

**Executive Summary – Enforcement Matter – Case No. 59800
CITGO Refining and Chemicals Company L.P.
RN102555166
Docket No. 2020-1175-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

CITGO Corpus Christi Refinery East Plant, 1801 Nueces Bay Boulevard, Corpus Christi, Nueces County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 13, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,876

Amount Deferred for Expedited Settlement: \$5,775

Total Paid to General Revenue: \$23,101

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 11, 2020 through May 15, 2020, July 23, 2020 through August 18, 2020, July 27, 2020 through August 18, 2020, August 25, 2020, and October 30, 2020 through November 11, 2020

Date(s) of NOE(s): August 3, 2020, October 28, 2020, December 14, 2020, and January 22, 2021

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CITGO Refining and Chemicals Company L.P.
RN102555166
Docket No. 2020-1175-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 48 percent ("%") opacity and released 763.20 pounds ("lbs") of carbon monoxide ("CO"), 175.72 lbs of nitrogen oxides ("NO_x"), and 152.24 lbs of sulfur dioxide ("SO₂") from the No. 1 Fluid Catalytic Cracking Unit ("FCCU") Regenerator Stack, Emissions Point Number ("EPN") F066, and experienced 47% opacity and released 4,462.30 lbs of CO, 178.90 lbs of NO_x, and 364.60 lbs of SO₂ from the No. 2 FCCU Regenerator/Electrostatic Precipitator ("ESP") Stack, EPN 31-PR-1, during an emissions event (Incident No. 323605) that began on October 28, 2019 and lasted 49 hours and 42 minutes. The emissions event occurred when water was sent to the FCCU Feed Tank TK2003 that caused the No. 1 and No. 2 FCCUs to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 3123A, Special Conditions ("SC") No. 1, NSR Permit No. 9604A and PSDTX653M1, SC No. 1, Federal Operating Permit ("FOP") No. O1423, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 814.36 lbs of volatile organic compounds ("VOC"), 329.68 lbs of CO, 634.96 lbs of SO₂, and 4.82 lbs of hydrogen sulfide ("H₂S") from the Fluor Flare, EPN F442, during an emissions event (Incident No. 338511) that occurred on July 8, 2020 and lasted two hours and 23 minutes. The emissions event occurred due to the unequalizing pressure between the Reactor and Main Column prior to opening the Cadillac Valve during startup that caused catalyst carryover from the Reactor Cyclones to the Main Column and to failures in communication, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19044, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100% opacity and released 962 lbs of CO, 294 lbs of NO_x, 16 lbs of SO₂, and 9,937.50 lbs of particulate matter from the No. 1 FCCU Regenerator Stack, EPN F066, during an emissions event (Incident No. 338409) that began on July 3, 2020 and lasted 100 hours. The emissions event occurred due to the startup procedures not identifying the

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Docket No. 2020-1175-AIR-E

Regenerator Slide Valve configuration and to the Reactor-Regenerator Distributive Control System screen misrepresenting the Regenerative Slide Valve and override control option, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 3123A, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.94 lbs of VOC, 2.84 lbs of CO, 0.05 lb of H₂S, 0.39 lb of NO_x, and 5.12 lbs of SO₂ from the Cumene Flare, EPN 446, released 114.31 lbs of VOC, 51.23 lbs of CO, 1.01 lbs of H₂S, 7.09 lbs of NO_x, and 103.61 lbs of SO₂ from the Fluor Flare, EPN F442, and experienced 93% opacity and released 1,795.20 lbs of CO, 315.20 lbs of NO_x, and 153.80 lbs of SO₂ from the No. 2 FCCU Regenerator/ESP Stack, EPN 31-PR-1, during an emissions event (Incident No. 338083) that began on July 1, 2020 and lasted 23 hours and six minutes. The emissions event occurred due to low lube oil pressure that caused the Power Recovery Train to trip, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 19044, SC No. 1, NSR Permit No. 20156, SC No. 1, NSR Permit Nos. 9604A and PSDTX653M1, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 50% opacity and released 1.55 lbs of CO, 2.67 lbs of NO_x, and 4.16 lbs of SO₂ from the No. 1 FCCU Regenerator Stack, EPN F066, during an emissions event (Incident No. 343318) that occurred on October 5, 2020 and lasted six minutes. The emissions event occurred due to a hose buried under the catalyst that did not allow for proper Fourth Stage Separator dumping and to the lack of communication while dumping fines, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 3123A, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 28, 2020, the Respondent permanently shut down the No. 1 FCCU in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 338409, 338511, and 343318.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323605; and

ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338083.

b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jim Christman, Vice President and General Manager, CITGO Refining and Chemicals Company L.P., P.O. Box 9176, Corpus Christi, Texas 78469-9176

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Aug-2020	Screening	20-Aug-2020	EPA Due	
	PCW	3-Jun-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	CITGO Refining and Chemicals Company L.P.
Reg. Ent. Ref. No.	RN102555166
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59800	No. of Violations	5
Docket No.	2020-1175-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$10,125
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Notes: Enhancement for one NOV with same or similar violations, four NOVs with dissimilar violations, and two orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,749
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,249
 Estimated Cost of Compliance: #NAME?
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,876
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$28,876
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,876
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,775
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,101
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Screening Date 20-Aug-2020

Docket No. 2020-1175-AIR-E

PCW

Respondent CITGO Refining and Chemicals Company L.P.

Policy Revision 4 (April 2014)

Case ID No. 59800

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102555166

Media Air

Enf. Coordinator Mackenzie Mehlmann

Compliance History Worksheet

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

Component	Number of...	Number	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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
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) 45%

>> **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 or similar violations, four NOVs with dissimilar violations, and two orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 45%

Screening Date 20-Aug-2020

Docket No. 2020-1175-AIR-E

PCW

Respondent CITGO Refining and Chemicals Company L.P.

Policy Revision 4 (April 2014)

Case ID No. 59800

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102555166

Media Air

Enf. Coordinator Mackenzie Mehlmann

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 3123A, Special Conditions ("SC") No. 1, NSR Permit Nos. 9604A and PSDTX653M1, SC No. 1, Federal Operating Permit ("FOP") No. O1423, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 48 percent ("%") opacity and released 763.20 pounds ("lbs") of carbon monoxide ("CO"), 175.72 lbs of nitrogen oxides ("NOx"), and 152.24 lbs of sulfur dioxide ("SO2") from the No. 1 Fluid Catalytic Cracking Unit ("FCCU") Regenerator Stack, Emissions Point Number ("EPN") F066, and experienced 47% opacity and released 4,462.30 lbs of CO, 178.90 lbs of NOx, and 364.60 lbs of SO2 from the No. 2 FCCU Regenerator/Electrostatic Precipitator ("ESP") Stack, EPN 31-PR-1, during an emissions event (Incident No. 323605) that began on October 28, 2019 and lasted 49 hours and 42 minutes. The emissions event occurred when water was sent to the FCCU Feed Tank TK2003 that caused the No. 1 and No. 2 FCCUs to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and 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			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that 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 3 Number of violation days

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 NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	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 \$1,133

Violation Final Penalty Total \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent CITGO Refining and Chemicals Company L.P.
Case ID No. 59800
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$10,000	28-Oct-2019	1-Feb-2022	2.27	\$1,133	n/a	\$1,133

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323605. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,133

Screening Date 20-Aug-2020 **Docket No.** 2020-1175-AIR-E **PCW**
Respondent CITGO Refining and Chemicals Company L.P. *Policy Revision 4 (April 2014)*
Case ID No. 59800 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102555166
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19044, SC No. 1, FOP No. O1423, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 814.36 lbs of volatile organic compounds ("VOC"), 329.68 lbs of CO, 634.96 lbs of SO2, and 4.82 lbs of hydrogen sulfide ("H2S") from the Fluor Flare, EPN F442, during an emissions event (Incident No. 338511) that occurred on July 8, 2020 and lasted two hours and 23 minutes. The emissions event occurred due to the unequalizing pressure between the Reactor and Main Column prior to opening the Cadillac Valve during startup that caused catalyst carryover from the Reactor Cyclones to the Main Column and to failures in communication, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and 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			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that 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	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on October 28, 2020, prior to the Notice of Enforcement ("NOE") dated October 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$321 **Violation Final Penalty Total** \$4,501

This violation Final Assessed Penalty (adjusted for limits) \$4,501

Economic Benefit Worksheet

Respondent CITGO Refining and Chemicals Company L.P.
Case ID No. 59800
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$20,000	3-Jul-2020	28-Oct-2020	0.32	\$321	n/a	\$321

