

Executive Summary – Enforcement Matter – Case No. 43500
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2012-0402-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 facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-1849-AIR-E and 2013-0164-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 15, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,688

Amount Deferred for Expedited Settlement: \$2,937

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,876

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,875

Name of SEP: Southeast Texas Regional Planning Commission – Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 12, 2011 and January 12, 2012

Date(s) of NOE(s): January 24, 2012 and February 9, 2012

Violation Information

1. Failed to submit the initial notification for Incident No. 162013 within 24 hours after discovery. Specifically, the emissions event was discovered November 21, 2011 at 6:45 a.m., but the initial notification was not submitted until November 22, 2011 at 1:03 p.m [30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 2F].

2. Failed to prevent unauthorized emissions. Specifically, 15.87 pounds ("lbs") of benzene were released from a pin-hole leak in the inlet piping on the bottom of the UDEX Stripper Tower 3C-4 during an emissions event (Incident No. 162013) that began on November 21, 2011, and lasted twelve hours and ten minutes. Since the emissions event was not reported in a timely manner, 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), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1317, STC No. 22 and Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1].

3. Failed to prevent unauthorized emissions. Specifically, 222.7 lbs of volatile organic compounds were released when the Bladder Tank System for Tank 33757 failed to control and store vapors during a preventable emissions event (Incident No. 161877) that began on November 16, 2011, and lasted for three hours and 24 minutes. Since the emissions event could have been prevented through better operational and/or maintenance procedures, 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), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1317, STC No. 22 and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On November 22, 2011, submitted the initial notification for Incident No. 162013;
- b. By December 3, 2011, replaced inlet piping on the bottom of the UDEX Stripper Tower 3C-4;

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c. By February 1, 2012, had the supervisor of the inspection group conduct a meeting with staff to review with them the importance of providing accurate and final leak sizing information to the Environmental Department in order to prevent recurrence of emission events due to same or similar causes as Incident No. 162013;

d. By July 1, 2012, had the shift leaders discuss the issue that caused Incident No. 161877 with the process leads and provided guidance in order to prevent recurrence of emission events due to same or similar causes; and

e. By August 1, 2012, replaced the Bladder Tank System with the Variable Frequency Drive System.

Technical Requirements:

The Order will require 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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Jeff Tilley, Vice President, Flint Hills Resources Port Arthur, LLC, 4241 Savannah Avenue Gate No. 24, Port Arthur, Texas 77640

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0402-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources Port Arthur, LLC

Payable Penalty Amount: Eleven Thousand Seven Hundred Fifty-One Dollars (\$11,751)

SEP Amount: Five Thousand Eight Hundred Seventy-Five Dollars (\$5,875)

Type of SEP: Contribution to a Third-Party Recipient SEP

Third-Party Recipient: Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station

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 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

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643

9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

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

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

Concurrent with the payment of the SEP amount, 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. 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 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 No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

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

amount.

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

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES Assigned PCW Screening EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Media Program(s) Government/Non-Profit
 Multi-Media Enf. Coordinator
 EC's Team
 Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Enhancement* Subtotal 6

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

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 17-Feb-2012

Docket No. 2012-0402-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 43500

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Audra Benoit

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 (number of NOVs meeting criteria)	7	35%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	13	260%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	3	-6%
<i>Please Enter Yes or No</i>			
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) 428%

>> 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 seven NOVs with same/similar violations, ten NOVs with dissimilar violations, 13 orders with a denial of liability, five orders without a denial of liability. Reduction for six notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 428%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Feb-2012

Docket No. 2012-0402-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 43500

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 2F

Violation Description

Failed to submit the initial notification for Incident No. 162013 within 24 hours after discovery. Specifically, the emissions event was discovered November 21, 2011 at 6:45 a.m., but the initial notification was not submitted until November 22, 2011 at 1:03 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$62

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

Notes The Respondent completed corrective actions for this violation on November 22, 2011, prior to the January 24, 2012 NOE.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC
Case ID No. 43500
Reg. Ent. Reference No. RN100217389
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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)	\$50	21-Nov-2011	22-Nov-2011	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to submit initial notification. The date required is the date of the emissions event. The final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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 \$50

TOTAL \$0

Screening Date 17-Feb-2012

Docket No. 2012-0402-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 43500

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1317, STC No. 22 and Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 15.87 pounds ("lbs") of benzene were released from a pin-hole leak in the inlet piping on the bottom of the UDEX Stripper Tower 3C-4 during an emissions event (Incident No. 162013) that began on November 21, 2011, and lasted twelve hours and ten minutes. Since the emissions event was not reported in a timely manner, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$375

