

**Executive Summary – Enforcement Matter – Case No. 46049  
Flint Hills Resources Port Arthur, LLC  
RN100217389  
Docket No. 2013-0164-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Flint Hills Resources Port Arthur Facility, 4241 Savannah Avenue, Port Arthur, Jefferson County

**Type of Operation:**

Petrochemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-1849-AIR-E, 2013-0759-AIR-E, and 2013-0966-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 12, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$21,563

**Amount Deferred for Expedited Settlement:** \$4,312

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,626

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$8,625

Name of SEP: Southeast Texas Regional Planning Commission

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**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:** October 31, 2012

**Date(s) of NOE(s):** January 4, 2013

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 21.35 pounds ("lbs") of 1,3-butadiene, 7.38 lbs of benzene, 61.75 lbs of butane, 35.42 lbs of propane, 206.38 lbs of propylene, 29.91 lbs of butenes, 19.16 lbs of pentane, 3.23 lbs of toluene, 2.53 lbs of isobutane, 0.56 lb of ethylbenzene, 0.38 lb of xylene and 32.72 lbs of ethylene, during an emissions event (Incident No. 173816) that was discovered on September 23, 2012 and lasted twenty-four hours and fifteen minutes. The emissions event occurred due to external corrosion of a flare line from the Propylene Tower which resulted in a leak in the line. Since this emissions event could have been avoided through better maintenance practices, 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 (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, Respondent released 83.98 lbs of 1,3-butadiene, 839.34 lbs of benzene, 67.19 lbs of butane, 67.19 lbs of propane, 3.36 lbs of propylene, 134.38 lbs of butenes, 80.63 lbs of pentane, 403.13 lbs of toluene, 67.19 lbs of isobutane, 268.75 lbs of ethylbenzene, 33.59 lbs of ethylene, 268.75 lbs of xylene, 335.94 lbs of heptane, 335.94 lbs of hexane and 67.19 lbs of other volatile organic compounds ("VOC") during an emissions event (Incident No. 174168) that was discovered on September 28, 2012 and lasted three hours. The emissions event occurred when plant personnel left valves open on four frac tanks. Since the emissions event could have been avoided through better operational 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 (c)(7) and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, FOP No. O1317, STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, Respondent released 7.64 lbs of 1,3-butadiene, 76.41 lbs of benzene, 6.11 lbs of butane, 12.22 lbs of butenes, 24.45 lbs of ethylbenzene, 3.06 lbs of ethylene, 30.56 lbs of heptane, 30.56 lbs of hexane, 6.11 lbs of isobutane, 7.34 lbs of pentane, 6.11 lbs of propane, 0.31 lb of propylene, 36.68 lbs of toluene, 24.45 lbs of xylene and 6.11 lbs of other VOC during an emissions event (Incident No. 174187) that was discovered on September 29, 2012 and lasted four hours. The emissions event occurred due to a manway hatch that was cracked open on frac tank #33743. Since the emissions event could have been avoided through better

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RN100217389  
Docket No. 2013-0164-AIR-E**

operational 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 (c)(7) and 122.143(4)], Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, FOP No. 01317, STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By December 15, 2012, Respondent had replaced the flare line from the Propylene Tower to prevent the recurrence of emissions events due to same or similar causes as Incident No. 173816.

**Technical Requirements:**

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
  - a. Within 30 days, develop a frac tank procedure to prevent the recurrence of emissions events due to same or similar causes as Incident Nos. 174168 and 174187; and
  - b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision 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, Port Arthur, Texas 77640  
**Respondent's Attorney:** N/A



Attachment A  
Docket Number: 2013-0164-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Flint Hills Resources Port Arthur, LLC

**Penalty Amount:** Seventeen Thousand Two Hundred Fifty-One Dollars (\$17,251)

**SEP Amount:** Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625)

**Type of SEP:** Contribution to a Third-Party Pre-Approved 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

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

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 ("EPA") 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

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

TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-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](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

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

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

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

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**

<b>DATES</b>	<b>Assigned</b>	7-Jan-2013		
	<b>PCW</b>	26-Apr-2013	<b>Screening</b>	10-Jan-2013
			<b>EPA Due</b>	

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	46049	<b>No. of Violations</b>	3
<b>Docket No.</b>	2013-0164-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$11,250</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$11,250</b>

<b>Notes</b>	Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, fourteen orders with denial of liability, and four orders without denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$937</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$172	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$9,660		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$21,563</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
Reduces or enhances the Final Subtotal by the indicated percentage.			