Notes for DELAYED costs

Estimated cost to permanently shut down the No. 1 FCCU in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 338409, 338511, and 343318. The Date Required is the date the first emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$321

Screening Date 20-Aug-2020 **Docket No.** 2020-1175-AIR-E **PCW**
Respondent CITGO Refining and Chemicals Company L.P. *Policy Revision 4 (April 2014)*
Case ID No. 59800 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102555166
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 3123A, SC No. 1, FOP No. O1423, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100% opacity and released 962 lbs of CO, 294 lbs of NOx, 16 lbs of SO2, and 9,937.50 lbs of particulate matter from the No. 1 FCCU Regenerator Stack, EPN F066, during an emissions event (Incident No. 338409) that began on July 3, 2020 and lasted 100 hours. The emissions event occurred due to the startup procedures not identifying the Regenerator Slide Valve configuration and to the Reactor-Regenerator Distributive Control System screen misrepresenting the Regenerative Slide Valve and override control option, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500
 \$7,500

Violation Events

Number of Violation Events: 1 5 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on October 28, 2020, prior to the NOE dated October 28, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$0 Violation Final Penalty Total \$9,000
This violation Final Assessed Penalty (adjusted for limits) \$9,000

Economic Benefit Worksheet

Respondent CITGO Refining and Chemicals Company L.P.
Case ID No. 59800
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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 the Economic Benefit in Violation No. 2.						

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 20-Aug-2020

Docket No. 2020-1175-AIR-E

PCW

Respondent CITGO Refining and Chemicals Company L.P.

Policy Revision 4 (April 2014)

Case ID No. 59800

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102555166

Media Air

Enf. Coordinator Mackenzie Mehlmann

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 19044, SC No. 1, NSR Permit No. 20156, SC No. 1, NSR Permit Nos. 9604A and PSDTX653M1, SC No. 1, FOP No. O1423, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.94 lbs of VOC, 2.84 lbs of CO, 0.05 lb of H2S, 0.39 lb of NOx, and 5.12 lbs of SO2 from the Cumene Flare, EPN 446, released 114.31 lbs of VOC, 51.23 lbs of CO, 1.01 lbs of H2S, 7.09 lbs of NOx, and 103.61 lbs of SO2 from the Fluor Flare, EPN F442, and experienced 93% opacity and released 1,795.20 lbs of CO, 315.20 lbs of NOx, and 153.80 lbs of SO2 from the No. 2 FCCU Regenerator/ESP Stack, EPN 31-PR-1, during an emissions event (Incident No. 338083) that began on July 1, 2020 and lasted 23 hours and six minutes. The emissions event occurred due to low lube oil pressure that caused the Power Recovery Train to trip, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and 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 that 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	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	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 \$795

Violation Final Penalty Total \$5,438

This violation Final Assessed Penalty (adjusted for limits) \$5,438

Economic Benefit Worksheet

Respondent CITGO Refining and Chemicals Company L.P.
Case ID No. 59800
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$10,000	1-Jul-2020	1-Feb-2022	1.59	\$795	n/a	\$795

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338083. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$795

Screening Date 20-Aug-2020 **Docket No.** 2020-1175-AIR-E **PCW**
Respondent CITGO Refining and Chemicals Company L.P. *Policy Revision 4 (April 2014)*
Case ID No. 59800 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102555166
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 3123A, SC No. 1, FOP No. O1423, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 50% opacity and released 1.55 lbs of CO, 2.67 lbs of NOx, and 4.16 lbs of SO2 from the No. 1 FCCU Regenerator Stack, EPN F066, during an emissions event (Incident No. 343318) that occurred on October 5, 2020 and lasted six minutes. The emissions event occurred due to a hose buried under the catalyst that did not allow for proper Fourth Stage Separator dumping and to the lack of communication while dumping fines, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and 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			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that 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			

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on October 28, 2020, prior to the NOE dated January 20, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$4,501

This violation Final Assessed Penalty (adjusted for limits) \$4,501

Economic Benefit Worksheet

Respondent CITGO Refining and Chemicals Company L.P.
Case ID No. 59800
Reg. Ent. Reference No. RN102555166
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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 the Economic Benefit in Violation No. 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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.



