

Executive Summary – Enforcement Matter – Case No. 42963
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2011-2129-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 Port Arthur Facility, 4241 Savannah Avenue, Port Arthur, Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1562-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 30, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,400

Amount Deferred for Expedited Settlement: \$2,480

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,960

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$4,960

Name of SEP: Southeast Texas Regional Planning Commission - West Port Arthur

Home Energy Efficiency Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 42963
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2011-2129-AIR-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 14, 2011

Date(s) of NOE(s): November 4, 2011

Violation Information

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 291.24 pounds (“lbs”) of benzene, 103.68 lbs of cyclohexane, 38.31 lbs of ethylbenzene, 11.52 lbs of naphthalene, 68.73 lbs of styrene, 141.99 lbs of toluene, 40 lbs of xylene and 598.91 lbs of other volatile organic compounds were released from the American Petroleum Institute Separator (Emission Point Number LOUAPISEP) during an unplanned maintenance event (Incident No. 152058) that began on March 21, 2011, ended on May 4, 2011, and lasted a total of 41 hours and 46 minutes. The event was caused by repeated attempts to remove the cover of a sump, seal off the liquid flow and install a sampling station. Since the event could have been prevented by properly tracking the emissions and concluding the project at a critical time to evaluate the maintenance procedures, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), New Source Review Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 29, 2011, the Respondent had developed and implemented a planned maintenance, startup and shutdown reporting and recordkeeping procedure in order to prevent the recurrence of emissions events due to the same cause as Incident No. 152058.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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RN100217389
Docket No. 2011-2129-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Raymond Marlow, P.G., Enforcement Division,
Enforcement Team 5, MC R-10, (409) 899-8785; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Jeff Tilley, Vice President, Flint Hills Resources Port Arthur, LLC, 4241
Savannah Avenue, Port Arthur, Texas 77640

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-2129-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources Port Arthur, LLC
Payable Penalty Amount:	Nine Thousand Nine Hundred Twenty Dollars (\$9,920)
SEP Amount:	Four Thousand Nine Hundred Sixty Dollars (\$4,960)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in

Flint Hills Resources Port Arthur, LLC
Agreed Order – Attachment A

Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned 7-Nov-2011	Screening 10-Nov-2011	EPA Due 3-Aug-2012
	PCW 12-Jan-2012		

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

CASE INFORMATION			
Enf./Case ID No.	42963	No. of Violations	1
Docket No.	2011-2129-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow, P.G.
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$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 **406.0%** Enhancement **Subtotals 2, 3, & 7** **\$10,150**

Notes: Enhancement for five NOV's with same/similar violations, 11 NOV's with dissimilar violations, 11 orders with denial of liability, and six orders without denial of liability. Reduction for seven notices of intent to conduct an audit and two Disclosures of Violations submitted.

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** **\$250**

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

Total EB Amounts \$14
 Approx. Cost of Compliance \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$12,400**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$12,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$12,400**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,480**

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 **\$9,920**

Screening Date 10-Nov-2011

Docket No. 2011-2129-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 2 (September 2002)

Case ID No. 42963

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

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>)	5	25%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	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	6	150%
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>)	7	-7%
	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) 406%

>> 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 five NOVs with same/similar violations, 11 NOVs with dissimilar violations, 11 orders with denial of liability, and six orders without denial of liability. Reduction for seven notices of intent to conduct an audit and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 406%

Screening Date 10-Nov-2011

Docket No. 2011-2129-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 2 (September 2002)

Case ID No. 42963

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), New Source Review Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. 01317, Special Terms and Conditions No. 22, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 291.24 pounds ("lbs") of benzene, 103.68 lbs of cyclohexane, 38.31 lbs of ethylbenzene, 11.52 lbs of naphthalene, 68.73 lbs of styrene, 141.99 lbs of toluene, 40 lbs of xylene and 598.91 lbs of other volatile organic compounds were released from the American Petroleum Institute Separator (Emission Point Number LOUAPISEP) during an unplanned maintenance event (Incident No. 152058) that began on March 21, 2011, ended on May 4, 2011, and lasted a total of 41 hours and 46 minutes. The event was caused by repeated attempts to remove the cover of a sump, seal off the liquid flow and install a sampling station. Since the event could have been prevented by properly tracking the emissions and concluding the project at a critical time to evaluate the maintenance procedures, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes Corrective actions were completed on November 29, 2011, after the November 4, 2011 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$12,400

This violation Final Assessed Penalty (adjusted for limits) \$12,400

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 42963

Reg. Ent. Reference No. RN100217389

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
<small>No commas or \$</small>							

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)	\$500	4-May-2011	29-Nov-2011	0.57	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent recurrence of incidents due to the same causes as those that caused Incident No. 152058. The Date Required is the final date of the event. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$14

Compliance History

Customer/Respondent/Owner-Operator:	CN603743030	Flint Hills Resources Port Arthur, LLC	Classification: AVERAGE	Rating: 4.52
Regulated Entity:	RN100217389	FLINT HILLS RESOURCES PORT ARTHUR FACILITY	Classification: AVERAGE	Site Rating: 11.52