<b>Notes</b>	
<b>Final Penalty Amount</b>	
<b>\$21,563</b>	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$21,563</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$4,312</b>
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$17,251</b>
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**Screening Date** 10-Jan-2013

**Docket No.** 2013-0164-AIR-E

**PCW**

**Respondent** Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

**Case ID No.** 46049

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN100217389

**Media [Statute]** Air

**Enf. Coordinator** Nadia Hameed

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	14	280%
	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	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** 378%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, fourteen orders with denial of liability, and four orders without denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 378%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 10-Jan-2013

Docket No. 2013-0164-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46049

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 21.35 pounds ("lbs") of 1,3-butadiene, 7.38 lbs of benzene, 61.75 lbs of butane, 35.42 lbs of propane, 206.38 lbs of propylene, 29.91 lbs of butenes, 19.16 lbs of pentane, 3.23 lbs of toluene, 2.53 lbs of isobutane, 0.56 lb of ethylbenzene, 0.38 lb of xylene and 32.72 lbs of ethylene, during an emissions event (Incident No. 173816) that was discovered on September 23, 2012 and lasted twenty-four hours and fifteen minutes. The emissions event occurred due to external corrosion of a flare line from the Propylene Tower which resulted in a leak in the line. Since this emissions event could have been prevented through better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

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 Number of violation days 2

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed the corrective actions on December 15, 2012, prior to the January 4, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$6,563

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

## Economic Benefit Worksheet

**Respondent** Flint Hills Resources Port Arthur, LLC  
**Case ID No.** 46049  
**Reg. Ent. Reference No.** RN100217389  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$7,660	23-Sep-2012	15-Dec-2012	0.23	\$87	n/a	\$87

#### Notes for DELAYED costs

Actual expense, provided by Respondent, to replace the flare line, in order to prevent recurrence of emissions events due to same or similar causes. The Date Required is the date the emissions event began and the Final Date is the date the corrective actions were completed.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,660

**TOTAL**

\$87

Screening Date 10-Jan-2013

Docket No. 2013-0164-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46049

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 83.98 lbs of 1,3-butadiene, 839.34 lbs of benzene, 67.19 lbs of butane, 67.19 lbs of propane, 3.36 lbs of propylene, 134.38 lbs of butenes, 80.63 lbs of pentane, 403.13 lbs of toluene, 67.19 lbs of isobutane, 268.75 lbs of ethylbenzene, 33.59 lbs of ethylene, 268.75 lbs of xylene, 335.94 lbs of heptane, 335.94 lbs of hexane and 67.19 lbs of other volatile organic compounds ("VOC"), during an emissions event (Incident No. 174168) that was discovered on September 28, 2012 and lasted three hours. The emissions event occurred when plant personnel left valves open on four frac tanks. Since this emissions event could have been avoided through better operational 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

OR

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

0.0% Reduction

\$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$7,500

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

## Economic Benefit Worksheet

**Respondent** Flint Hills Resources Port Arthur, LLC  
**Case ID No.** 46049  
**Reg. Ent. Reference No.** RN100217389  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	28-Sep-2012	3-Aug-2013	0.85	\$85	n/a	\$85

#### Notes for DELAYED costs

Estimated expense to implement procedures to prevent recurrence of emissions events due to same or similar causes as (Incident No. 174187). The Date Required is the date of the emissions event and the Final Date is the date the corrective actions are expected to be completed.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$85