Compliance History Report

Compliance History Report for CN600127922, RN102555166, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600127922, CITGO Refining and Chemicals Company L.P.	Classification:	SATISFACTORY	Rating:	5.81
Regulated Entity:	RN102555166, CITGO CORPUS CHRISTI REFINERY EAST PLANT	Classification:	SATISFACTORY	Rating:	5.72
Complexity Points:	35	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	1801 NUECES BAY BOULEVARD, CORPUS CHRISTI, NUECES COUNTY, TEXAS				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NE0027V	AIR OPERATING PERMITS PERMIT 1423
AIR OPERATING PERMITS PERMIT 3542	AIR NEW SOURCE PERMITS PERMIT 2695A
AIR NEW SOURCE PERMITS PERMIT 2697A	AIR NEW SOURCE PERMITS PERMIT 2699A
AIR NEW SOURCE PERMITS PERMIT 2700A	AIR NEW SOURCE PERMITS PERMIT 2703A
AIR NEW SOURCE PERMITS PERMIT 2704A	AIR NEW SOURCE PERMITS PERMIT 2706A
AIR NEW SOURCE PERMITS PERMIT 2708A	AIR NEW SOURCE PERMITS PERMIT 3119A
AIR NEW SOURCE PERMITS PERMIT 3123A	AIR NEW SOURCE PERMITS PERMIT 3857A
AIR NEW SOURCE PERMITS PERMIT 5418A	AIR NEW SOURCE PERMITS PERMIT 6722A
AIR NEW SOURCE PERMITS PERMIT 8653A	AIR NEW SOURCE PERMITS PERMIT 9604A
AIR NEW SOURCE PERMITS REGISTRATION 10733A	AIR NEW SOURCE PERMITS REGISTRATION 12005A
AIR NEW SOURCE PERMITS PERMIT 2709A	AIR NEW SOURCE PERMITS PERMIT 4979A
AIR NEW SOURCE PERMITS PERMIT 19044	AIR NEW SOURCE PERMITS PERMIT 20156
AIR NEW SOURCE PERMITS PERMIT 21358	AIR NEW SOURCE PERMITS PERMIT 21706
AIR NEW SOURCE PERMITS PERMIT 22312	AIR NEW SOURCE PERMITS REGISTRATION 22418
AIR NEW SOURCE PERMITS REGISTRATION 23834	AIR NEW SOURCE PERMITS REGISTRATION 30099
AIR NEW SOURCE PERMITS PERMIT 46637	AIR NEW SOURCE PERMITS PERMIT 46641
AIR NEW SOURCE PERMITS PERMIT 46640	AIR NEW SOURCE PERMITS PERMIT 46642
AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0027V	AIR NEW SOURCE PERMITS PERMIT 6748
AIR NEW SOURCE PERMITS REGISTRATION 10309	AIR NEW SOURCE PERMITS REGISTRATION 56720
AIR NEW SOURCE PERMITS REGISTRATION 54775	AIR NEW SOURCE PERMITS PERMIT 72654
AIR NEW SOURCE PERMITS REGISTRATION 78522	AIR NEW SOURCE PERMITS REGISTRATION 156156
AIR NEW SOURCE PERMITS AFS NUM 4835500003	AIR NEW SOURCE PERMITS REGISTRATION 53921
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX653M1	AIR NEW SOURCE PERMITS REGISTRATION 75340
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX831	AIR NEW SOURCE PERMITS REGISTRATION 76742
AIR NEW SOURCE PERMITS REGISTRATION 76883	AIR NEW SOURCE PERMITS REGISTRATION 77066
AIR NEW SOURCE PERMITS REGISTRATION 77094	AIR NEW SOURCE PERMITS REGISTRATION 78195
AIR NEW SOURCE PERMITS REGISTRATION 80521	AIR NEW SOURCE PERMITS PERMIT 80801
AIR NEW SOURCE PERMITS REGISTRATION 83882	AIR NEW SOURCE PERMITS REGISTRATION 83913
AIR NEW SOURCE PERMITS PERMIT 103666	AIR NEW SOURCE PERMITS REGISTRATION 139905
AIR NEW SOURCE PERMITS REGISTRATION 139385	AIR NEW SOURCE PERMITS REGISTRATION 129920
AIR NEW SOURCE PERMITS REGISTRATION 111399	AIR NEW SOURCE PERMITS REGISTRATION 111397
AIR NEW SOURCE PERMITS REGISTRATION 138157	AIR NEW SOURCE PERMITS REGISTRATION 139781
AIR NEW SOURCE PERMITS REGISTRATION 139767	AIR NEW SOURCE PERMITS REGISTRATION 136760
AIR NEW SOURCE PERMITS REGISTRATION 111443	AIR NEW SOURCE PERMITS REGISTRATION 111955
AIR NEW SOURCE PERMITS REGISTRATION 111391	AIR NEW SOURCE PERMITS REGISTRATION 154927
AIR NEW SOURCE PERMITS PERMIT AMOC53	AIR NEW SOURCE PERMITS PERMIT AMOC68
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX36	AIR NEW SOURCE PERMITS REGISTRATION 164588
AIR NEW SOURCE PERMITS REGISTRATION 163223	AIR NEW SOURCE PERMITS REGISTRATION 141429
AIR NEW SOURCE PERMITS REGISTRATION 141703	AIR NEW SOURCE PERMITS REGISTRATION 151026
AIR NEW SOURCE PERMITS REGISTRATION 148586	AIR NEW SOURCE PERMITS REGISTRATION 151002
AIR NEW SOURCE PERMITS REGISTRATION 151502	AIR NEW SOURCE PERMITS REGISTRATION 146219

