

Executive Summary – Enforcement Matter – Case No. 43897
Flint Hills Resources Corpus Christi, LLC
RN100235266
Docket No. 2012-0736-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 31, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,063

Amount Deferred for Expedited Settlement: \$2,812

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$11,251

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Flint Hills Resources Corpus Christi, LLC
RN100235266
Docket No. 2012-0736-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 19, 2011 and February 16, 2012

Date(s) of NOE(s): March 23, 2012 and April 4, 2012

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 1,361.6 pounds (“lbs”) of sulfur dioxide (“SO₂”), 403.4 lbs of volatile organic compounds (“VOCs”), 423.8 lbs of carbon monoxide (“CO”), 75.4 lbs of nitrogen dioxides (“NO_x”), and 32.6 lbs of benzene during an avoidable emissions event (Incident No. 163203) that began on December 28, 2011 and lasted 45 minutes. The event occurred in the Distillate Desulfurizer Process Unit when a high level detection in the suction knockout drum caused a recycle compressor to shut down. Since this emissions event could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Federal Operating Permit (“FOP”) No. O1272, Special Terms and Conditions No. 27, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, Respondent released 595.7 lbs of SO₂, 247 lbs of CO, 236.6 lbs of VOCs, 34.4 lbs of NO_x, 16.4 lbs of benzene, and 6.5 lbs of hydrogen sulfide during an avoidable emissions event (Incident No. 161551) that began on November 8, 2011 and lasted 5 minutes. The event occurred when a process control valve was in the incorrect position during start-up of the Mid-Crude Unit. Since this emissions event could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [FOP No. O1272, Special Terms and Conditions No. 27, NSRP Nos. 8803A and PSDTX413M9, General Process Requirements No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On February 29, 2012, Respondent revised the start-up procedure for C6 Splitter W-42-SU-0014 to ensure that process control valves are in the automatic position during start-up operations in order to prevent the recurrence of emissions events due to the same cause as Incident No. 161551.

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RN100235266
Docket No. 2012-0736-AIR-E

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 163203; and
- b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Phil Gaarder, Vice President, Flint Hills Resources Corpus Christi, LLC, P.O. Box 2608, Corpus Christi, Texas 78403-2608
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	26-Mar-2012	Screening	2-Apr-2012	EPA Due	
	PCW	2-Apr-2012				

RESPONDENT/FACILITY INFORMATION			
Respondent	Flint Hills Resources Corpus Christi, LLC		
Reg. Ent. Ref. No.	RN100235266		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	43897	No. of Violations	2
Docket No.	2012-0736-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for three NOVs with same/similar violations, nine NOVs with dissimilar violations, seven orders with denial of liability, and one order without denial of liability. Reduction for ten Notices of Intent to conduct an audit and two Disclosures of Violations.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Screening Date 2-Apr-2012

Docket No. 2012-0736-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 3 (September 2011)

Case ID No. 43897

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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>)	10	-10%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 184%

>> **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 three NOVs with same/similar violations, nine NOVs with dissimilar violations, seven orders with denial of liability, and one order without denial of liability. Reduction for ten Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 184%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 2-Apr-2012

Docket No. 2012-0736-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 3 (September 2011)

Case ID No. 43897

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit ("FOP") No. O1272, Special Terms and Conditions No. 27, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions, as documented during a February 16, 2012 record review. Specifically, the Respondent released 1,361.6 pounds ("lbs") of sulfur dioxide ("SO2"), 403.4 lbs of volatile organic compounds ("VOC"), 423.8 lbs of carbon monoxide ("CO"), 75.4 lbs of nitrogen dioxides ("NOx"), and 32.6 lbs of benzene during an avoidable emissions event (Incident No. 163203) that began on December 28, 2011 and lasted 45 minutes. The event occurred in the Distillate Desulfurizer Process Unit when a high level detection in the suction knockout drum caused a recycle compressor to shut down. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

Table with frequency options: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table with rows: Extraordinary, Ordinary, N/A (marked with x), and Notes.