Screening Date 10-Jan-2013

Docket No. 2013-0164-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 46049

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7.64 lbs of 1,3-butadiene, 76.41 lbs of benzene, 6.11 lbs of butane, 12.22 lbs of butenes, 24.45 lbs of ethylbenzene, 3.06 lbs of ethylene, 30.56 lbs of heptane, 30.56 lbs of hexane, 6.11 lbs of isobutane, 7.34 lbs of pentane, 6.11 lbs of propane, 0.31 lb of propylene, 36.68 lbs of toluene, 24.45 lbs of xylene and 6.11 lbs of other VOC, during an emissions event (Incident No. 174187) that was discovered on September 29, 2012 and lasted four hours. The emissions event occurred due to a manway hatch that was cracked open on frac tank #33743. Since this emissions event could have been avoided through better operational 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

OR

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

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,500

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

# Economic Benefit Worksheet

**Respondent** Flint Hills Resources Port Arthur, LLC  
**Case ID No.** 46049  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 2.

### 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

\$0

**TOTAL**

\$0

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 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN603743030, Flint Hills Resources Port Arthur, LLC **Classification:** SATISFACTORY **Rating:** 15.22

**Regulated Entity:** RN100217389, FLINT HILLS RESOURCES PORT ARTHUR FACILITY **Classification:** SATISFACTORY **Rating:** 29.61

**Complexity Points:** 28 **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** 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 95830  
**AIR NEW SOURCE PERMITS** REGISTRATION 96570  
**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  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0135Q

**AIR NEW SOURCE PERMITS** REGISTRATION 96494  
**AIR NEW SOURCE PERMITS** REGISTRATION 99153  
**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  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00678

**Compliance History Period:** September 01, 2007 to August 31, 2012      **Rating Year:** 2012      **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** January 16, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 16, 2008 to January 16, 2013

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

**Name:** Nadia Hameed

**Phone:** (713) 767-3629

### **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:** 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.

2

**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 Nov. 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.

3

**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.

4 **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.

5 **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.

6 **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).

7

**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.

8

**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.

9 **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.

10 **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.

11 **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.

12 **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

- 13 **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.
- 14 **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.
- 15 **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.
- 16 **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.

17 **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.

18 **Effective Date: 11/11/2012 ADMINORDER 2012-0809-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

Special Condition 22 OP

Description: Failed to prevent unauthorized emissions during an event on December 8, 2011 (Incident No. 162629). Specifically, the Respondent released 295.65 pounds ("lbs") of volatile organic compounds (including 17.29 lbs of 1,3-butadiene), 196.19 lbs of carbon monoxide, and 38.51 lbs of nitrogen oxides of unauthorized emissions from the Light Olefins Unit Flare (Emission Point No. LOUFLARE) during the one hour 35-minute event. The event occurred due to a design flaw within the heat exchanger system.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 07, 2008	(611799)
Item 2	February 19, 2008	(676528)
Item 3	March 03, 2008	(615535)
Item 4	March 12, 2008	(676529)
Item 5	March 31, 2008	(617489)
Item 6	April 14, 2008	(676530)
Item 7	April 23, 2008	(637551)
Item 8	May 08, 2008	(641183)
Item 9	May 13, 2008	(695002)
Item 10	June 06, 2008	(682318)
Item 11	June 16, 2008	(695003)
Item 12	June 27, 2008	(682444)
Item 13	July 14, 2008	(695004)
Item 14	July 16, 2008	(683700)
Item 15	July 31, 2008	(684054)
Item 16	August 02, 2008	(686169)
Item 17	August 18, 2008	(716508)
Item 18	September 04, 2008	(687705)
Item 19	September 08, 2008	(702304)
Item 20	September 10, 2008	(716509)
Item 21	October 09, 2008	(716510)
Item 22	October 31, 2008	(704800)
Item 23	November 11, 2008	(731995)
Item 24	December 10, 2008	(731996)
Item 25	December 15, 2008	(721155)
Item 26	January 14, 2009	(731997)
Item 27	February 03, 2009	(723045)
Item 28	February 04, 2009	(708100)
Item 29	February 06, 2009	(755358)

