

Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1640-AIR-E **TCEQ ID:** RN100250869 **CASE NO.:** 40484
RESPONDENT NAME: Alon USA, LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 166o 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: Alon USA Big Spring Refinery, located at the intersection of Refinery Road and Interstate Highway 20 East, Big Spring, Howard County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 17, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Carlie Konkol, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0735; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Jimmy Crosby, Vice President Refining, Alon USA, LP, P.O. Box 1311, Big Spring, Texas 79721 Mr. Rod Caffey, Refinery Manager, Alon USA, LP, P.O. Box 1311, Big Spring, Texas 79721 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 24, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 30, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to submit a semi-annual deviation report within thirty days of the end of the reporting period. Specifically, the report for the period September 24, 2008 through March 23, 2009 was due by April 22, 2009; however, it was not submitted until April 24, 2009 [30 TEX. ADMIN. CODE § 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit No. O-1505, General Terms and Conditions].</p>	<p>Total Assessed: \$4,200</p> <p>Total Deferred: \$840 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,360</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement procedures designed to ensure the deviation reports are submitted no later than 30 days after the end of the reporting period; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): HT0011Q



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	7-Sep-2010			
	PCW	30-Sep-2010	Screening	29-Sep-2010	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Alon USA, LP
Reg. Ent. Ref. No.	RN100250869
Facility/Site Region	7-Midland
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	40484	No. of Violations	1
Docket No.	2010-1640-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Charlie Konkol
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	68.0% Enhancement Subtotals 2, 3, & 7 \$1,700

Notes: Enhancement for four NOVs with same/similar violations, fourteen NOVs with dissimilar violations and one order with a denial of liability.

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	\$0
--	-------------------	-----

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

Total EB Amounts \$14
Approx. Cost of Compliance \$250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,200
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,200
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,200
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0% Reduction	Adjustment	-\$840
-----------------	-----------------	-------------------	--------

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,360
------------------------	---------

Screening Date 29-Sep-2010

Docket No. 2010-1640-AIR-E

PCW

Respondent Alon USA, LP

Policy Revision 2 (September 2002)

Case ID No. 40484

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100250869

Media [Statute] Air

Enf. Coordinator Carlie Konkol

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 68%

>> 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 four NOVs with same/similar violations, fourteen NOVs with dissimilar violations and one order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 68%

Screening Date 29-Sep-2010

Docket No. 2010-1640-AIR-E

PCW

Respondent Alon USA, LP

Policy Revision 2 (September 2002)

Case ID No. 40484

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100250869

Media [Statute] Air

Enf. Coordinator Carlie Konkol

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)(C), Tex. Health & Safety Code § 382.085(b) and Federal Operating Permit No. O-1505, General Terms and Conditions

Violation Description Failed to submit a semi-annual deviation report within thirty days of the end of the reporting period. Specifically, the report for the period September 24, 2008 through March 23, 2009 was due by April 22, 2009; however, it was not submitted until April 24, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended for the one report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$4,200

This violation Final Assessed Penalty (adjusted for limits) \$4,200

Economic Benefit Worksheet

Respondent Alon USA, LP
Case ID No. 40484
Reg. Ent. Reference No. RN100250869
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	22-Apr-2010	30-May-2011	1.10	\$14	n/a	\$14

Notes for DELAYED costs

The estimated cost to implement procedures designed to ensure deviation reports are submitted no later than 30 days after the end of the reporting period. The Date Required is the due date of the deviation report and the Final Date is the projected date of compliance.