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

Notes The Respondent completed corrective actions for this violation on February 1, 2012, after the January 24, 2012 NOE.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 43500

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	21-Nov-2011	1-Feb-2012	0.20	\$25	n/a

Notes for DELAYED costs

Estimated costs to replace the Inlet piping on the bottom of the UDEX Stripper Tower 3C-4 and train personnel in accurate and final leak sizing information. The date required is the date of the emissions event. The final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$25

Screening Date 17-Feb-2012

Docket No. 2012-0402-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 43500

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1317, STC No. 22 and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 222.7 lbs of volatile organic compounds were released when the Bladder Tank System for Tank 33757 failed to control and store vapors during a preventable emissions event (Incident No. 161877) that began on November 16, 2011, and lasted for three hours and 24 minutes. Since the emissions event could have been prevented through better operational and/or maintenance procedures, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$375

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

Notes

The Respondent completed corrective actions for this violation on August 1, 2012, after the February 9, 2012 NOE.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Estimated EB Amount \$124

Statutory Limit Test

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC
Case ID No. 43500
Reg. Ent. Reference No. RN100217389
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	16-Nov-2011	1-Aug-2012	0.71	\$124	n/a	\$124

Notes for DELAYED costs

Estimated costs to provide training and to replace the Bladder Tank System with the Variable Frequency Drive System to prevent recurrence of emission events due to same or similar causes as Incident No. 161877. The date required is the date of the emissions event. The final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,500

TOTAL \$124

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603743030, RN100217389, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator:	CN603743030, Flint Hills Resources Port Arthur, LLC	Classification: AVERAGE	Rating: 4.48
Regulated Entity:	RN100217389, FLINT HILLS RESOURCES PORT ARTHUR FACILITY	Classification: AVERAGE	Rating: 11.39
Complexity Points:	0	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	4241 SAVANNAH AVE PORT ARTHUR, TX 77640-3668, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0135Q
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 89230
WASTEWATER EPA ID TX0105287

AIR OPERATING PERMITS PERMIT 1317
WASTEWATER PERMIT WQ0003057000

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0135Q
AIR NEW SOURCE PERMITS REGISTRATION 54845
AIR NEW SOURCE PERMITS REGISTRATION 55150
AIR NEW SOURCE PERMITS REGISTRATION 75753
AIR NEW SOURCE PERMITS REGISTRATION 75685
AIR NEW SOURCE PERMITS REGISTRATION 75824
AIR NEW SOURCE PERMITS AFS NUM 4824500082
AIR NEW SOURCE PERMITS REGISTRATION 70504
AIR NEW SOURCE PERMITS REGISTRATION 70256
AIR NEW SOURCE PERMITS REGISTRATION 71484
AIR NEW SOURCE PERMITS REGISTRATION 72282
AIR NEW SOURCE PERMITS REGISTRATION 71742
AIR NEW SOURCE PERMITS REGISTRATION 73136
AIR NEW SOURCE PERMITS REGISTRATION 73618
AIR NEW SOURCE PERMITS REGISTRATION 74779
AIR NEW SOURCE PERMITS REGISTRATION 74299
AIR NEW SOURCE PERMITS REGISTRATION 75259
AIR NEW SOURCE PERMITS REGISTRATION 76405
AIR NEW SOURCE PERMITS PERMIT 79802
AIR NEW SOURCE PERMITS REGISTRATION 80563
AIR NEW SOURCE PERMITS REGISTRATION 81542
AIR NEW SOURCE PERMITS REGISTRATION 70191
AIR NEW SOURCE PERMITS REGISTRATION 83299
AIR NEW SOURCE PERMITS REGISTRATION 52120
AIR NEW SOURCE PERMITS REGISTRATION 89369
AIR NEW SOURCE PERMITS REGISTRATION 91407
AIR NEW SOURCE PERMITS REGISTRATION 91169
AIR NEW SOURCE PERMITS REGISTRATION 92316
AIR NEW SOURCE PERMITS REGISTRATION 91729
AIR NEW SOURCE PERMITS REGISTRATION 93271
AIR NEW SOURCE PERMITS REGISTRATION 92063
AIR NEW SOURCE PERMITS REGISTRATION 92476
AIR NEW SOURCE PERMITS REGISTRATION 93815
AIR NEW SOURCE PERMITS REGISTRATION 93499
AIR NEW SOURCE PERMITS REGISTRATION 95429
AIR NEW SOURCE PERMITS REGISTRATION 95830

