9604A / Special Condition No. 1 PA

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: [FOP No. O-1423] STC 2 OP

Description: Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 111222). Specifically, the event occurred and ended on July 16, 2008 and the report was due by July 30, 2008, but was not submitted until July 31, 2008.

Classification: Moderate

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

30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: [3390A] SC 1 & MAERT PERMIT

[9604A/PSD-TX-653] SC 1 & MAERT PERMIT

[FOP No. O-1423] STC 31 OP

FOP No. O-01423, SC 1.A. PERMIT

Description: Failed to prevent unauthorized emissions and to limit opacity to 20 percent.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(H)

30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01423, SC 2.G. PERMIT

Description: Failed to list all compounds and total quantities associated with a startup activity.

Effective Date: 08/23/2009

ADMINORDER 2002-0290-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)

5C THSC Chapter 382 382.085(b)

Description: Failure to notify TNRCCs regional office within 24 hours after the discovery of two upset events, both of which occurred on August 8, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: Not specified PERMIT

Description: Failure to obtain regulatory authority or meet the description requirements for upset emissions resulting from two separate events which occurred on August 8, 2001.

Classification: Moderate

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

Description: Failure to demonstrate compliance with the Maximum Allowable Emission Rate of Permit No. 3123A. Specifically, the CO Boiler failed to demonstrate compliance with the Carbon Monoxide emission rate, as demonstrated in a compliance test conducted on January 30, 2004.

Classification: Major

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to satisfy all demonstration criteria as listed under 30 TAC § 101.222 or comply with the allowable emission rates specified in the Maximum Allowable Emission Rate Table during the emissions event which occurred on May 26, 2004.

Effective Date: 08/23/2009 ADMINORDER 2004-1279-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Conditions 1 ,8 ,11, 15 PERMIT

Description: Failed to prevent unauthorized emissions from the No. 2 FCCU on October 28, 2003.

Effective Date: 08/31/2009 ADMINORDER 2008-1193-AIR-E

Classification: Moderate

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

Rqmt Prov: 3119A PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Description: Failed to submit the initial notification of Incident No. 102832 within 24 hours of discovery.

Classification: Minor

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

Description: Failed to list all compounds and quantities associated with Incident No. 102832 in the final report.

Effective Date: 08/31/2009 ADMINORDER 2008-0273-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent the discharge of industrial solid waste.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to comply with notification requirements.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)  
30 TAC Chapter 335, SubChapter A 335.10(d)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.23(a)

Description: Failure to comply with manifesting requirements.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171

Description: Failure to maintain a hazardous waste container in good condition.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

30 TAC Chapter 335, SubChapter E 335.112(a)(8)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(b)

Description: Failure to properly manage a hazardous waste container.

Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to conduct inspections of hazardous waste containers.

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	09/28/2004	(283343)
2	10/12/2004	(335820)
3	11/19/2004	(336653)
4	11/19/2004	(336845)
5	11/19/2004	(339890)
6	11/19/2004	(339919)
7	11/22/2004	(341305)
8	11/19/2004	(341541)
9	11/30/2004	(341912)
10	12/30/2004	(342227)
11	01/21/2005	(345684)
12	02/03/2005	(348348)
13	12/20/2004	(352242)
14	10/29/2004	(352243)
15	11/23/2004	(352244)
16	03/11/2005	(372798)
17	03/24/2005	(373888)
18	03/24/2005	(374168)
19	03/28/2005	(374190)
20	05/06/2005	(378559)
21	02/23/2005	(381900)

22 03/28/2005 (381901)  
23 12/20/2004 (381902)  
24 01/24/2005 (381903)  
25 06/03/2005 (392988)  
26 06/03/2005 (393464)  
27 07/18/2005 (393465)  
28 07/07/2005 (395347)  
29 06/16/2005 (395438)  
30 08/22/2005 (402137)  
31 11/16/2005 (405717)  
32 08/18/2005 (405799)  
33 04/26/2005 (419743)  
34 05/23/2005 (419744)  
35 06/23/2005 (419745)  
36 10/11/2005 (434051)  
37 12/01/2005 (435829)  
38 11/17/2005 (436667)  
39 07/22/2005 (440879)  
40 08/26/2005 (440880)  
41 09/20/2005 (440881)  
42 01/02/2006 (450793)  
43 01/02/2006 (450794)  
44 02/21/2006 (451197)  
45 02/09/2006 (453193)  
46 03/08/2005 (453246)  
47 03/07/2006 (454499)  
48 04/18/2006 (455371)  
49 03/08/2006 (458417)  
50 04/06/2006 (459050)  
51 03/27/2006 (459448)  
52 04/13/2006 (459661)

53 04/13/2006 (459665)  
54 06/05/2006 (466364)  
55 06/06/2006 (467393)  
56 05/24/2006 (467417)  
57 02/24/2006 (468521)  
58 10/25/2005 (468522)  
59 11/28/2005 (468523)  
60 12/22/2005 (468524)  
61 01/24/2006 (468525)  
62 10/22/2007 (481761)  
63 07/19/2006 (482242)  
64 08/24/2006 (482569)  
65 08/31/2006 (483126)  
66 07/21/2006 (484425)  
67 08/22/2006 (487181)  
68 08/21/2006 (489885)  
69 03/20/2006 (498260)  
70 04/24/2006 (498261)  
71 05/23/2006 (498262)  
72 06/23/2006 (498263)  
73 10/18/2006 (510953)  
74 09/13/2006 (510995)  
75 01/08/2007 (512157)  
76 11/29/2006 (512162)  
77 10/12/2006 (514095)  
78 10/12/2006 (514878)  
79 10/12/2006 (514897)  
80 10/16/2006 (515256)  
81 10/18/2006 (515782)  
82 11/15/2006 (516860)  
83 01/04/2007 (516900)

84 11/15/2006 (518976)  
85 07/24/2006 (520275)  
86 08/17/2006 (520276)  
87 08/21/2006 (520277)  
88 09/25/2006 (520278)  
89 12/21/2006 (534104)  
90 12/29/2006 (534672)  
91 02/26/2007 (538209)  
92 03/20/2007 (538211)  
93 02/12/2007 (539381)  
94 02/16/2007 (540236)  
95 02/18/2007 (540855)  
96 04/25/2007 (540902)  
97 10/24/2006 (544597)  
98 11/27/2006 (544598)  
99 12/19/2006 (544599)  
100 01/22/2007 (544600)  
101 04/04/2007 (554293)  
102 05/04/2007 (558318)  
103 05/08/2007 (558508)  
104 06/01/2007 (559013)  
105 05/25/2007 (561868)  
106 07/13/2007 (562870)  
107 06/21/2007 (563744)  
108 07/13/2007 (564523)  
109 08/17/2007 (565565)  
110 07/13/2007 (567064)  
111 09/14/2007 (570950)  
112 08/31/2007 (572127)  
113 08/09/2006 (572255)

114 08/27/2007 (573505)  
115 02/22/2007 (575434)  
116 03/26/2007 (575435)  
117 04/23/2007 (575436)  
118 05/16/2007 (575437)  
119 06/22/2007 (575438)  
120 07/23/2007 (575439)  
121 04/23/2007 (575440)  
122 02/02/2008 (594422)  
123 10/02/2007 (594482)  
124 10/17/2007 (596344)  
125 01/18/2008 (598045)  
126 11/28/2007 (598481)  
127 08/20/2007 (607562)  
128 09/24/2007 (607563)  
129 10/03/2007 (608617)  
130 02/11/2008 (617736)  
131 02/11/2008 (617821)  
132 10/22/2007 (619546)  
133 11/26/2007 (619547)  
134 12/27/2007 (619548)  
135 06/17/2008 (636408)  
136 04/01/2008 (639935)  
137 06/04/2008 (642002)  
138 04/28/2008 (653240)  
139 05/27/2008 (657010)  
140 05/29/2008 (657015)  
141 05/20/2008 (670835)  
142 07/02/2008 (671093)  
143 02/25/2008 (672070)  
144 03/25/2008 (672071)

145 06/22/2009 (679939)  
146 08/29/2008 (683983)  
147 04/17/2008 (689998)  
148 05/19/2008 (689999)  
149 06/20/2008 (690000)  
150 06/20/2008 (690001)  
151 11/06/2008 (701557)  
152 10/21/2008 (702325)  
153 10/21/2008 (704422)  
154 11/18/2008 (704866)  
155 10/16/2008 (705092)  
156 12/05/2008 (708653)  
157 12/05/2008 (708803)  
158 12/09/2008 (709439)  
159 02/26/2009 (709542)  
160 08/20/2008 (710775)  
161 09/22/2008 (710776)  
162 09/22/2008 (710777)  
163 10/30/2008 (720824)  
164 12/23/2008 (721416)  
165 01/23/2009 (723003)  
166 11/20/2008 (727514)  
167 12/22/2008 (727515)  
168 10/20/2008 (727516)  
169 03/12/2009 (736356)  
170 04/17/2009 (739042)  
171 05/01/2009 (739330)  
172 04/06/2009 (739450)  
173 07/03/2009 (749313)  
174 02/12/2009 (750304)  
175 03/18/2009 (750305)

176 07/09/2009 (761190)  
 177 08/24/2009 (763946)  
 178 09/16/2009 (764097)  
 179 08/26/2009 (765255)  
 180 08/26/2009 (765357)  
 181 08/24/2009 (765442)  
 182 08/28/2009 (765992)  
 183 08/27/2009 (767703)  
 184 04/16/2009 (768394)  
 185 05/21/2009 (768395)  
 186 06/22/2009 (804750)  
 187 07/20/2009 (804751)  
 188 08/20/2009 (804752)

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

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

Date: 11/29/2004 (341912)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 327 327.3(b)  
 Description: The regulated entity failed to notify the TCEQ of a reportable incident as soon as  
 possible, but no later than 24 hours. The CASA Line Filter at CITGO East in  
 Corpus Christi, Texas released approx. 10 barrels of 2-Oil to the ground on  
 09/18/04, however, CITGO personnel did not notify the TCEQ until 09/28/04.