AIR NEW SOURCE PERMITS REGISTRATION 149580
AIR NEW SOURCE PERMITS REGISTRATION 155845
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX96
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30532
WASTEWATER EPA ID TX0006211
AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0027V

AIR NEW SOURCE PERMITS REGISTRATION 160982
AIR NEW SOURCE PERMITS REGISTRATION 161396
AIR NEW SOURCE PERMITS REGISTRATION 159107
WASTEWATER PERMIT WQ0000467000
WASTEWATER PERMIT TXG670236
POLLUTION PREVENTION PLANNING ID NUMBER P00139
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30532

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50160

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD051161990

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: May 14, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 14, 2016 to May 14, 2021

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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

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

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

- 1 Effective Date: 03/07/2018 ADMINORDER 2017-0421-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP OP

Description: Failed to submit an initial notification for an excess opacity event within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE §§101.201(e) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), and Federal Operating Permit ("FOP") No. O1423, Special Terms and Conditions ("STC") No. 2.F. Specifically, the Respondent did not notify the TCEQ within 24 hours after the discovery of an excess opacity event that occurred on March 10, 2015.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP OP

NSR PERMIT

Description: Failed to comply with the opacity limit of 20 percent averaged over a six-minute period, in violation of 30 TEX. ADMIN. CODE §§111.111(a)(1)(B), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O1423, STC No. 26, and New Source Review ("NSR") Permit No. 3123A, Special Conditions ("SC") No. 3. Specifically, on March 10, 2015, the Number 1 Fluid Catalytic Cracking Unit's Continuous Opacity Monitoring System measured an average opacity of 77 percent for a period that

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT Y 61.272(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP OP

NSR PERMIT

Description: Failed to perform an annual inspection of benzene storage vessels, in violation of 30 TEX. ADMIN. CODE §§101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") §61.272(a)(2), FOP No. O1423, STC No. 26, and NSR Permit No. 20156, SC No. 7.C. Specifically,

the Respondent did not perform an annual inspection of the benzene storage vessel, EPN 85-TK-33, in calendar year 2015.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP OP

Description: Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O1423, General Terms and Conditions. Specifically, the Respondent did not include the deviations for failing to report an excess opacity event within 24 hours after discovery, failing to comply with the opacity limit of 20 percent averaged over a six-minute period, failing to perform an annual inspection of the benzene storage v

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(h)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP OP

NSR PERMIT

Description: Failed to maintain records of the vessel's annual vapor tightness test, in violation of 30 TEX. ADMIN. CODE §§101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), 40 CFR §63.567(h), FOP No. O1423, STC No. 26, and NSR Permit No. 3857A, SC No. 8. Specifically, on September 10, 2015, Barge KB/K 10087 11019B was loaded, however, there were no records of the vessel's annual vapor tightness test.