AIR NEW SOURCE PERMITS PERMIT 16989
AIR NEW SOURCE PERMITS REGISTRATION 54780
AIR NEW SOURCE PERMITS REGISTRATION 55149
AIR NEW SOURCE PERMITS REGISTRATION 55148
AIR NEW SOURCE PERMITS REGISTRATION 76098
AIR NEW SOURCE PERMITS REGISTRATION 76342
AIR NEW SOURCE PERMITS REGISTRATION 56739
AIR NEW SOURCE PERMITS REGISTRATION 70435
AIR NEW SOURCE PERMITS REGISTRATION 70231
AIR NEW SOURCE PERMITS REGISTRATION 70780
AIR NEW SOURCE PERMITS REGISTRATION 71465
AIR NEW SOURCE PERMITS REGISTRATION 72235
AIR NEW SOURCE PERMITS REGISTRATION 72541
AIR NEW SOURCE PERMITS REGISTRATION 73892
AIR NEW SOURCE PERMITS REGISTRATION 73988
AIR NEW SOURCE PERMITS REGISTRATION 75061
AIR NEW SOURCE PERMITS REGISTRATION 74850
AIR NEW SOURCE PERMITS REGISTRATION 75258
AIR NEW SOURCE PERMITS REGISTRATION 76648
AIR NEW SOURCE PERMITS REGISTRATION 80894
AIR NEW SOURCE PERMITS REGISTRATION 81224
AIR NEW SOURCE PERMITS REGISTRATION 56574
AIR NEW SOURCE PERMITS REGISTRATION 48586
AIR NEW SOURCE PERMITS REGISTRATION 52327
AIR NEW SOURCE PERMITS REGISTRATION 90818
AIR NEW SOURCE PERMITS REGISTRATION 84551
AIR NEW SOURCE PERMITS REGISTRATION 86625
AIR NEW SOURCE PERMITS REGISTRATION 92300
AIR NEW SOURCE PERMITS REGISTRATION 85841
AIR NEW SOURCE PERMITS REGISTRATION 92251
AIR NEW SOURCE PERMITS REGISTRATION 91594
AIR NEW SOURCE PERMITS REGISTRATION 92475
AIR NEW SOURCE PERMITS REGISTRATION 91783
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX794
AIR NEW SOURCE PERMITS REGISTRATION 94277
AIR NEW SOURCE PERMITS REGISTRATION 95248
AIR NEW SOURCE PERMITS REGISTRATION 96494

AIR NEW SOURCE PERMITS REGISTRATION 96570

AIR NEW SOURCE PERMITS REGISTRATION 99153

AIR NEW SOURCE PERMITS REGISTRATION 96324
AIR NEW SOURCE PERMITS REGISTRATION 97234
AIR NEW SOURCE PERMITS REGISTRATION 100267
AIR NEW SOURCE PERMITS REGISTRATION 96727
AIR NEW SOURCE PERMITS REGISTRATION 98730
AIR NEW SOURCE PERMITS REGISTRATION 101847
AIR NEW SOURCE PERMITS REGISTRATION 104357
AIR NEW SOURCE PERMITS REGISTRATION 106804
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230093
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000080142
STORMWATER PERMIT TXR15PC71
POLLUTION PREVENTION PLANNING ID NUMBER P00678

AIR NEW SOURCE PERMITS REGISTRATION 99531
AIR NEW SOURCE PERMITS REGISTRATION 98948
AIR NEW SOURCE PERMITS REGISTRATION 98147
AIR NEW SOURCE PERMITS REGISTRATION 98734
AIR NEW SOURCE PERMITS REGISTRATION 101659
AIR NEW SOURCE PERMITS REGISTRATION 101648
AIR NEW SOURCE PERMITS REGISTRATION 103598
AIR NEW SOURCE PERMITS REGISTRATION 105729
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50399
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 89230
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0135Q

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: November 09, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 31, 2007 to August 31, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Audra Benoit

Phone: (409) 899-8799

Site and Owner/Operator History:

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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 11/09/2007 ADMINORDER 2007-0343-AIR-E (Findings Order-Agreed Order Without Denial)

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.

2 Effective Date: 05/22/2008 ADMINORDER 2006-1775-MLM-E (Findings Order-Agreed Order Without Denial)

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.