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0135Q
	AIR OPERATING PERMITS	PERMIT	1317
	STORMWATER	PERMIT	TXR15PC71
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	89230
	WASTEWATER	PERMIT	WQ0003057000
	WASTEWATER	EPA ID	TX0105287
	AIR NEW SOURCE PERMITS	REGISTRATION	93815
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX794
	AIR NEW SOURCE PERMITS	REGISTRATION	93499
	AIR NEW SOURCE PERMITS	REGISTRATION	91729
	AIR NEW SOURCE PERMITS	REGISTRATION	92251
	AIR NEW SOURCE PERMITS	REGISTRATION	93271
	AIR NEW SOURCE PERMITS	REGISTRATION	91594
	AIR NEW SOURCE PERMITS	REGISTRATION	92063
	AIR NEW SOURCE PERMITS	REGISTRATION	92475
	AIR NEW SOURCE PERMITS	REGISTRATION	92476
	AIR NEW SOURCE PERMITS	REGISTRATION	91783
	AIR NEW SOURCE PERMITS	PERMIT	16989
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0135Q
	AIR NEW SOURCE PERMITS	REGISTRATION	54780
	AIR NEW SOURCE PERMITS	REGISTRATION	54845
	AIR NEW SOURCE PERMITS	REGISTRATION	55149
	AIR NEW SOURCE PERMITS	REGISTRATION	55150
	AIR NEW SOURCE PERMITS	REGISTRATION	55148
	AIR NEW SOURCE PERMITS	REGISTRATION	75753
	AIR NEW SOURCE PERMITS	REGISTRATION	76098
	AIR NEW SOURCE PERMITS	REGISTRATION	75685
	AIR NEW SOURCE PERMITS	REGISTRATION	76342
	AIR NEW SOURCE PERMITS	REGISTRATION	75824
	AIR NEW SOURCE PERMITS	REGISTRATION	56739
	AIR NEW SOURCE PERMITS	AFS NUM	4824500082
	AIR NEW SOURCE PERMITS	REGISTRATION	70435

AIR NEW SOURCE PERMITS	REGISTRATION	70504
AIR NEW SOURCE PERMITS	REGISTRATION	70231
AIR NEW SOURCE PERMITS	REGISTRATION	70256
AIR NEW SOURCE PERMITS	REGISTRATION	70780
AIR NEW SOURCE PERMITS	REGISTRATION	71484
AIR NEW SOURCE PERMITS	REGISTRATION	71465
AIR NEW SOURCE PERMITS	REGISTRATION	72282
AIR NEW SOURCE PERMITS	REGISTRATION	72235
AIR NEW SOURCE PERMITS	REGISTRATION	71742
AIR NEW SOURCE PERMITS	REGISTRATION	72541
AIR NEW SOURCE PERMITS	REGISTRATION	73136
AIR NEW SOURCE PERMITS	REGISTRATION	73892
AIR NEW SOURCE PERMITS	REGISTRATION	73618
AIR NEW SOURCE PERMITS	REGISTRATION	73988
AIR NEW SOURCE PERMITS	REGISTRATION	74779
AIR NEW SOURCE PERMITS	REGISTRATION	75061
AIR NEW SOURCE PERMITS	REGISTRATION	74299
AIR NEW SOURCE PERMITS	REGISTRATION	74850
AIR NEW SOURCE PERMITS	REGISTRATION	75259
AIR NEW SOURCE PERMITS	REGISTRATION	75258
AIR NEW SOURCE PERMITS	REGISTRATION	76405
AIR NEW SOURCE PERMITS	REGISTRATION	76648
AIR NEW SOURCE PERMITS	PERMIT	79802
AIR NEW SOURCE PERMITS	REGISTRATION	80894
AIR NEW SOURCE PERMITS	REGISTRATION	80563
AIR NEW SOURCE PERMITS	REGISTRATION	81224
AIR NEW SOURCE PERMITS	REGISTRATION	81542
AIR NEW SOURCE PERMITS	REGISTRATION	56574
AIR NEW SOURCE PERMITS	REGISTRATION	70191
AIR NEW SOURCE PERMITS	REGISTRATION	94277
AIR NEW SOURCE PERMITS	REGISTRATION	89369
AIR NEW SOURCE PERMITS	REGISTRATION	84551
AIR NEW SOURCE PERMITS	REGISTRATION	91407
AIR NEW SOURCE PERMITS	REGISTRATION	95429
AIR NEW SOURCE PERMITS	REGISTRATION	86625
AIR NEW SOURCE PERMITS	REGISTRATION	91169
AIR NEW SOURCE PERMITS	REGISTRATION	95248
AIR NEW SOURCE PERMITS	REGISTRATION	95830

AIR NEW SOURCE PERMITS	REGISTRATION	48586
AIR NEW SOURCE PERMITS	REGISTRATION	83299
AIR NEW SOURCE PERMITS	REGISTRATION	52327
AIR NEW SOURCE PERMITS	REGISTRATION	52120
AIR NEW SOURCE PERMITS	REGISTRATION	90818
AIR NEW SOURCE PERMITS	REGISTRATION	97234
AIR NEW SOURCE PERMITS	REGISTRATION	98948
AIR NEW SOURCE PERMITS	REGISTRATION	98147
AIR NEW SOURCE PERMITS	REGISTRATION	96727
AIR NEW SOURCE PERMITS	REGISTRATION	98734
AIR NEW SOURCE PERMITS	REGISTRATION	98730
AIR NEW SOURCE PERMITS	REGISTRATION	92300
AIR NEW SOURCE PERMITS	REGISTRATION	92316
AIR NEW SOURCE PERMITS	REGISTRATION	85841
AIR NEW SOURCE PERMITS	REGISTRATION	96494
AIR NEW SOURCE PERMITS	REGISTRATION	96570
AIR NEW SOURCE PERMITS	REGISTRATION	99153
AIR NEW SOURCE PERMITS	REGISTRATION	96324
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230093
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50399
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	89230
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000080142
POLLUTION PREVENTION PLANNING	ID NUMBER	P00678
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0135Q