Item 30	February 20, 2009	(725410)
Item 31	February 25, 2009	(720934)
Item 32	March 03, 2009	(736948)
Item 33	March 19, 2009	(755359)
Item 34	March 23, 2009	(726546)
Item 35	March 25, 2009	(736039)
Item 36	April 09, 2009	(722988)
Item 37	April 20, 2009	(755360)
Item 38	June 04, 2009	(744697)
Item 39	June 18, 2009	(744900)
Item 40	June 19, 2009	(744790)
Item 41	July 30, 2009	(748201)
Item 42	August 19, 2009	(817363)
Item 43	August 28, 2009	(763176)
Item 44	September 17, 2009	(817361)
Item 45	October 05, 2009	(775281)
Item 46	October 13, 2009	(775338)
Item 47	October 26, 2009	(775425)
Item 48	November 05, 2009	(777343)
Item 49	November 09, 2009	(778303)
Item 50	November 11, 2009	(779100)
Item 51	November 24, 2009	(817366)
Item 52	December 01, 2009	(760789)
Item 53	December 14, 2009	(817367)
Item 54	December 23, 2009	(782164)
Item 55	January 21, 2010	(817368)
Item 56	February 01, 2010	(787221)
Item 57	February 19, 2010	(792201)
Item 58	February 22, 2010	(788950)
Item 59	February 23, 2010	(791426)
Item 60	February 25, 2010	(817360)
Item 61	March 22, 2010	(788590)
Item 62	March 25, 2010	(835318)
Item 63	April 23, 2010	(835319)
Item 64	April 26, 2010	(794882)
Item 65	May 02, 2010	(793078)
Item 66	May 19, 2010	(801471)
Item 67	May 25, 2010	(801828)
Item 68	May 30, 2010	(800451)
Item 69	June 02, 2010	(824604)
Item 70	June 22, 2010	(847628)
Item 71	June 23, 2010	(824857)
Item 72	June 24, 2010	(825576)
Item 73	July 22, 2010	(862032)
Item 74	July 28, 2010	(843045)
Item 75	July 30, 2010	(827585)
Item 76	August 25, 2010	(868607)
Item 77	August 31, 2010	(841720)
Item 78	September 16, 2010	(864362)
Item 79	September 19, 2010	(842441)
Item 80	September 20, 2010	(843255)
Item 81	September 23, 2010	(875500)
Item 82	October 21, 2010	(883041)
Item 83	October 22, 2010	(864020)
Item 84	November 12, 2010	(872488)
Item 85	November 23, 2010	(797259)
Item 86	November 30, 2010	(879190)
Item 87	December 20, 2010	(897823)
Item 88	January 03, 2011	(886795)
Item 89	January 13, 2011	(903714)
Item 90	January 21, 2011	(880062)