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$244

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Flint Hills Resources Corpus Christi, LLC
Case ID No. 43897
Req. Ent. Reference No. RN100235266
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	28-Dec-2011	18-Dec-2012	0.98	\$244	n/a	\$244

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 163203. The date required is the date of the emissions event. The final date is the projected date corrective measures will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$244
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Screening Date 2-Apr-2012

Docket No. 2012-0736-AIR-E

PCW

Respondent Flint Hills Resources Corpus Christi, LLC

Policy Revision 3 (September 2011)

Case ID No. 43897

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100235266

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

FOP No. O1272, Special Terms and Conditions No. 27, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, 30 Tex. Admin. Code §§ 101.20(c), 116.715(a), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as documented during a December 19, 2011 record review. Specifically, the Respondent released 595.7 lbs of SO2, 247 lbs of CO, 236.6 lbs of VOC, 34.4 lbs of NOx, 16.4 lbs of benzene, and 6.5 lbs of hydrogen sulfide during an avoidable emissions event (Incident No. 161551) that began on November 8, 2011 and lasted 5 minutes. The event occurred when a process control valve was in the incorrect position during start-up of the Mid-Crude Unit. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective actions on February 29, 2012, prior to the March 23, 2012 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Flint Hills Resources Corpus Christi, LLC
Case ID No. 43897
Req. Ent. Reference No. RN100235266
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	8-Nov-2011	29-Feb-2012	0.31	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to revise the related start-up procedure to ensure that process control valves are in the automatic position during start-up operations. The date required is the date of the emissions event. The final date is the date 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

\$15

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603741463 Flint Hills Resources Corpus Christi, LLC	Classification: AVERAGE	Rating: 1.72
Regulated Entity:	RN100235266 FLINT HILLS RESOURCES CORPUS CHRISTI WEST PLANT	Classification: AVERAGE	Site Rating: 4.37
ID Number(s):	WASTEWATER	PERMIT	WQ0000531000
	WASTEWATER	EPA ID	TX0006289
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50097
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD088474663
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30529
	AIR NEW SOURCE PERMITS	REGISTRATION	94401
	AIR NEW SOURCE PERMITS	REGISTRATION	92351
	AIR NEW SOURCE PERMITS	REGISTRATION	102109
	AIR NEW SOURCE PERMITS	PERMIT	8803A
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0122D
	AIR NEW SOURCE PERMITS	REGISTRATION	1533
	AIR NEW SOURCE PERMITS	PERMIT	1914
	AIR NEW SOURCE PERMITS	PERMIT	6628
	AIR NEW SOURCE PERMITS	REGISTRATION	11278
	AIR NEW SOURCE PERMITS	REGISTRATION	11813
	AIR NEW SOURCE PERMITS	PERMIT	22451
	AIR NEW SOURCE PERMITS	REGISTRATION	25873
	AIR NEW SOURCE PERMITS	REGISTRATION	44048
	AIR NEW SOURCE PERMITS	REGISTRATION	45798
	AIR NEW SOURCE PERMITS	PERMIT	6819A
	AIR NEW SOURCE PERMITS	REGISTRATION	75765
	AIR NEW SOURCE PERMITS	REGISTRATION	76194
	AIR NEW SOURCE PERMITS	AFS NUM	4835500017
	AIR NEW SOURCE PERMITS	REGISTRATION	70303
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX413M7
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX777M1
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX777M2
	AIR NEW SOURCE PERMITS	REGISTRATION	76539
	AIR NEW SOURCE PERMITS	REGISTRATION	77530
	AIR NEW SOURCE PERMITS	REGISTRATION	77652
	AIR NEW SOURCE PERMITS	REGISTRATION	79770
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX413M8
	AIR NEW SOURCE PERMITS	REGISTRATION	83266

AIR NEW SOURCE PERMITS	EPA ID	PSDTX413M9
AIR NEW SOURCE PERMITS	REGISTRATION	97974
AIR NEW SOURCE PERMITS	REGISTRATION	99042
AIR NEW SOURCE PERMITS	REGISTRATION	101471
AIR NEW SOURCE PERMITS	REGISTRATION	102136
AIR OPERATING PERMITS	PERMIT	1272
AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0122D
WASTEWATER LICENSING	LICENSE	WQ0000531000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30529
POLLUTION PREVENTION PLANNING	ID NUMBER	P00371
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1780058
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0122D
Location:	2825 SUNTIDE RD, CORPUS CHRISTI	

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: April 27, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 27, 2007 to April 27, 2012

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

Name: Rebecca Johnson Phone: (361) 825-3423

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 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: 09/21/2007

ADMINORDER 2007-0029-AIR-E

Classification: Moderate

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

Rqmt Prov: FLEX 8803A/PSD-TX-413M8 SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 548.8 lbs of sulfur dioxide and 69.5 lbs of the HAP benzene were released from the 1st Stage Flare (EPN V-6), 2nd Stage Flare (EPN V-5) and the Hydrocracker Fugitives unit (F-26) during an emissions event that began October 10, 2006 and lasted one hour and 12 min

Effective Date: 10/25/2007

ADMINORDER 2007-0297-AIR-E

Classification: Moderate

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

Rqmt Prov: 8803A PERMIT
PSD-TX-413M8 PERMIT

Description: Failure to comply with any and all general and special conditions of the flexible permit. Specifically, the RE failed to gain the affirmative defense for unauthorized emissions for emissions event, Incident No. 76682 that occurred on June 5, 2006. This event resulted in the unauthorized release of 11,930.40 of CO.