Location: 4241 SAVANNAH AVE, PORT ARTHUR, JEFFERSON CO., TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 10, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 10, 2006 to November 10, 2011

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

Name: Raymond Marlow, P.G. Phone: (409) 899-8785

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
- If Yes, who is the current owner/operator?

OWNOPR	Flint Hills Resources Port Arthur, LLC
OPR	Opal Group, Inc.
- If Yes, who was/were the prior owner(s)/operator(s)?

OWNOPR	Flint Hills Resources, LP
OWNOPR	Huntsman Petrochemical Corporation

5. When did the change(s) in owner or operator occur? 11/05/2007 OWNOPR Huntsman Petrochemical Corporation
OWNOPR Flint Hills Resources, LP
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: 12/02/2006 ADMINORDER 2005-0926-AIR-E

Classification: Moderate

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

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 16989 / PSD-TX-794 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 16989, Special Condition 1 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 & 27 PERMIT
Description: Failed to maintain an emission rate below the permitted limits.

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

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP
Description: Failure to comply with permitted emission limits.

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

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP
Description: Failure to comply with permitted emissions limits.

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

Rqmt Prov: 16989/PSD-TX-794 PERMIT
O-01317 OP
Description: Failure to comply with permitted emissions limits.

Effective Date: 11/09/2007 ADMINORDER 2007-0343-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 16989 and PSD-TX-794 / SC1 PERMIT
16989 and PSD-TX-794 / SC27 PERMIT

Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 16989/PSD-TX-794 SC (1) PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008 ADMINORDER 2006-1775-MLM-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT

O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 OP

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Effective Date: 11/17/2008

ADMINORDER 2008-0568-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 01/30/2009

ADMINORDER 2008-1066-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

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

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

Effective Date: 03/12/2009

ADMINORDER 2008-1269-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/23/2009

ADMINORDER 2009-0121-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 16 OP

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 16 OP

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

Effective Date: 12/18/2009

ADMINORDER 2009-0916-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 02/22/2010

ADMINORDER 2009-1335-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: O-01317 Special Condition 2F OP

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

Classification: Moderate

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

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

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

Effective Date: 06/26/2010

ADMINORDER 2009-1676-AIR-E

Classification: Moderate

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

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

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

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

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

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: 16989/PSD-TX-794, General Terms & Condit OP
O-01317, Special Condition 2F PERMIT

Description: Failure to submit initial notification for an emissions event within 24 hours of discovery. Specifically, Incident No. 127182 occurred on July 17, 2009, and was not reported until July 23, 2009.

Classification: Moderate

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

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 22 OP

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

Classification: Moderate

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

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

O-01317, Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit.

Effective Date: 07/11/2010 ADMINORDER 2009-1999-AIR-E

Classification: Moderate

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

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 22 OP

Description: Failed to prevent unauthorized emissions during Incident No. 128951.

Classification: Moderate

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

Rqmt Prov: 16989/PSD-TX-794 Special Condition PERMIT
O-01317 Special Condition 22 OP

Description: Failed to prevent unauthorized emissions during Incident No. 129338.

Effective Date: 08/30/2010 ADMINORDER 2010-0309-AIR-E

Classification: Moderate

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

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

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 130668.

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: FOP O-01317, Special Condition 16 PERMIT
Permit 16989/PSD-TX-794, SC 1 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 130566.

Effective Date: 02/05/2011 ADMINORDER 2010-0854-AIR-E

Classification: Moderate

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

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
FOP-O-01317, Special Condition No. 22 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 134373.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
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: O-01317, Special Condition 2F OP

Description: the Respondent failed to report Incident No. 134373 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition No. 22 OP

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 134219.

Effective Date: 02/20/2011

ADMINORDER 2010-1099-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.98 lbs of CO, 3,898.22 lbs of VOC and 0.56 lbs of hydrogen sulfide from the Spent Caustic Degassing Drum during an avoidable emissions event (Incident No. 134917) that began on January 23, 2010 and lasted 19 hours and 18 minutes. The event was caused by the failure of a level controller that led to a complete loss of liquid in the drum. The loss of liquid caused a pathway that allowed process vapors to flow to Flo

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 704.76 lbs of CO, 917.79 lbs of VOC and 97.58 lbs of NOx from the LOU Flare during an avoidable emissions event (Incident No. 136904) that began on March 8, 2010 and lasted 50 hours and 29 minutes. The event was caused by the failure to completely close the drain valve on the Second Stage Compressor Cracked Gas Drip Leg after draining the drip leg, leading to emissions being vented to the atmosphere through the flare

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 295.60 pounds ("lbs") of carbon monoxide ("CO"), 347.77 lbs of volatile organic compounds ("VOC") and 40.93 lbs of nitrogen oxide ("NOx") from the Light Olefins Unit ("LOU") Flare during an avoidable emissions event (Incident No. 136126) that began on February 21, 2010 and lasted seven hours and 30 minutes. The event was caused by the degradation of insulation on high voltage electrical lines leading to the shutdown

Effective Date: 06/20/2011

ADMINORDER 2010-1865-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: O-01317, Special Terms and Conditions 22 OP
Permit 16989/PSD-TX-794 SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition PERMIT
O-01317, Special Terms and Conditions 22 OP

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/27/2011 ADMINORDER 2011-0287-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-1317, Special Terms & Conditions 22 OP

Description: Failure to maintain emissions below the allowable emission limit.