Date: 12/29/2004 (342227) CN600127922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)  
 Description: Failure to submit all additional or more detailed information requested for TCEQ  
 STEERS No. 39028 within the time frame established in the request. Information  
 requested to be submitted by September 22, 2004 was received on November  
 24,2004.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(12)  
 Description: All additional information necessary to evaluate the emissions event (TCEQ  
 STEERS No. 39028) which occurred on or about May 4, 2004 was not provided  
 in the final record.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)  
 Description: Failure to submit in writing an analysis of the probable cause of an emissions  
 event (TCEQ STEERS No. 39028) within 60 days from the date of the request.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)

Description: Failure to prevent the occurrence of visible emissions with an opacity of greater than 20% averaged over a six- minute period for emissions released from the No. 2 FCCU during an emissions event (TCEQ STEERS No. 39028) that occurred on or about May 4, 2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)

Description: Failure to maintain compliance with applicable requirements specified in New Source Performance Standards (NSPS) for Petroleum Refineries 40 Code of Federal Regulations (CFR) Part 60 Subpart J.

Date: 03/31/2005 (419743) CN600127922

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/18/2005 (393465) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit No. 00467-003 PERMIT

Description: Failure to comply with the 0.5 mg/l daily maximum permit limit for BTEX.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.4  
TPDES Permit No. 00467-003 PERMIT

Description: Failure to meet minimum self-monitoring requirements for sample collection and laboratory analysis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TPDES Permit No. 00467-001 PERMIT

Description: Failure to comply with the maximum pH permit limit of 9.0 su (standard units).

Date: 12/31/2005 (468525) CN600127922

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/24/2006 (482569) CN600127922

Self Report? NO Classification: Moderate

Citation: TPDES Permit No. WQ0000467-001 PERMIT  
TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent an unauthorized discharge of approximately 6 barrels of slop oil into the Corpus Christi Inner Harbor.

Date: 08/31/2006 (483126) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to meet accumulation time limits as required for storage of hazardous waste without a permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Failure to inspect all container storage areas as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
PP III.D. OP

Description: Failure to inspect Permitted Units as per permit requirements.

Date: 11/28/2006 (512162) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4  
Description: Failure to prevent discharge of industrial or other waste into or adjacent to any water in the state.

Date: 03/31/2007 (575436) CN600127922  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

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

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

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

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

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

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

Date: 08/31/2007 (572127) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 19044, SC 2E PERMIT  
20156, SC 1E PERMIT  
21303, SC 5E PERMIT  
21706, SC 6E PERMIT  
2695A, Special Condition 10E PERMIT  
2697A, SC 9E PERMIT  
2703A, SC 5E PERMIT  
2708A, SC 8E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3123A, SC 7E PERMIT  
3857A, 13E PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
46640, SC 6E PERMIT  
46641, SC 14E PERMIT  
5418A, SC 8E PERMIT  
6722A, SC 10E PERMIT  
72654, SC 3E PERMIT  
9604A/PSD-TX-653, SC18E PERMIT  
FOP O-01423, Special Term & Condition 1A OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(g)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
FOP O-01423, Special Term & Condition 1A OP

Description: Failure to make a first attempt at repair within five days.

Self Report? NO Classification: Moderate

Citation: 21303, SC 5H PERMIT  
2697A, SC 9I PERMIT  
2703A, 5I PERMIT  
2708A, SC 8I PERMIT  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
46640, SC 6I PERMIT  
46641, SC 14I PERMIT  
5418A, SC 8I PERMIT

6722A, SC 10I PERMIT  
9604A/PSD-TX-653, SC 18H PERMIT  
FOP O-1423, Special Term & Condition 1A OP

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

Date: 09/30/2007 (619546) CN600127922

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/03/2007 (608617) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/29/2008 (683983) CN600127922

Self Report? NO Classification: Moderate

Citation: 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)(D)  
General Terms & Conditions (GT & C) OP

Description: Failure to include all instances of deviation in Deviation Reports (DRs) which were submitted on March 21, 2007, September 17, 2007 and March 17, 2008 (DR2, DR3 and DR4, respectively). Additionally, by failing to include or reference pertinent deviations in DR2, DR3, and DR4, the company failed to certify an accurate PCC for each of the periods ending February 19, 2007 and February 19, 2008.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
General Condition (GC) 8 & SC 5 PA

Description: Failure to comply with the VOC short term emission rate in the MAERT for the combined Crude and Vacuum Units. The number of one-hour periods in deviation reports are described in the following: 1. DR1 - Crude Unit - 109 periods in pages 235-237; Vacuum Unit -25 periods in pages 143-144; 2. DR2 - Crude Unit - 209 periods in pages 43-45; Vacuum Unit- page 46. Note: The company has reduced the number of exceedances of the VOC short-term rate since February 2007.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 4 & SC 6 PA

Description: Failure to demonstrate compliance with the CO and NOx concentrations of 500 ppm and 60 ppm, respectively, for the FCCU regenerator stack (EPN 31-PR-1). On various days from January 15, 2006 through February 2007, hourly records requested on February 28, 2008 indicated concentrations of CO above permitted limits. Additionally, on August 23 and 24, 2007, the 24-hr rolling average of NOx exceeded the permitted concentration limit in SC 6.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 6 PA

Description: Failure to maintain the rolling 12-month loading limits of alkylate and C5/Platformate at marine Docks 1 and 2. According to records provided on March 4, 2008, alkylate and C5/Platformate exceeded the permitted loading limits of 1.6 million and 1.2 barrels per year, respectively. Alkylate loading was exceeded from April through December 2006. The C5/Platformate loading limit was exceeded all of CY 2006 and January 2007.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 3 PA

Description: Failure to maintain the NOx emissions limit below the permitted rate of 0.08 lbs NOx /MMBtu. The emissions limit was exceeded in 27 periods between January 2, 2006 and April 30, 2007. The duration of each period varied from 1 hour to 29 hours. Records of exceedances for 2006 and 2007 were provided on March 4 and March 5, 2008. Exceedances were represented in DR1 (page 150) and DR2 (pages 41 and 42).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 11E & SC12 PA

Description: Failure to include fuel certification statements in quarterly reports and failed to submit a 3Q07 fuel certification report. Additionally, a semiannual report for the second half of 2007 (2H07) was incomplete. The third quarter report for 2007 (3Q07) report was not submitted. Since only the 4Q07 report was submitted, the partial 2H07 was deemed incomplete.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter H 116.814  
5C THSC Chapter 382 382.085(b)  
SC5, SC8F & SC8H PA

Description: Failure to monitor 1520 components in accordance with the 28MID fugitive monitoring program. According to SC 5, the 28 MID program was to be implemented 180 days after the permit issuance date of October 9, 2003. Additionally, it was determined that Pump No 85-P-105B (FEMS tag No 56233)

was not repaired in three instances in 2006 and 2007 when the pump seal leak rate exceeded 500 ppm.

- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter H 116.814  
5C THSC Chapter 382 382.085(b)  
GC1 & SC 9G PA
- Description: Failure to maintain the annual VOC throughputs limits for Tank No. 3101 in calendar year 2006 (CY 06) and Tank No. 3102 in CY 07. Additionally, based on a rolling 12-month period, storage vessels 1001, 1017, and 1031 exceeded the annual emissions limitation for December 2006. Tanks 1001, 1017, 1025, 1028, 3101, and 3102 exceed their emissions limit for various months in CY 07.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter H 116.814  
SC 2, SC 12, & SC 13 PA
- Description: Failure to conduct emissions evaluations of engine performance on three engines (Nos. 4, 5, 6) within 60 days of upgrading engine controls. Additionally, the emission controls project on the Platformer Reactor Heater (EPNs 82, 83, and 84) was completed on December 6, 2002. The SC 2 required completion by October 31, 2002.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(f)(6)  
5C THSC Chapter 382 382.085(b)  
GT&C; ST&C 1 OP
- Description: Failure to report in the appropriate Notice of Compliance Status (NOCS) report or Periodic Report (PR) that 13 internal floating roof (IFR) storage vessels had achieved compliance in various periods from October 20, 1998 (tank No. 1030) to June 9, 2004 (tank No. 223).
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(g)  
5C THSC Chapter 382 382.085(b)  
ST&C 1 OP
- Description: Failure to submit two Periodic Reports (PRs) for the first half 2002 (1H02) and 1H03, 60 days after the end of each 6-month period. The affected reports were due August 29, 2002 and August 29, 2003, respectively. The 1H02 report was submitted August 20, 2004, and the 1H03 report on August 19, 2004.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)  
5C THSC Chapter 382 382.085(b)  
ST&C 1 OP
- Description: Failure to conduct a 5 year primary seal inspection on external floating roof (EFR) storage tank No. 928 within the time allotted by rule. Records provided on August 12, 2008, documented an inspection conducted on June 15, 2007. The required inspection was due to be performed no later than February 18, 2007.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.780  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)(2)  
5C THSC Chapter 382 382.085(b)  
ST&C 1 OP
- Description: Failure to postmark or deliver a compliance report (CR) required by § 63.1575(a) no later than January 31, 2007, as specified in § 63.1575(b)(4). Additionally, the company failed to certify a CR submitted on July 29, 2005 as required by § 63.1575(c)(2). Also, the company failed to submit a certified report for the period of July 1 through September 5, 2005.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 3 PA