Classification: Moderate

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

Rqmt Prov: 8803A PERMIT
PSD-TX-413M8 PERMIT

Description: Failure to comply with any and all general and special conditions of the flexible permit. Specifically, the RE failed to gain the affirmative defense for unauthorized emissions for emissions event, Incident No. 79293 that occurred on July 31, 2006. There was a release of 37 lbs of benzene, that exceeded the cap limit.

Effective Date: 02/08/2008 **ADMINORDER 2007-1095-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SC 1 PA
SC 10 PA

Description: Flint Hills failed to prevent unauthorized emissions during a January 2, 2007 emissions event.

Effective Date: 02/08/2009 **ADMINORDER 2008-1222-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8803A / Special Condition No. 1 PA

Description: Failure to gain an affirmative defense for unauthorized emissions that were released during an emissions event that occurred on January 23, 2008. Specifically, 701.30 pounds of nitrogen oxides were released when two isolation valves on the steam system were inadvertently closed by operations during a preventative maintenance activity, causing a loss of steam injection to the Cogeneration Unit, resulting in an emissions event which began on January 23, 2008, and lasted for three hours and 52 min.

Effective Date: 03/20/2010 **ADMINORDER 2009-1614-AIR-E**

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Effective Date: 08/09/2010 **ADMINORDER 2010-0233-AIR-E**

Classification: Moderate

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

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

Description: Failure to prevent unauthorized emissions during Incident No. 129628. Specifically, during

the September 19, 2009 emissions event 11.94 pounds of unauthorized benzene emissions were released from a union on the Toluene O2 Stripper Receiver over a period of 16 minutes when a leak developed while product was being introduced and the unit was pressurized. Since the emissions event could have been avoided through better operational practices, the demonstration criteria for an affirmative defense.

Effective Date: 08/21/2010

ADMINORDER 2010-0433-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

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

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

Effective Date: 10/17/2011

ADMINORDER 2011-0529-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: [Flex 8803A] SC 1 PERMIT

[FOP No. O-01272] GTC OP

[FOP No. O-01272] STC 30A OP

Description: Failure to prevent unauthorized emissions from an emissions event, Incident No. 148042, which was discovered on December 1, 2010. Specifically, during the Flint Hills Resources Corpus Christi LLC's (FHR) West Plant event, 72.8 pounds (lbs) of benzene was released to the atmosphere. The event duration was 2 hours and 19 minutes. The unauthorized release was a result of operator error due to accidental closing of a valve.

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	08/08/2007	(534723)
2	10/02/2007	(534725)
3	05/18/2007	(542502)
4	05/09/2007	(557774)
5	06/25/2007	(558967)
6	05/18/2007	(560035)
7	05/18/2007	(560248)
8	05/29/2007	(560778)
9	07/13/2007	(561122)
10	06/04/2007	(561366)
11	07/16/2007	(564659)

12 08/20/2007 (565993)
13 07/17/2007 (567734)
14 08/01/2007 (569775)
15 08/21/2007 (570742)
16 08/24/2007 (573157)
17 05/23/2007 (575455)
18 06/25/2007 (575456)
19 07/20/2007 (575457)
20 10/15/2007 (596343)
21 08/22/2007 (601658)
22 09/24/2007 (601659)
23 01/07/2008 (613411)
24 02/08/2008 (616859)
25 10/23/2007 (619555)
26 11/19/2007 (619556)
27 12/20/2007 (619557)
28 04/29/2008 (653836)
29 02/21/2008 (672079)
30 03/24/2008 (672080)
31 01/16/2008 (672081)
32 06/30/2008 (680445)
33 06/27/2008 (684512)
34 06/30/2008 (684533)
35 04/22/2008 (690008)
36 05/22/2008 (690009)
37 06/23/2008 (690010)
38 08/27/2008 (699734)
39 08/25/2008 (700781)
40 11/24/2008 (708619)
41 07/22/2008 (710784)