Effective Date: 08/27/2011 ADMINORDER 2011-0192-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
Special Terms & Conditions No. 22 OP

Description: Failure to maintain emissions below the allowable emission limit.

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	12/28/2006	(268049)
2	12/28/2006	(335044)
3	12/28/2006	(335759)
4	02/28/2007	(497606)
5	11/15/2006	(513585)
6	11/29/2006	(518544)
7	11/15/2006	(519115)
8	01/19/2007	(519404)

9 02/01/2007 (538360)
10 02/28/2007 (541429)
11 11/09/2007 (541901)
12 04/10/2007 (542262)
13 03/19/2007 (543387)
14 11/16/2006 (551247)
15 12/20/2006 (551248)
16 01/17/2007 (551249)
17 06/06/2007 (561378)
18 09/25/2007 (563763)
19 06/15/2007 (564423)
20 10/12/2007 (572514)
21 11/09/2007 (573219)
22 03/20/2007 (587916)
23 03/20/2007 (587917)
24 04/20/2007 (587918)
25 05/17/2007 (587919)
26 06/13/2007 (587920)
27 07/16/2007 (587921)

28 12/18/2007 (600620)
29 08/14/2007 (605258)
30 09/12/2007 (605259)
31 10/15/2007 (605260)
32 11/27/2007 (609694)
33 02/07/2008 (611799)
34 02/07/2008 (611952)
35 01/26/2008 (612204)
36 03/03/2008 (615535)
37 03/20/2008 (615923)
38 03/31/2008 (617489)

39 03/03/2008 (617774)
40 02/28/2008 (618936)
41 11/02/2007 (628816)
42 01/14/2008 (628817)
43 03/03/2008 (636554)
44 03/20/2008 (636924)
45 03/12/2008 (637159)
46 04/23/2008 (637551)
47 05/16/2008 (639769)
48 05/08/2008 (641183)
49 02/19/2008 (676528)
50 03/12/2008 (676529)
51 04/14/2008 (676530)
52 12/27/2007 (676531)
53 06/26/2008 (680218)
54 06/06/2008 (682318)
55 06/27/2008 (682444)
56 07/17/2008 (682761)
57 07/16/2008 (683700)
58 07/31/2008 (684054)
59 08/02/2008 (686169)
60 09/08/2008 (687142)
61 09/04/2008 (687705)
62 09/04/2008 (688797)
63 05/13/2008 (695002)
64 06/16/2008 (695003)
65 07/14/2008 (695004)
66 09/08/2008 (702304)
67 10/31/2008 (704800)
68 11/18/2008 (704872)
69 01/12/2009 (707510)

70 02/04/2009 (708100)
71 08/18/2008 (716508)
72 09/10/2008 (716509)
73 10/09/2008 (716510)
74 02/25/2009 (720934)
75 02/04/2009 (721031)

76 12/15/2008 (721155)
77 04/09/2009 (722988)
78 02/03/2009 (723045)
79 03/11/2009 (723118)
80 02/03/2009 (723298)
81 04/02/2009 (723636)
82 02/20/2009 (725410)
83 02/25/2009 (725735)
84 02/20/2009 (725937)
85 03/23/2009 (726546)
86 03/23/2009 (727084)
87 11/11/2008 (731995)
88 12/10/2008 (731996)
89 01/14/2009 (731997)
90 02/25/2009 (735477)
91 03/23/2009 (735503)
92 05/13/2009 (735746)
93 03/25/2009 (736039)
94 03/03/2009 (736948)
95 03/23/2009 (737040)
96 05/28/2009 (744271)
97 06/04/2009 (744519)
98 06/04/2009 (744697)
99 06/19/2009 (744790)

100 06/18/2009 (744900)
101 06/04/2009 (746883)
102 08/14/2009 (747410)
103 07/30/2009 (748201)
104 07/08/2009 (748871)
105 02/06/2009 (755358)
106 03/19/2009 (755359)
107 04/20/2009 (755360)
108 04/20/2009 (755361)
109 07/30/2009 (760653)
110 12/01/2009 (760789)
111 05/17/2010 (760839)
112 07/30/2009 (760947)
113 11/20/2009 (762618)
114 08/14/2009 (763088)
115 08/28/2009 (763176)
116 10/07/2009 (763291)
117 10/07/2009 (763790)
118 10/07/2009 (765104)
119 10/07/2009 (765142)
120 10/07/2009 (768061)
121 10/07/2009 (774931)
122 10/05/2009 (775281)
123 10/13/2009 (775338)