Description: Failure to operate the C4SHP Unit at less than a permitted total feed rate of 199,551 pounds per hour (pph) of C4 olefin (raffinate). Specifically, DR1 (pages 98-102) describes at least 296 hours, on various days from March 24 through June 3, 2006, where the feed rate exceeded the permitted rate. Records received on March 11, 2008 state the amount of each exceedance. A PBR registration (No. 79234) was issued by the Agency on July 5, 2006, allowed an increase in the feed rate to 258,839 pph.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter H 116.814  
5C THSC Chapter 382 382.085(b)  
SC 13 PA

Description: Failure to comply with the NOx emissions standard of 0.05 lbs NOx /MMBtu during normal operations. The Platformer Reactor Heaters (EPNs 82, 83, 84) operated numerous instances in exceedance of the NOx emission rate in numerous.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC1, SC2, & SC4 PA

Description: Failure to maintain compliance with the 250 ppm limit of in-stack concentration of sulfur dioxide at both tail gas incinerators (TGIs). Additionally, the company failed to demonstrate compliance with all MAERT short-term allowables (except sulfur dioxide) at times when the hourly fired duties of the incinerators were exceeded (11.4 MMBtu/hr and 15.0 MMBtu/hr for the TGI 1 and 2, respectively).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart A 60.18  
5C THSC Chapter 382 382.085(b)  
SC 2 PA  
SC 4 PA

Description: Failure to operate the CPI Flare and Fluor Flare at all times and to maintain a constant pilot flame. Additionally, the company failed to maintain in operation the system that senses the pilot flame at each of the flares as directed by the permit and 40 CFR 60.18 (f)(2).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.564(e)(2)  
5C THSC Chapter 382 382.085(b)  
GC 8 & SC 9 PA

Description: Failure to maintain a minimum operating temperature of 1495 degrees Fahrenheit at the Dock 1 and 2 Marine Emissions Control (MEC) vapor combustor (EPN MEC). Additionally, failure to demonstrate compliance with the 98 % destruction efficiency for VOC (SC 9) and the MAERT short-term allowables when the minimum temperatures are not maintained.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 2 PA

Description: Failure to comply with the fired duty rates (hourly and annual basis) for the Crude Heater (11H-1). In 2007, the fired duty rate averaged on an annual basis was 438 MMBtu/hr. The authorized rate is 411 MMBtu/hr. Additionally, the authorized short term firing rate of 475 MMBtu per hour was exceeded in the following periods as follows: 1. DR1 Crude Unit - pages 238-239; 2. DR3 - page 32.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 4 PA

Description: Failure to comply with the throughput limit of 15 million barrels per year for Tank No. 5005. In 2006, the throughput for the affected storage vessel was 18.3 million barrels. The throughput exceedance was recorded on page 126 of DR1.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 113, SubChapter C 113.780  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)  
5C THSC Chapter 382 382.085(b)  
ST & C 1 OP

Description: Failure to include SRU TGI 1 and TGI 2 excess emissions incidents in either the NSPS Summary Reports for the first quarter (1Q07) or the Periodic Report for the first half of 2007 (1H07). The March 14 and March 19, 2007, SO2 excursions at the SRU were not represented in applicable reports.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.322(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 6E PA

Description: Failure to equip each open-ended valve or lines with a cap, blind flange, plug, or second valve. Specifically, it was reported in DR3 that there were a total of 129 open-ended lines or valves (OELs) discovered at 12 permitted units in a period from February 26 through August 14, 2007 (reference DR3-LDAR section - pages 83-136). The DR4 described a total of 60 OELs discovered at 11 permitted units in a period from August 28, 2007 through February 19, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THSC Chapter 382 382.085(b)  
SC 8I PA

Description: Failure to repair hydrocarbon leaks at components in a fugitive monitoring program within the time allotted by the applicable rule and permit SC. In a period from October 15, 2007 through February 19, 2008, the DR4 report stated that a total of 34 components in nine permitted units remained leaking after the repair period allotted by rule expired. Note: Affected components were subsequently repaired.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
ST & C No. 30 OP

Description: Failure to comply with the requirements of the Periodic Monitoring Summary (PMS) storage vessel No. 64-TK0013 and units in Title V Group ID No. GRP1STACK (EPN MEC) and No. GRP2STACK (EPNs 252 and 292).

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)  
ST & C No. 10 OP

Description: Failure to submit a certification that all required inspections have been conducted in accordance with the requirements of Subpart FF. Additional noncompliance items were: 1. The facility could not demonstrate that daily monitoring readings were being conducted per § 61.354(d) at the Docks 1 and 2 collection sump (085-SUMP-005) carbon absorption system. 2. The quarterly reports to comply with § 61.357(d)(6) and (d)(7) for the 1Q03 and 2Q03 were submitted late.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(e)  
5C THSC Chapter 382 382.085(b)  
ST & C No. 8 OP

Description: Failure to maintain a sealed cover on a downstream refinery wastewater collection box (sump). Specifically, a refinery wastewater collection tank (former API oil-water separator) was discovered on March 27, 2008, with contents open to the atmosphere due to a broken cover.

Date: 10/30/2008 (720824)

CN600127922

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/09/2008 (709439) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit complete final records for facility startup activities no later than two weeks after the end of the activities. Specifically, complete final records for STEERS Incident No.'s 112189, 112209, 112213, 112216, 112217, 112219, and 112226, with information that had changed from prior notifications, were not submitted within two weeks after the end of the activities.

Date: 08/26/2009 (765357) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
40 CFR Part 60, Subpart VV 60.482-4  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 19044, SC No. 2.I PERMIT  
NSR Permit No. 2697A, SC No. 9.I PERMIT  
NSR Permit No. 2706A, SC No. 1.I PERMIT  
NSR Permit No. 46640, SC No. 6.I PERMIT  
NSR Permit No. 5418A, SC Nos. 8.I & 9.H PERMIT  
O-01423, STC No. 1.E OP

Description: Failure to repair hydrocarbon leaks at components in a fugitive monitoring program within the time allotted by the applicable rule and permit Special Condition. Specifically, CITGO Refining and Chemicals Company, L.P. failed to conduct a first attempt at repair within 5 calendar days and/or effectively repair a

component within 15 calendar days after a leak was detected for thirty-three components on nine permitted units.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 20156, SC No. 1.E PERMIT  
NSR Permit No. 2708A, SC No. 8.E PERMIT  
NSR Permit No. 3123A, SC No. 7.E PERMIT  
NSR Permit No. 46640, SC No. 6.E PERMIT  
NSR Permit No. 5418A, SC No. 8.E PERMIT  
NSR Permit No. 6722A, SC No. 10.E PERMIT  
O-01423, STC No. 31 OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. Specifically, CITGO Refining and Chemical Company, L.P. discovered 35 open-ended lines or valves on seven permitted units from February 20, 2008 to February 19, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter B 115.112(b)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)(1)  
5C THSC Chapter 382 382.085(b)  
O-01423, STC No. 1.E OP

**Description:** Failure to maintain a closed cover or lid on storage vessels. Specifically, CITGO Refining and Chemicals Company, L.P. did not utilize a gauge pole float from August 24, 2008 to September 10, 2008 on Tank 851-T3 and from August 19, 2008 to September 10, 2008 on Tank 851-T34.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)  
5C THSC Chapter 382 382.085(b)  
O-01423, STC No. 31 OP  
Permit No. 22312/PSD-TX-831, SC No. 10 PERMIT

**Description:** Failure to conduct calibration drift for a continuous emission monitoring system (CEMS) at least once daily. Specifically, the CEMS at Utility Boiler 61-B3E did not calibrate from 1100 hours on February 27, 2008 to 1100 hours on February 28, 2008 due to a faulty gas regulator.

**Self Report?** NO **Classification:** Moderate

**Citation:** 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 AA 63.643(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(b)(4)(ii)  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 3857A, SC No. 8 PERMIT  
O-01423, STC Nos. 20.B & 31 OP

**Description:** Failure to demonstrate compliance with ninety-eight percent destruction efficiency at Marine Emissions Control (MEC) vapor combustors 73-VC447, 73-VC448, and 73-VC449 by maintaining a minimum operating temperature of 1495 degrees Fahrenheit. Specifically, CITGO Refining and Chemicals Company, L.P. failed to maintain the minimum baseline temperature at the MEC vapor combustors on twenty-seven occasions, occurring from March 2, 2008 to November 7, 2008, due to various operational causes.

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 113, SubChapter C 113.120  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)

**Description:** Failure to maintain the floatation of a storage vessel's internal floating roof on the liquid surface of the stored material at all times. Specifically, the internal floating roof of Tank 854-T401 sank on September 9, 2008. Additionally, CITGO reported thirty-eight instances for Tank 82-T605 and forty-two instances for Tank 82-T608 in which the internal floating roofs for the tanks could not be verified to be floating on the liquid surface of the tanks' s stored material.

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 466640, MAERT No. 670 PERMIT  
NSR Permit No. 5418A, MAERT No. 742 PERMIT  
NSR Permit No. 9604A, MAERT No. 697 PERMIT  
O-01423, STC No. 31 OP

**Description:** Failure to comply with the emission values stated in the Maximum Allowable Emission Rates Table. Specifically, CITGO Refining and Chemicals Company, L.P. exceeded the 3.63 tons per year emission rate for Tank No. 1, for calendar years 2007 and 2008. Additionally, CITGO exceeded the 3.47 tons per year rolling 12-month annual emissions rate for Tank 222. CITGO also exceeded the rolling 12-month annual emissions rate of 0.44 tons per year for Tank 1009 in May 2008, in June 2008, and in July 2008.