Item 91	February 01, 2011	(892382)
Item 92	February 03, 2011	(885483)
Item 93	February 12, 2011	(895473)
Item 94	February 23, 2011	(895924)
Item 95	March 21, 2011	(905839)
Item 96	March 23, 2011	(906943)
Item 97	April 21, 2011	(929608)
Item 98	April 22, 2011	(797279)
Item 99	May 12, 2011	(906438)
Item 100	May 24, 2011	(939569)
Item 101	June 16, 2011	(933075)
Item 102	July 19, 2011	(954245)
Item 103	July 20, 2011	(924035)
Item 104	July 22, 2011	(936459)
Item 105	August 09, 2011	(943685)
Item 106	August 17, 2011	(948639)
Item 107	August 22, 2011	(948607)
Item 108	August 28, 2011	(936515)
Item 109	September 21, 2011	(966918)
Item 110	September 22, 2011	(956695)
Item 111	October 12, 2011	(949086)
Item 112	October 19, 2011	(972888)
Item 113	November 14, 2011	(979022)
Item 114	November 29, 2011	(964220)
Item 115	December 16, 2011	(985857)
Item 116	December 21, 2011	(968532)
Item 117	January 11, 2012	(980531)
Item 118	January 17, 2012	(992213)
Item 119	January 20, 2012	(968678)
Item 120	January 24, 2012	(980571)
Item 121	February 15, 2012	(999524)
Item 122	March 21, 2012	(1005065)
Item 123	March 26, 2012	(990071)
Item 124	March 27, 2012	(994174)
Item 125	April 20, 2012	(1011621)
Item 126	April 30, 2012	(996207)
Item 127	May 23, 2012	(1018002)
Item 128	June 05, 2012	(1009225)
Item 129	June 09, 2012	(1002197)
Item 130	June 14, 2012	(1025744)
Item 131	June 25, 2012	(1009271)
Item 132	July 24, 2012	(1033092)
Item 133	August 02, 2012	(1021644)
Item 134	August 07, 2012	(1016272)
Item 135	August 15, 2012	(1039607)
Item 136	September 06, 2012	(1048533)
Item 137	September 12, 2012	(1027401)
Item 138	September 13, 2012	(1028287)
Item 139	September 17, 2012	(1028376)
Item 140	October 05, 2012	(1035442)
Item 141	October 18, 2012	(1037417)
Item 142	October 31, 2012	(1037558)
Item 143	November 20, 2012	(1042293)
Item 144	November 30, 2012	(1046513)
Item 145	December 12, 2012	(1046262)
Item 146	January 15, 2013	(1053603)

**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: 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).

2 **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

Description: Special Terms and Conditions 1(A) OP  
 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.

3 **Date: 01/03/2013 (1043103) CN603743030**

Self Report? NO Classification: Minor

Citation: 16989/PSD-TX-794, General Condition 10 PERMIT  
 16989/PSD-TX-794, Special Condition 22 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 117, SubChapter B 117.145(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP-O-01317, Special Condition 7 OP

Description: Failure to submit a Relative Accuracy Test Audit (RATA) within 60 days of testing completion.

**F. Environmental audits:**

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

**Disclosure Date: 04/30/2008**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: 4 open-ended lines were found without control by cap, plug or blind, or double block valves.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)  
 4F TWC Chapter 63, SubChapter A 63.160(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

Description: 5 valves were found without tags that appear to have been overlooked from the leak detection and repair

(LDAR) inventory.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(A)  
30 TAC Chapter 115, SubChapter D 115.352(3)  
30 TAC Chapter 115, SubChapter D 115.356(2)(E)(i)  
30 TAC Chapter 115, SubChapter D 115.356(2)(E)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038(b)(7)

Description: 21P-104 was documented as a sensory leaker on December 9, 2007 by operations. The leak was not documented in the LDAR database and delay of repair (DOR) paperwork was not completed (with reason of isolated from service) before the 15-day deadline.

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(a)

Description: Material sent off-site for recycling has not been included in TAB (candidates include spent carbon and used oil).

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: 30 TAC Chapter 122, SubChapter C 122.210(a)

Description: The Title V permit has not been updated to reflect the wastewater applicability determinations that the site is currently operating under. For example, Light Olefins Unit (LOU) stripper as in process, Hazardous Organics NESHAP (HON) and Ethylene Maximum Achievable Control Technology (MACT) overlap with NESHAP FF, storage tank changes of service/applicability.

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 61.342(f)(2)

Description: NESHAP FF off-site waste notification is not provided with each waste shipment. It is included in the waste profile which is provided one time in advance of shipment.

Viol. Classification: Moderate

Rqmt Prov: ORDER 40 CFR 63.1096

Description: Ethylene MACT off-site waste notifications have not been completed.

Viol. Classification: Moderate

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

Description: Maintenance wash pad is not included in the TAB and may need to be considered as uncontrolled for purposes of 2 megagram (Mg) exemption.