42 08/25/2008 (710785)
43 09/22/2008 (710786)
44 08/25/2008 (710787)
45 08/25/2008 (710788)
46 01/14/2009 (723040)
47 10/22/2008 (727522)
48 11/24/2008 (727523)
49 07/02/2009 (744526)
50 06/22/2009 (749554)
51 03/23/2009 (750312)
52 12/22/2008 (750313)
53 08/17/2009 (759094)
54 08/25/2009 (759151)
55 09/24/2009 (760984)
56 09/11/2009 (762719)
57 08/27/2009 (765986)
58 08/25/2009 (767166)
59 08/26/2009 (767319)
60 09/02/2009 (767563)
61 08/31/2009 (767759)
62 04/22/2009 (768399)
63 05/21/2009 (768400)
64 12/10/2009 (776485)
65 02/03/2010 (785254)
66 03/11/2010 (788597)
67 02/19/2010 (789083)
68 01/28/2010 (789271)
69 01/28/2010 (789608)
70 01/28/2010 (790113)
71 02/22/2010 (792985)

72 05/06/2010 (800052)
73 07/20/2010 (801349)
74 05/18/2010 (801496)
75 02/22/2010 (804776)
76 06/24/2009 (804777)
77 07/22/2009 (804778)
78 08/21/2009 (804779)
79 09/22/2009 (804780)
80 10/21/2009 (804781)
81 11/23/2009 (804782)
82 12/22/2009 (804783)
83 01/22/2010 (804784)
84 03/19/2010 (830926)
85 04/22/2010 (830927)
86 05/24/2010 (830928)
87 08/13/2010 (841260)
88 08/24/2010 (841901)
89 06/21/2010 (846283)
90 09/07/2010 (848917)
91 08/30/2010 (850311)
92 09/07/2010 (850622)
93 10/06/2010 (850656)
94 10/04/2010 (857457)
95 09/07/2010 (857511)
96 07/22/2010 (860878)
97 11/01/2010 (864784)
98 09/29/2010 (865715)
99 11/01/2010 (866149)
100 11/10/2010 (866183)
101 08/23/2010 (866846)
102 10/15/2010 (870096)

103	11/09/2010	(872048)
104	10/14/2010	(873916)
105	12/01/2010	(881517)
106	02/01/2011	(891702)
107	03/02/2011	(893511)
108	03/21/2011	(894196)
109	11/22/2010	(896257)
110	12/22/2010	(896258)
111	07/01/2011	(900022)
112	04/04/2011	(908141)
113	02/22/2011	(909100)
114	01/21/2011	(909101)
115	04/25/2011	(912054)
116	07/19/2011	(915615)
117	05/19/2011	(915633)
118	05/18/2011	(915772)
119	07/13/2011	(923463)
120	03/21/2011	(924830)
121	04/20/2011	(924831)
122	07/28/2011	(936786)
123	07/08/2011	(936871)
124	05/23/2011	(938042)
125	08/04/2011	(944484)
126	06/22/2011	(945410)
127	08/15/2011	(948861)
128	07/21/2011	(952638)
129	08/22/2011	(959320)
130	10/21/2011	(962394)
131	10/26/2011	(963465)
132	01/13/2012	(964454)

133 09/21/2011 (965353)
 134 02/08/2012 (970544)
 135 10/21/2011 (971393)
 136 03/23/2012 (975239)
 137 11/21/2011 (977552)
 138 04/16/2012 (981924)
 139 12/27/2011 (984320)
 140 04/03/2012 (988077)
 141 01/24/2012 (990620)
 142 03/26/2012 (995170)
 143 02/21/2012 (997981)

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

Date: 07/31/2007 (601658) **CN603741463**
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (710785) **CN603741463**
Self Report? YES **Classification:** Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/28/2008 (699734) **CN603741463**
Self Report? NO **Classification:** Minor
Citation: [FOP No. O-01272], STC 1E(i) OP
 30 TAC Chapter 113, SubChapter C 113.780
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(d)
 5C THSC Chapter 382 382.085(b)
Description: Failure to revise the Startup, Shutdown, and Malfunction Plan (SSMP) within 45 days after an event (that the SSMP failed to address and that meets the characteristics of a malfunction) to include detailed procedures for operating and maintaining the source during similar malfunction events.

Self Report? NO **Classification:** Moderate
Citation: [FOP No. O-01272] STC 14A OP
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial and annual monitoring for each individual drain system subject to 40 Code of Federal Regulations (CFR) 61 Subpart FF.