3 Effective Date: 11/17/2008 ADMINORDER 2008-0568-AIR-E (1660 Order-Agreed Order With Denial)

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.

4 Effective Date: 01/30/2009 ADMINORDER 2008-1066-AIR-E (1660 Order-Agreed Order With Denial)

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.

5 Effective Date: 03/12/2009 ADMINORDER 2008-1269-AIR-E (1660 Order-Agreed Order With Denial)

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.

6 Effective Date: 08/23/2009 ADMINORDER 2009-0121-AIR-E (1660 Order-Agreed Order With Denial)

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.

- 7 Effective Date: 12/18/2009 ADMINORDER 2009-0916-AIR-E (Findings Order-Agreed Order Without Denial)
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).
- 8 Effective Date: 02/22/2010 ADMINORDER 2009-1335-AIR-E (1660 Order-Agreed Order With Denial)
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.
- 9 Effective Date: 06/26/2010 ADMINORDER 2009-1676-AIR-E (1660 Order-Agreed Order With Denial)
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.

10 Effective Date: 07/11/2010 ADMINORDER 2009-1999-AIR-E (1660 Order-Agreed Order With Denial)
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.

11 Effective Date: 08/30/2010 ADMINORDER 2010-0309-AIR-E (Findings Order-Agreed Order Without Denial)

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.

12 Effective Date: 02/05/2011 ADMINORDER 2010-0854-AIR-E (Findings Order-Agreed Order Without Denial)

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.

13 Effective Date: 02/20/2011 ADMINORDER 2010-1099-AIR-E (1660 Order-Agreed Order With Denial)

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

14 Effective Date: 06/20/2011 ADMINORDER 2010-1865-AIR-E (1660 Order-Agreed Order With Denial)

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.

15 Effective Date: 08/27/2011 ADMINORDER 2011-0287-AIR-E (1660 Order-Agreed Order With Denial)

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.

16 Effective Date: 08/27/2011 ADMINORDER 2011-0192-AIR-E (1660 Order-Agreed Order With Denial)

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.

- 17 Effective Date: 04/23/2012 ADMINORDER 2011-1562-AIR-E (1660 Order-Agreed Order With Denial)
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 O1317, Special Condition 22 OP
NSR Flexible Permit No. 16989, 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:FOP O1317, ST & C 22 OP
NSR Flexible Permit No. 16989, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.
- 18 Effective Date: 06/22/2012 ADMINORDER 2011-2129-AIR-E (1660 Order-Agreed Order With Denial)
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:1317, Special Condition 22 OP
SC1 PERMIT
Special Condition No. 1 PERMIT
Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 12, 2007	(605259)
Item 2	October 15, 2007	(605260)
Item 3	November 02, 2007	(628816)
Item 4	November 09, 2007	(541901)
Item 5	November 27, 2007	(609694)
Item 6	December 27, 2007	(676531)
Item 7	January 14, 2008	(628817)
Item 8	February 07, 2008	(611799)
Item 9	February 19, 2008	(676528)
Item 10	March 03, 2008	(615535)
Item 11	March 12, 2008	(676529)
Item 12	March 31, 2008	(617489)
Item 13	April 14, 2008	(676530)
Item 14	April 23, 2008	(637551)
Item 15	May 08, 2008	(641183)
Item 16	May 13, 2008	(695002)
Item 17	June 06, 2008	(682318)
Item 18	June 16, 2008	(695003)
Item 19	June 27, 2008	(682444)
Item 20	July 14, 2008	(695004)
Item 21	July 16, 2008	(683700)

Item 22	July 31, 2008	(684054)
Item 23	August 02, 2008	(686169)
Item 24	August 18, 2008	(716508)
Item 25	September 04, 2008	(687705)
Item 26	September 08, 2008	(702304)