124 10/26/2009 (775425)
125 11/05/2009 (777343)
126 10/14/2009 (777796)
127 11/09/2009 (778303)
128 11/09/2009 (778316)
129 11/11/2009 (779100)

130 11/20/2009 (779170)
131 12/01/2009 (779507)
132 12/23/2009 (782164)
133 12/23/2009 (782952)
134 12/09/2009 (783570)
135 12/23/2009 (786143)
136 02/09/2010 (786243)
137 02/09/2010 (786321)
138 02/01/2010 (787221)
139 03/22/2010 (788590)
140 02/22/2010 (788950)
141 02/22/2010 (790234)
142 02/18/2010 (790711)
143 05/04/2010 (791360)
144 02/23/2010 (791426)
145 02/19/2010 (792201)
146 05/02/2010 (793078)
147 06/23/2010 (793695)
148 03/16/2010 (794063)
149 04/26/2010 (794882)
150 03/22/2010 (795869)
151 05/04/2010 (796370)
152 06/18/2010 (796668)
153 11/23/2010 (797259)
154 04/22/2011 (797279)
155 05/30/2010 (800451)
156 06/18/2010 (800776)
157 05/27/2010 (800816)
158 05/30/2010 (800996)
159 05/19/2010 (801471)

160 06/18/2010 (801654)
161 05/25/2010 (801828)
162 02/25/2010 (817360)
163 09/17/2009 (817361)
164 09/17/2009 (817362)
165 08/19/2009 (817363)
166 09/17/2009 (817364)
167 10/26/2009 (817365)
168 11/24/2009 (817366)
169 12/14/2009 (817367)
170 01/21/2010 (817368)
171 06/02/2010 (824604)
172 06/23/2010 (824857)
173 06/24/2010 (825576)
174 07/05/2010 (826366)
175 06/23/2010 (827486)
176 07/30/2010 (827585)
177 03/25/2010 (835318)
178 04/23/2010 (835319)
179 05/19/2010 (835320)
180 08/31/2010 (841720)
181 09/19/2010 (842441)
182 07/28/2010 (843045)
183 09/20/2010 (843255)
184 09/20/2010 (843723)
185 10/12/2010 (844161)
186 10/29/2010 (844493)
187 06/22/2010 (847628)
188 09/09/2010 (860181)
189 10/29/2010 (860270)

190 07/22/2010 (862032)
191 10/22/2010 (864020)
192 09/16/2010 (864362)
193 08/25/2010 (868607)
194 11/12/2010 (872488)
195 01/19/2011 (872879)
196 09/23/2010 (875500)
197 11/17/2010 (877946)
198 11/30/2010 (879190)
199 01/21/2011 (880062)
200 10/21/2010 (883041)
201 12/20/2010 (885436)
202 02/03/2011 (885483)
203 01/03/2011 (886795)
204 02/15/2011 (886913)
205 02/03/2011 (887151)
206 01/04/2011 (887206)
207 01/21/2011 (887301)
208 11/22/2010 (889460)
209 01/13/2011 (891388)
210 02/01/2011 (892382)
211 02/12/2011 (895473)
212 02/23/2011 (895924)
213 12/20/2010 (897823)
214 03/31/2011 (901154)
215 01/13/2011 (903714)
216 03/21/2011 (905839)
217 03/21/2011 (906256)
218 05/12/2011 (906438)
219 05/12/2011 (906515)

220 03/23/2011 (906943)
221 03/23/2011 (906946)
222 05/31/2011 (908883)
223 02/23/2011 (910610)
224 03/23/2011 (917873)
225 06/15/2011 (922912)
226 07/20/2011 (924035)
227 04/21/2011 (929608)
228 06/16/2011 (933075)
229 07/20/2011 (936116)
230 07/20/2011 (936161)
231 08/31/2011 (936441)
232 07/22/2011 (936459)
233 08/28/2011 (936515)
234 07/22/2011 (936851)
235 08/12/2011 (937396)
236 05/24/2011 (939569)
237 11/04/2011 (941248)
238 08/09/2011 (943685)
239 06/23/2011 (946979)
240 08/22/2011 (948607)
241 08/17/2011 (948639)
242 08/12/2011 (948674)
243 08/22/2011 (948831)
244 10/12/2011 (949086)
245 10/29/2011 (950599)
246 10/12/2011 (950866)
247 10/12/2011 (951068)
248 07/19/2011 (954245)
249 09/22/2011 (956695)
250 09/22/2011 (956699)

251 08/23/2011 (960821)

252 09/21/2011 (966918)

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

Date: 06/07/2007 (561378) CN603743030
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP-O-01317 Special Condition 16 OP
Description: Failure to incorporate NSR Permit 56282 into FOP-O-01317.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-7
5C THC Chapter 382, SubChapter D 382.085(b)
FOP-O-01317 Special Condition 1 OP
Description: Failure to repair LDAR component K-0821 within 15 days of leak determination.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP-O-01317 Special Condition 1 OP
Description: Failure to have the pilot flame on AU flare lit for a period of 12 minutes on April 4, 2006.

Date: 09/26/2007 (563763) CN603743030
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01317, General Terms and Conditions OP
O-01317, Special Condition 16 PERMIT
O-01317, Special Condition 1A OP
Description: Failure to properly operate Tank 33755.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to provide notification of an off-permit change.