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.110(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100(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: Minor

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

Description: The team observed bypass lines that were not locked or car sealed closed in the closed vent system for the wastewater stripper unit flare knockout drum.

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 cracking 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. 2013-0164-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 ("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 plant at 4241 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 notice of the violations alleged in Section II ("Allegations") on or about January 9, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-One Thousand Five Hundred Sixty-Three Dollars (\$21,563) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Six

Hundred Twenty-Six Dollars (\$8,626) of the administrative penalty and Four Thousand Three Hundred Twelve Dollars (\$4,312) 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. Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) 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 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 by December 15, 2012, the Respondent had replaced the flare line from the Propylene Tower to prevent the recurrence of emissions events due to same or similar causes as Incident No. 173816.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. 01317, Special Terms and Conditions No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 31, 2012. Specifically, the Respondent released 21.35 pounds ("lbs") of 1,3-butadiene, 7.38 lbs of benzene, 61.75 lbs of butane, 35.42 lbs of propane, 206.38 lbs of propylene, 29.91 lbs of butenes, 19.16 lbs of pentane, 3.23 lbs of toluene, 2.53 lbs of isobutane, 0.56 lb of ethylbenzene, 0.38 lb of xylene and 32.72 lbs of ethylene, during an emissions event (Incident No. 173816) that was discovered on September 23, 2012 and lasted twenty-four hours and fifteen minutes. The emissions event occurred due to external corrosion of a flare line from the Propylene Tower which resulted in a leak in the line. Since this emissions event could have been

- avoided through better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7) and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 31, 2012. Specifically, the Respondent released 83.98 lbs of 1,3-butadiene, 839.34 lbs of benzene, 67.19 lbs of butane, 67.19 lbs of propane, 3.36 lbs of propylene, 134.38 lbs of butenes, 80.63 lbs of pentane, 403.13 lbs of toluene, 67.19 lbs of isobutane, 268.75 lbs of ethylbenzene, 33.59 lbs of ethylene, 268.75 lbs of xylene, 335.94 lbs of heptane, 335.94 lbs of hexane and 67.19 lbs of other volatile organic compounds ("VOC") during an emissions event (Incident No. 174168) that was discovered on September 28, 2012 and lasted three hours. The emissions event occurred when plant personnel left valves open on four frac tanks. Since the emissions event could have been avoided through better operational procedures, 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 (c)(7) and 122.143(4), Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions No. 1, Federal Operating Permit No. O1317, Special Terms and Conditions No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 31, 2012. Specifically, the Respondent released 7.64 lbs of 1,3-butadiene, 76.41 lbs of benzene, 6.11 lbs of butane, 12.22 lbs of butenes, 24.45 lbs of ethylbenzene, 3.06 lbs of ethylene, 30.56 lbs of heptane, 30.56 lbs of hexane, 6.11 lbs of isobutane, 7.34 lbs of pentane, 6.11 lbs of propane, 0.31 lb of propylene, 36.68 lbs of toluene, 24.45 lbs of xylene and 6.11 lbs of other VOC during an emissions event (Incident No. 174187) that was discovered on September 29, 2012 and lasted four hours. The emissions event occurred due to a manway hatch that was cracked open on frac tank #33743. Since the emissions event could have been avoided through better operational 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. 2013-0164-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, Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days of the effective date of this Agreed Order, develop a frac tank procedure to prevent the recurrence of emissions events due to same or similar causes as Incident Nos. 174168 and 174187; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. 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.
6. 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.
7. 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.
8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pammy Jones J  
For the Executive Director

7/23/13  
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.

J. J. Jones  
Signature

5/8/13  
Date

Jeff Tilla  
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: 2013-0164-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Flint Hills Resources Port Arthur, LLC

**Penalty Amount:** Seventeen Thousand Two Hundred Fifty-One Dollars (\$17,251)

**SEP Amount:** Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625)

**Type of SEP:** Contribution to a Third-Party Pre-Approved 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

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

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 ("EPA") 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

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

TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-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](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

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

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

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

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.