Self Report? NO **Classification:** Moderate
Citation: [FOP No. O-01272] STC 1A OP
 30 TAC Chapter 115, SubChapter D 115.324(5)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to monitor any relief valve which has vented to the atmosphere within 24

hours.

Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 1A OP
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(f)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct a first attempt repair no later than five calendar days after an improper work practice or a control equipment failure is identified for fugitive components subject to 40 CFR 63 Subpart G.

Self Report? NO Classification: Moderate
Citation: [Flex 8803A/PSD-TX-413M8] SC 18E PERMIT
[Flex 8803A/PSD-TX-413M8] SC 19E PERMIT
[FOP No. O-01272] STC 1A OP
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. As per the TCEQ Enforcement Initiation Criteria, this violation is a Category C10.

Self Report? NO Classification: Moderate
Citation: [Flex 8803A/PSD-TX-413M8] SC 10 PERMIT
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with flex permit special conditions.

Self Report? NO Classification: Moderate
Citation: [Flex 8803A/PSD-TX-413M8] SC 54 PERMIT
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with flex permit special conditions. Specifically, between August 16, 2006 and October 25, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery discovered that weekly fluoride samples were missed four separate weeks, as described on page 35 of 38 of the January 19, 2007 deviation report for FOP No. O-01272. During the reporting period, weekly fluoride samples were not analyzed for a total of four (4) weeks.

Self Report? NO Classification: Minor
Citation: [FOP No. O-01272] STC 3A(iii) OP
[FOP No. O-01272] STC 3B(iii) OP
[FOP No. O-01272] STC 3C(iii) OP
[FOP No. O-01272] STC 3D(iii) OP
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with federal operating permit special terms and special conditions. Specifically, between June 21, 2006 and September 20, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery discovered that opacity observations were not documented when no visible emissions were detected for stationary vents and structures as described on page 36 of 38 of the January 19, 2007 deviation report for FOP No. O-01272. Four (4) occurrences of opacity observations were not documented.

Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 1A OP

30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)
40 CFR Part 60, Subpart VV 60.482-5
5C THSC Chapter 382 382.085(b)

Description: Failure to equip identified sample stations with a closed purge or closed loop system. Specifically, between June 21, 2006 and June 29, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery discovered that historical sample stations were not upgraded to closed loop or closed purge prior to the MACT CC effective date as described on page 36 of 38 of the January 19, 2007 deviation report for FOP No. O-01272.

Self Report? NO Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M8] SC 42C PERMIT
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with flex permit special conditions. Specifically, between August 24, 2006 and December 17, 2006, Flint Hills Resources, L.P. - Corpus Christi West Refinery failed to use a leak collection and/or containment system to prevent the leak until repair or replacement could be made as described on page 37 of 38 of the January 19, 2007 deviation report for FOP No. O-01272. Four (4) leaks in the Sulfur Recovery Units were identified without a collection/containment system.

Self Report? NO Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M8] SC 19F PERMIT
[FOP No. O-01272] STC 1A OP

[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.324
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Part 60, Subpart VV 60.482-7
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct monitoring for valves in gas/vapor and in light liquid service as required. Specifically, 81 valves [Group No. FU-63H+, FU-115+; SOP Index No. 63HALL, R5322ALL] and 526 valves [Group No. FU-63CC+, FU-115+; SOP Index No. 63CCVV-ALL, R5322ALL] described on page 38 of 38 of the January 19, 2007 deviation report for FOP No. O-01272 had not been tagged in the field and added to the LeakDas database. Subsequently, no monitoring had occurred as required.

*81 valves (243 reported

Self Report? NO Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M8] SC 18G PERMIT
[Flex 8803A/PSD-TX-413M8] SC 19G PERMIT
[FOP No. O-01272] STC 1A OP
[FOP No. O-01272] STC 27A OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.324
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct monitoring for pumps in light liquid service as required.

Specifically, 35 pumps [Group No. FU-63CC+, FU-115+; SOP Index No. 63CCVV-ALL, R5322ALL] described on page 38 of 38 of the January 19, 2007 deviation report for FOP No. O-01272 had not been tagged in the field and added to the LeakDas database. Subsequently, 35 pumps had no weekly visual inspection and 35 pumps had no monitoring as required.

