

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2010-1099-AIR-E **TCEQ ID:** RN100217389 **CASE NO.:** 39978
RESPONDENT NAME: Flint Hills Resources, LP

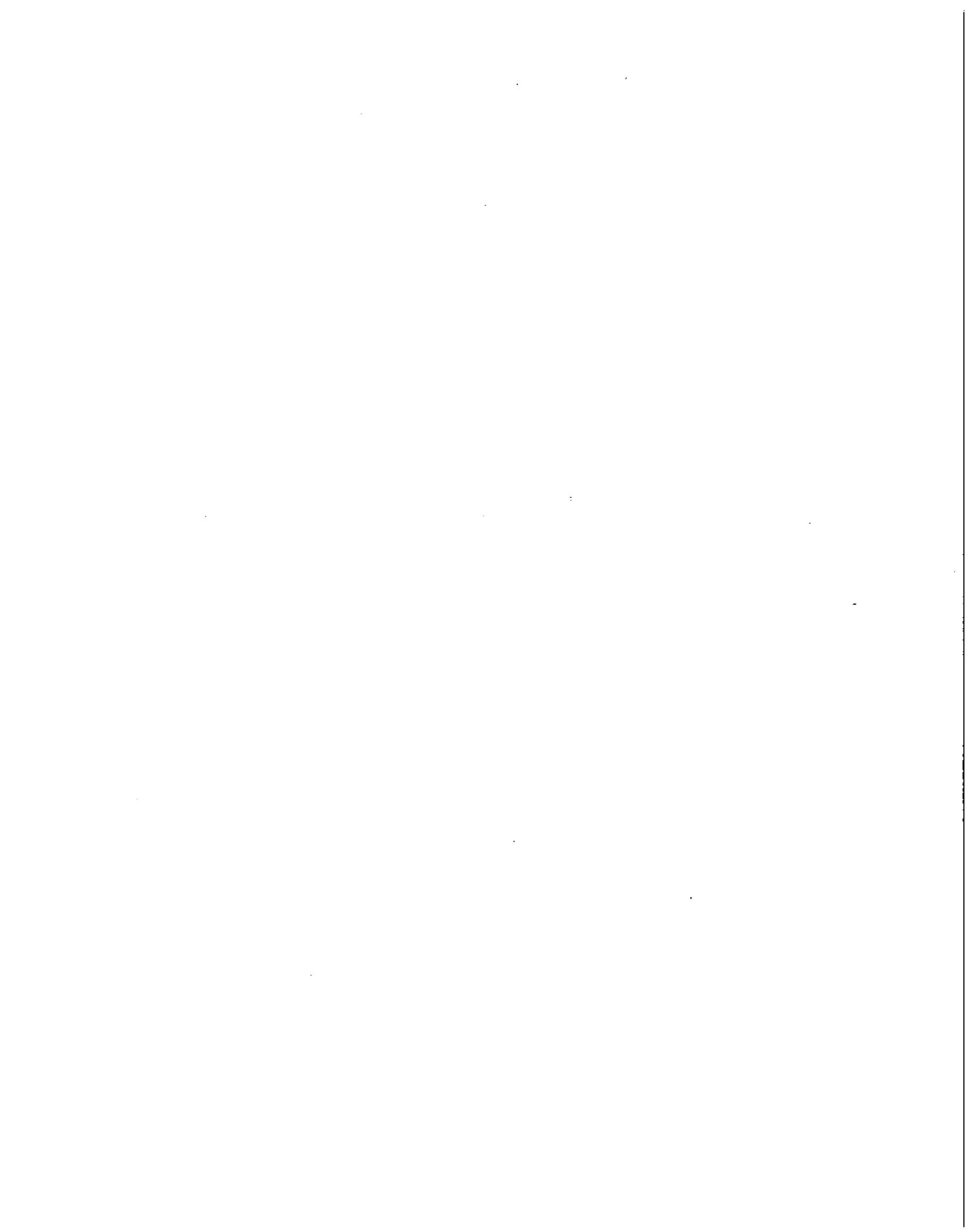
ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Flint Hills Resources Port Arthur Facility, 4241 Savannah Avenue, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0854-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 13, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Jeff Tilley, Plant Manager, Flint Hills Resources, LP, 4241 Savannah Avenue, Port Arthur, Texas 77640 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: April 16, 2010, May 6, 2010, and May 24, 2010</p> <p>Date of NOV/NOE Relating to this Case: June 18, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions. Specifically, the Respondent released 295.60 pounds ("lbs") of carbon monoxide ("CO"), 347.77 lbs of volatile organic compounds ("VOC") and 40.93 lbs of nitrogen oxide ("NOx") from the Light Olefins Unit ("LOU") Flare during an avoidable emissions event (Incident No. 136126) that began on February 21, 2010 and lasted seven hours and 30 minutes. The event was caused by the degradation of insulation on high voltage electrical lines leading to the shutdown of several units and emissions being routed to the flare. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222, necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and Federal Operating Permit No. ("FOP") O-01317, Special Condition No. 16].</p> <p>2) Failed to prevent unauthorized emissions. Specifically, the Respondent released 704.76 lbs of CO, 917.79 lbs of VOC and 97.58 lbs of NOx from the LOU Flare during an</p>	<p>Total Assessed: \$28,350</p> <p>Total Deferred: \$5,670 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,340</p> <p>Total Paid to General Revenue: \$11,340</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <p>a. On February 21, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 136126, Transformer Nos. 9, 11 and 12 were temporarily taken out of service and the damaged section of the transformers' primary service wires were replaced, and the tightness of each wire connection was checked. The transformers' primary service pole mounted disconnect switch dead blades were replaced with fuses, and the primary service wires were repositioned in order to prevent them from coming into contact with one another;</p> <p>b. On March 15, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 134917, a controller alarm was installed on valve LV221B in the Distributed Control System in order to notify operations personnel when the level control valve goes wide open;</p> <p>c. On April 20, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 136904, an alternative method for draining the drip leg was implemented in order to return the emissions back to the process rather than routing them to the flare; and</p> <p>d. On June 1, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 136126, an infrared condition monitoring plan for overhead connectors, switches and insulators was implemented.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