Date: 02/28/2008 (618953) CN603743030
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 General Terms and Conditions OP
Description: Failure to submit deviation report for the period of July 1, 2007, through November 4, 2007, in a timely manner.
Self Report? NO Classification: Moderate
Citation: 16989 Special Condition 8(G) PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 Special Condition 16 OP

Description: Failure to paint pyrolysis fuel oil tank white or aluminum.
Self Report? NO Classification: Moderate

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

Description: Failure to report deviations in the period of its occurrence.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)
5C THSC Chapter 382 382.085(b)
FOP-O-01317 Special Condition 16 OP
Permit 16989 Special Condition 15(E) PERMIT

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

Date: 09/08/2008 (687142) CN603743030

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 10(G) OP

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

Date: 02/25/2009 (725735) CN603743030

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 16 OP
Special Condition 23B/PSD-TX794 PERMIT

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

Date: 03/11/2009 (723118) CN603743030

Self Report? NO Classification: Minor

Citation: 16989 Special Condition 7/PSD-TX-794 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-01317, Special Condition 16 OP

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

Date: 04/02/2009 (723636) CN603743030

Self Report? NO Classification: Minor

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

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

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

Description: Failure to document a final record for a non-reportable incident within two weeks.
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-792, Special Condition 11 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

Description: Failure to control the analyzer vent waste gas from by a flare or by an Atmospheric Reference Valve.
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Condition 15E OP
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

Description: Failure to operate without a cap, plug, second valve installed on equipment in Volatile Organic Compounds (VOCs) service.
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Conditions 15E OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

Description: Failure to monitor newly installed or reworked components within 15 days of being placed in VOCs service.
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Condition 14A OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

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

Description: Failure to conduct annual visual emissions opacity observations.
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Condition 2 OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

O-01317, Special Condition 16 PERMIT
Description: Failure to properly calculate the 12-month emission caps.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 13D OP
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT
Description: Failure to determine maximum production scenarios for the Regenerative Thermal
Oxidizer (RTO).
B3 MOD 2d

Date: 03/18/2010 (794063) CN603743030
Self Report? NO Classification: Minor
Citation: 16989 Special Condition 23B PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01317 Special Condition 1 OP
O-01317 Special Condition 16 OP
Description: Failure to perform or properly perform 4 required quarterly CEMS Cylinder Gas
Audits during the third quarter of 2009.

Date: 06/23/2010 (793695) CN603743030
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Condition 2 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 OP

Description: Failure to properly calculate the 12-month emission caps.
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Condition 15E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 PERMIT

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

Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, Special Condition 15A PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, Special Condition 16 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 122, SubChapter B 122.143(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions OP

Description: Failure to pay emissions fees on-time. 67 days late.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions OP

Description: Failure to submit an accurate Title V semi-annual deviation report.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 10 PERMIT

30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to have the pilot flame on LOU flare lit.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 27A PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to conduct weekly El Paso sampling of the AU Unit Cooling Tower.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 6 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
O-01317, General Terms and Conditions OP
O-01317, Special Condition 1A OP

Description: Failure to maintain a hatch, cover or lid closed except during use.
Self Report? NO Classification: Moderate
Citation: 16989/PSD-TX-794, Special Condition 29 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP

Description: Failure to conduct Benzene sampling of the AU Unit Cooling Tower.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.110(c)(1)(A)

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

Description: Failure to maintain CO below the rolling 24 hour Carbon Monoxide (CO) limit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 16 OP
Permit 16989, SC 6 / PSD-TX-794 PERMIT
Permit 16989, SC15G / PSD-TX-794 PERMIT

Description: Failure to include all required pumps in the LDAR program.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 1A OP
Permit 16989, Special Condition 14F PERMIT

Description: Failure to include all required Process Relief Valves in the LDAR program.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 79802 Special Condition 2E PERMIT
 79802 Special Condition 3B PERMIT
 O-01317 Special Condition 16 OP

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

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

Description: Failure to operate without a cap, plug, second valve installed on equipment in Volatile Organic Compounds (VOCs) service.
 Self Report? NO Classification: Moderate
 Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
 5C THSC Chapter 382 382.085(b)
 O-01317 General Terms and Conditions OP
 O-01317 Special Condition 16 OP
 O-01317 Special Condition 1A OP

Description: Failure to demonstrate the continuous monitor for the LOU Unit Water Stripper, EPN: PROLSU was calibrated, operated, and maintained in accordance with manufacturers' specifications.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-794, Special Condition 23B PERMIT
 16989/PSD-TX-794, Special Condition 23D PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01317 Special Condition 16 OP

Description: Failure to properly report CEMS downtime.
 Self Report? NO Classification: Moderate
 Citation: 16989/PSD-TX-794, Special Condition 28 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01317 Special Condition 16 OP

Description: Failure to speciate the VOC emissions from El Paso sampling exceedances.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.560
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)
 5C THSC Chapter 382 382.085(b)
 O-01317 General Terms and Conditions OP
 O-01317 Special Condition 1A OP

Description: Failure to provide original Notification of Compliance Status (NOCS) to include 40 CFR 63.1100 as an applicable requirement for Tank 1596 and Tank 33752.