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

\$250

TOTAL

\$14

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600881783	Alon USA, LP	Classification: AVERAGE	Rating: 1.78
Regulated Entity:	RN100250869	ALON USA BIG SPRING REFINERY	Classification: AVERAGE	Site Rating: 1.11
ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT		2E0000032
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HT0011Q
	AIR OPERATING PERMITS	PERMIT		1505
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50140
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD008013468
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30083
	AIR NEW SOURCE PERMITS	REGISTRATION		92136
	AIR NEW SOURCE PERMITS	PERMIT		51A
	AIR NEW SOURCE PERMITS	PERMIT		11091
	AIR NEW SOURCE PERMITS	PERMIT		11707
	AIR NEW SOURCE PERMITS	PERMIT		12055
	AIR NEW SOURCE PERMITS	PERMIT		12411
	AIR NEW SOURCE PERMITS	PERMIT		13416
	AIR NEW SOURCE PERMITS	PERMIT		14573
	AIR NEW SOURCE PERMITS	REGISTRATION		15407
	AIR NEW SOURCE PERMITS	PERMIT		16592
	AIR NEW SOURCE PERMITS	PERMIT		18635
	AIR NEW SOURCE PERMITS	REGISTRATION		18782
	AIR NEW SOURCE PERMITS	PERMIT		20487
	AIR NEW SOURCE PERMITS	PERMIT		20628
	AIR NEW SOURCE PERMITS	PERMIT		20890
	AIR NEW SOURCE PERMITS	PERMIT		20936
	AIR NEW SOURCE PERMITS	PERMIT		21013
	AIR NEW SOURCE PERMITS	PERMIT		21392
	AIR NEW SOURCE PERMITS	REGISTRATION		23836
	AIR NEW SOURCE PERMITS	REGISTRATION		25233
	AIR NEW SOURCE PERMITS	REGISTRATION		26688
	AIR NEW SOURCE PERMITS	REGISTRATION		27065
	AIR NEW SOURCE PERMITS	REGISTRATION		27859
	AIR NEW SOURCE PERMITS	REGISTRATION		28208
	AIR NEW SOURCE PERMITS	REGISTRATION		28209
	AIR NEW SOURCE PERMITS	REGISTRATION		28979
	AIR NEW SOURCE PERMITS	REGISTRATION		30330
	AIR NEW SOURCE PERMITS	REGISTRATION		31834
	AIR NEW SOURCE PERMITS	REGISTRATION		31904
	AIR NEW SOURCE PERMITS	PERMIT		36845
	AIR NEW SOURCE PERMITS	REGISTRATION		38097
	AIR NEW SOURCE PERMITS	REGISTRATION		39184
	AIR NEW SOURCE PERMITS	REGISTRATION		41916
	AIR NEW SOURCE PERMITS	REGISTRATION		48115
	AIR NEW SOURCE PERMITS	REGISTRATION		50028
	AIR NEW SOURCE PERMITS	PERMIT		49154
	AIR NEW SOURCE PERMITS	PERMIT		50209
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HT0011Q
	AIR NEW SOURCE PERMITS	PERMIT		53425
	AIR NEW SOURCE PERMITS	REGISTRATION		53737
	AIR NEW SOURCE PERMITS	REGISTRATION		76223
	AIR NEW SOURCE PERMITS	AFS NUM		4822700001
	AIR NEW SOURCE PERMITS	REGISTRATION		56804
	AIR NEW SOURCE PERMITS	REGISTRATION		70204
	AIR NEW SOURCE PERMITS	REGISTRATION		70215
	AIR NEW SOURCE PERMITS	REGISTRATION		71018
	AIR NEW SOURCE PERMITS	REGISTRATION		70658

AIR NEW SOURCE PERMITS	REGISTRATION	71293
AIR NEW SOURCE PERMITS	REGISTRATION	71774
AIR NEW SOURCE PERMITS	PERMIT	73323
AIR NEW SOURCE PERMITS	REGISTRATION	74005
AIR NEW SOURCE PERMITS	REGISTRATION	74237
AIR NEW SOURCE PERMITS	REGISTRATION	74378
AIR NEW SOURCE PERMITS	REGISTRATION	74448
AIR NEW SOURCE PERMITS	REGISTRATION	77393
AIR NEW SOURCE PERMITS	REGISTRATION	77315
AIR NEW SOURCE PERMITS	REGISTRATION	78906
AIR NEW SOURCE PERMITS	REGISTRATION	78556
AIR NEW SOURCE PERMITS	REGISTRATION	78640
AIR NEW SOURCE PERMITS	PERMIT	80833
AIR NEW SOURCE PERMITS	REGISTRATION	81506
AIR NEW SOURCE PERMITS	REGISTRATION	82271
AIR NEW SOURCE PERMITS	REGISTRATION	82085
AIR NEW SOURCE PERMITS	REGISTRATION	88517
AIR NEW SOURCE PERMITS	REGISTRATION	87851
AIR NEW SOURCE PERMITS	REGISTRATION	51700
AIR NEW SOURCE PERMITS	REGISTRATION	90993
AIR NEW SOURCE PERMITS	REGISTRATION	84775
AIR NEW SOURCE PERMITS	REGISTRATION	84546
AIR NEW SOURCE PERMITS	REGISTRATION	87417
AIR NEW SOURCE PERMITS	REGISTRATION	92615
UNDERGROUND INJECTION CONTROL	PERMIT	WDW329
UNDERGROUND INJECTION CONTROL	PERMIT	WDW330
UNDERGROUND INJECTION CONTROL	PERMIT	WDW331
WASTEWATER	EPA ID	TX0104515
WASTEWATER	PERMIT	WQ0004539000
WASTEWATER	PERMIT	WQ0001768000
WASTEWATER	EPA ID	TX0104515
STORMWATER	PERMIT	TXR05O289
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30083
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HT0011Q