2 Effective Date: 01/14/2020 ADMINORDER 2019-0609-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: [PSDTX653M1] Special Condition 1 PERMIT

Special Term & Condition 26 OP

Description: Failure to prevent unauthorized emissions and to prevent an excess opacity event.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 17, 2016	(1345718)
Item 2	June 08, 2016	(1352160)
Item 3	June 16, 2016	(1338043)
Item 4	August 10, 2016	(1365558)
Item 5	August 16, 2016	(1329727)
Item 6	August 19, 2016	(1313596)
Item 7	August 24, 2016	(1350482)
Item 8	August 25, 2016	(1349170)
Item 9	September 07, 2016	(1355327)
Item 10	September 14, 2016	(1372259)
Item 11	September 22, 2016	(1357535)
Item 12	September 23, 2016	(1363613)
Item 13	October 11, 2016	(1378436)
Item 14	October 26, 2016	(1369728)
Item 15	November 10, 2016	(1384395)
Item 16	November 21, 2016	(1362677)
Item 17	December 09, 2016	(1362314)
Item 18	December 15, 2016	(1390533)
Item 19	January 11, 2017	(1397149)

Item 20	February 16, 2017	(1404032)
Item 21	February 21, 2017	(1393856)
Item 22	March 14, 2017	(1411133)
Item 23	April 11, 2017	(1417636)
Item 24	May 10, 2017	(1425225)
Item 25	June 16, 2017	(1431228)
Item 26	July 17, 2017	(1439837)
Item 27	July 21, 2017	(1423345)
Item 28	August 16, 2017	(1443525)
Item 29	September 13, 2017	(1450152)
Item 30	September 27, 2017	(1428532)
Item 31	October 10, 2017	(1455972)
Item 32	October 13, 2017	(1423975)
Item 33	November 16, 2017	(1461453)
Item 34	November 27, 2017	(1448599)
Item 35	December 19, 2017	(1467832)
Item 36	January 18, 2018	(1474537)
Item 37	February 20, 2018	(1486763)
Item 38	March 20, 2018	(1490440)
Item 39	April 09, 2018	(1474374)
Item 40	May 11, 2018	(1467671)
Item 41	May 18, 2018	(1500595)
Item 42	June 13, 2018	(1489885)
Item 43	June 15, 2018	(1489938)
Item 44	June 20, 2018	(1507712)
Item 45	July 10, 2018	(1497698)
Item 46	July 20, 2018	(1514030)
Item 47	July 31, 2018	(1505514)
Item 48	August 13, 2018	(1483437)
Item 49	August 20, 2018	(1520091)
Item 50	August 22, 2018	(1474386)
Item 51	August 23, 2018	(1511601)
Item 52	August 28, 2018	(1483503)
Item 53	August 31, 2018	(1512865)
Item 54	September 17, 2018	(1513808)
Item 55	September 19, 2018	(1527256)
Item 56	October 11, 2018	(1512375)
Item 57	October 18, 2018	(1533614)
Item 58	November 14, 2018	(1541449)
Item 59	December 20, 2018	(1545233)
Item 60	January 17, 2019	(1559674)
Item 61	March 07, 2019	(1544752)
Item 62	May 06, 2019	(1436881)
Item 63	May 20, 2019	(1583269)
Item 64	May 30, 2019	(1558217)
Item 65	August 02, 2019	(1557848)
Item 66	August 14, 2019	(1575453)
Item 67	August 30, 2019	(1576152)
Item 68	November 25, 2019	(1592698)
Item 69	December 18, 2019	(1626406)
Item 70	December 19, 2019	(1592903)
Item 71	February 18, 2020	(1640666)
Item 72	February 20, 2020	(1631151)
Item 73	February 21, 2020	(1631434)
Item 74	February 23, 2020	(1625258)
Item 75	March 17, 2020	(1647186)
Item 76	April 16, 2020	(1653522)
Item 77	April 23, 2020	(1638147)
Item 78	May 14, 2020	(1660109)
Item 79	May 20, 2020	(1650792)
Item 80	May 22, 2020	(1651695)

Item 81	June 09, 2020	(1652251)
Item 82	June 12, 2020	(1656852)
Item 83	June 23, 2020	(1633340)
Item 84	June 29, 2020	(1657204)
Item 85	August 03, 2020	(1665634)
Item 86	August 17, 2020	(1680345)
Item 87	August 20, 2020	(1664710)
Item 88	September 11, 2020	(1672929)
Item 89	September 16, 2020	(1686914)
Item 90	October 08, 2020	(1679594)
Item 91	October 14, 2020	(1693261)
Item 92	November 13, 2020	(1685531)
Item 93	November 18, 2020	(1679959)
Item 94	December 02, 2020	(1678296)
Item 95	December 03, 2020	(1683718)
Item 96	December 07, 2020	(1692445)
Item 97	December 09, 2020	(1692775)
Item 98	December 10, 2020	(1686115)
Item 99	December 17, 2020	(1712474)
Item 100	December 23, 2020	(1685530)
Item 101	December 28, 2020	(1692498)
Item 102	January 14, 2021	(1692840)
Item 103	January 29, 2021	(1692742)
Item 104	April 23, 2021	(1704190)
Item 105	May 06, 2021	(1704761)