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart FF 61.355(c)(3)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 16 OP
O-01317 Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)
30 TAC Chapter 115, SubChapter B 115.145
30 TAC Chapter 115, SubChapter B 115.146
30 TAC Chapter 115, SubChapter B 115.148
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 5 A - G OP

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

Date: 07/08/2010 (826366) CN603743030

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)

Description: Failure to have a purchase water contract.

Date: 10/31/2010 (889460) CN603743030

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: 01/24/2011 (887301) CN603743030

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)

5C THSC Chapter 382 382.085(b)
SC 10 PERMIT
SC 16 OP

Description: Failure to keep the pilot flame lit at all times on the Aromatic Unit (AU) Flare and the Light Olefins Unit (LOU) Flare.

Date: 04/01/2011 (901154) CN603743030

Self Report? NO Classification: Moderate

Citation: EL&MR 1 PERMIT

Description: Failure by Flint Hills to comply with self-monitored effluent limitations. The O&G daily maximum of 24.2 mg/l reported for Outfall 002 in 10/10 exceeds the permit limitations of 15mg/l.

Self Report? NO Classification: Minor

Citation: OR, 11 (B) PERMIT

Description: Failure to maintain Inspection Summary Reports according to the permit Other Requirements (OR), No. 11 (B).

Date: 05/31/2011 (946979) CN603743030

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: 06/01/2011 (908883) CN603743030

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2(E) PERMIT
Special Condition 3(B) PERMIT
Special Terms and Conditions 22 OP

Description: Failure to have the Propylene Oxide (PO) Vapor Combustor lit while loading barges.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2(F) PERMIT
Special Condition 2(H) PERMIT
Special Terms and Conditions 22 OP

Description: Failure to maintain a vacuum of at least 1.5 inches water column by the vacuum assist vapor collection system in the vessel when loading barges.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2(H) PERMIT
Special Condition 3(D) PERMIT

Special Terms and Conditions 22 OP

Description: Failure to maintain a natural gas flow rate to the flare while barge loading of at least 90.0 standard cubic feet per minute (SCFM).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2(B) PERMIT
Special Terms and Conditions 22 OP

Description: Failure to update the records of the rolling 12 month Cyclohexane barge loading emissions on a monthly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 6 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to make a first attempt at repair on two leaking valves, within five days of detecting those leaks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)
40 CFR Part 60, Subpart VV 60.482-4(b)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 6 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to repair a leaking pressure relief valve (PRV), within five days of detecting the leak.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 6 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to repair a leaking pump, within six months of detecting the leak.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(ix)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(xiv)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to submit an accurate 40 CFR 63.182(d) semiannual report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 2 PERMIT
Special Terms and Conditions 22 OP

Description: Failure to properly maintain records of emissions for the Flexible Permit Cap.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

PSD-TX-794, Special Condition 28 PERMIT
Special Terms and Conditions 22 OP

Description: Failure to speciate volatile organic compounds (VOCs) emissions from El Paso samples exceeding 0.030 parts per million by weight (PPMW) VOCs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(3)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 22 OP

Description: Failure to use appropriate sampling methods on the Aromatic Unit (AU) and Light Olefins Unit (LOU) cooling towers.

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 7 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to demonstrate the continuous monitor for the LOU Water Stripper, EPN: PROLOU was calibrated, operated, and maintained in accordance with manufacturers' specifications.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to continuously monitor the Light Olefins Unit (LOU) American Petroleum Institute (API) Separator carbon adsorption system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 7 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to maintain flow indicators or secure more than 890 bypass points on closed vent system (CVS) headers in the closed position by a car seal or locking device.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
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 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSD-TX-794, General Condition 10 PERMIT

Description: Failure to submit an accurate Title V Semiannual Deviation Report (SDR) and an accurate Permit Compliance Certification (PCC) within 30 days after the end of the reporting periods.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 2(F) OP

Description: Failure to create final records of nonreportable emissions events (EEs) within 14 days from the end of the event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 14(E) PERMIT
PSD-TX-794, Special Condition 15(E) PERMIT
Special Terms and Conditions 1A OP

Description: Failure to install a cap, blind flange, plug, or a second valve on equipment operating in volatile organic compound (VOC) service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 22 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to maintain appropriate high level values on the Carbon Monoxide (CO) continuous emissions monitoring systems (CEMS) on nine Light Olefins Unit (LOU) Boilers.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 25(C) PERMIT
Special Terms and Conditions 22 OP

Description: Failure to replace the American Petroleum Institute (API) Separator carbon canisters within three hours of volatile organic compounds (VOC) breakthrough.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 10 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to maintain the minimum net heating value of gas being combusted for a flare at or above 300 British thermal units per standard cubic feet (Btu/scf).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter K 106.262(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 4 PERMIT
Special Terms and Conditions 23 OP

Description: For failure to submit the required 30 TAC 106.262 notification within 10 days of installation or modification.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
40 CFR Part 63, Subpart G 63.119(c)(2)(iii)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 6 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to keep the automatic bleeder vents closed at all times except when the roof is being floated off the roof legs supports or landed on the roof leg

supports.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7881(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7881(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7881(c)(2)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 20 OP

Description: Failure to maintain appropriate records for 40 CFR 63.7881(c)(1) and 40 CFR 63.7881(c)(2).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 10 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to conduct flare observations during daylight hours.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(4)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(8)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 6 PERMIT
PSD-TX-794, Special Condition 8(D) PERMIT
Special Terms and Conditions 1A OP