<p>avoidable emissions event (Incident No. 136904) that began on March 8, 2010 and lasted 50 hours and 29 minutes. The event was caused by the failure to completely close the drain valve on the Second Stage Compressor Cracked Gas Drip Leg after draining the drip leg, leading to emissions being vented to the atmosphere through the flare. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222, necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and FOP No. O-01317, Special Condition No. 16].</p> <p>3) Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.98 lbs of CO, 3,898.22 lbs of VOC and 0.56 lbs of hydrogen sulfide from the Spent Caustic Degassing Drum during an avoidable emissions event (Incident No. 134917) that began on January 23, 2010 and lasted 19 hours and 18 minutes. The event was caused by the failure of a level controller that led to a complete loss of liquid in the drum. The loss of liquid caused a pathway that allowed process vapors to flow to Floating Roof Tank 33752, resulting in the release of emissions to the atmosphere. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222, necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and FOP No. O-01317, Special Condition No. 16].</p>		
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Additional ID No(s): Air Account No. JE0135Q



Attachment A
Docket Number: 2010-1099-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources, LP

Payable Penalty Amount: Twenty-Two Thousand Six Hundred Eighty Dollars
(\$22,680)

SEP Amount: Eleven Thousand Three Hundred Forty Dollars
(\$11,340)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission -
West Port Arthur Home Energy Efficiency Program

Location of SEP: Jefferson 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 amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient 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:

Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the TCEQ 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.

Flint Hills Resources, LP
Agreed Order - Attachment A

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

Office of Legal Services
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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Jun-2010	Screening	6-Jul-2010	EPA Due	15-Mar-2011
	PCW	29-Sep-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Flint Hills Resources, LP
Reg. Ent. Ref. No.	RN100217389
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	39978	Order Type	1660
Docket No.	2010-1099-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **303.0%** Enhancement **Subtotals 2, 3, & 7** **\$22,725**

Notes: Enhancement for six NOV's with same/similar violations, seven NOV's with dissimilar violations, seven orders with denial of liability and five orders without denial of liability. Reduction for four Notice of Audit letters submitted and one Disclosure of Violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply: Total Adjustments **Subtotal 5** **\$1,875**

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

Total EB Amounts \$26
Approx. Cost of Compliance \$3,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$28,350**

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

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

Final Penalty Amount **\$28,350**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$28,350**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$5,670**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$22,680**

Screening Date 6-Jul-2010

Docket No. 2010-1099-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 39978

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator John Muennink

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)	6	30%
	Other written NOVs	7	14%
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	5	125%
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	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)	4	-4%
	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) 303%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations, seven NOVs with dissimilar violations, seven orders with denial of liability and five orders without denial of liability. Reduction for four Notice of Audit letters submitted and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 303%

Screening Date 6-Jul-2010

Docket No. 2010-1099-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 39978

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and Federal Operating Permit ("FOP") No. O-01317, Special Condition No. 16

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 295.60 pounds ("lbs") of carbon monoxide ("CO"), 347.77 lbs of volatile organic compounds ("VOC") and 40.93 lbs of nitrogen oxide ("NOx") from the Light Olefins Unit ("LOU") Flare during an avoidable emissions event (Incident No. 136126) that began on February 21, 2010 and lasted seven hours and 30 minutes. The event was caused by the degradation of insulation on high voltage electrical lines leading to the shutdown of several units and emissions being routed to the flare. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222, necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	25%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent completed corrective measures on June 1, 2010, prior to the June 18, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$9,450

This violation Final Assessed Penalty (adjusted for limits) \$9,450

Screening Date 6-Jul-2010

Docket No. 2010-1099-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 39978

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and FOP No. O-01317, Special Condition No. 16

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 704.76 lbs of CO, 917.79 lbs of VOC and 97.58 lbs of NOx from the LOU Flare during an avoidable emissions event (Incident No. 136904) that began on March 8, 2010 and lasted 50 hours and 29 minutes. The event was caused by the failure to completely close the drain valve on the Second Stage Compressor Cracked Gas Drip Leg after draining the drip leg, leading to emissions being vented to the atmosphere through the flare. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222, necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 3 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent completed corrective measures on April 20, 2010, prior to the June 18, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$9,450

This violation Final Assessed Penalty (adjusted for limits) \$9,450

Economic Benefit Worksheet

Respondent: Flint Hills Resources, LP
Case ID No.: 39978
Reg. Ent. Reference No.: RN100217389
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	10-Mar-2010	20-Apr-2010	0.11	\$6	n/a	\$6

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to ensure the proper operation of drain valves during maintenance. The Date Required is the ending date of the emissions event. The Final Date is the date that corrective measures 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

\$1,000

TOTAL

\$6

Screening Date 6-Jul-2010

Docket No. 2010-1099-AIR-E

PCW

Respondent Flint Hills Resources, LP

Policy Revision 2 (September 2002)

Case ID No. 39978

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and FOP No. O-01317, Special Condition No. 16

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.98 lbs of CO, 3,898.22 lbs of VOC and 0.56 lbs of hydrogen sulfide from the Spent Caustic Degassing Drum during an avoidable emissions event (Incident No. 134917) that began on January 23, 2010 and lasted 19 hours and 18 minutes. The event was caused by the failure of a level controller that led to a complete loss of liquid in the drum. The loss of liquid caused a pathway that allowed process vapors to flow to Floating Roof Tank 33752, resulting in the release of emissions to the atmosphere. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222, necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed corrective measures on March 15, 2010, prior to the June 18, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$9,450

This violation Final Assessed Penalty (adjusted for limits) \$9,450

Economic Benefit Worksheet

Respondent: Flint Hills Resources, LP
Case ID No.: 39978
Reg. Ent. Reference No.: RN100217389
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description: 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)	\$1,000	24-Jan-2010	15-Mar-2010	0.14	\$7	n/a	\$7