F. Environmental audits.

Notice of Intent Date: 06/24/2004 (334400)  
Disclosure Date: 12/21/2004  
Viol. Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)

Description: Failure to report emission events.

Notice of Intent Date: 06/02/2005 (403329)

Disclosure Date: 12/01/2005

Viol. Classification: Moderate

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

Description: Failed to control 63 open-ended lines by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT R 60.181(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)

Description: Failure to properly complete DOR forms.

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

Description: Failure to tag components in the ADP and BTX units.

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

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

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

Notice of Intent Date: 08/08/2007 (639331)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

DATES	Assigned	4-Jan-2010	Screening	11-Jan-2010	EPA Due	
	PCW	13-Sep-2010				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38567	No. of Violations	2
Docket No.	2009-1714-MLM-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement due to four NOVs with same or similar violations, 13 NOVs with unrelated violations, seven Agreed Orders with denial of liability, and two Agreed Orders without denial of liability. Reduction due to two Notice of Audit letters and one Disclosure of Violations.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts  \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in the interest of settlement.

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 11-Jan-2010

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Evette Alvarado

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	4	20%
	Other written NOV's	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 232%

>> 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 due to four NOV's with same or similar violations, 13 NOV's with unrelated violations, seven Agreed Orders with denial of liability, and two Agreed Orders without denial of liability. Reduction due to two Notice of Audit letters and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 232%

Screening Date 11-Jan-2010

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Evette Alvarado

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), Tex. Health & Safety Code § 382.085(b), Permit No. 3390A, Special Condition No. 1 and Permit No. 2708A, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions, as documented during an investigation and record review conducted between July 19 and December 18, 2009. Specifically, 292,758 pounds ("lbs") of volatile organic compounds ("VOC") and 46,091 lbs of hydrogen fluoride were released from the Alkylation Unit during an avoidable emissions event (Incident No. 126966) that began July 19, 2009 and lasted 227 hours and 55 minutes. The demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met and an investigation determined that the failure of a control valve resulted in the release of hydrocarbons and the release of emissions to the atmosphere.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	x				100%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment has been exposed to a significant amount of pollutants that exceed levels protective of human health or environmental receptors. The emissions event was the result of a fire and explosion that critically injured one company employee.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 10 Number of violation days 10

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100,000

Ten daily events are recommended based on the emissions event that began July 19, 2009 and ended July 28, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,014

Violation Final Penalty Total \$332,000

This violation Final Assessed Penalty (adjusted for limits) \$100,000

## Economic Benefit Worksheet

**Respondent** Citgo Refining and Chemicals Company L.P.  
**Case ID No.** 38567  
**Req. Ent. Reference No.** RN102555166  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200,000	19-Jul-2009	25-Aug-2010	1.10	\$11,014	n/a	\$11,014

**Notes for DELAYED costs**

Estimated cost to implement measures designed to prevent the reoccurrence of emissions due to the same causes as that of Incident No. 126966. Date required is the date of the emissions event. Final date is the date compliance 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**

\$200,000

**TOTAL**

\$11,014

Screening Date 11-Jan-2010

Docket No. 2009-1714-MLM-E

PCW

Respondent Citgo Refining and Chemicals Company L.P.

Policy Revision 2 (September 2002)

Case ID No. 38567

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102555166

Media [Statute] Air

Enf. Coordinator Evette Alvarado

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and (b)(1)(H) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an administratively complete final report for Incident No. 126966, as documented during an investigation and record review conducted between July 19 and December 18, 2009. Specifically, the final report did not include emission estimates of products of combustion from the flare.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended based on the one incomplete report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$78

Violation Final Penalty Total \$332

This violation Final Assessed Penalty (adjusted for limits) \$332

## Economic Benefit Worksheet

**Respondent** Citgo Refining and Chemicals Company L.P.  
**Case ID No.** 38567  
**Req. Ent. Reference No.** RN102555166  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,500	11-Aug-2009	24-Aug-2010	1.04	\$78	n/a	\$78
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to provide training to personnel responsible for emissions event reporting to ensure the proper reporting of emissions events. Date required was the due date for final report. Final date is the compliance date.

**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**

\$1,500

**TOTAL**

\$78

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600127922 Citgo Refining and Chemicals Company L.P.	Classification: AVERAGE	Rating: 3.06
Regulated Entity:	RN102555166 CITGO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 3.24

ID Number(s):		
AIR NEW SOURCE PERMITS	REGISTRATION	91621
AIR NEW SOURCE PERMITS	PERMIT	2494A
AIR NEW SOURCE PERMITS	PERMIT	2695A
AIR NEW SOURCE PERMITS	PERMIT	2697A
AIR NEW SOURCE PERMITS	PERMIT	2699A
AIR NEW SOURCE PERMITS	PERMIT	2700A
AIR NEW SOURCE PERMITS	PERMIT	2703A
AIR NEW SOURCE PERMITS	PERMIT	2704A
AIR NEW SOURCE PERMITS	PERMIT	2705A
AIR NEW SOURCE PERMITS	PERMIT	2706A
AIR NEW SOURCE PERMITS	PERMIT	2708A
AIR NEW SOURCE PERMITS	PERMIT	3119A
AIR NEW SOURCE PERMITS	PERMIT	3123A
AIR NEW SOURCE PERMITS	PERMIT	3390A
AIR NEW SOURCE PERMITS	PERMIT	3857A
AIR NEW SOURCE PERMITS	PERMIT	4728A
AIR NEW SOURCE PERMITS	PERMIT	5418A
AIR NEW SOURCE PERMITS	PERMIT	6722A
AIR NEW SOURCE PERMITS	PERMIT	8653A
AIR NEW SOURCE PERMITS	PERMIT	9604A
AIR NEW SOURCE PERMITS	PERMIT	10733A
AIR NEW SOURCE PERMITS	PERMIT	12005A
AIR NEW SOURCE PERMITS	PERMIT	2709A
AIR NEW SOURCE PERMITS	PERMIT	4979A
AIR NEW SOURCE PERMITS	PERMIT	19044
AIR NEW SOURCE PERMITS	PERMIT	20156
AIR NEW SOURCE PERMITS	PERMIT	21303
AIR NEW SOURCE PERMITS	PERMIT	21358
AIR NEW SOURCE PERMITS	PERMIT	21706
AIR NEW SOURCE PERMITS	PERMIT	22312
AIR NEW SOURCE PERMITS	PERMIT	22418
AIR NEW SOURCE PERMITS	PERMIT	23834
AIR NEW SOURCE PERMITS	PERMIT	28092
AIR NEW SOURCE PERMITS	PERMIT	30099
AIR NEW SOURCE PERMITS	PERMIT	42533
AIR NEW SOURCE PERMITS	PERMIT	46637
AIR NEW SOURCE PERMITS	PERMIT	46641
AIR NEW SOURCE PERMITS	PERMIT	46640
AIR NEW SOURCE PERMITS	PERMIT	46642
AIR NEW SOURCE PERMITS	PERMIT	47656
AIR NEW SOURCE PERMITS	PERMIT	49265
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0027V
AIR NEW SOURCE PERMITS	PERMIT	6748
AIR NEW SOURCE PERMITS	PERMIT	10309
AIR NEW SOURCE PERMITS	REGISTRATION	56720
AIR NEW SOURCE PERMITS	AFS NUM	4835500003
AIR NEW SOURCE PERMITS	REGISTRATION	71021
AIR NEW SOURCE PERMITS	REGISTRATION	90292
AIR NEW SOURCE PERMITS	PERMIT	53921
AIR NEW SOURCE PERMITS	PERMIT	54775
AIR NEW SOURCE PERMITS	EPA ID	PSDTX653M1
AIR NEW SOURCE PERMITS	PERMIT	72654
AIR NEW SOURCE PERMITS	PERMIT	74515
AIR NEW SOURCE PERMITS	REGISTRATION	74376
AIR NEW SOURCE PERMITS	REGISTRATION	75017
AIR NEW SOURCE PERMITS	REGISTRATION	75340
AIR NEW SOURCE PERMITS	EPA ID	PSDTX831
AIR NEW SOURCE PERMITS	REGISTRATION	76930
AIR NEW SOURCE PERMITS	REGISTRATION	76737
AIR NEW SOURCE PERMITS	REGISTRATION	76742
AIR NEW SOURCE PERMITS	REGISTRATION	76880
AIR NEW SOURCE PERMITS	REGISTRATION	76883
AIR NEW SOURCE PERMITS	REGISTRATION	77066
AIR NEW SOURCE PERMITS	REGISTRATION	77680
AIR NEW SOURCE PERMITS	REGISTRATION	77094
AIR NEW SOURCE PERMITS	REGISTRATION	77050
AIR NEW SOURCE PERMITS	REGISTRATION	78081
AIR NEW SOURCE PERMITS	REGISTRATION	78541
AIR NEW SOURCE PERMITS	REGISTRATION	78522
AIR NEW SOURCE PERMITS	REGISTRATION	78851
AIR NEW SOURCE PERMITS	REGISTRATION	78850
AIR NEW SOURCE PERMITS	REGISTRATION	78195
AIR NEW SOURCE PERMITS	REGISTRATION	79234
AIR NEW SOURCE PERMITS	REGISTRATION	79760
AIR NEW SOURCE PERMITS	PERMIT	80407
AIR NEW SOURCE PERMITS	PERMIT	80693
AIR NEW SOURCE PERMITS	REGISTRATION	80521
AIR NEW SOURCE PERMITS	REGISTRATION	80564

AIR NEW SOURCE PERMITS	PERMIT	80801
AIR NEW SOURCE PERMITS	REGISTRATION	83336
AIR NEW SOURCE PERMITS	REGISTRATION	83016
AIR NEW SOURCE PERMITS	REGISTRATION	86253
AIR NEW SOURCE PERMITS	REGISTRATION	83882
AIR NEW SOURCE PERMITS	REGISTRATION	83913
AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0027V
AIR OPERATING PERMITS	PERMIT	1423
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD051161990
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30532
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50160
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50160
WASTEWATER	PERMIT	WQ0000467000
WASTEWATER	PERMIT	TPDES0006211
WASTEWATER	PERMIT	TX0006211
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30532
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50160
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0027V

Location: 1802 NUECES BAY BLVD, CORPUS CHRISTI, TX, 78407

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: January 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 08, 2005 to January 08, 2010

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

Name: jmuennink Phone: (361) 825-3100

#### 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? Yes
3. If Yes, who is the current owner/operator?

OWNOPR	Citgo Refining and Chemicals Company L.P.
OWNOPR	Champlin Refining Company
4. if Yes, who was/were the prior owner(s)/operator(s) ?