Location: Intersection of Refinery Road and Interstate Highway 20 East, Big Spring, Howard County

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: September 28, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 28, 2005 to September 28, 2010

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

Name: Carlie Konkol

Phone: (512) 239-0735

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 of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	OWNOPR Alon USA, LP
	OWNOPR Alon USA GP, Inc.
	OWNOPR Alon USA Refining, Inc.
	OWNOPR Along USA, LP
	OWNOPR Fina Oil and Chemical Company
4. If Yes, who was/were the prior owner(s)?	OWN Atofina Petrochemicals INC
5. When did the change(s) in ownership occur?	10/29/2009 OWN Atofina Petrochemicals INC
6. Rating Date: 9/1/2010 Repeat Violator: NO	

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/24/2005 ADMINORDER 2005-0449-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Number 1 OP
 Description: Failure to comply with the 13.7 lb/hr MAERT table CO emissions cap limitation. Violation of 30
 TAC 116.115(b)(2)(F)

- 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	10/20/2005	(479353)
2	11/10/2005	(437296)
3	11/28/2005	(479354)
4	12/02/2005	(439193)
5	12/06/2005	(439507)
6	12/19/2005	(479355)
7	01/23/2006	(479356)
8	02/03/2006	(453373)
9	02/07/2006	(454626)
10	02/07/2006	(454768)
11	02/08/2006	(454832)
12	02/13/2006	(455406)
13	02/14/2006	(455337)
14	02/17/2006	(455365)
15	02/17/2006	(455556)
16	02/17/2006	(479351)
17	02/17/2006	(479352)
18	02/23/2006	(456543)
19	02/27/2006	(456631)
20	03/30/2006	(461165)
21	04/10/2006	(461759)
22	04/17/2006	(462871)
23	04/18/2006	(462646)
24	04/24/2006	(505118)
25	04/26/2006	(463701)
26	05/04/2006	(464798)
27	05/23/2006	(505119)
28	05/23/2006	(505121)
29	06/05/2006	(480127)
30	06/15/2006	(482859)
31	06/19/2006	(505120)
32	07/10/2006	(485011)
33	08/01/2006	(480299)
34	08/08/2006	(490062)
35	08/17/2006	(527424)
36	08/18/2006	(508782)
37	08/29/2006	(510094)
38	08/30/2006	(508711)
39	10/05/2006	(515340)
40	10/06/2006	(593342)
41	10/18/2006	(527425)
42	10/31/2006	(593343)

43	11/14/2006	(519239)
44	11/20/2006	(519735)
45	11/20/2006	(587787)
46	12/05/2006	(533132)
47	12/27/2006	(534837)
48	01/05/2007	(535621)
49	01/19/2007	(587789)
50	01/31/2007	(538061)
51	02/08/2007	(539385)
52	02/12/2007	(540124)
53	02/20/2007	(587780)
54	02/20/2007	(587781)
55	03/21/2007	(536228)
56	03/29/2007	(593341)
57	04/09/2007	(587788)
58	04/11/2007	(555859)
59	04/12/2007	(556822)
60	04/19/2007	(587782)
61	05/18/2007	(587783)
62	05/18/2007	(587786)
63	06/15/2007	(587784)
64	06/27/2007	(565788)
65	07/17/2007	(587785)
66	07/19/2007	(515519)
67	08/08/2007	(568461)
68	08/20/2007	(605209)
69	09/14/2007	(594330)
70	10/03/2007	(565790)
71	10/18/2007	(605210)
72	10/31/2007	(599469)
73	11/19/2007	(628618)
74	11/19/2007	(628619)
75	12/21/2007	(628620)
76	01/19/2008	(628621)
77	01/24/2008	(572866)
78	02/22/2008	(597870)
79	03/18/2008	(676469)
80	03/31/2008	(636312)
81	04/09/2008	(641812)
82	04/29/2008	(694931)
83	05/05/2008	(646574)
84	05/06/2008	(640272)
85	05/09/2008	(646572)
86	05/21/2008	(694935)
87	06/03/2008	(669832)
88	06/05/2008	(682292)
89	06/21/2008	(694932)
90	06/21/2008	(694933)
91	07/07/2008	(699472)
92	07/22/2008	(694934)
93	07/23/2008	(687389)
94	08/20/2008	(716430)
95	10/20/2008	(716431)
96	10/21/2008	(702819)
97	11/20/2008	(731886)
98	11/20/2008	(731887)
99	11/20/2008	(731888)
100	11/25/2008	(707891)
101	01/19/2009	(731889)