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to ensure the integrity of level controllers on storage tanks. The Date Required is the ending date of the emissions event. The Final Date is the date that corrective measures 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

\$1,000

TOTAL

\$7

Compliance History Report

Customer/Respondent/Owner-Operator: CN600879712 Flint Hills Resources, LP Classification: AVERAGE Rating: 2.73
Regulated Entity: RN100217389 FLINT HILLS RESOURCES PORT Classification: AVERAGE Site Rating: 10.89
ARTHUR FACILITY

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0135Q
AIR OPERATING PERMITS	PERMIT	1317
STORMWATER	PERMIT	TXR15PC71
WASTEWATER	PERMIT	WQ0003057000
WASTEWATER	EPA ID	TX0105287
AIR NEW SOURCE PERMITS	REGISTRATION	91729
AIR NEW SOURCE PERMITS	REGISTRATION	92251
AIR NEW SOURCE PERMITS	REGISTRATION	91594
AIR NEW SOURCE PERMITS	REGISTRATION	92063
AIR NEW SOURCE PERMITS	REGISTRATION	92475
AIR NEW SOURCE PERMITS	REGISTRATION	92476
AIR NEW SOURCE PERMITS	REGISTRATION	91783
AIR NEW SOURCE PERMITS	PERMIT	16989
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0135Q
AIR NEW SOURCE PERMITS	REGISTRATION	54780
AIR NEW SOURCE PERMITS	REGISTRATION	54845
AIR NEW SOURCE PERMITS	REGISTRATION	55149
AIR NEW SOURCE PERMITS	REGISTRATION	55150
AIR NEW SOURCE PERMITS	REGISTRATION	55148
AIR NEW SOURCE PERMITS	REGISTRATION	75753
AIR NEW SOURCE PERMITS	REGISTRATION	76098
AIR NEW SOURCE PERMITS	REGISTRATION	75685
AIR NEW SOURCE PERMITS	REGISTRATION	76342
AIR NEW SOURCE PERMITS	REGISTRATION	75824
AIR NEW SOURCE PERMITS	REGISTRATION	56739
AIR NEW SOURCE PERMITS	AFS NUM	4824500082
AIR NEW SOURCE PERMITS	REGISTRATION	70435
AIR NEW SOURCE PERMITS	REGISTRATION	70504
AIR NEW SOURCE PERMITS	REGISTRATION	70231
AIR NEW SOURCE PERMITS	REGISTRATION	70256
AIR NEW SOURCE PERMITS	REGISTRATION	70780
AIR NEW SOURCE PERMITS	REGISTRATION	71484
AIR NEW SOURCE PERMITS	REGISTRATION	71465
AIR NEW SOURCE PERMITS	REGISTRATION	72282
AIR NEW SOURCE PERMITS	REGISTRATION	72235
AIR NEW SOURCE PERMITS	REGISTRATION	71742
AIR NEW SOURCE PERMITS	REGISTRATION	72541
AIR NEW SOURCE PERMITS	REGISTRATION	73136
AIR NEW SOURCE PERMITS	REGISTRATION	73892
AIR NEW SOURCE PERMITS	REGISTRATION	73618
AIR NEW SOURCE PERMITS	REGISTRATION	73988
AIR NEW SOURCE PERMITS	REGISTRATION	74779
AIR NEW SOURCE PERMITS	REGISTRATION	75061
AIR NEW SOURCE PERMITS	REGISTRATION	74299
AIR NEW SOURCE PERMITS	REGISTRATION	74850
AIR NEW SOURCE PERMITS	REGISTRATION	75259
AIR NEW SOURCE PERMITS	REGISTRATION	75258
AIR NEW SOURCE PERMITS	REGISTRATION	76405
AIR NEW SOURCE PERMITS	REGISTRATION	76648
AIR NEW SOURCE PERMITS	PERMIT	79802
AIR NEW SOURCE PERMITS	REGISTRATION	80894
AIR NEW SOURCE PERMITS	REGISTRATION	80563
AIR NEW SOURCE PERMITS	REGISTRATION	81224
AIR NEW SOURCE PERMITS	REGISTRATION	81542
AIR NEW SOURCE PERMITS	REGISTRATION	56574
AIR NEW SOURCE PERMITS	REGISTRATION	70191
AIR NEW SOURCE PERMITS	REGISTRATION	89369
AIR NEW SOURCE PERMITS	REGISTRATION	84551
AIR NEW SOURCE PERMITS	REGISTRATION	91407
AIR NEW SOURCE PERMITS	REGISTRATION	86625
AIR NEW SOURCE PERMITS	REGISTRATION	91169
AIR NEW SOURCE PERMITS	REGISTRATION	48586
AIR NEW SOURCE PERMITS	REGISTRATION	83299
AIR NEW SOURCE PERMITS	REGISTRATION	52327
AIR NEW SOURCE PERMITS	REGISTRATION	52120
AIR NEW SOURCE PERMITS	REGISTRATION	90818
AIR NEW SOURCE PERMITS	REGISTRATION	92300
AIR NEW SOURCE PERMITS	REGISTRATION	92316
AIR NEW SOURCE PERMITS	REGISTRATION	85841
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50399
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0135Q

Location: 4241 SAVANNAH AVE, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 06, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 06, 2005 to July 06, 2010

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

Name: John Muennink 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?
OPR Opal Group, Inc.
OWNOPR Flint Hills Resources, LP
- 4. If Yes, who was/were the prior owner(s)/operator(s)?
OWNOPR Huntsman Petrochemical Corporation
- 5. When did the change(s) in owner or operator occur? 11/05/2007
- 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: 07/15/2005 ADMINORDER 2004-0518-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to satisfy the initial and final reporting requirements for a reportable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 16989/PSD-TX-794, SC 1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 16989 / PSD-TX-794 PERMIT
Description: Failure to maintain an emission rate below the allowable limit for the light olefins Unit (LOU) Flare.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 16989 / PSD-TX-794 PERMIT
Description: Failure to maintain an emission rate below the allowable limit for the boiler feedwater pumps LOUflare.