OWNOPR	Citgo Petroleum Corporation
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5. When did the change(s) in owner or operator occur?

10/01/2007	Citgo Petroleum Corporation
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6. Rating Date: 9/1/2009 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: 08/31/2007 ADMINORDER 2007-0170-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: TCEQ Air Permit 5418A General Conditions PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, 20 pounds of the Hazardous Air Pollutant benzene was released from the UDEX Unit Fugitives during an emissions event that began June 21, 2006 and lasted five minutes.

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

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 3123A, SC 1 PERMIT  
Permit No. 3123A, Special Condition 3 PERMIT

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

Effective Date: 06/15/2009

ADMINORDER 2008-1793-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: 9604A / Special Condition No. 1 PA

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [FOP No. O-1423] STC 2 OP

Description: Failed to submit a final emissions event report within two weeks after the end of the event (Incident No. 111222). Specifically, the event occurred and ended on July 16, 2008 and the report was due by July 30, 2008, but was not submitted until July 31, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: [3390A] SC 1 & MAERT PERMIT  
[9604A/PSD-TX-653] SC 1 & MAERT PERMIT  
[FOP No. O-1423] STC 31 OP  
FOP No. O-01423, SC 1.A. PERMIT

Description: Failed to prevent unauthorized emissions and to limit opacity to 20 percent.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP No. O-01423, SC 2.G. PERMIT

Description: Failed to list all compounds and total quantities associated with a startup activity.

Effective Date: 08/23/2009

ADMINORDER 2002-0290-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failure to notify TNRCCs regional office within 24 hours after the discovery of two upset events, both of which occurred on August 8, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
Rqmt Prov: Not specified PERMIT

Description: Failure to obtain regulatory authority or meet the description requirements for upset emissions resulting from two separate events which occurred on August 8, 2001.

Classification: Moderate

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

Description: Failure to demonstrate compliance with the Maximum Allowable Emission Rate of Permit No. 3123A. Specifically, the CO Boiler failed to demonstrate compliance with the Carbon Monoxide emission rate, as demonstrated in a compliance test conducted on January 30, 2004.

Classification: Major

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to satisfy all demonstration criteria as listed under 30 TAC § 101.222 or comply with the allowable emission rates specified in the Maximum Allowable Emission Rate Table during the

emissions event which occurred on May 26, 2004.

Effective Date: 08/23/2009 ADMINORDER 2004-1279-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Conditions 1 ,8 ,11, 15 PERMIT

Description: Failed to prevent unauthorized emissions from the No. 2 FCCU on October 28, 2003.

Effective Date: 08/31/2009 ADMINORDER 2008-1193-AIR-E

Classification: Moderate

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

Rqmt Prov: 3119A PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Description: Failed to submit the initial notification of Incident No. 102832 within 24 hours of discovery.

Classification: Minor

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

Description: Failed to list all compounds and quantities associated with Incident No. 102832 in the final report.

Effective Date: 08/31/2009 ADMINORDER 2008-0273-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent the discharge of industrial solid waste.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to comply with notification requirements.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)  
30 TAC Chapter 335, SubChapter A 335.10(d)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.23(a)

Description: Failure to comply with manifesting requirements.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171

Description: Failure to maintain a hazardous waste container in good condition.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(b)

Description: Failure to properly manage a hazardous waste container.

Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Description: Failure to conduct inspections of hazardous waste containers.

Effective Date: 09/21/2009

ADMINORDER 2009-0622-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ NSR Permit No 46640, SC 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during Incident No. 117669.

Effective Date: 10/04/2009

ADMINORDER 2008-0837-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PA

Description: Failed to prevent the release of air contaminants in such concentration and such duration as to interfere with the normal use and enjoyment of property. Specifically, during a four hour emissions event involving a pipe leak from emission point number F290 which occurred on February 22, 2008, approximately 280.2 pounds ("lbs") of volatile organic compounds, 39.4 lbs of hazardous air pollutants, and 35 lbs of particulate matter (flashed crude oil) were dispersed over a residential area of 1.25 s

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	01/21/2005	(345684)
2	01/24/2005	(381903)
3	02/03/2005	(348348)
4	02/23/2005	(381900)
5	03/08/2005	(453246)
6	03/11/2005	(372798)
7	03/24/2005	(373888)
8	03/24/2005	(374168)
9	03/28/2005	(374190)
10	03/28/2005	(381901)
11	04/26/2005	(419743)
12	05/06/2005	(378559)
13	05/23/2005	(419744)
14	06/03/2005	(392988)
15	06/03/2005	(393464)
16	06/16/2005	(395438)
17	06/23/2005	(419745)
18	07/07/2005	(395347)
19	07/18/2005	(393465)
20	07/22/2005	(440879)
21	08/18/2005	(405799)
22	08/22/2005	(402137)
23	08/26/2005	(440880)
24	09/20/2005	(440881)
25	10/11/2005	(434051)
26	10/25/2005	(468522)

27	11/16/2005	(405717)
28	11/17/2005	(436667)
29	11/28/2005	(468523)
30	12/01/2005	(435829)
31	12/22/2005	(468524)
32	01/02/2006	(450793)
33	01/02/2006	(450794)
34	01/24/2006	(468525)
35	02/09/2006	(453193)
36	02/21/2006	(451197)
37	02/24/2006	(468521)
38	03/07/2006	(454499)
39	03/08/2006	(458417)
40	03/20/2006	(498260)
41	03/27/2006	(459448)
42	04/06/2006	(459050)
43	04/13/2006	(459661)
44	04/13/2006	(459665)
45	04/18/2006	(455371)
46	04/24/2006	(498261)
47	05/23/2006	(498262)
48	05/24/2006	(467417)
49	06/05/2006	(466364)
50	06/06/2006	(467393)
51	06/23/2006	(498263)
52	07/19/2006	(482242)
53	07/21/2006	(484425)
54	07/24/2006	(520275)
55	08/09/2006	(572255)
56	08/17/2006	(520276)
57	08/21/2006	(489885)
58	08/21/2006	(520277)
59	08/22/2006	(487181)
60	08/24/2006	(482569)
61	08/31/2006	(483126)
62	09/13/2006	(510995)
63	09/25/2006	(520278)
64	10/12/2006	(514095)
65	10/12/2006	(514878)
66	10/12/2006	(514897)
67	10/16/2006	(515256)
68	10/18/2006	(510953)
69	10/18/2006	(515782)
70	10/24/2006	(544597)
71	11/15/2006	(516860)
72	11/15/2006	(518976)
73	11/27/2006	(544598)
74	11/29/2006	(512162)
75	12/19/2006	(544599)
76	12/21/2006	(534104)
77	12/29/2006	(534672)
78	01/04/2007	(516900)
79	01/08/2007	(512157)
80	01/22/2007	(544600)
81	02/12/2007	(539381)
82	02/16/2007	(540236)
83	02/18/2007	(540855)

84	02/22/2007	(575434)
85	02/26/2007	(538209)
86	03/20/2007	(538211)
87	03/26/2007	(575435)
88	04/04/2007	(554293)
89	04/23/2007	(575436)
90	04/23/2007	(575440)
91	04/25/2007	(540902)
92	05/04/2007	(558318)
93	05/08/2007	(558508)
94	05/16/2007	(575437)
95	05/25/2007	(561868)
96	06/01/2007	(559013)
97	06/21/2007	(563744)
98	06/22/2007	(575438)
99	07/13/2007	(562870)
100	07/13/2007	(564523)
101	07/13/2007	(567064)
102	07/23/2007	(575439)
103	08/17/2007	(565565)
104	08/20/2007	(607562)
105	08/27/2007	(573505)
106	08/31/2007	(572127)
107	09/14/2007	(570950)
108	09/24/2007	(607563)
109	10/02/2007	(594482)
110	10/03/2007	(608617)
111	10/17/2007	(596344)
112	10/22/2007	(481761)
113	10/22/2007	(619546)
114	11/26/2007	(619547)
115	11/28/2007	(598481)
116	12/27/2007	(619548)
117	01/18/2008	(598045)
118	02/02/2008	(594422)
119	02/11/2008	(617736)
120	02/11/2008	(617821)
121	02/25/2008	(672070)
122	03/25/2008	(672071)
123	04/01/2008	(639935)
124	04/17/2008	(689998)
125	04/28/2008	(653240)
126	05/19/2008	(689999)
127	05/20/2008	(670835)
128	05/27/2008	(657010)
129	05/29/2008	(657015)
130	06/04/2008	(642002)
131	06/17/2008	(636408)
132	06/20/2008	(690000)
133	06/20/2008	(690001)
134	07/02/2008	(671093)
135	08/20/2008	(710775)
136	08/29/2008	(683983)
137	09/22/2008	(710776)
138	09/22/2008	(710777)
139	10/16/2008	(705092)
140	10/20/2008	(727516)
141	10/21/2008	(702325)
142	10/21/2008	(704422)