102 02/13/2009 (726419)
 103 02/19/2009 (755294)
 104 03/16/2009 (738697)
 105 04/20/2009 (755295)
 106 05/20/2009 (772386)
 107 05/20/2009 (772387)
 108 05/20/2009 (772388)
 109 06/10/2009 (748535)
 110 08/06/2009 (764905)
 111 08/20/2009 (817172)
 112 09/14/2009 (763333)
 113 09/16/2009 (776129)
 114 09/18/2009 (817171)
 115 10/16/2009 (777175)
 116 11/19/2009 (817173)
 117 12/21/2009 (817175)
 118 01/08/2010 (787806)
 119 02/12/2010 (791699)
 120 03/05/2010 (817174)
 121 03/11/2010 (795317)
 122 03/26/2010 (835247)
 123 03/29/2010 (797195)
 124 04/17/2010 (817170)
 125 04/17/2010 (817176)
 126 04/23/2010 (800125)
 127 05/04/2010 (835248)
 128 05/13/2010 (835249)
 129 05/26/2010 (802357)
 130 06/23/2010 (845948)
 131 06/24/2010 (847607)
 132 07/16/2010 (862009)
 133 07/28/2010 (842366)
 134 07/29/2010 (843118)
 135 08/10/2010 (844626)
 136 08/13/2010 (843091)
 137 08/31/2010 (827009)

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

Date:	01/31/2006	(479351)	CN600881783
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006	(479352)	CN600881783
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:	06/21/2006	(510094)	CN600881783
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Self-reporting Requirements PERMIT		
Description:	Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.		
Date:	10/06/2006	(593342)	CN600881783
Self Report?	NO		Classification: Minor

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

Description: SPECIFIC NON-RPT VIOLATION

Date: 10/31/2006 (593343) CN600881783
Self Report? NO Classification: Minor

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

Description: SPECIFIC NON-RPT VIOLATION

Date: 03/29/2007 (593341) CN600881783
Self Report? NO Classification: Minor

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

Description: SPECIFIC NON-RPT VIOLATION

Date: 07/20/2007 (515519) CN600881783
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to notify the TCEQ in a timely manner of two reportable emissions events pursuant to 30 TAC 101.201(a)(1)(b).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
30 TAC Chapter 116, SubChapter B 116.115(c)
Permit 49154, SC 5 PERMIT

Description: Failure to submit a timely reportable excess opacity event within 24 hours of discovery.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit 20487, Special Condition 1 PERMIT

Description: Failure to maintain emissions below the authorized limit specified in the Maximum Allowable Emissions Rate Table (MAERT) of Permit No. 20487.

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
Permit 20487, SC 4 PERMIT

Description: Failure to perform a required cylinder gas audit (CGA) on a quarter-annual basis for the No. 2 SRU Continuous Emissions Monitor (CEM) during the third calendar quarter, July 1, 2005, through September 30, 2005. The EIC category C1 describes this alleged violation as partial or inadequate implementation of monitoring or testing requirements.

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Failure to perform primary seal gap inspection on Tank 321 within one year of the previous inspection. The EIC describes this alleged violation as partial or inadequate implementation of monitoring/testing requirements, including self-inspections where applicable.

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Failure to perform secondary seal gap inspection on Tanks 125, 320, 328, 350, and 002 within one year of the previous inspection.

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: Failure to provide a written 7-day notification to the Regional Office before refilling

storage vessel Tank 185.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Description:	Failure to provide a written 7-day notification to the Regional Office before refilling storage vessel Tank 121.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		
Description:	Failure to repair two leaking pumps within six months which were put on a Delay of Repair list.		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
Description:	Failed to report this the deviation of 11P-012 and 11P-14 pumps left on delay of repair list for longer than six months in the previous annual certification.		
Date:	04/30/2008	(694932)	CN600881783
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/12/2008	(646572)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to prevent unauthorized emissions of Sulfur Dioxide (677.31 pounds) and Hydrogen Sulfide (0.36 pounds) from entering the atmosphere from the No. 1 Tail Gas Incinerator on January 19, 2008.		
Date:	06/03/2008	(669832)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to submit a Title V Operating Permit Deviation Report within 30 days after the compliance period.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to document all instances of deviations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Permit 20628/SC4 PERMIT		
Description:	Failure to comply with the emission limit set forth in Permit By Rule (PBR) 106.262 and NSR Permit 20628 for Benzene loading operations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Permit 51-A/SC 1 PERMIT		
Description:	Failure to fire the Big Reformer Heater (EPN: 05CHRGHTR) below the firing rate specified in the NSR Permit 51-A Maximum Allowable Emission Rate (MAER) Table.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)		

Permit 51-A/SC 1 PERMIT

Description: Failure to fire the Reformer De-pent Reboiler Heater (EPN: 05DEC5HRT) below the firing rate specified in the representations of NSR Permit 51-A MAER Table.

Date: 07/07/2008 (699472) CN600881783
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 11/30/2008 (731888) CN600881783
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (755294) CN600881783
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/09/2009 (748535) CN600881783
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: The flow accuracy check for the 9" Parshall flume monitoring Outfall 001 (Refinery Lake) was found to have a -53% error, outside of the acceptable +/- 10% error limitation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: The permittee had minor effluent violations in the 4/08 through 3/09 reviewing period including sulfides (4/08), NH3 (4 and 10/08), BOD (9 and 11/08) and TSS (12/08 and 1/09).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Permittee was found to be in violation of concentration-based and mass-based limitations for their selenium and cyanide constituents (daily maximum and daily average parameters).

Date: 09/15/2009 (763333) CN600881783
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a Permit Compliance Certification no later than 30 days after the end of the certification period.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)©
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a Deviation Report no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to report all instance of deviations.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to prevent unauthorized releases of air contaminants into the atmosphere.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition No. 8 PERMIT		
Description:	Failure to comply with special conditions of a permit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1) 5C THSC Chapter 382 382.085(b) Special Conditions (See description) PERMIT		
Description:	Failure to comply with a special condition of a permit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT		
Description:	Failure to comply with a special condition of a permit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(b)(1)(i) 5C THSC Chapter 382 382.085(b) Special Condition No. 4.B.(2) PERMIT		
Description:	Failure to comply with a special condition of a permit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to submit the RATA testing results within 60 days of completion.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii) 5C THSC Chapter 382 382.085(b) Special Condition No. 14.C. PERMIT		
Description:	Failure to comply with a special condition of a permit.		
Date:	12/31/2009	(817176)	CN600881783
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/23/2010	(845948)	CN600881783
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	08/30/2010	(827009)	CN600881783
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)		

5C THSC Chapter 382 382.085(b)
Description: Failure to submit the PI-7 Annual Notification Form by March 31, 2009 as required by 30 TAC §106.261(a) (7)(B).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the required MACT CC Semi-annual report no later than 60 days after the end of the 6 month report period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to create final records for emissions events no later than two weeks after the end of the emissions events.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(h)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Condition No. 22.C. PERMIT

Description: Failure to provide valid CEM readings (for the FCCU Stack EPN 06ESPPCV) for more than 15 minutes.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter U 106.472
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent visible emissions from occurring as a result of the loading and unloading of organic liquids in Asphalt Tank 203.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(e)(3)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain a flow indicator on vent streams from vapor recovery purge to the South Flare ensuring that the vapors were being routed to the control device.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 5.A. PERMIT

Description: Failure to maintain three weekly records of the carbon adsorption system (CAS) results for hydrogen sulfide (H₂S) breakthrough at the Sulfur Railcar Loading Rack.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions PERMIT

Description: Failure to equip 58 open-ended lines with a cap, blind flange, plug, or a second valve.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to include an adequate description for the probable cause for all deviations.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to include the applicable requirement for which a deviation occurred for all deviations.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.

F. Environmental audits.

N/A

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
ALON USA, LP
RN100250869**

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

AGREED ORDER DOCKET NO. 2010-1640-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 Alon USA, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at the intersection of Refinery Road and Interstate Highway 20 East in Big Spring, Howard County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 4, 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 Four Thousand Two Hundred Dollars (\$4,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Three Hundred Sixty Dollars (\$3,360) of the administrative penalty and Eight Hundred Forty Dollars (\$840) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to submit a semi-annual deviation report within thirty days of the end of the reporting period, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit No. O-1505, General Terms and Conditions, as documented during an investigation conducted on May 24, 2010. Specifically, the report for the period September 24, 2008 through March 23, 2009 was due by April 22, 2009; however, it was not submitted until April 24, 2009.

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: Alon USA, LP, Docket No. 2010-1640-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures designed to ensure the deviation reports are submitted no later than 30 days after the end of the reporting period; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Midland Regional Office
Texas Commission on Environmental Quality
3300 North A Street, Building 4, Suite 107
Midland, Texas 79705-5404

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 Sordlin
For the Executive Director

Date 12/16/2010

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

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

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

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

Jimmy Crosby
Signature

Date 11/4/10

Jimmy Crosby
Name (Printed or typed)
Authorized Representative of
Alon USA, LP

Title Vice President Refining - Big Spring Refinery

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.