Description: Failure to repair or empty Tank 1597 within 45 days of discovering potential defects.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181
40 CFR Part 60, Subpart VV 60.486
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 14(A) PERMIT
PSD-TX-794, Special Condition 15(A) PERMIT
Special Terms and Conditions 22 OP

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

Date: 07/31/2011 (960821) CN603743030

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: 02/01/2007

Disclosure Date: 06/27/2007 (573881)

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.13(d)(1)

40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)

40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)(1)

40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33(d)(1)

40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34(e)

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Notice of Intent Date: 11/02/2007

Disclosure Date: 04/30/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)

Description: Points of generation for commingled waste streams have been grouped for total annual benzene (TAB) reporting purposes. However, flow and determination of benzene quantity should be reported for each point of generation. Also, drain system and closed vent system monitoring needs to be implemented at the initial point of generation, not downstream.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(1)

Description: Prior sampling for determination of benzene content has not included each phase in multi-phase waste streams. (Only water has been analyzed). Similarly, oil streams are not all accounted for as part of TAB.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(i)

Description: Certification statement in quarterly NESHAP FF report does not include affirmation of less than 10 parts per million by weight (ppmw) treatment standard, although the samples reflect less than 10 ppmw.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

Description: No detectable emissions (NDE) monitoring is not conducted for spent carbon supersacks, Frac tanks and vacuum trucks, which are considered containers under Subpart FF.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.110(g)

Description: The team is comfortable with site's use of HON control requirements to supersede NESHAP FF controls on equipment receiving HON streams; however, this does not allow grouping of all waste streams (including streams not flowing from HON units) for Point of Generation/Determination and reporting purposes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(f)

Description: The team observed inconsistency in the field tagging and absence of tags in wastewater drain systems and closed vent systems that made it difficult to verify which regulations govern a stream and that fugitive monitoring has been conducted for each stream as required. For example, spot checks of untagged components near the LOU flare knockout pot drain systems could not be identified in the LDAR Database as having been monitored.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(3)

Description: The roof on the American Petroleum Institute (API) separator has a history of recurring leaks. The roof is vented to a vapor recovery system; however, the leaks that are measured indicate that there are gases from the roof that are not being controlled such that the true partial pressure of the Volatile Organic Compound in those gasses is less than 0.5 psia.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110

Description: There are compliance gaps in regulatory applicability because of overlap in regulatory applicability and site

practices. Examples include:

- Unsafe to monitor and difficult to monitor provisions do not exist for audio/visual/olfactory (AVO) inspection of closed vent systems.
- Use of instrument monitoring in lieu of visuals for drains is not sufficient to meet all requirements.

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

No DOV Associated

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

No DOV Associated

Notice of Intent Date: 10/05/2010 (870545)

No DOV Associated

Notice of Intent Date: 10/14/2010 (877037)

No DOV Associated

Notice of Intent Date: 03/22/2011 (914660)

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
FLINT HILLS RESOURCES PORT	§	TEXAS COMMISSION ON
ARTHUR, LLC	§	
RN100217389	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-2129-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical manufacturing plant at 4241 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 9, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Four Hundred Dollars (\$12,400) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Four Thousand Nine Hundred Sixty Dollars (\$4,960) of the administrative penalty and Two Thousand Four Hundred Eighty Dollars (\$2,480) 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. Four Thousand Nine Hundred Sixty Dollars (\$4,960) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by November 29, 2011, the Respondent had developed and implemented a planned maintenance, startup and shutdown reporting and recordkeeping procedure in order to prevent the recurrence of emissions events due to the same cause as Incident No. 152058.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), New Source Review Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 14, 2011. Specifically, unauthorized emissions of 291.24 pounds ("lbs") of benzene, 103.68 lbs of cyclohexane, 38.31 lbs of ethylbenzene, 11.52 lbs of naphthalene, 68.73 lbs of styrene, 141.99 lbs of toluene, 40 lbs of xylene and 598.91 lbs of other volatile organic compounds were released from the American Petroleum Institute Separator (Emission Point Number LOUAPISEP) during an unplanned maintenance event (Incident No. 152058) that began on March 21, 2011, ended on May 4, 2011, and lasted a total of 41 hours and 46 minutes. The event was caused by repeated attempts to remove the cover of a sump, seal off the liquid flow and install a sampling station. Since the event could have been prevented by properly tracking the emissions and concluding the project at a critical time to evaluate the maintenance procedures, 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 Port Arthur, LLC, Docket No. 2011-2129-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Nine Hundred Sixty Dollars (\$4,960) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

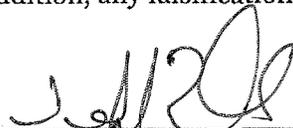
4/30/12
Date

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

2/8/2012
Date

Jeff Tillay
Name (Printed or typed)
Authorized Representative of
Flint Hills Resources Port Arthur, 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.

Attachment A
Docket Number: 2011-2129-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources Port Arthur, LLC

Payable Penalty Amount: Nine Thousand Nine Hundred Twenty Dollars (\$9,920)

SEP Amount: Four Thousand Nine Hundred Sixty Dollars (\$4,960)

Type of SEP: Pre-approved

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

Location of SEP: Jefferson County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director of Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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