143 10/30/2008 (720824)  
 144 11/06/2008 (701557)  
 145 11/18/2008 (704866)  
 146 11/20/2008 (727514)  
 147 12/05/2008 (708653)  
 148 12/05/2008 (708803)  
 149 12/09/2008 (709439)  
 150 12/22/2008 (727515)  
 151 12/23/2008 (721416)  
 152 01/23/2009 (723003)  
 153 02/12/2009 (750304)  
 154 02/26/2009 (709542)  
 155 03/12/2009 (736356)  
 156 03/18/2009 (750305)  
 157 04/06/2009 (739450)  
 158 04/16/2009 (768394)  
 159 04/17/2009 (739042)  
 160 05/01/2009 (739330)  
 161 05/21/2009 (768395)  
 162 06/22/2009 (679939)  
 163 07/03/2009 (749313)  
 164 07/09/2009 (761190)  
 165 08/24/2009 (763946)  
 166 08/24/2009 (765442)  
 167 08/26/2009 (765255)  
 168 08/26/2009 (765357)  
 169 08/27/2009 (767703)  
 170 08/28/2009 (765992)  
 171 09/16/2009 (764097)  
 172 09/21/2009 (776158)  
 173 10/16/2009 (779324)  
 174 10/19/2009 (779595)  
 175 10/27/2009 (776874)  
 176 10/27/2009 (779013)  
 177 11/12/2009 (779541)  
 178 11/30/2009 (783036)  
 179 12/11/2009 (785177)  
 180 12/22/2009 (786419)  
 181 12/23/2009 (775469)

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

Date: 03/31/2005 (419743) CN600127922  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/18/2005 (393465) CN600127922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. 00467-003 PERMIT

Description: Failure to comply with the 0.5 mg/l daily maximum permit limit for BTEX.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.4  
 TPDES Permit No. 00467-003 PERMIT

Description: Failure to meet minimum self-monitoring requirements for sample collection and laboratory analysis.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES Permit No. 00467-001 PERMIT

Description: Failure to comply with the maximum pH permit limit of 9.0 su (standard units).

Date: 12/31/2005 (468525) CN600127922

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/24/2006 (482569) CN600127922

Self Report? NO Classification: Moderate

Citation: TPDES Permit No. WQ0000467-001 PERMIT  
TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent an unauthorized discharge of approximately 6 barrels of slop oil into the Corpus Christi Inner Harbor.

Date: 08/31/2006 (483126) CN600127922

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to meet accumulation time limits as required for storage of hazardous waste without a permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Failure to inspect all container storage areas as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
PP III.D. OP

Description: Failure to inspect Permitted Units as per permit requirements.

Date: 11/28/2006 (512162) CN600127922

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent discharge of industrial or other waste into or adjacent to any water in the state.

Date: 03/31/2007 (575436) CN600127922

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (575438) CN600127922

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (607562) CN600127922

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/17/2007 (565565) CN600127922

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent an un-permitted discharge of commingled process wastewater, storm water, cooling tower blow-down, and fire water via outfall 003

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. 00467-001 PERMIT

Description: Failure to comply with the daily maximum effluent permit limit for biochemical oxygen demand (BOD) and chemical oxygen demand (COD) for 12/2005 at outfall 001.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.4  
 TPDES Permit No. 00467-003 PERMIT

Description: Failure to analyze total chrome at storm water outfall 003 for the month of November 2005. On 11/26/2005, a discharge occurred at outfall 003 with a corresponding rain event. A sample was collected during the discharge for laboratory analyses of the required permit parameters. The in-house laboratory did not perform the total chromium analysis due to a laboratory error.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. 00467-003 PERMIT

Description: Failure to comply with the daily maximum effluent permit limit for oil and grease for 07/2007 at outfall 003.

Date: 08/31/2007 (572127)

CN600127922

Self Report? NO Classification: Moderate

Citation: 19044, SC 2E PERMIT  
 20156, SC 1E PERMIT  
 21303, SC 5E PERMIT  
 21706, SC 6E PERMIT  
 2695A, Special Condition 10E PERMIT  
 2697A, SC 9E PERMIT  
 2703A, SC 5E PERMIT  
 2708A, SC 8E PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 115, SubChapter D 115.322(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3123A, SC 7E PERMIT  
 3857A, 13E PERMIT  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 46640, SC 6E PERMIT  
 46641, SC 14E PERMIT  
 5418A, SC 8E PERMIT  
 6722A, SC 10E PERMIT  
 72654, SC 3E PERMIT  
 9604A/PSD-TX-653, SC18E PERMIT  
 FOP O-01423, Special Term & Condition 1A OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.322(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(g)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
 FOP O-01423, Special Term & Condition 1A OP

Description: Failure to make a first attempt at repair within five days.

Self Report? NO Classification: Moderate

Citation: 21303, SC 5H PERMIT  
 2697A, SC 9I PERMIT

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

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

Date: 09/30/2007 (619546) CN600127922  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/03/2007 (608617) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/29/2008 (683983) CN600127922  
Self Report? NO Classification: Moderate  
Citation: 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)(D)  
General Terms & Conditions (GT & C) OP  
Description: Failure to include all instances of deviation in Deviation Reports (DRs) which were submitted on March 21, 2007, September 17, 2007 and March 17, 2008 (DR2, DR3 and DR4, respectively). Additionally, by failing to include or reference pertinent deviations in DR2, DR3, and DR4, the company failed to certify an accurate PCC for each of the periods ending February 19, 2007 and February 19, 2008.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
General Condition (GC) 8 & SC 5 PA  
Description: Failure to comply with the VOC short term emission rate in the MAERT for the combined Crude and Vacuum Units. The number of one-hour periods in deviation reports are described in the following: 1. DR1 - Crude Unit - 109 periods in pages 235-237; Vacuum Unit -25 periods in pages 143-144; 2. DR2 - Crude Unit - 209 periods in pages 43-45; Vacuum Unit- page 46. Note: The company has reduced the number of exceedances of the VOC short-term rate since February 2007.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 4 & SC 6 PA  
Description: Failure to demonstrate compliance with the CO and NOx concentrations of 500 ppm and 60 ppm, respectively, for the FCCU regenerator stack (EPN 31-PR-1). On various days from January 15, 2006 through February 2007, hourly records requested on February 28, 2008 indicated concentrations of CO above permitted limits. Additionally, on August 23 and 24, 2007, the 24-hr rolling average of NOx exceeded the permitted concentration limit in SC 6.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 6 PA  
Description: Failure to maintain the rolling 12-month loading limits of alkylate and C5/Platformate

at marine Docks 1 and 2. According to records provided on March 4, 2008, alkylate and C5/Platformate exceeded the permitted loading limits of 1.6 million and 1.2 barrels per year, respectively. Alkylate loading was exceeded from April through December 2006. The C5/Platformate loading limit was exceeded all of CY 2006 and January 2007.

- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 3 PA
- Description: Failure to maintain the NOx emissions limit below the permitted rate of 0.08 lbs NOx /MMBtu. The emissions limit was exceeded in 27 periods between January 2, 2006 and April 30, 2007. The duration of each period varied from 1 hour to 29 hours. Records of exceedances for 2006 and 2007 were provided on March 4 and March 5, 2008. Exceedances were represented in DR1 (page 150) and DR2 (pages 41 and 42).
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 11E & SC12 PA
- Description: Failure to include fuel certification statements in quarterly reports and failed to submit a 3Q07 fuel certification report. Additionally, a semiannual report for the second half of 2007 (2H07) was incomplete. The third quarter report for 2007 (3Q07) report was not submitted. Since only the 4Q07 report was submitted, the partial 2H07 was deemed incomplete.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter H 116.814  
5C THSC Chapter 382 382.085(b)  
SC5, SC8F & SC8H PA
- Description: Failure to monitor 1520 components in accordance with the 28MID fugitive monitoring program. According to SC 5, the 28 MID program was to be implemented 180 days after the permit issuance date of October 9, 2003. Additionally, it was determined that Pump No 85-P-105B (FEMS tag No 56233) was not repaired in three instances in 2006 and 2007 when the pump seal leak rate exceeded 500 ppm.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter H 116.814  
5C THSC Chapter 382 382.085(b)  
GC1 & SC 9G PA
- Description: Failure to maintain the annual VOC throughputs limits for Tank No. 3101 in calendar year 2006 (CY 06) and Tank No. 3102 in CY 07. Additionally, based on a rolling 12-month period, storage vessels 1001, 1017, and 1031 exceeded the annual emissions limitation for December 2006. Tanks 1001, 1017, 1025, 1028, 3101, and 3102 exceed their emissions limit for various months in CY 07.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter H 116.814  
SC 2, SC 12, & SC 13 PA
- Description: Failure to conduct emissions evaluations of engine performance on three engines (Nos. 4, 5, 6) within 60 days of upgrading engine controls. Additionally, the emission controls project on the Platformer Reactor Heater (EPNs 82, 83, and 84) was completed on December 6, 2002. The SC 2 required completion by October 31, 2002.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(f)(6)  
5C THSC Chapter 382 382.085(b)  
GT&C; ST&C 1 OP
- Description: Failure to report in the appropriate Notice of Compliance Status (NOCS) report or Periodic Report (PR) that 13 internal floating roof (IFR) storage vessels had achieved compliance in various periods from October 20, 1998 (tank No. 1030) to June 9, 2004 (tank No. 223).
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(g)  
5C THSC Chapter 382 382.085(b)