Item 27	September 10, 2008	(716509)
Item 28	October 09, 2008	(716510)
Item 29	October 31, 2008	(704800)
Item 30	November 11, 2008	(731995)
Item 31	December 10, 2008	(731996)
Item 32	December 15, 2008	(721155)
Item 33	January 14, 2009	(731997)
Item 34	February 03, 2009	(723045)
Item 35	February 04, 2009	(708100)
Item 36	February 06, 2009	(755358)
Item 37	February 20, 2009	(725410)
Item 38	February 25, 2009	(720934)
Item 39	March 03, 2009	(736948)
Item 40	March 19, 2009	(755359)
Item 41	March 23, 2009	(726546)
Item 42	March 25, 2009	(736039)
Item 43	April 09, 2009	(722988)
Item 44	April 20, 2009	(755360)
Item 45	June 04, 2009	(744697)
Item 46	June 18, 2009	(744900)
Item 47	June 19, 2009	(744790)
Item 48	July 30, 2009	(748201)
Item 49	August 19, 2009	(817363)
Item 50	August 28, 2009	(763176)
Item 51	September 17, 2009	(817361)
Item 52	October 05, 2009	(775281)
Item 53	October 13, 2009	(775338)
Item 54	October 26, 2009	(775425)
Item 55	November 05, 2009	(777343)
Item 56	November 09, 2009	(778303)
Item 57	November 11, 2009	(779100)
Item 58	November 24, 2009	(817366)
Item 59	December 01, 2009	(760789)
Item 60	December 14, 2009	(817367)
Item 61	December 23, 2009	(782164)
Item 62	January 21, 2010	(817368)
Item 63	February 01, 2010	(787221)
Item 64	February 19, 2010	(792201)
Item 65	February 22, 2010	(788950)
Item 66	February 23, 2010	(791426)
Item 67	February 25, 2010	(817360)
Item 68	March 22, 2010	(788590)
Item 69	March 25, 2010	(835318)
Item 70	April 23, 2010	(835319)
Item 71	April 26, 2010	(794882)
Item 72	May 02, 2010	(793078)
Item 73	May 19, 2010	(801471)
Item 74	May 25, 2010	(801828)
Item 75	May 30, 2010	(800451)
Item 76	June 02, 2010	(824604)
Item 77	June 22, 2010	(847628)
Item 78	June 23, 2010	(824857)
Item 79	June 24, 2010	(825576)
Item 80	July 22, 2010	(862032)

Item 81	July 28, 2010	(843045)
Item 82	July 30, 2010	(827585)
Item 83	August 25, 2010	(868607)
Item 84	August 31, 2010	(841720)
Item 85	September 16, 2010	(864362)
Item 86	September 19, 2010	(842441)
Item 87	September 20, 2010	(843255)
Item 88	September 23, 2010	(875500)
Item 89	October 21, 2010	(883041)
Item 90	October 22, 2010	(864020)
Item 91	November 12, 2010	(872488)
Item 92	November 23, 2010	(797259)
Item 93	November 30, 2010	(879190)
Item 94	December 20, 2010	(897823)
Item 95	January 03, 2011	(886795)
Item 96	January 13, 2011	(903714)
Item 97	January 21, 2011	(880062)
Item 98	February 01, 2011	(892382)
Item 99	February 03, 2011	(885483)
Item 100	February 12, 2011	(895473)
Item 101	February 23, 2011	(895924)
Item 102	March 21, 2011	(905839)
Item 103	March 23, 2011	(906943)
Item 104	April 21, 2011	(929608)
Item 105	April 22, 2011	(797279)
Item 106	May 12, 2011	(906438)
Item 107	May 24, 2011	(939569)
Item 108	June 16, 2011	(933075)
Item 109	July 19, 2011	(954245)
Item 110	July 20, 2011	(924035)
Item 111	July 22, 2011	(936459)
Item 112	August 09, 2011	(943685)
Item 113	August 17, 2011	(948639)
Item 114	August 22, 2011	(948607)
Item 115	August 28, 2011	(936515)
Item 116	September 21, 2011	(966918)
Item 117	September 22, 2011	(956695)
Item 118	October 12, 2011	(949086)
Item 119	October 19, 2011	(972888)
Item 120	November 14, 2011	(979022)
Item 121	November 29, 2011	(964220)
Item 122	December 16, 2011	(985857)
Item 123	December 21, 2011	(968532)
Item 124	January 11, 2012	(980531)
Item 125	January 17, 2012	(992213)
Item 126	January 20, 2012	(968678)
Item 127	January 24, 2012	(980571)
Item 128	February 15, 2012	(999524)
Item 129	March 21, 2012	(1005065)
Item 130	March 26, 2012	(990071)
Item 131	March 27, 2012	(994174)
Item 132	April 20, 2012	(1011621)
Item 133	April 30, 2012	(996207)
Item 134	May 23, 2012	(1018002)
Item 135	June 05, 2012	(1009225)
Item 136	June 09, 2012	(1002197)
Item 137	June 14, 2012	(1025744)
Item 138	June 25, 2012	(1009271)
Item 139	July 24, 2012	(1033092)
Item 140	August 02, 2012	(1021644)

Item 141 August 07, 2012 (1016272)
Item 142 August 15, 2012 (1039607)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 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.
- 2 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.
- 3 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.
- 4 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.

5

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.

6

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)

Description: O-01317, Special Condition 16 PERMIT
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

7 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.

8 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: PROLWSU was calibrated, operated, and maintained in accordance with manufacturers' specifications.
 Self Report? NO Classification: Minor
 Citation: 16989/PSD-TX-794, Special Condition 23B PERMIT
 16989/PSD-TX-794, Special Condition 23D PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01317 Special Condition 16 OP

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

Description: Failure to speciate the VOC emissions from El Paso sampling exceedances.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 1A OP
Description: Failure to provide original Notification of Compliance Status (NOCS) to include 40
CFR 63.1100 as an applicable requirement for Tank 1596 and Tank 33752.
Self Report? NO Classification: Minor

Citation: 16989/PSD-TX-794, Special Condition D PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(e)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 16 OP
O-01317 Special Condition 1A OP
Description: Failure to provide required information in the Hazardous Organic NESHAP
semi-annual report.
Self Report? NO Classification: Moderate

Citation: 16989/PSD-TX-794, Special Condition 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart FF 61.355(c)(3)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 16 OP
O-01317 Special Condition 1A OP
Description: Failure to properly collect wastewater treatment system effluent samples.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 General Terms and Conditions OP
O-01317 Special Condition 1A OP
Description: Failure to continuously monitor the LOU API Separator carbon system.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)
30 TAC Chapter 115, SubChapter B 115.145
30 TAC Chapter 115, SubChapter B 115.146
30 TAC Chapter 115, SubChapter B 115.148
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01317 Special Condition 5 A - G OP
Description: Failure to comply with 30 TAC 115 Industrial Wastewater requirements.

9 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.

10 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

11 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.

12 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).

13 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

14 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.

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

16 Date: 07/26/2012 (1009490) CN603743030
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).

17 Date: 08/07/2012 (1007837) CN603743030
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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
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 leaking valves within five days, and
complete the repairs within of fifteen 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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(c)
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 and remonitor Pressure Relief Valves (PRVs) 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 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 14(I) PERMIT
Special Terms and Conditions 1(A) OP
Description: Failure to repair a leaking pump, within 15 days of detecting the leak.
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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(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 complete the repairs on leaking connectors within of fifteen days
detecting those leaks.
Self Report? NO 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)
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.
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 G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(d)(1)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 15(H) PERMIT
 Special Terms and Conditions 1(A) OP
 Description: Failure to repair components on delay of repair (DOR) during the next shutdown.
 Self Report? NO Classification: Minor
 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)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 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, GC H PERMIT
 Description: Failure to submit an accurate Title V Semiannual Deviation Report (SDR) and an accurate Permit Compliance Certification (PCC).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, SC 8(D) PERMIT
 Special Terms and Conditions 22 OP
 Description: Failure to conduct annual visual inspections of Aromatic Unit (AU) Tank 4880 at least once every 12 months.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 101, SubChapter F 101.201(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)
 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: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(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 G 116.715(a)
 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 switch the American Petroleum Institute (API) Separator carbon canisters within three hours of volatile organic compound (VOC) breakthrough.
 Self Report? NO 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)
 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 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, GC H PERMIT
 SC 21 OP
 Description: Failure to maintain three hour average combustion zone temperatures for Light Olefins Unit (LOU) Heater #1 of at least 578 degrees Fahrenheit (F).
 Self Report? NO 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)
 PSD-TX-794, GC H PERMIT
 SC 21 OP
 Description: Failure to maintain three hour average combustion zone temperatures for Light Olefins Unit (LOU) Heater #2 of at least 502 degrees Fahrenheit (F).
 Self Report? NO 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)
 PSD-TX-794, GC H PERMIT
 SC 21 OP

Description: Failure to maintain three hour average combustion zone temperatures for Light Olefins Unit (LOU) Boiler #8 of at least 1779 degrees Fahrenheit (F).
 Self Report? NO 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)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(3)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(4)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, GC H PERMIT
 Special Terms and Conditions 1(A) OP

Description: Failure to conduct appropriate calibrations on the Photoionization Detector (PID) before monitoring carbon canisters.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter B 115.144
 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)
 General Terms and Conditions OP
 PSD-TX-794, GC H PERMIT

Description: Failure to conduct appropriate visual inspections on water seals.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
 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)
 PSD-TX-794, GC H PERMIT
 Special Terms and Conditions 1(A) OP

Description: Failure to monitor the volatile organic compound (VOC) concentration in the exhaust gas of the American Petroleum Institute (API) Separator Carbon Absorption System (CAS) every 15 minutes whenever the CAS is operating.
 Self Report? NO 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)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSD-TX-794, GC H PERMIT

Description: Failure to monitor the volatile organic compound (VOC) concentration in the exhaust gas of the Carbon Absorption System (CAS) every day whenever the CAS is operating.
 Self Report? NO 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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)

5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSD-TX-794, GC H PERMIT
 Description: Failure to submit the required 30 day notice to the Texas Commission on Environmental Quality (TCEQ) before conducting seal gap measurements on an external floating roof (EFR) storage tank.
 Self Report? NO Classification: Minor
 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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(1)(ii)(B)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSD-TX-794, General Condition 10 PERMIT
 Description: Failure to document the starting date of a car seal bypass.
 Self Report? NO 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)
 PSD-TX-794, SC 23(B) PERMIT
 Special Terms and Conditions 22 OP
 Description: Failure to report down time for the H Furnace Continuous Emissions Monitoring Systems (CEMS) to the Texas Commission on Environmental Quality (TCEQ) Beaumont Regional Director.
 Self Report? NO Classification: Minor
 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)
 PSD-TX-794, General Condition 10 PERMIT
 Special Terms and Conditions 3(B)(iv)(1) OP
 Description: Failure to conduct a quarterly visible emissions observation on Light Olefins Unit (LOU) Boiler 8 during the first quarter of 2012.
 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)
 General Condition 10 PERMIT
 Special Terms and Conditions 1(A) OP
 Description: Failure to maintain a flare log for the Propylene Oxide Vapor Combustor at the Neches River dock.

F. Environmental audits:

Notice of Intent Date: 11/02/2007 (610103)
 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 detectible 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 63.1100(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)

Disclosure Date: 04/08/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Emission calculations conducted in the data historian do not follow the reference method calculation protocols in 40 CFR 60, Appendix A, Test Method 19 for using monitored diluent concentrations to estimate mass emission rates.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.123(c)(1)(C)

Description: The emissions total used to demonstrate compliance with the Ch. 117 source cap is not consistent with the regulation. The regulation requires that a fixed measured hourly emission rate be used for units without a CEMS, but the site uses a variable emission rate based on the fuel firing rate to make the demonstration.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.140(a)

Description: The pilot gas flow tags used in calculating the contribution of pilot gas to the fuel gas firing rate appear not to be functional, and are producing bad data (negative and highly variable flows which appear inaccurate) which are slightly impacting emission calculations.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.145(d)(3)

Description: CEMS downtime is excluded based on no creacking feed flow instead of no fuel feed flow.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Verification that the current analyzers are the same ones that underwent initial certification is not possible because the serial numbers listed in the initial certifications were for each collective CEMS installation and not the analyzers themselves. Records indicating actual analyzer serial numbers were not available to auditors.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: The CEMS Negative Drift Level is not sufficiently high. The negative drift should be set at greater than 4 times the CD, which for NOx should be > -15 ppm and for CO should be > -80 ppm, based on existing ranges.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: A test for stratification is required in the initial Certification test to validate the use of three point sampling. After reviewing the initial certification reports, the audit team did not find proof of a test for stratifications for all furnaces.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Downtime in the current reporting tools begins in the first hour of any failed QA/QC check. The downtime should begin at the time corresponding to the completion of the daily Calibration Drift check preceding the daily CD check that results in a CD in excess of four times the allowable limit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.154(a)(5)

30 TAC Chapter 117, SubChapter B 117.154(b)(2)(D)

Description: The EPN names are not consistent with the site's permit or emissions inventory, the data substitution method indicated in the final control plan is not allowed by the rule, and not what is used, and not all exempt sources (emergency engines) have been included in the final control plan with documentation of the exemption being claimed.

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

Disclosure Date: 04/19/2011

Viol. Classification: Major

Citation: 2B TWC Chapter 11, SubChapter A 11.121

30 TAC Chapter 297, SubChapter B 297.11

Description: Failure to produce documentaion of the contract or agreement that authorizes PAC to withdraw water from the Drainage District #7 (DD#7) canal for use as 'service water' (water withdrawal would typically require a TCEQ permit & fee payment)

Viol. Classification: Minor

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

Description: Failed to finalize the facility's stormwater pollution prevention plan and failed to implement it at the time of the audit. Specifically, the monthly inspection reports, the annual training and records, and the mangement certification of commitment were missing.

Viol. Classification: Minor

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

Description: Failed to be able to locate the discharge monitoring report from Nov. 2007.

Viol. Classification: Minor

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

Description: Failed to replace the roof after removing to access the pump. Significant material residues were exposed (diesel fuel and oil) from the backup diesel generator pump which could have gone into stormwaterwater Outfall 002.

Viol. Classification: Minor

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

Description: Failed to use good housekeeping at Outfall 002 stormsater discharge swale as the oil absorbent boom needs replacement, and maintenance of the underflow weir were identified as needed at the time of the audit.

Viol. Classification: Minor

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

Description: Best Management Practices were not utilized as follow up with maintenance to check PMs and operational status on Outfall #001's emergency diesel pumps is needed; the shed at Outfall 002 over the pump station was open to rain and oils were noted on the concrete floor of the structure; and the diesel generators for the fire pump by Reseroic 14 were observed to have exposed oils and a sulfuric acid battery.

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
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES PORT
ARTHUR, LLC
RN100217389**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-0402-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical manufacturing facility 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 Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about January 29, 2012 and February 14, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Six Hundred Eighty-Eight Dollars (\$14,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Eight

Hundred Seventy-Six Dollars (\$5,876) of the administrative penalty and Two Thousand Nine Hundred Thirty-Seven Dollars (\$2,937) 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. Five Thousand Eight Hundred Seventy-Five Dollars (\$5,875) 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 agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent:
 - a. On November 22, 2011, submitted the initial notification for Incident No. 162013;
 - b. By December 3, 2011, replaced inlet piping on the bottom of the UDEX Stripper Tower 3C-4;
 - c. By February 1, 2012, had the supervisor of the inspection group conduct a meeting with staff to review with them the importance of providing accurate and final leak sizing information to the Environmental Department in order to prevent recurrence of emission events due to same or similar causes as Incident No. 162013;
 - d. By July 1, 2012, had the shift leaders discuss the issue that caused Incident No. 161877 with the process leads and provided guidance in order to prevent recurrence of emission events due to same or similar causes; and
 - e. By August 1, 2012, replaced the Bladder Tank System with the Variable Frequency Drive System.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit the initial notification for Incident No. 162013 within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 2F, as documented during a record review conducted on December 12, 2011. Specifically, the emissions event was discovered November 21, 2011 at 6:45 a.m., but the initial notification was not submitted until November 22, 2011 at 1:03 p.m.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1317, STC No. 22 and Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1, as documented during a record review conducted on December 12, 2011. Specifically, 15.87 pounds ("lbs") of benzene were released from a pin-hole leak in the inlet piping on the bottom of the UDEX Stripper Tower 3C-4 during an emissions event (Incident No. 162013) that began on November 21, 2011, and lasted twelve hours and ten minutes. Since the emissions event was not reported in a timely manner, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1317, STC No. 22 and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, as documented during a record review conducted on January 12, 2012. Specifically, 222.7 lbs of volatile organic compounds were released when the Bladder Tank System for Tank 33757 failed to control and store vapors during a preventable emissions event (Incident No. 161877) that began on November 16, 2011, and lasted for three hours and 24 minutes. Since the emissions event could have been prevented through better operational and/or 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. 2012-0402-AIR-E" to:

Financial Administration Division, Revenue Operations 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, Five Thousand Eight Hundred Seventy-Five Dollars (\$5,875) 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 Facility 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

Pam Nawi J
For the Executive Director

4/9/13
Date

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

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

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

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

Jeff Tilly
Signature

2/5/13
Date

Jeff Tilly
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, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-0402-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Flint Hills Resources Port Arthur, LLC

Payable Penalty Amount: Eleven Thousand Seven Hundred Fifty-One Dollars (\$11,751)

SEP Amount: Five Thousand Eight Hundred Seventy-Five Dollars (\$5,875)

Type of SEP: Contribution to a Third-Party Recipient SEP

Third-Party Recipient: Southeast Texas Regional Planning Commission
- Southeast Texas Regional Air Monitoring
Network Ambient Air Monitoring Station

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 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

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643

9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Particulate matter, sulfides, nitrogen oxides, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

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butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the TCEQ, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent must contribute the SEP amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

Concurrent with the payment of the SEP amount, 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. 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 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 No. 3 above, the Executive Director may require immediate payment of all or part of the SEP

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amount.

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

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

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in No. 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.