Date: 07/02/2009 (744526) CN603741463
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. WQ0000531-000 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits for biochemical oxygen demand (BOD), cyanide, dissolved oxygen, phenols and pH for the months of July 2007 and July 2008.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.4
TPDES Permit No. WQ0000531-012 PERMIT
Description: Allegation: Failure to collect samples for Chronic Biomonitoring analyses at Outfall 012 for the month of July 2008.

Date: 08/28/2009 (765986) CN603741463
Self Report? NO **Classification:** Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC42C PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with permit special conditions. Specifically, between February 26, 2007 and December 31, 2007, FHR failed to use a leak collection and/or containment system to prevent hydrogen sulfide leaks until repair or replacement could be made as described on page 6 of 8 of the July 30, 2007 DR and pages 4-5 of 18 of the January 30, 2008 DR for FOP No. O-01272. During the reporting periods, there were 5 leaks identified in the SRUs and 9 leaks identified in the Sour Water Strippers.

Self Report? NO **Classification:** Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC34 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with permit special conditions. Specifically, between February 26, 2007 and December 31, 2007, FHR failed to route sulfur pit vapors to the Tail Gas Incinerator due to a malfunction of the Sulfur Pit Educator as described on page 6 of 8 (four occurrences) in the July 30, 2007 DR and page 5 of 18 in the January 30, 2008 DR for FOP No. O-01272.

Self Report? NO **Classification:** Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC44B PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with permit special conditions. Specifically, between January 1, 2007 and June 30, 2007, FHR failed to calibrate the VOC flame ionization detector prior to sampling the Process Grit Chamber (EPN P-WT-1) with a certified standard gas mixture at 10 ppm, on each day that sampling was required as described on page 6 of 8 in the July 30, 2007 DR and page 5 of 18 in the January 30, 2008 DR for FOP No. O-01272.

Self Report? NO **Classification:** Moderate
Citation: [FOP No. O-01272] STC 27 OP
[TCEQ PBR Registration No. 77530] PERMIT
30 TAC Chapter 106, SubChapter T 106.452(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with Permit-By-Rule (PBR) special conditions. Specifically,

between February 6, 2007 and March 6, 2007, FHR's sandblasting abrasive usage rate exceeded one ton per day for a total of eleven days as described on page 6 of 8 in the July 30, 2007 DR for FOP No. O-01272.

- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 18 OP
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135(b)(3)
5C THSC Chapter 382 382.085(b)
- Description: Failure to maintain all openings in a closed position at all times (regarding the Temporary Sludge Processing System, Unit ID 08FB109R). Specifically, FHR discovered that there was an opening in the centrifuge where the solids exit and openings on the mix tanks where the mixers pass through the fixed roofs that provided pathways for vapors (HAPs) to bypass passive vapor controls (scrubbers and carbon canisters) as described on page 7 of 8 in the July 30, 2007 DR for FOP No. O-01272.
- Self Report? NO Classification: Minor
Citation: [FOP No. O-01272] STC 2F OP
[FOP No. O-01272] STC 2G OP
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to generate a final record for an EE/MSS no later than two weeks after the end of the incident. Specifically, FHR failed to generate complete final records no later than two weeks after each incident for fifty (50) non-reportable incidents that occurred between January 1, 2007 and December 31, 2007 as described on page 7 of 8 in the July 30, 2007 semiannual deviation report (DR) and page 18 of 18 in the January 30, 2008 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC77 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with special conditions. Specifically, FHR discovered that on October 16, 2006, the Coker Charge Heater burnout emissions exceeded hourly limits. Specifically, operations burnout event was completed in 10.5 hours, where the permitted coker burnout lb/hr emissions are based on burnout duration of 24 hours. The shorter burnout duration resulted in exceedance of the hourly emission limitation as described on page 8 of 8 in the July 30, 2007 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] General Terms & Conds. OP
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
- Description: Failure to report all instances of deviations, the probable cause of the deviation, and any corrective actions or preventative measures taken for each emission unit addressed in the permit. Specifically, FHR discovered deviations during the January 1, 2007 through June 30, 2007 and July 1, 2007 through December 31, 2007 reporting periods that occurred during previous reporting periods and PCC periods that were not reported because FHR was not aware of them when such reports were generated.
- Self Report? NO Classification: Minor
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC52 PERMIT
[TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC54 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with permit special conditions. Specifically, between July 1, 2007 and November 30, 2007, FHR failed to analyze two (2) separate weekly fluoride samples regarding the REX Cooling Tower (EPN F-S-4) as described on

page 4 of 18 of the January 30, 2008 DR for FOP No. O-01272. During the reporting period, weekly fluoride samples were not analyzed for a total of two (2) weeks due to sample delivery problems.

- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A] SC32 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with permit special conditions. Specifically, between September 20, 2007 and October 4, 2007, FHR failed to maintain a minimum sulfur recovery efficiency for SRU No. 1 (Unit ID PRO34SRU1) of 99.9 % as described on page 5 of 18 of the January 30, 2008 DR for FOP No. O-01272. A low waste heat boiler setting resulted in a slightly lower SRU reactor temperature that prevented the unit from achieving 99.9 % sulfur recovery efficiency.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 1A OP
30 TAC Chapter 115, SubChapter D 115.324(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to monitor any relief valve which has vented to the atmosphere within 24 hours. Specifically, a pressure relief device [ID No. 40PSV0262] had not been monitored within 24 hours after a pressure release event as described on page 5 of 18 of the January 30, 2008 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 30A OP
[TCEQ Flex Pmt 8803A/PSD-TX-413M9] SC50B PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to comply with permit special conditions. Specifically, FHR failed to perform a cylinder gas audits (CGA) on the NOx CEMS of the West Crude and Tol Frac Heaters (Unit ID 40BA1/3 and 39BA3906) with the correct audit gas pollutant range during the second quarter of 2007 in accordance with 40 CFR Part 60, Appendix F, Procedure 1, §5.1.2, as described on page 6 of 18 of the January 30, 2008 DR for FOP No. O-01272.
- Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] STC 1A OP
30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Description: Failure to monitor process drains annually. Specifically, FHR failed to monitor thirteen (13) process drains in the Alkylation and Continuous Catalytic Reformer Units [20348A, 21167, 21474A, 21477A, 22241A, 33507A, 33552A, 33552B, 33552C, 33552D, 02119A, 02327A & 02355A] within the 2007 calendar year as described on page 6 of 18 of the January 30, 2008 DR for FOP No. O-01272.

Date: 02/19/2010 (789083)

CN603741463

- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(h)
- Description: Failure to comply with notification requirements.
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
- Description: Flint Hills Resource - West failed to comply with manifesting requirements.
- Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT F 266.70(c)
- Description: Failure to comply with recordkeeping requirements for recyclable materials utilized for precious metals recovery.
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
PP Section II.A Std Permit Conditions PERMIT
PP Section III.D General Inspection Req. PERMIT

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

Date: 08/24/2010 (841901) CN603741463
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
TPDES Permit No. WQ000531-000 PERMIT
Description: Failure to prevent unauthorized discharges of domestic wastewater, hydrostatic test water and oily water material on July 7, 2010, May 7, 2010, and March 22, 2010, respectively.

Date: 09/08/2010 (848917) CN603741463
Self Report? NO Classification: Moderate
Citation: [Flex 8803A/PSD-TX-413M9] SC 42C PERMIT
[FOP No. O-01272] STC 30A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to use a leak collection and/or containment system to prevent hydrogen sulfide leaks until repair or replacement could be made. Specifically, FHR failed to adequately repair leaks within 6 hours and no leak collection or containment system was implemented, between 01/01/2008 and 06/30/2008, as described on page 4 of 17 of the 07/30/2008 semiannual DR for FOP No. O-01272. There were 5 leaks identified in the SRUs and 16 leaks identified in the Sour Water Strippers.

Self Report? NO Classification: Moderate
Citation: [Flex 8803A/PSD-TX-413M9] SC 34 PERMIT
[Flex 8803A/PSD-TX-413M9] SC 37 PERMIT
[FOP No. O-01272] STC 30A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to collect emissions from the SRU Nos. 1, 2 and 3 sulfur pits and associated tank truck sulfur loading operations by a vapor collection system and routed to the SRU TGI via the sulfur pits. Specifically, FHR failed to route sulfur truck loading and sulfur pit vapors to the TGI, between 01/01/2008 and 12/04/2008, as described on page 4 of 17 of the 07/30/2008 semiannual DR and page 3 of 18 of the 01/29/2009 DR for FOP No. O-01272. During the reporting periods, there were 14 occurrences.

Self Report? NO Classification: Minor
Citation: [FOP No. O-01272] STC 2F OP
[FOP No. O-01272] STC 2G OP
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.211(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to generate a final record for an emissions event or maintenance/startup/shutdown activity no later than 14 days after the end of the incident. Specifically, FHR failed to generate complete final records no later than 2 weeks after each incident for 6 recordable incidents that occurred between 01/01/2008 and 12/31/2008 as described on page 17 of 17 in the 07/30/2008 semiannual DR and page 18 of 18 in the 01/29/2009 DR for FOP No. O-01272.