ST&C 1 OP

Description: Failure to submit two Periodic Reports (PRs) for the first half 2002 (1H02) and 1H03, 60 days after the end of each 6-month period. The affected reports were due August 29, 2002 and August 29, 2003, respectively. The 1H02 report was submitted August 20, 2004, and the 1H03 report on August 19, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)  
5C THSC Chapter 382 382.085(b)  
ST&C 1 OP

Description: Failure to conduct a 5 year primary seal inspection on external floating roof (EFR) storage tank No. 928 within the time allotted by rule. Records provided on August 12, 2008, documented an inspection conducted on June 15, 2007. The required inspection was due to be performed no later than February 18, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)(2)  
5C THSC Chapter 382 382.085(b)  
ST&C 1 OP

Description: Failure to postmark or deliver a compliance report (CR) required by § 63.1575(a) no later than January 31, 2007, as specified in § 63.1575(b)(4). Additionally, the company failed to certify a CR submitted on July 29, 2005 as required by § 63.1575(c)(2). Also, the company failed to submit a certified report for the period of July 1 through September 5, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 3 PA

Description: Failure to operate the C4SHP Unit at less than a permitted total feed rate of 199,551 pounds per hour (pph) of C4 olefin (raffinate). Specifically, DR1 (pages 98-102) describes at least 296 hours, on various days from March 24 through June 3, 2006, where the feed rate exceeded the permitted rate. Records received on March 11, 2008 state the amount of each exceedance. A PBR registration (No. 79234) was issued by the Agency on July 5, 2006, allowed an increase in the feed rate to 258,839 pph.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter H 116.814  
5C THSC Chapter 382 382.085(b)  
SC 13 PA

Description: Failure to comply with the NO<sub>x</sub> emissions standard of 0.05 lbs NO<sub>x</sub> /MMBtu during normal operations. The Platformer Reactor Heaters (EPNs 82, 83, 84) operated numerous instances in exceedance of the NO<sub>x</sub> emission rate in numerous.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC1, SC2, & SC4 PA

Description: Failure to maintain compliance with the 250 ppm limit of in-stack concentration of sulfur dioxide at both tail gas incinerators (TGIs). Additionally, the company failed to demonstrate compliance with all MAERT short-term allowables (except sulfur dioxide) at times when the hourly fired duties of the incinerators were exceeded (11.4 MMBtu/hr and 15.0 MMBtu/hr for the TGI 1 and 2, respectively).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart A 60.18  
5C THSC Chapter 382 382.085(b)  
SC 2 PA  
SC 4 PA

Description: Failure to operate the CPI Flare and Fluor Flare at all times and to maintain a constant pilot flame. Additionally, the company failed to maintain in operation the

system that senses the pilot flame at each of the flares as directed by the permit and 40 CFR 60.18 (f)(2).

- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.564(e)(2)  
5C THSC Chapter 382 382.085(b)  
GC 8 & SC 9 PA
- Description: Failure to maintain a minimum operating temperature of 1495 degrees Fahrenheit at the Dock 1 and 2 Marine Emissions Control (MEC) vapor combustor (EPN MEC). Additionally, failure to demonstrate compliance with the 98 % destruction efficiency for VOC (SC 9) and the MAERT short-term allowables when the minimum temperatures are not maintained.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 2 PA
- Description: Failure to comply with the fired duty rates (hourly and annual basis) for the Crude Heater (11H-1). In 2007, the fired duty rate averaged on an annual basis was 438 MMBtu/hr. The authorized rate is 411 MMBtu/hr. Additionally, the authorized short term firing rate of 475 MMBtu per hour was exceeded in the following periods as follows: 1. DR1 Crude Unit - pages 238-239; 2. DR3 - page 32.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
SC 4 PA
- Description: Failure to comply with the throughput limit of 15 million barrels per year for Tank No. 5005. In 2006, the throughput for the affected storage vessel was 18.3 million barrels. The throughput exceedance was recorded on page 126 of DR1.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.780  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)  
5C THSC Chapter 382 382.085(b)  
ST & C 1 OP
- Description: Failure to include SRU TGI 1 and TGI 2 excess emissions incidents in either the NSPS Summary Reports for the first quarter (1Q07) or the Periodic Report for the first half of 2007 (IH07). The March 14 and March 19, 2007, SO2 excursions at the SRU were not represented in applicable reports.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.322(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 6E PA
- Description: Failure to equip each open-ended valve or lines with a cap, blind flange, plug, or second valve. Specifically, it was reported in DR3 that there were a total of 129 open-ended lines or valves (OELs) discovered at 12 permitted units in a period from February 26 through August 14, 2007 (reference DR3-LDAR section - pages 83-136). The DR4 described a total of 60 OELs discovered at 11 permitted units in a period from August 28, 2007 through February 19, 2008.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THSC Chapter 382 382.085(b)  
SC 8I PA
- Description: Failure to repair hydrocarbon leaks at components in a fugitive monitoring program within the time allotted by the applicable rule and permit SC. In a period from October 15, 2007 through February 19, 2008, the DR4 report stated that a

total of 34 components in nine permitted units remained leaking after the repair period allotted by rule expired. Note: Affected components were subsequently repaired.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
ST & C No. 30 OP

Description: Failure to comply with the requirements of the Periodic Monitoring Summary (PMS) storage vessel No. 64-TK0013 and units in Title V Group ID No. GRP1STACK (EPN MEC) and No. GRP2STACK (EPNs 252 and 292).

Self Report? NO Classification: Minor  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)  
ST & C No. 10 OP

Description: Failure to submit a certification that all required inspections have been conducted in accordance with the requirements of Subpart FF. Additional noncompliance items were: 1. The facility could not demonstrate that daily monitoring readings were being conducted per § 61.354(d) at the Docks 1 and 2 collection sump (085-SUMP-005) carbon absorption system. 2. The quarterly reports to comply with § 61.357(d)(6) and (d)(7) for the 1Q03 and 2Q03 were submitted late.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(e)  
5C THSC Chapter 382 382.085(b)  
ST & C No. 8 OP

Description: Failure to maintain a sealed cover on a downstream refinery wastewater collection box (sump). Specifically, a refinery wastewater collection tank (former API oil-water separator) was discovered on March 27, 2008, with contents open to the atmosphere due to a broken cover.

Date: 10/30/2008 (720824) CN600127922

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/09/2008 (709439) CN600127922

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit complete final records for facility startup activities no later than two weeks after the end of the activities. Specifically, complete final records for STEERS Incident No.'s 112189, 112209, 112213, 112216, 112217, 112219, and 112226, with information that had changed from prior notifications, were not submitted within two weeks after the end of the activities.

Date: 08/26/2009 (765357) CN600127922

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
40 CFR Part 60, Subpart VV 60.482-4  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 19044, SC No. 2.I PERMIT  
NSR Permit No. 2697A, SC No. 9.I PERMIT

NSR Permit No. 2706A, SC No. 1.I PERMIT  
NSR Permit No. 46640, SC No. 6.I PERMIT  
NSR Permit No. 5418A, SC Nos. 8.I & 9.H PERMIT  
O-01423, STC No. 1.E OP

Description: Failure to repair hydrocarbon leaks at components in a fugitive monitoring program within the time allotted by the applicable rule and permit Special Condition. Specifically, CITGO Refining and Chemicals Company, L.P. failed to conduct a first attempt at repair within 5 calendar days and/or effectively repair a component within 15 calendar days after a leak was detected for thirty-three components on nine permitted units.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 20156, SC No. 1.E PERMIT  
NSR Permit No. 2708A, SC No. 8.E PERMIT  
NSR Permit No. 3123A, SC No. 7.E PERMIT  
NSR Permit No. 46640, SC No. 6.E PERMIT  
NSR Permit No. 5418A, SC No. 8.E PERMIT  
NSR Permit No. 6722A, SC No. 10.E PERMIT  
O-01423, STC No. 31 OP

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. Specifically, CITGO Refining and Chemical Company, L.P. discovered 35 open-ended lines or valves on seven permitted units from February 20, 2008 to February 19, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter B 115.112(b)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(f)(1)  
5C THSC Chapter 382 382.085(b)  
O-01423, STC No. 1.E OP

Description: Failure to maintain a closed cover or lid on storage vessels. Specifically, CITGO Refining and Chemicals Company, L.P. did not utilize a gauge pole float from August 24, 2008 to September 10, 2008 on Tank 851-T3 and from August 19, 2008 to September 10, 2008 on Tank 851-T34.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)  
5C THSC Chapter 382 382.085(b)  
O-01423, STC No. 31 OP  
Permit No. 22312/PSD-TX-831, SC No. 10 PERMIT

Description: Failure to conduct calibration drift for a continuous emission monitoring system (CEMS) at least once daily. Specifically, the CEMS at Utility Boiler 61-B3E did not calibrate from 1100 hours on February 27, 2008 to 1100 hours on February 28, 2008 due to a faulty gas regulator.

Self Report? NO Classification: Moderate

Citation: 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 AA 63.643(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(b)(4)(ii)  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 3857A, SC No. 8 PERMIT  
O-01423, STC Nos. 20.B & 31 OP

Description: Failure to demonstrate compliance with ninety-eight percent destruction efficiency at Marine Emissions Control (MEC) vapor combustors 73-VC447, 73-VC448, and 73-VC449 by maintaining a minimum operating temperature of 1495 degrees Fahrenheit. Specifically, CITGO Refining and Chemicals Company,

L.P. failed to maintain the minimum baseline temperature at the MEC vapor combustors on twenty-seven occasions, occurring from March 2, 2008 to November 7, 2008, due to various operational causes.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the floatation of a storage vessel's internal floating roof on the liquid surface of the stored material at all times. Specifically, the internal floating roof of Tank 854-T401 sank on September 9, 2008. Additionally, CITGO reported thirty-eight instances for Tank 82-T605 and forty-two instances for Tank 82-T608 in which the internal floating roofs for the tanks could not be verified to be floating on the liquid surface of the tanks' s stored material.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Permit No. 466640, MAERT No. 670 PERMIT  
NSR Permit No. 5418A, MAERT No. 742 PERMIT  
NSR Permit No. 9604A, MAERT No. 697 PERMIT  
O-01423, STC No. 31 OP

Description: Failure to comply with the emission values stated in the Maximum Allowable Emission Rates Table. Specifically, CITGO Refining and Chemicals Company, L.P. exceeded the 3.63 tons per year emission rate for Tank No. 1, for calendar years 2007 and 2008. Additionally, CITGO exceeded the 3.47 tons per year rolling 12-month annual emissions rate for Tank 222. CITGO also exceeded the rolling 12-month annual emissions rate of 0.44 tons per year for Tank 1009 in May 2008, in June 2008, and in July 2008.

#### F. Environmental audits.

Notice of Intent Date: 06/02/2005 (403329)

Disclosure Date: 12/01/2005

Viol. Classification: Moderate

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

Description: Failed to control 63 open-ended lines by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

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

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.326(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT R 60.181(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)

Description: Failure to properly complete DOR forms.

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

Description: Failure to tag components in the ADP and BTX units.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(v)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(v)

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(3)

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(xiii)

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

Notice of Intent Date: 08/08/2007 (639331)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

**AGREED ORDER  
DOCKET NO. 2009-1714-MLM-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Citgo Refining and Chemicals Company L.P. (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a petroleum refinery with a wastewater treatment facility at 1801 Nueces Bay Boulevard in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
4. During an investigation conducted between July 19 and August 12, 2009, TCEQ staff documented exceedances of the single grab and daily maximum permitted effluent limitations for fluoride at Outfall 001. The automated water curtain hydrogen fluoride ("HF") mitigation system and contact fire water were the sources of the elevated levels of fluoride exceeding the permitted effluent limitations from Outfall 001, shown in the following table:

<b>Effluent Violation Table - Fluoride</b>		
<b>Date</b>	<b>Single Grab Conc. (Limit 10 mg/l)</b>	<b>Daily Max. Conc. (Limit 10 mg/l)</b>
07/20/2009	66	c
07/21/2009	72	55.7
07/22/2009	NS	78.8
07/23/2009	150	NS
07/24/2009	74	NS
07/25/2009	72	NS
07/26/2009	53	NS
07/27/2009	54	53.1
07/28/2009	NS	57.2
07/29/2009	NS	74.1
07/30/2009	67	74.3
08/03/2009	NS	79.9
08/04/2009	NS	37.7
08/05/2009	NS	35.4
08/10/2009	NS	16.9
08/11/2009	NS	13.9
08/12/2009	NS	12.0

Conc. = concentration    mg/l = milligrams per liter    Max. = maximum  
c = compliant    NS = No sample taken

5. During an investigation conducted between July 19 and August 12, 2009, TCEQ staff documented a discharge of approximately 55,400,000 gallons of contact fire water and vapor suppression water from Outfall 004. The discharge took place between July 23 and August 2, 2009. The automated water curtain HF mitigation system entrained airborne HF and was the source of the vapor suppression water discharged from outfall 004.

6. During an investigation conducted between July 19 and August 12, 2009, TCEQ staff documented that contact fire water and vapor suppression water were discharged from Outfall 001 without prior authorization. The automated water curtain HF mitigation system entrained airborne HF and was the source of the vapor suppression water discharged from Outfall 001.
7. During an investigation conducted between July 19 and August 12, 2009, TCEQ staff documented a discharge of approximately 7.56 million gallons of process wastewater and fire suppression water from tanks 116 and 117 to the unlined containment area around the tanks.
8. During an investigation and record review conducted between July 19 and December 18, 2009, TCEQ staff documented that the Respondent released 292,758 pounds ("lbs") of volatile organic compounds ("VOCs") and 46,091 lbs of hydrogen fluoride from the Alkylation Unit during an avoidable emissions event (Incident No. 126966) that began July 19, 2009, and lasted 227 hours and 55 minutes. The demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met and an investigation determined that the failure of a control valve resulted in the release of hydrocarbons and the release of emissions to the atmosphere.
9. During an investigation and record review conducted between July 19 and December 18, 2009, TCEQ staff documented that the final report submitted for Incident No. 126966 did not include emission estimates of products of combustion from the flare.
10. The Respondent received notices of the violations on September 18, 2009, and January 4, 2010.
11. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. By August 14, 2009, ceased discharging contact fire water and vapor suppression water from Outfall 001;
  - b. By September 22, 2009, ceased all unauthorized discharges of contact fire water and vapor suppression water;
  - c. By December 7, 2009, submitted an amendment application for Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000467000 to specifically authorize the discharge of contact fire water and vapor suppression water;
  - d. By August 24, 2010, provided training to personnel responsible for emissions event reporting to ensure proper and complete reporting of emissions events; and
  - e. By August 25, 2010, completed the following actions to prevent the recurrence of emissions events due to the same or similar causes as that of the July 19, 2009, emissions event:
    - i. Modified external inspection checklist forms (Piping and Equipment) to include notification of the area inspector that the external inspection checklist needed a thorough review and provided training to appropriate personnel on how to properly fill out the new forms;

- ii. Reviewed quality control processes and made changes requiring 100% inspection and witnessing of final assembly for critical valves and random OEM repair shop audits;
  - iii. Completed an evaluation of the current construction/repair quality control procedures;
  - iv. Replaced the Recycle Isobutane flow control valve, 83FV-9, with a valve having "fail open" capability;
  - v. Verified piping specifications with the Alkylation Unit technology licensor and confirmed that strainer blowdown connections meet these specifications;
  - vi. Reviewed and revised operating procedure OPS-083-405 to address 83P-8 pump and 83FV-9 operations and incorporate the new automated bypass for 83FV-9;
  - vii. Provided a permanent firewater back-up system through the purchase of two 6,000 gallon-per-minute skid-mounted firewater pumps; and
  - viii. Modified the Refinery Firewater Protection System procedure to clearly outline the alternate firewater supply sources available to the Plant.
- f. By October 15, 2010, submitted an Affected Property Assessment Report for the containment areas around tanks 116 and 117.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE chs. 7 and 26, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 4, the Respondent failed to meet the permitted effluent limit for fluoride at Outfall 001, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000467000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 001.
3. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent the unauthorized discharge of wastewater through Outfall 004, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000467000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 004.
4. As evidenced by Findings of Fact No. 6, the Respondent failed to obtain authorization from the Commission prior to beginning an activity which resulted in non-compliance with a permit condition, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (8), and TPDES Permit No. WQ0000467000, Permit Conditions No. 2.e.
5. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent the unauthorized discharge of process wastewater into or adjacent to water in the state, in violation of TEX. WATER

CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0000467000, Permit Conditions No. 2.g.

6. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions during Incident No. 126966, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 3390A, Special Condition No. 1 and Permit No. 2708A, Special Condition No. 1.
7. As evidenced by Findings of Fact No. 9, the Respondent failed to submit an administratively complete final report for Incident No. 126966, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Three Hundred Three Thousand Two Hundred Ninety-Four Dollars (\$303,294) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid One Hundred Fifty-One Thousand Six Hundred Forty-Seven Dollars (\$151,647) of the administrative penalty. One Hundred Fifty-One Thousand Six Hundred Forty-Seven Dollars (\$151,647) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Three Thousand Two Hundred Ninety-Four Dollars (\$303,294) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Citgo Refining and Chemicals Company L.P., Docket No. 2009-1714-MLM-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 9 above, One Hundred Fifty-One Thousand Six Hundred Forty-Seven Dollars (\$151,647) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

1/19/2011  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Citgo Refining and Chemicals Company L.P. I am authorized to agree to the attached Agreed Order on behalf of Citgo Refining and Chemicals Company L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Citgo Refining and Chemicals Company L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

11/19/10  
\_\_\_\_\_  
Date

ARTHUR G. LOUDON  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Citgo Refining and Chemicals Company L.P.

V.P. & GM Corp. Chris. R. Fry  
\_\_\_\_\_  
Title

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

**Attachment A**  
**Docket Number: 2009-1714-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

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

**Payable Penalty Amount:** Three Hundred Three Thousand Two Hundred Ninety-Four Dollars (\$303,294)

**SEP Amount:** One Hundred Fifty-One Thousand Six Hundred Forty-Seven Dollars (\$151,647)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

**Location of SEP:** Nueces County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** to be used for the *Abandoned Tire Cleanups Program* as set forth in an agreement between the Third-Party Recipient and TCEQ. The Third-Party Recipient shall coordinate with local city and county government officials and private entities to clean up sites where tires have been disposed of illegally, or to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling. Eligible tire cleanup sites will be limited to areas where a responsible party cannot be identified or where there is no preexisting obligation to clean up the site by the owner or government and where reasonable efforts have been made to prevent the dumping. The SEP Offset Amount will be used for the direct cost of collection and disposal of tires and debris. Any SEP Offset Amount remaining after completion of this project may, upon approval of the Executive Director, be applied to another approved RC&D project. The SEP will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient named above and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
Attention: SEP  
1716 Briarcrest Drive, Suite 507  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Citgo Refining and Chemicals Company L.P.  
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.