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: 05/31/2020 (1666613)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 06/30/2020 (1673570)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 07/27/2020 (1650787)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 OP
NR 20156, Special Condition 17B PERMIT
NSR 21303, Special Condition 5 PERMIT
Description: Failure to comply with permitted TDS limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 OP
NSR 9604A/PSDTX653M1 Special Condition 5 PERMIT
Description: Failure to comply with the permitted emissions rates for carbon monoxide (CO).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 2703A, Special Condition 5 PERMIT
NSR Permit 46641, Special Condition 13 PERMIT

Description: Failure to comply with the permitted emissions rates for nitrogen oxides (NOx).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 OP
NSR 3119A, Special Condition 4 PERMIT

Description: Failure to comply with the permitted emissions rates for sulfur dioxide (SO2).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the heater duty surrogate limit established in the permit application.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 OP
NSR 72654, Special Condition 8 PERMIT

Description: Failure to comply with H2S limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)(1)(ii)

Description: Failure to perform a cylinder gas audit (CGA).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain an internal floating roof tank such that it shall be floating on the liquid surface at all times.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(b)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 OP
NSR 21358, Special Condition 4 PERMIT

Description: Failure to maintain pilot flame on a flare.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 OP
NSR 3119A, Special Condition 1 PERMIT

Description: Failure to comply with permitted oxygen concentration limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01423, Special Term & Condition 26 PERMIT
NSR 3119A, Special Condition 1 PERMIT

Description: Failure to comply with permitted temperature limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-01423, General Terms & Conditions OP

Description: Failure to report all instances of deviations.

- 4 Date: 08/28/2020 (1670862)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Monitoring Requirements No. 7(c) PERMIT
 Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.
- 5 Date: 12/31/2020 (1712475)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 01/15/2018 (1466408)
 No DOV Associated

Notice of Intent Date: 11/30/2018 (1537379)
 Disclosure Date: 06/13/2019

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(a)
 Description: Failure to set passive monitor locations at the proper height such that the bottom cap of the passive tube is between 4.9 feet and 9.8 feet above ground level.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(c)(1)
 Description: Failure to establish adequate number of passive monitors along the fence line, including sufficient siting along shoreline adjacent to the dock area, to meet spacing requirements.

Notice of Intent Date: 09/23/2019 (1602712)
 Disclosure Date: 09/29/2020

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.13(d)
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15
 Description: Failure to properly manage and dispose of universal waste lamps including properly labeling and dating.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)(1)
 Description: Failure to ensure the overfill spill control equipment is clearly identified on the daily inspections of hazardous waste.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to maintain documentation to demonstrate that the Waste Pile was inspected following storm events.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 Description: Failure to properly maintain aerosol cans.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.62
 Description: Failure to properly characterize the individual waste streams in the East Plant laboratory at the point of generation to ensure proper management and disposal of each waste stream.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)
 Description: Failure ensure waste stored in the East Plant Laboratory is labeled as hazardous waste or with words describing the container contents.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
 Description: Failure to maintain documentation demonstrating how each waste stream meets the exemption or exclusion for each waste managed as such.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.62
 Description: Failure to ensure waste profiles and waste characterization match waste streams observed in the field.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.1(c)
 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.2(c)

Description: Failure to maintain documentation to demonstrate that employees were trained to handle universal waste.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent waste blast media from being stored and accumulating on the ground.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to prevent waste debris from accumulating on the tarp covering the hazardous waste roll-off at the wash pad.

Notice of Intent Date: 12/03/2019 (1616698)

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
CITGO REFINING AND
CHEMICALS COMPANY L.P.
RN102555166**

**§
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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-1175-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 CITGO Refining and Chemicals Company L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 1801 Nueces Bay Boulevard in Corpus Christi, Nueces County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$28,876 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,101 of the penalty and \$5,775 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on October 28, 2020, the Respondent permanently shut down the No. 1 Fluid Catalytic Cracking Unit ("FCCU") in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 338409, 338511, and 343318.