Effective Date: 06/15/2006 ADMINORDER 2005-1774-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 16989 and PSD-TX-794 PERMIT
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the LOU Flare (EPN - LOUFLARE).

Effective Date: 10/02/2006

ADMINORDER 2006-0512-AIR-E

Classification: Moderate

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

Rqmt Prov: 16989 and PSD-TX-794 / SC 27 PERMIT
16989 and PSD-TX-794 / SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent a nuisance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with emissions limitations.

Effective Date: 12/02/2006

ADMINORDER 2005-0926-AIR-E

Classification: Moderate

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

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain emission rates below the allowable limits for 14 incidents (Nos. 25731, 27057, 30707, 31311, 32702, 34503, 40721, 25734, 30674, 32709, 43499, 31309 & 34502) NOW EIGHT. Special Condition 1 of permit limits the Carbon Monoxide (CO) and the Nitrogen Oxide (NOx) and VOC emission cap rate. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions for 4 [now 3] incidents (Numbers 29303, 29945, 33470 [dropped], & 44032). A8c2Aii

Classification: Moderate

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

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit of VOC and of Benzene for Incident 44200. Special Condition 1 of Permit 16989 / PSD-TX-794 limits the Volatile Organic Compound (VOC) emission cap rate. A8c2Aii

Classification: Minor

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

Description: Failure to notify the TCEQ Beaumont Regional Office no later than 24 hours after the discovery of a reportable emission event for Incident Numbers 30674 & 30707. C3

Classification: Moderate

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

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for Incident 29181. Special Condition 1 of Permit 16989 / PSD-TX-794 limits the Volatile Organic Compound (VOC) emission cap rate. A8c2Aii

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

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

Rqmt Prov: 16989, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions: Incident Nos. 50480 and 50486 relating to both VOC and non-VOC emissions above limits.

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

Rqmt Prov: SC 1 & 27 PERMIT

Description: Failed to maintain an emission rate below the permitted limits.

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

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emission limits.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emissions limits.

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

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP

Description: Failure to comply with permitted emissions limits.

Effective Date: 11/09/2007

ADMINORDER 2007-0343-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794 / SC1 PERMIT
16989 and PSD-TX-794 / SC27 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Rqmt Prov: Permit 16989/PSD-TX-794 SC (1) PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008

ADMINORDER 2006-1775-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent the release of unauthorized emissions to the atmosphere during an unplanned shutdown activity.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 11/17/2008

ADMINORDER 2008-0568-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent the failure of the governor valve and subsequent shutdown of the Light Olefins Unit ("LOU") Ethylene Compressor and flaring of process gases on Nove. During the emissions event lasting 13 hours and 20 minutes, the total unauthorized emissions from the LOU flare were 3,747.2 pounds ("lbs") of carbon monoxide ("CO"), 2,732.85 lbs of volatile organic compounds ("VOC"), and 518.81 lbs of nitrogen oxides ("NOx").

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent a contractor from inadvertently closing the air supply valve to the hydrogen feed valve, resulting in loss of hydrogen flow to the acetylene reactors, resulting in the automatic diversion of the ethylene tower feed from the de-ethanizer overhead to the LOU flare on November 30, 2007. During the emissions event lasting seven hours, the total unauthorized emissions from the LOU flare were 7,176.86 lbs of VOC, 6,521.22 lbs of CO, and 902.88 lbs NOx.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT

FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent excess emissions from Tank 33752 on November 19, 2007, when hydrocarbon streams which were at a cool temperature were introduced into the tank which was at an elevated temperature. During the emissions event which lasted 30 minutes, 186.79 lbs of benzene and 151.69 lbs of other VOCs were released. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense could not be met.

Effective Date: 01/30/2009 ADMINORDER 2008-1066-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The December 28, 2007, emissions event resulted due to the shut down of the Ethylene Refrigeration Compressor, which was initiated by a false high speed indication, during a thunderstorm. According to the internal investigation report submitted by FHR, the design of the Ethylene Refrigeration Compressor was not to the required specifications, and the high speed indication wiring was grounded at both ends.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The January 18, 2008, emissions event resulted when a contractor failed to follow facility procedure while off loading the vacuum truck into the GHU sump.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The February 27, 2008, emissions event resulted when the converter board operator failed to immediately respond to the drop in pressure to pressure control valve 395.

Effective Date: 03/12/2009 ADMINORDER 2008-1269-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1317, General Terms and Conditions OP
1317, Special Condition 16 OP
16989/PSD-TX-794, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/23/2009 ADMINORDER 2009-0121-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The emissions event incident 109860 was caused when a wrong procedure was used during valve selection.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The June 28, 2008, emissions event was caused when placing the "F" furnace on-line. A lack of sufficient excess total hydrogen feed to the ethylene reactors caused a high concentration of acetylene to the Ethylene Tower Feed.

Effective Date: 12/18/2009

ADMINORDER 2009-0916-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 OP
O-01317 Special Condition 16 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 122769, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 OP
O-01317, Special Condition 16 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 121878, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Effective Date: 02/22/2010

ADMINORDER 2009-1335-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, Special Condition 16 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01317 Special Condition 2F OP

Description: Failure to submit an emission event within 24 hours after discovery of an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 OP

O-01317, Special Condition 16 PERMIT

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

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	07/15/2005	(394390)
2	07/22/2005	(446662)
3	07/26/2005	(400177)
4	07/26/2005	(401118)
5	08/02/2005	(394561)
6	08/14/2005	(379713)
7	08/19/2005	(379633)
8	08/23/2005	(446663)
9	09/20/2005	(446664)
10	10/26/2005	(479516)
11	11/15/2005	(418534)
12	11/22/2005	(479517)
13	12/02/2005	(405596)
14	12/09/2005	(435983)
15	12/15/2005	(435695)
16	12/27/2005	(479518)
17	01/27/2006	(479519)
18	02/27/2006	(479515)
19	04/21/2006	(505237)
20	04/24/2006	(505238)
21	04/26/2006	(457779)
22	05/01/2006	(457781)
23	05/01/2006	(457784)
24	05/23/2006	(505239)
25	06/22/2006	(505240)
26	07/20/2006	(527519)
27	08/02/2006	(480166)
28	08/22/2006	(527520)
29	08/31/2006	(487243)
30	09/25/2006	(527521)
31	09/28/2006	(466186)
32	10/23/2006	(551246)
33	10/26/2006	(517315)
34	11/15/2006	(513585)
35	11/15/2006	(519115)
36	11/16/2006	(551247)
37	11/29/2006	(518544)
38	12/20/2006	(551248)
39	12/28/2006	(268049)
40	12/28/2006	(335044)
41	12/28/2006	(335759)
42	01/17/2007	(551249)
43	01/19/2007	(519404)
44	02/01/2007	(538360)
45	02/28/2007	(497606)
46	02/28/2007	(541429)
47	03/19/2007	(543387)

48 03/20/2007 (587916)
49 03/20/2007 (587917)
50 04/10/2007 (542262)
51 04/20/2007 (587918)
52 05/17/2007 (587919)
53 06/06/2007 (561378)
54 06/13/2007 (587920)
55 06/15/2007 (564423)
56 07/16/2007 (587921)
57 08/14/2007 (605258)
58 09/12/2007 (605259)
59 09/25/2007 (563763)
60 10/12/2007 (572514)
61 10/15/2007 (605260)
62 11/02/2007 (628816)
63 11/09/2007 (541901)
64 11/09/2007 (573219)
65 11/27/2007 (609694)
66 12/18/2007 (600620)
67 12/27/2007 (676531)
68 01/14/2008 (628817)
69 01/26/2008 (612204)
70 02/07/2008 (611799)
71 02/07/2008 (611952)
72 02/19/2008 (676528)
73 02/28/2008 (618936)
74 03/03/2008 (615535)
75 03/03/2008 (617774)
76 03/03/2008 (636554)
77 03/12/2008 (637159)
78 03/12/2008 (676529)
79 03/20/2008 (615923)
80 03/20/2008 (636924)
81 03/31/2008 (617489)
82 04/14/2008 (676530)
83 04/23/2008 (637551)
84 05/08/2008 (641183)
85 05/13/2008 (695002)
86 05/16/2008 (639769)
87 06/06/2008 (682318)
88 06/16/2008 (695003)
89 06/26/2008 (680218)
90 06/27/2008 (682444)
91 07/14/2008 (695004)
92 07/16/2008 (683700)
93 07/17/2008 (682761)
94 07/31/2008 (684054)
95 08/02/2008 (686169)
96 08/18/2008 (716508)
97 09/04/2008 (687705)
98 09/04/2008 (688797)
99 09/08/2008 (687142)
100 09/08/2008 (702304)
101 09/10/2008 (716509)
102 10/09/2008 (716510)
103 10/31/2008 (704800)
104 11/11/2008 (731995)
105 11/18/2008 (704872)
106 12/10/2008 (731996)

107 12/15/2008 (721155)
108 01/12/2009 (707510)
109 01/14/2009 (731997)
110 02/03/2009 (723045)
111 02/03/2009 (723298)
112 02/04/2009 (708100)
113 02/04/2009 (721031)
114 02/06/2009 (755358)
115 02/20/2009 (725410)
116 02/20/2009 (725937)
117 02/25/2009 (720934)
118 02/25/2009 (725735)
119 02/25/2009 (735477)
120 03/03/2009 (736948)
121 03/11/2009 (723118)
122 03/19/2009 (755359)
123 03/23/2009 (726546)
124 03/23/2009 (727084)
125 03/23/2009 (735503)
126 03/23/2009 (737040)
127 03/25/2009 (736039)
128 04/02/2009 (723636)
129 04/09/2009 (722988)
130 04/20/2009 (755360)
131 04/20/2009 (755361)
132 05/13/2009 (735746)
133 05/28/2009 (744271)
134 06/04/2009 (744519)
135 06/04/2009 (744697)
136 06/04/2009 (746883)
137 06/18/2009 (744900)
138 06/19/2009 (744790)
139 07/08/2009 (748871)
140 07/30/2009 (748201)
141 07/30/2009 (760653)
142 07/30/2009 (760947)
143 08/14/2009 (747410)
144 08/14/2009 (763088)
145 08/19/2009 (817363)
146 08/28/2009 (763176)
147 09/17/2009 (817361)
148 09/17/2009 (817362)
149 09/17/2009 (817364)
150 10/05/2009 (775281)
151 10/07/2009 (763291)
152 10/07/2009 (763790)
153 10/07/2009 (765104)
154 10/07/2009 (765142)
155 10/07/2009 (768061)
156 10/07/2009 (774931)
157 10/13/2009 (775338)
158 10/14/2009 (777796)
159 10/26/2009 (775425)
160 10/26/2009 (817365)
161 11/05/2009 (777343)
162 11/09/2009 (778303)
163 11/09/2009 (778316)
164 11/11/2009 (779100)
165 11/20/2009 (762618)

166 11/20/2009 (779170)
 167 11/24/2009 (817366)
 168 12/01/2009 (760789)
 169 12/01/2009 (779507)
 170 12/09/2009 (783570)
 171 12/14/2009 (817367)
 172 12/23/2009 (782164)
 173 12/23/2009 (782952)
 174 12/23/2009 (786143)
 175 01/21/2010 (817368)
 176 02/01/2010 (787221)
 177 02/09/2010 (786243)
 178 02/09/2010 (786321)
 179 02/18/2010 (790711)
 180 02/19/2010 (792201)
 181 02/22/2010 (788950)
 182 02/22/2010 (790234)
 183 02/23/2010 (791426)
 184 02/25/2010 (817360)
 185 03/16/2010 (794063)
 186 03/22/2010 (788590)
 187 03/22/2010 (795869)
 188 04/26/2010 (794882)
 189 05/02/2010 (793078)
 190 05/04/2010 (791360)
 191 05/04/2010 (796370)
 192 05/17/2010 (760839)
 193 05/19/2010 (801471)
 194 05/25/2010 (801828)
 195 05/27/2010 (800816)
 196 05/30/2010 (800451)
 197 05/30/2010 (800996)
 198 06/02/2010 (824604)
 199 06/18/2010 (796668)
 200 06/18/2010 (800776)
 201 06/18/2010 (801654)
 202 06/23/2010 (793695)
 203 06/23/2010 (824857)
 204 06/23/2010 (827486)
 205 06/24/2010 (825576)

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

Date: 08/19/2005 (379633) CN600879712
 Self Report? NO Classification: Moderate
 Citation: 16989 and PSD-TX-794 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01317 OP
 Description: Failure to perform daily CEMS calibrations.
 Self Report? NO Classification: Minor
 Citation: 16989 and PSD-TX-794 PERMIT
 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)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01317 OP
 Description: Failure to conduct monitoring for benzene in the cooling water.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to use an approved method for quarterly sampling of the cooling water.

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 QQQ 60.703(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.
away from the control device to the atmosphere.

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(1)
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 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to repair a component within 15 days of the discovery of the leak.

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
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 Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to notify the administrator 30 days in advance of any gap measurements required by paragraph 40 CFR 60.113b(b)(1).

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
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 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.

Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(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)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.18
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 QQQ 60.703(c)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to conduct monthly visual inspection of bypass line valves.

Self Report? NO Classification: Moderate

Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
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 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to switch waste gas to an alternate set of carbon canisters within three hours of breakthrough.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to record required LDAR monitoring data.

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT

30 TAC Chapter 101, SubChapter A 101.20(2)
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 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to conduct daily monitoring of the carbon absorption system.
Self Report? NO Classification: Minor
Citation: 16989 and PSD-TX-794 PERMIT

30 TAC Chapter 101, SubChapter A 101.20(2)
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 61, SubChapter C, PT 61, SubPT V 61.242-7(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to monitor a valve monthly after a leak is detected.
Self Report? NO Classification: Minor

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 A 63.9(h)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to report the correct information in the Notification of Compliance Status (NCS).
Failure to report the correct information in the Notification of Compliance Status (NCS).

Date: 04/30/2006 (505239) CN600879712
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: 07/12/2006 (464981) CN600879712
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: FAILURE TO PREVENT NUISANCE CONDITIONS.

Date: 08/03/2006 (480166) CN600879712
Self Report? NO Classification: Moderate
Citation: 16989 and PSD-TX-794 PERMIT
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)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317 OP

Description: Failure to maintain a net heating value above 300 Btu/scf of the gas being combusted in the flare.

Self Report? NO Classification: Minor

Citation: 16989, SC23B PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317, SC1 and SC16 OP

Description: Failure to perform daily CEMS callibrations.
Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 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 RRR 60.703(c)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
 O-01317 OP

Description: Failure to conduct monthly visual inspection of bypass line valves.

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 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 RRR 60.703(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01317 OP

Description: Failure to install a flow indicator at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(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)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01317 OP

Description: Failure to equip an open-ended line with a cap, blind flange, plug or a second valve.

Self Report? NO **Classification:** Minor

Citation: 16989 and PSD-TX-794 PERMIT
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01317 OP

Description: Failure to control the analyzer vent waste gas from Analyzer AR 3319 by a flare or by an Atmospheric Reference Valve (ARV).

Self Report? NO Classification: Minor

Citation: 16989 and PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01317 OP

Description: Failure to continuously monitor CO from the LOUBOILER6.

Date: 06/07/2007 (561378) CN600879712

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP-O-01317 Special Condition 16 OP

Description: Failure to incorporate NSR Permit 56282 into FOP-O-01317.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-7
5C THC Chapter 382, SubChapter D 382.085(b)
FOP-O-01317 Special Condition 1 OP

Description: Failure to repair LDAR component K-0821 within 15 days of leak determination.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP-O-01317 Special Condition 1 OP

Description: Failure to have the pilot flame on AU flare lit for a period of 12 minutes on April 4, 2006.

Date: 09/26/2007 (563763) CN600879712

Self Report? NO Classification: Moderate

Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 PERMIT
O-01317, Special Condition 1A OP

Description: Failure to properly operate Tank 33755.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to provide notification of an off-permit change.

Date: 02/28/2008 (618953) CN600879712

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 General Terms and Conditions OP

Description: Failure to submit deviation report for the period of July 1, 2007, through November 4, 2007, in a timely manner.
Self Report? NO **Classification:** Moderate
Citation: 16989 Special Condition 8(G) PERMIT
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)
FOP-O-01317 Special Condition 16 OP

Description: Failure to paint pyrolysis fuel oil tank white or aluminum.
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)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 General Terms and Conditions OP

Description: Failure to report deviations in the period of its occurrence.
Self Report? NO **Classification:** Minor
Citation: 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)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 Special Condition 16 OP
Permit 16989 Special Condition 15(E) PERMIT

Description: Failure to install a cap or plug on an open-ended line or valve.

Date: 09/08/2008 (687142) **CN600879712**
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 10(G) OP

Description: Failure to submit tank seal inspection notifications in a timely manner.

Date: 02/25/2009 (725735) **CN600879712**
Self Report? NO **Classification:** Moderate
Citation: 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)
5C THSC Chapter 382 382.085(b)
Special Condition 16 OP
Special Condition 23B/PSD-TX794 PERMIT

Description: Failure to perform 10 required quarterly CEMS Cylinder Gas Audits during the second quarter of 2008.

Date: 03/11/2009 (723118) **CN600879712**
Self Report? NO **Classification:** Minor
Citation: 16989 Special Condition 7/PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
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 QQQ 60.703(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-01317, Special Condition 16 OP

Description: Failure to maintain records of all periods and duration when the seal mechanism is broken, the bypass line valve position has changed, the serial number of the broken car-seal has changed, or when the key for a lock-and type configuration has been checked out.

Date: 04/02/2009 (723636) **CN600879712**
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01317, General Terms and Conditions PERMIT
 Description: Failure to submit all deviations in a Title V semi-annual deviation report.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 O-01317, General Terms and Conditions PERMIT

Description: Failure to maintain a hatch, cover or lid closed except during use.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01317, Special Condition 2F PERMIT

Description: Failure to document a final record for a non-reportable incident within two weeks.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-792, Special Condition 11 OP
 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)
 5C THSC Chapter 382 382.085(b)
 O-01317, Special Condition 16 PERMIT

Description: Failure to control the analyzer vent waste gas from by a flare or by an Atmospheric Reference Valve.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-794, Special Condition 15E OP
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(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)(1)
 5C THSC Chapter 382 382.085(b)
 O-01317, Special Condition 16 PERMIT

Description: Failure to operate without a cap, plug, second valve installed on equipment in Volatile Organic Compounds (VOCs) service.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-794, Special Conditions 15E OP
 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)
 5C THSC Chapter 382 382.085(b)
 O-01317, Special Condition 16 PERMIT

Description: Failure to monitor newly installed or reworked components within 15 days of being placed in VOCs service.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-794, Special Condition 14A OP
 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)
 5C THSC Chapter 382 382.085(b)
 O-01317, Special Condition 16 PERMIT

Description: Failure to maintain a list of exempt Leak Detection and Repair (LDAR) components.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01317, Special Condition 3 PERMIT

Description: Failure to conduct annual visual emissions opacity observations.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-794, Special Condition 2 OP

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)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

Description: Failure to properly calculate the 12-month emission caps.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 13D OP

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)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

Description: Failure to determine maximum production scenarios for the Regenerative Thermal Oxidizer (RTO).
B3 MOD 2d

Date: 03/18/2010 (794063) CN600879712

Self Report? NO Classification: Minor

Citation: 16989 Special Condition 23B PERMIT
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)
O-01317 Special Condition 1 OP
O-01317 Special Condition 16 OP

Description: Failure to perform or properly perform 4 required quarterly GEMS Cylinder Gas Audits during the third quarter of 2009.

Date: 06/23/2010 (793695) CN600879712

Self Report? NO Classification: Minor

Citation: 16989/PSD-TX-794, Special Condition 2 PERMIT
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)
O-01317, Special Condition 16 OP

Description: Failure to properly calculate the 12-month emission caps.

Self Report? NO Classification: Minor

Citation: 16989/PSD-TX-794, Special Condition 15E PERMIT
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)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

Description: Failure to monitor newly installed or reworked components within 15 days of being placed in VOCs service.

Self Report? NO Classification: Minor

Citation: 16989/PSD-TX-794, Special Condition 15A PERMIT
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)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 OP

Description: Failure to maintain a list of exempt Leak Detection and Repair (LDAR) components.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.143(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions OP

Description: Failure to pay emissions fees on-time. 67 days late.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

O-01317, General Terms and Conditions OP

Description: Failure to submit an accurate Title V semi-annual deviation report.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 10 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 113.100
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 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to have the pilot flame on LOU flare lit.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 27A PERMIT
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)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to conduct weekly El Paso sampling of the AU Unit Cooling Tower.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
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 Kb 60.112b(a)(1)(iv)
40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions OP
O-01317, Special Condition 1A OP

Description: Failure to maintain a hatch, cover or lid closed except during use.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 29 PERMIT
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)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to conduct Benzene sampling of the AU Unit Cooling Tower.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.110(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions OP
O-01317, Special Condition 1A OP

Description: Failure to maintain CO below the rolling 24 hour Carbon Monoxide (CO) limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(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(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP
Permit 16989, SC 6 / PSD-TX-794 PERMIT
Permit 16989, SC15G / PSD-TX-794 PERMIT

Description: Failure to include all required pumps in the LDAR program.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

O-01317 General Terms and Conditions OP
O-01317 Special Condition 1A OP
Permit 16989, Special Condition 14F PERMIT

Description: Failure to include all required Process Relief Valves in the LDAR program.
Self Report? NO **Classification:** Moderate
Citation: 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)
79802 Special Condition 2E PERMIT
79802 Special Condition 3B PERMIT
O-01317 Special Condition 16 OP

Description: Failure to have the PO Vapor Combustor lit during loading.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 2F OP

Description: Failure to document a final record for a non-recordable event within two weeks.
Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-794, Special Condition 14 PERMIT
16989/PSD-TX-794, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 OP

Description: Failure to operate without a cap, plug, second valve installed on equipment in Volatile Organic Compounds (VOCs) service.
Self Report? NO **Classification:** Moderate
Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
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 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 16 OP
O-01317 Special Condition 1A OP

Description: Failure to demonstrate the continuous monitor for the LOU Unit Water Stripper, EPN: PROLWSU was calibrated, operated, and maintained in accordance with manufacturers' specifications.
Self Report? NO **Classification:** Minor
Citation: 16989/PSD-TX-794, Special Condition 23B PERMIT
16989/PSD-TX-794, Special Condition 23D PERMIT
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)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to properly report CEMS downtime.
Self Report? NO **Classification:** Moderate
Citation: 16989/PSD-TX-794, Special Condition 28 PERMIT
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)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to speciate the VOC emissions from El Paso sampling exceedances.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)

5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 1A OP
Description: Failure to provide original Notification of Compliance Status (NOCS) to include 40 CFR 63.1100 as an applicable requirement for Tank 1596 and Tank 33752.

Self Report? NO Classification: Minor

Citation: 16989/PSD-TX-794, Special Condition D PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(e)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 16 OP
O-01317 Special Condition 1A OP

Description: Failure to provide required information in the Hazardous Organic NESHAP semi-annual report.

Self Report? NO Classification: Moderate

Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
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 Part 61, Subpart FF 61.355(c)(3)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 16 OP
O-01317 Special Condition 1A OP

Description: Failure to properly collect wastewater treatment system effluent samples.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 1A OP

Description: Failure to continuously monitor the LOU API Separator carbon system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)
30 TAC Chapter 115, SubChapter B 115.145

30 TAC Chapter 115, SubChapter B 115.146
30 TAC Chapter 115, SubChapter B 115.148
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 5 A - G OP

Description: Failure to comply with 30 TAC 115 Industrial Wastewater requirements.

F. Environmental audits.

Notice of Intent Date: 02/01/2007 (573881)

Disclosure Date: 06/27/2007

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to maintain up to date emergency contact and equipment information in the contingency plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Description: Failure to properly label drums with the words used oil in the garage area.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.13(d)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33(d)(1)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34(e)

40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.35(c)(1)

Description: Failure to properly label/store universal waste. Specifically, fluorescent light bulbs were in unlabeled boxes and on the ground in the Electrician's shop, and spent bulbs were throughout the Texaco Research Building not labeled or boxed.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter Q 335.475(6)

Description: Failure to file and have a pollution prevention plan executive summary and a signed certification available during the audit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 350, SubChapter B 350.33(d)

Description: Failure to maintain a copy of the RAP for SWMU 3.

Viol. Classification: Moderate

Rqmt Prov: IHWPERMTCP IX.B.1.e.

Description: Failure to submit a written report to the TCEQ within 60 days after a pipeline release of cyclohexane on 1/12/07.

Notice of Intent Date: 11/02/2007 (610103)

No DOV Associated

Notice of Intent Date: 07/17/2008 (688108)

No DOV Associated

Notice of Intent Date: 08/18/2008 (703367)

No DOV Associated

- G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES, LP
RN100217389

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

AGREED ORDER
DOCKET NO. 2010-1099-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Flint Hills Resources, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a refinery at 4241 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 23, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Eight Thousand Three Hundred Fifty Dollars (\$28,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Three Hundred

Forty Dollars (\$11,340) of the administrative penalty and Five Thousand Six Hundred Seventy Dollars (\$5,670) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Three Hundred Forty Dollars (\$11,340) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures:
 - a. On February 21, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 136126, Transformer Nos. 9, 11 and 12 were temporarily taken out of service and the damaged section of the transformers' primary service wires were replaced, and the tightness of each wire connection was checked. The transformers' primary service pole mounted disconnect switch dead blades were replaced with fuses, and the primary service wires were repositioned in order to prevent them from coming into contact with one another;
 - b. On March 15, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 134917, a controller alarm was installed on valve LV221B in the Distributed Control System in order to notify operations personnel when the level control valve goes wide open;
 - c. On April 20, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 136904, an alternative method for draining the drip leg was implemented in order to return the emissions back to the process rather than routing them to the flare; and
 - d. On June 1, 2010 and in response to prevent a recurrence of emissions events due to the same causes as Incident No. 136126, an infrared condition monitoring plan for overhead connectors, switches and insulators was implemented.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and Federal Operating Permit No. ("FOP") O-01317, Special Condition No. 16, as documented during a record review conducted on May 24, 2010. Specifically, the Respondent released 295.60 pounds ("lbs") of carbon monoxide ("CO"), 347.77 lbs of volatile organic compounds ("VOC") and 40.93 lbs of nitrogen oxide ("NOx") from the Light Olefins Unit ("LOU") Flare during an avoidable emissions event (Incident No. 136126) that began on February 21, 2010 and lasted seven hours and 30 minutes. The event was caused by the degradation of insulation on high voltage electrical lines leading to the shutdown of several units and emissions being routed to the flare. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222, necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and FOP No. O-01317, Special Condition No. 16, as documented during a record review conducted on May 6, 2010. Specifically, the Respondent released 704.76 lbs of CO, 917.79 lbs of VOC and 97.58 lbs of NOx from the LOU Flare during an avoidable emissions event (Incident No. 136904) that began on March 8, 2010 and lasted 50 hours and 29 minutes. The event was caused by the failure to completely close the drain valve on the Second Stage Compressor Cracked Gas Drip Leg after draining the drip leg, leading to emissions being vented to the atmosphere through the flare. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222, necessary to present an affirmative defense were not met.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit No. 16989/PSD-TX-794, Special Condition No. 1 and FOP No. O-01317, Special Condition No. 16, as documented during a record review conducted on April 16, 2010. Specifically, the Respondent released 20.98 lbs of CO, 3,898.22 lbs of VOC and 0.56 lbs of hydrogen sulfide from the Spent Caustic Degassing Drum during an avoidable emissions event (Incident No. 134917) that began on January 23, 2010 and lasted 19 hours and 18 minutes. The event was caused by the failure of a level controller that led to a complete loss of liquid in the drum. The loss of liquid caused a pathway that allowed process vapors to flow to Floating Roof Tank 33752, resulting in the release of emissions to the atmosphere. Since this emissions event could have been avoided by better maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222, necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Flint Hills Resources, LP, Docket No. 2010-1099-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Three Hundred Forty Dollars (\$11,340) 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. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sadler
For the Executive Director

12/6/2010
Date

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

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

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

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

Jeff Tilley
Signature

10/7/10
Date

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

Plant Manager
Title

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

Attachment A

Docket Number: 2010-1099-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources, LP

Payable Penalty Amount: Twenty-Two Thousand Six Hundred Eighty Dollars
(\$22,680)

SEP Amount: Eleven Thousand Three Hundred Forty Dollars
(\$11,340)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission -
West Port Arthur Home Energy Efficiency Program

Location of SEP: Jefferson 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 amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient 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:

Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the TCEQ 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.

Flint Hills Resources, LP
Agreed Order - Attachment A

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

Office of Legal Services
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.