Self Report? NO Classification: Moderate
Citation: [FOP No. O-01272] GTC OP
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations, the probable cause of the deviation, and any corrective actions or preventative measures taken for each emission unit addressed in the permit. Specifically, FHR discovered deviations between 01/01/2008 and 12/22/2008 that occurred during previous reporting periods and compliance certification periods that were not reported.

Self Report? NO Classification: Moderate

Citation: [Flex 8803A/PSD-TX-413M9] SC 38 PERMIT
[FOP No. O-01272] STC 30A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to vent vapors from the seal legs on SRU Nos. 1, 2 and 3 to the sulfur pits. Specifically, FHR failed to route vapors from the seal legs on SRU No. 2 to the sulfur pit, on 07/05/2008 and 07/06/2008, as described on page 3 of 18 of the 01/29/2009 semiannual DR for FOP No. O-01272.

Date: 01/31/2011 (909100) CN603741463
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: 02/28/2011 (924830) CN603741463
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: 03/31/2011 (924831) CN603741463
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: 09/30/2011 (971393) CN603741463
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

F. Environmental audits.

Notice of Intent Date: 08/03/2007 (572669)
No DOV Associated

Notice of Intent Date: 01/11/2008 (616231)
No DOV Associated

Notice of Intent Date: 07/15/2008 (688096)
No DOV Associated

Notice of Intent Date: 08/18/2008 (703345)
Disclosure Date: 02/04/2009
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
Description: Failure to keep automatic bleeder (vacuum breaker vents) closed at all times except when roof is being floated off or landed on leg supports. Instances were observed where breakers opened prematurely as a result of improper settings.

Notice of Intent Date: 10/13/2008 (706583)
Disclosure Date: 03/13/2009
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 115, SubChapter J 115.930
40 CFR Part 60, Subpart QQQ 60.690(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.690(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)
40 CFR Part 60, Subpart QQQ 60.692-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340

Description: Failure to inspect drains for various units.

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

Notice of Intent Date: 07/11/2011 (937904)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES
CORPUS CHRISTI, LLC
RN100235266

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

AGREED ORDER
DOCKET NO. 2012-0736-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Flint Hills Resources Corpus Christi, LLC ("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 together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2825 Suntide Road in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director 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 notices of the violations alleged in Section II ("Allegations") on or about March 28, 2012 and April 9, 2012.
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 Fourteen Thousand Sixty-Three Dollars (\$14,063) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Two Hundred

Fifty-One Dollars (\$11,251) of the administrative penalty and Two Thousand Eight Hundred Twelve Dollars (\$2,812) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on February 29, 2012, the Respondent revised the start-up procedure for C6 Splitter W-42-SU-0014 to ensure that process control valves are in the automatic position during start-up operations, in order to prevent the recurrence of emissions events due to the same cause as Incident No. 161551.
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 Federal Operating Permit ("FOP") No. O1272, Special Terms and Conditions No. 27, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 16, 2012. Specifically, the Respondent released 1,361.6 pounds ("lbs") of sulfur dioxide ("SO₂"), 403.4 lbs of volatile organic compounds ("VOC"), 423.8 lbs of carbon monoxide ("CO"), 75.4 lbs of nitrogen dioxides ("NO_x"), and 32.6 lbs of benzene during an avoidable emissions event (Incident No. 163203) that began on December 28, 2011 and lasted 45 minutes. The event occurred in the Distillate Desulfurizer Process Unit when a high level detection in the suction knockout drum caused a recycle compressor to shut down. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of FOP No. O1272, Special Terms and Conditions No. 27, Flexible Permit Nos. 8803A and PSDTX413M9, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 19, 2011. Specifically, the Respondent released 595.7 lbs of SO₂, 247 lbs of CO, 236.6 lbs of VOC, 34.4 lbs of NO_x, 16.4 lbs of benzene, and 6.5 lbs of hydrogen sulfide during an avoidable emissions event (Incident No. 161551) that began on November 8, 2011 and lasted 5 minutes. The event occurred when a process control valve was in the incorrect position during start-up of the Mid-Crude Unit. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Flint Hills Resources Corpus Christi, LLC, Docket No. 2012-0736-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 163203; 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/21/12
Date

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

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

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

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


Signature

6/28/12
Date

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

Vice President
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.