II. ALLEGATIONS

1. During a record review conducted from May 11, 2020 through May 15, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 3123A, Special Conditions ("SC") No. 1, NSR Permit No. 9604A and PSDTX653M1, SC No. 1, Federal Operating Permit ("FOP") No. O1423, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 48 percent ("%") opacity and released 763.20 pounds ("lbs") of carbon monoxide ("CO"), 175.72 lbs of nitrogen oxides ("NOx"), and 152.24 lbs of sulfur dioxide ("SO₂") from the No. 1 FCCU Regenerator Stack, Emissions Point Number ("EPN") F066, and experienced 47% opacity and released 4,462.30 lbs of CO, 178.90 lbs of NOx, and 364.60 lbs of SO₂ from the No. 2 FCCU Regenerator/Electrostatic Precipitator ("ESP") Stack, EPN 31-PR-1, during an emissions event (Incident No. 323605) that began on October 28, 2019 and lasted 49 hours and 42 minutes. The emissions event occurred when water was sent to the FCCU Feed Tank TK2003 that caused the No. 1 and No. 2 FCCUs to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review conducted from July 23, 2020 through August 18, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No.

19044, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 814.36 lbs of volatile organic compounds ("VOC"), 329.68 lbs of CO, 634.96 lbs of SO₂, and 4.82 lbs of hydrogen sulfide ("H₂S") from the Fluor Flare, EPN F442, during an emissions event (Incident No. 338511) that occurred on July 8, 2020 and lasted two hours and 23 minutes. The emissions event occurred due to the unequalizing pressure between the Reactor and Main Column prior to opening the Cadillac Valve during startup that caused catalyst carryover from the Reactor Cyclones to the Main Column and to failures in communication, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. During a record review conducted from July 27, 2020 through August 18, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 3123A, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 100% opacity and released 962 lbs of CO, 294 lbs of NO_x, 16 lbs of SO₂, and 9,937.50 lbs of particulate matter from the No. 1 FCCU Regenerator Stack, EPN F066, during an emissions event (Incident No. 338409) that began on July 3, 2020 and lasted 100 hours. The emissions event occurred due to the startup procedures not identifying the Regenerator Slide Valve configuration and to the Reactor-Regenerator Distributive Control System screen misrepresenting the Regenerative Slide Valve and override control option, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During a record review conducted on August 25, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 19044, SC No. 1, NSR Permit No. 20156, SC No. 1, NSR Permit Nos. 9604A and PSCTX653M1, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 5.94 lbs of VOC, 2.84 lbs of CO, 0.05 lb of H₂S, 0.39 lb of NO_x, and 5.12 lbs of SO₂ from the Cumene Flare, EPN 446, released 114.31 lbs of VOC, 51.23 lbs of CO, 1.01 lbs of H₂S, 7.09 lbs of NO_x, and 103.61 lbs of SO₂ from the Fluor Flare, EPN F442, and experienced 93% opacity and released 1,795.20 lbs of CO, 315.20 lbs of NO_x, and 153.80 lbs of SO₂ from the No. 2 FCCU Regenerator/ESP Stack, EPN 31-PR-1, during an emissions event (Incident No. 338083) that began on July 1, 2020 and lasted 23 hours and six minutes. The emissions event occurred due to low lube oil pressure that caused the Power Recovery Train to trip, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

5. During a record review conducted from October 30, 2020 through November 11, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 3123A, SC No. 1, FOP No. O1423, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 50% opacity and released 1.55 lbs of CO, 2.67 lbs of NO_x, and 4.16 lbs of SO₂ from the No. 1 FCCU Regenerator Stack, EPN F066, during an emissions event (Incident No. 343318) that occurred on October 5, 2020 and lasted six minutes. The emissions event occurred due to a hose buried under the catalyst that did not allow for proper Fourth Stage Separator dumping and to the lack of communication while dumping fines, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CITGO Refining and Chemicals Company L.P., Docket No. 2020-1175-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323605; and
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338083.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

7. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

12/30/2021

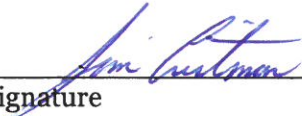
Date

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

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

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

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



Signature

11-11-2021

Date

Jim Cristman

Name (Printed or typed)
Authorized Representative of
CITGO Refining and Chemicals Company L.P.

Vice President and General Manager Corpus Christi Refinery

Title

If mailing address has changed, please check this box and provide the new address below: