

**Executive Summary – Enforcement Matter – Case No. 61499
Flint Hills Resources Houston Chemical, LLC
RN102576063
Docket No. 2021-1409-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 Houston Chemical, 9822 La Porte Freeway, Houston, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,550

Amount Deferred for Expedited Settlement: \$1,710

Total Paid to General Revenue: \$6,840

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 6, 2021 through August 19, 2021

Date(s) of NOE(s): October 22, 2021

**Executive Summary – Enforcement Matter – Case No. 61499
Flint Hills Resources Houston Chemical, LLC
RN102576063
Docket No. 2021-1409-AIR-E**

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 716.05 pounds of nitrogen oxides from the Waste Heat Boiler, Emissions Point Number 4026-U, during an emissions event (Incident No. 363599) that occurred on July 26, 2021 and lasted one hour and 10 minutes. The emissions event occurred due to a malfunction of a Printed Wiring Board assembly on the positioner mounted on Valve XV2033 that caused the valve position feedback indication to fail and the equipment protection program to activate as designed, resulting in the release to the atmosphere. Since the emissions event 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), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18999, PDTX755M1, and N216, Special Conditions No. 1, Federal Operating Permit No. O1251, General Terms and Conditions and Special Terms and Conditions No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 15, 2021, the Respondent replaced the digital control valve positioner on Valve XV2033 and updated the control logic in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363599.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kate Dacy, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-4593; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Larry E. House, Site Manager, Flint Hills Resources Houston Chemical, LLC, 9822 La Porte Freeway, Houston, Texas 77017

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Oct-2021	Screening	26-Oct-2021	EPA Due	
	PCW	30-Dec-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Flint Hills Resources Houston Chemical, LLC
Reg. Ent. Ref. No.	RN102576063
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61499	No. of Violations	1
Docket No.	2021-1409-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kate Dacy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	39.0% Adjustment	Subtotals 2, 3, & 7	\$2,925
---------------------------	-------------------------	--------------------------------	----------------

Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for five notices of intent to conduct an audit and four disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
--	-------------------	-----------------

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

Total EB Amounts: \$222
 Estimated Cost of Compliance: \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,550
-----------------------------	-----------------------	----------------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$8,550
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,550
-----------------------------------	-------------------------------	----------------

DEFERRAL	20.0% Reduction	Adjustment	-\$1,710
-----------------	------------------------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,840
------------------------	----------------

Screening Date 26-Oct-2021

Docket No. 2021-1409-AIR-E

PCW

Respondent Flint Hills Resources Houston Chemical, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61499

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102576063

Media Air

Enf. Coordinator Kate Dacy

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	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>)	4	-8%
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) 39%

>> 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, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for five notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 39%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 39%

Screening Date 26-Oct-2021

Docket No. 2021-1409-AIR-E

PCW

Respondent Flint Hills Resources Houston Chemical, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61499

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102576063

Media Air

Enf. Coordinator Kate Dacy

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18999, PSDTX755M1, and N216, Special Conditions No. 1, Federal Operating Permit No. O1251, General Terms and Conditions and Special Terms and Conditions No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 716.05 pounds of nitrogen oxides from the Waste Heat Boiler, Emissions Point Number 4026-U, during an emissions event (Incident No. 363599) that occurred on July 26, 2021 and lasted one hour and 10 minutes. The emissions event occurred due to a malfunction of a Printed Wiring Board assembly on the positioner mounted on Valve XV2033 that caused the valve position feedback indication to fail and the equipment protection program to activate as designed, resulting in the release to the atmosphere. Since the emissions event 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	30.0%
	Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				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 this violaiton.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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 EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondent completed the corrective actions by October 15, 2021 prior to the Notice of Enforcement dated October 22, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$222

Violation Final Penalty Total \$8,550

This violation Final Assessed Penalty (adjusted for limits) \$8,550

Economic Benefit Worksheet

Respondent Flint Hills Resources Houston Chemical, LLC
Case ID No. 61499
Reg. Ent. Reference No. RN102576063
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	26-Jul-2021	15-Oct-2021	0.22	\$222	n/a	\$222

Notes for DELAYED costs
 Estimated cost to replace the digital control valve positioner on Valve XV2033 and update the control logic in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363599. The Date Required is the date the 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 \$222

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 CN604650093, RN102576063, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604650093, Flint Hills Resources Houston Chemical, LLC **Classification:** SATISFACTORY **Rating:** 6.28

Regulated Entity: RN102576063, FLINT HILLS RESOURCES HOUSTON CHEMICAL **Classification:** SATISFACTORY **Rating:** 6.28

Complexity Points: 35 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 9822 LA PORTE FREEWAY IN HARRIS COUNTY, HOUSTON, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0035U
AIR NEW SOURCE PERMITS PERMIT 18999
AIR NEW SOURCE PERMITS REGISTRATION 141694
AIR NEW SOURCE PERMITS AFS NUM 4820100117
AIR NEW SOURCE PERMITS REGISTRATION 111299
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX755M1
AIR NEW SOURCE PERMITS REGISTRATION 139393
AIR NEW SOURCE PERMITS REGISTRATION 140888
AIR NEW SOURCE PERMITS REGISTRATION 144425
AIR NEW SOURCE PERMITS REGISTRATION 162749
AIR NEW SOURCE PERMITS REGISTRATION 163181
AIR NEW SOURCE PERMITS REGISTRATION 166384
AIR NEW SOURCE PERMITS REGISTRATION 148753
AIR NEW SOURCE PERMITS REGISTRATION 146978
AIR NEW SOURCE PERMITS REGISTRATION 158848
AIR NEW SOURCE PERMITS REGISTRATION 158147
AIR NEW SOURCE PERMITS REGISTRATION 162430
AIR NEW SOURCE PERMITS REGISTRATION 159830
STORMWATER PERMIT TXR05DA04
WASTEWATER EPA ID TX0006068

AIR OPERATING PERMITS PERMIT 1251
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0035U
AIR NEW SOURCE PERMITS REGISTRATION 143727
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX755
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX137
AIR NEW SOURCE PERMITS REGISTRATION 141395
AIR NEW SOURCE PERMITS EPA PERMIT N216
AIR NEW SOURCE PERMITS REGISTRATION 139284
AIR NEW SOURCE PERMITS REGISTRATION 111301
AIR NEW SOURCE PERMITS REGISTRATION 164936
AIR NEW SOURCE PERMITS REGISTRATION 164338
AIR NEW SOURCE PERMITS REGISTRATION 163547
AIR NEW SOURCE PERMITS REGISTRATION 145015
AIR NEW SOURCE PERMITS REGISTRATION 149130
AIR NEW SOURCE PERMITS REGISTRATION 160660
AIR NEW SOURCE PERMITS REGISTRATION 153793
AIR NEW SOURCE PERMITS REGISTRATION 157746
AIR NEW SOURCE PERMITS REGISTRATION 156141
WASTEWATER PERMIT WQ0000393000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0035U
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD096035274
TAX RELIEF ID NUMBER 23777

POLLUTION PREVENTION PLANNING ID NUMBER P00438
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30463
TAX RELIEF ID NUMBER 23778

TAX RELIEF ID NUMBER 23228

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: December 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 30, 2016 to December 30, 2021

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

Name: Kate Dacy

Phone: (512) 239-4593

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: 10/27/2020 ADMINORDER 2019-1331-AIR-E (Findings Order-Agreed Order Without Denial)
- 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)
- Rqmt Prov: Special Condition 16 PA
Special Term and Condition 11 OP
- Description: Failure to maintain concentration limits for the Charge Gas Heater (EPN: 4000-B) (Category A8 - HPV Criterion 2).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
- Rqmt Prov: Special Condition 1 PA
Special Term and Condition 11 OP
- Description: Failure to prevent exceedance of MAER for the Charge Gas Heater (EPN: 4000-B) (Category A8 - HPV Criterion 2).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition 26C PA
Special Terms and Conditions 1A and 11 OP
- Description: Failure to prevent visible emissions from the flare (EPN: 1-105A) (Category C4).
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(h)(1)
5C THSC Chapter 382 382.085(b)
- Description: Failure to operate temporary flare in HRVOC service below 336 hours (Category A12(i)(6)).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Condition 26 PA
Special Term & Condition 11 OP
- Description: Failure to maintain the net heating value of the combustion zone (NHVcz) for the flare (EPN: 1-105A) (Category C4).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: Special Term and Condition 2F OP
- Description: Failure to include all information required by 30 TAC 101.201(b)(2) on the final record for a non-reportable emission event (Category C3).
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: General Terms and Conditions OP
- Description: Failure to report all deviations (Category B3).
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report all deviations (Category B3).

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 19, 2017	(1397144)
Item 2	February 16, 2017	(1404028)
Item 3	March 17, 2017	(1411129)
Item 4	April 14, 2017	(1389101)
Item 5	April 19, 2017	(1417632)
Item 6	May 18, 2017	(1425221)
Item 7	May 23, 2017	(1408084)
Item 8	June 19, 2017	(1431224)
Item 9	July 19, 2017	(1439833)
Item 10	August 15, 2017	(1443521)
Item 11	August 24, 2017	(1430463)
Item 12	October 19, 2017	(1455968)
Item 13	November 16, 2017	(1461449)
Item 14	December 18, 2017	(1467828)
Item 15	March 19, 2018	(1490436)
Item 16	April 16, 2018	(1493673)
Item 17	May 18, 2018	(1500591)
Item 18	June 18, 2018	(1507708)
Item 19	June 25, 2018	(1496726)
Item 20	August 20, 2018	(1520087)
Item 21	September 20, 2018	(1527252)
Item 22	December 10, 2018	(1524174)
Item 23	January 16, 2019	(1559662)
Item 24	February 14, 2019	(1523325)
Item 25	February 19, 2019	(1559660)
Item 26	February 25, 2019	(1524180)
Item 27	March 19, 2019	(1559661)
Item 28	April 15, 2019	(1550375)
Item 29	April 18, 2019	(1571826)
Item 30	May 06, 2019	(1472098)
Item 31	May 17, 2019	(1583261)
Item 32	June 17, 2019	(1583262)
Item 33	July 18, 2019	(1593139)
Item 34	August 20, 2019	(1599485)
Item 35	September 20, 2019	(1606390)
Item 36	September 30, 2019	(1576223)
Item 37	October 17, 2019	(1613236)
Item 38	November 19, 2019	(1619050)
Item 39	December 16, 2019	(1626402)
Item 40	January 18, 2020	(1634043)
Item 41	February 17, 2020	(1640662)
Item 42	March 19, 2020	(1647182)
Item 43	April 20, 2020	(1653518)
Item 44	April 28, 2020	(1638843)
Item 45	May 19, 2020	(1660105)
Item 46	June 18, 2020	(1666609)
Item 47	July 16, 2020	(1673566)

Item 48	August 19, 2020	(1680341)
Item 49	August 27, 2020	(1632948)
Item 50	September 17, 2020	(1686910)
Item 51	October 19, 2020	(1693257)
Item 52	November 04, 2020	(1685547)
Item 53	November 18, 2020	(1712461)
Item 54	December 17, 2020	(1712462)
Item 55	February 12, 2021	(1725516)
Item 56	March 18, 2021	(1725517)
Item 57	April 06, 2021	(1684676)
Item 58	April 20, 2021	(1725518)
Item 59	May 19, 2021	(1740064)
Item 60	May 28, 2021	(1703517)
Item 61	June 16, 2021	(1703860)
Item 62	July 19, 2021	(1751706)
Item 63	August 04, 2021	(1739886)
Item 64	August 20, 2021	(1757170)
Item 65	September 16, 2021	(1766250)
Item 66	October 15, 2021	(1776713)

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: 12/31/2020 (1712463)
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: 02/26/2021 (1672572)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
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, ST&C 12 OP
FOP, ST&C 1A OP
NSR, SC 7E PERMIT
Description: Failure to monitor new or reworked components within the allowable timeframe.
(Category C1 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 12 OP
FOP, ST&C 1A OP
NSR, SC 7E PERMIT
Description: Failure to prevent open-ended lines (OELs). (Category C10 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 10 OP
FOP, ST&C 12 OP
FOP, ST&C 1A OP
Description: Failure to submit notification of a 10-year inspection for tank M-1002. (Category B3 violation)
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, ST&C 12 OP
NSR, SC 1 PERMIT
Description: Failure to maintain carbon monoxide (CO) emissions from the Auxiliary Boiler

(EPN: 1-104BD) within the maximum allowable emission rate. (Category B13 violation)

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, ST&C 12 OP
NSR, SC 1 PERMIT

Description: Failure to maintain nitrogen oxide (NOx) emissions from the Waste Heat Boiler (EPN: 4026-U) within the maximum allowable emission rate. (Category B13 violation)

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, ST&C 12 OP
NSR, SC 1 PERMIT

Description: Failure to maintain nitrogen oxide (NOx) emissions from the Charge Gas Heater (EPN: 4000-B) within the maximum allowable emission rate. (Category B13 violation)

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)
FOPS, ST&C 12 OP
NSR, SC 1 PERMIT

Description: Failure to maintain butene emissions from the Main Flare (EPN: 1-105A) within the maximum allowable emission rate. (Category B13 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 12 OP
NSR, SC 15 PERMIT
NSR, SC 16 PERMIT

Description: Failure to maintain the concentration of nitrogen oxides (NOx), carbon monoxide (CO), and ammonia (NH3) within the permitted limits for the Charge Gas Heater (EPN 4000-B). (Category B13 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 12 OP
FOP, ST&C 1A OP
NSR, SC 11 PERMIT

Description: Failure to maintain the concentration of nitrogen oxides (NOx) and ammonia (NH3) within the permitted limits for the Waste Heat Boiler (EPN 4026-U). (Category B13 violation)

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, ST&C 12 OP
NSR, SC 16 PERMIT
NSR, SC 17 PERMIT

Description: Failure to maintain the Charge Gas Heater's (EPN: 4000-B) firebox temperature within authorized limits. (Category B18.g(1) violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 1A OP

Description: Failure to record the daily visible emissions observations of the Main Flare (EPN: 1-105A). (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 12 OP
FOP, ST&C 1A OP
NSR, SC 12 PERMIT

Description: Failure to prevent opacity from the Auxiliary Boiler, EPN: 1-104BD. (Category C4

violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, ST&C 12 OP
 NSR, SC 49A(1) PERMIT
 Description: Failure to operate the carbon absorption system (CAS) as a dual canister system.
 (Category C1 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 FOP, ST&C 12 OP
 NSR, SC 49A(4) PERMIT
 Description: Failure to change the primary carbon canister in the carbon absorption system
 (CAS) within 4 hours of documented breakthrough. (Category C1 violation)

F. Environmental audits:

Notice of Intent Date: 10/10/2016 (1369234)
 Disclosure Date: 02/23/2017
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 Description: Failed to characterize absorbents and wipes contaminated with an aerosol spray solvent containing tetrachloroethylene as a hazardous waste. Use of tetrachloroethylene as a solvent would result in a listed hazardous waste.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)
 Description: Failed to include the dates (on April 11, 2016 and April 18, 2016) and name of inspector (on March 13, 2015, March 21, 2016, September 23, 2016, and October 10, 2016) on weekly waste inspection forms.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)
 Description: Failed to maintain the one-time Land Disposal Restrictions (LDR) notice for waste treated onsite in the wastewater treatment system in the waste records (the one-time LDR notice may have been part of historical files pre-dating the FHR acquisition).
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(2)
 Description: Failed to place bulk containers of potential hazardous waste in a designated waste management unit within three days of exceeding 55 gallons for some projects. These temporary project container locations were not set up as 90-day accumulation areas, were not subject to weekly inspections, and were not listed in the site waste handling procedure or Notice of Registration.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 30 TAC Chapter 335, SubChapter R 335.508
 Description: Failed to appropriately characterize and document the characterization of Outfall 001 sludge Storm Tanks Final. Specifically, folder containing profile information for Class 2 Sludge (00115192) contained analytical results for Outfall 001 sludge showing a Reactive Sulfide concentration of 119 mg/kg (12/16/15) and analytical for "Storm Tanks Final" showing TPH concentrations of 3,230 and 3,290 mg/kg Total Petroleum Hydrocarbon (8/08/14).
 Disclosure Date: 05/17/2017
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Stormwater Permit Part III.D.1.c.
 Description: Failed to maintain weekly and daily rainfall records from the Harris County Flood District readily available for review. Specifically, rainfall data from a nearby weather station was utilized to determine when a qualifying storm event had occurred and samples were collected. The facility maintained a weather station and recorded weather conditions were uploaded into the PI System.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Stormwater Permit Part III.A.1.a.2.
 PERMIT Stormwater Permit Part III.A.4.
 Description: Failed to implement Best Management Practices to prevent soil erosion and sedimentation. Specifically, the fabric filter fence was observed to be damaged or missing at the southeast portion of the Barnum Substation construction area. Similarly, the filter fabric fence was observed to be damaged at the northwest corner of the Area 2 and along the northern perimeter of Area 3.
 Notice of Intent Date: 08/23/2017 (1437154)
 No DOV Associated
 Notice of Intent Date: 03/13/2018 (1478794)

Disclosure Date: 02/12/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.142
Description: Failed to install required controls for an "Affected volatile organic compound wastewater stream," as defined by 30 TAC § 115.140.

Notice of Intent Date: 08/24/2018 (1513331)

Disclosure Date: 07/11/2019

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.A.5.a.3

Description: Failed to document Signatory Authority and submit to TCEQ for the Site Manager and failed to document delegation in the Stormwater Pollution Prevention Plan ("SWP3").

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.2.a

Description: Failed to inspect all outfalls each quarter instead of inspecting only substantially similar outfalls each quarter.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.2

Description: Failed to ensure that inspection records document that at least one member of the Stormwater Pollution Prevention Team is present during the inspection.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.3.d

Description: Failed to document review of inspections by the stormwater pollution prevention team.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.5.b

Description: Failed to certify the 2018 Annual Comprehensive Site Compliance Inspection report within 30 days of inspection.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.D.2.b.4

Description: Failed to include an estimate of the runoff coefficient of the drainage areas in the SWP3.

Notice of Intent Date: 08/04/2020 (1670060)

Disclosure Date: 09/23/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)

30 TAC Chapter 115, SubChapter H 115.725(a)(4)

Description: Failed to have an adequate and updated Highly Reactive Volatile Organic Compounds (HRVOC) vent gas monitoring plan for the Waste Heat Boiler (EPN 4026-U, FIN 4026-U) and Charge Gas Heater (EPN 4000-B).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

Description: Failed to utilize an accurate method for the fired duty calculation for Regeneration Air Heater EP 4026-U, FIN 4001-B) which impacted the total NOx emissions for the Waste Heat Boiler (EPN 4026-U) that were reported under the Mass Emission Cap and Trade (MECT) annual compliance reports for several years.

Disclosure Date: 10/21/2020

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failed to accurately record visible emission observations for the Main Flare (EPN 1-105A). Specifically, 12 days of EPN 1-105A visible emission observation records were found that showed the date of observation, but the time of observation was missing or the observations were done before sunrise or after sunset. The auditors found that the systems put in place were not effective enough in meeting the flare observation requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 48

Description: Failed to consider when the shutdown began or when the startup ended in the standard procedure established to exempt the maximum number of hours allowed for every startup and shutdown. NSR Permit No. 18999 has durations (hours) for startup and shutdown periods (EPN 4026-U, ENP 4000-B) during which the site is exempt from NOx, CO, and NH3 reporting.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions No. 11
PERMIT Special Conditions No. 16

Description: Failed to calculate accurate 12-month rolling averages of ppm concentration for EPN Nos. 4026-U and 4000-B. Specifically, the calculation method for 12-month rolling averages of ppm concentration included zero values for calendar months with no data due to process shutdowns, but these should be excluded because the absence of data is not equivalent to a concentration of zero and should not reduce the average calculation.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 25

Description: Failed to use valid data for emission calculations. Specifically, CEMS monitoring data for EPNs 4026-U and 4000-B at the full span of the NOx and CO analyzer was not identified and was used as if it were valid data for emission calculations.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT STC No. 3

Description: Failed to make available records of opacity observations by certified readers as required by FOP O1251 for Waste Heat Boiler stack (EPN No. 4026-U) which requires monthly opacity observations by a certified reader using 40 CFR Subpart 60, Appendix A, Reference Method 9.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP STC No. 3.A(iv)(1)

Description: Failed to provide documentation that the five gas turbine (EPN No. 4026-U, FIN Nos. 4061-JT through 4065-JT) bypass vents, that are operated only for brief periods during startup and shutdown, had been included in the visible emissions monitoring program or that they were exempt from visible emissions monitoring.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.148(a)

Description: Failed to submit to remove the permit shield for 30 Tex. Admin. Code Ch. 115 Industrial Wastewater Unit ID No. WWU and 40 CFR Part 63 Subpart VVVVV for Unit ID No. CTOWER.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Conditions No. 39

Description: Failed to have documentation of LEL readings when the isolated equipment was opened to the atmosphere after being purged to a control device for MSS line break activities to make sure it is less than 10% LEL before opening the equipment to the atmosphere.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)

Description: Failed to meet requirements for obtaining valid data for 95% of operating hours. Specifically, the HRVOC analyzer monitoring system for the cooling tower organic emissions had many hours of detected organic concentrations that were determined by the site to be invalid, but were treated as valid hours of monitoring data for purposes of monitoring downtime.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report all instances of deviations in the previous semi-annual Title V deviation reports. Specifically, FHR missed reporting the deviations associated with the audit findings in Inv. No. 1670060 in prior reports because FHR was unaware of them.

Notice of Intent Date: 09/16/2021 (1764423)
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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: FLINT HILLS RESOURCES HOUSTON CHE

Reg Entity Add: 9822 LA PORTE FWY

Reg Entity City: HOUSTON

Reg Entity No: RN102576063

EPA Case No: 06-2017-3326

Order Issue Date (yyyymmdd): 20170123

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 111

Classification: Minor

Program: National Emission Stand

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES
HOUSTON CHEMICAL, LLC
RN102576063**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1409-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 Houston Chemical, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 9822 La Porte Freeway in Houston, Harris 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 \$8,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,840 of the penalty and \$1,710 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 by October 15, 2021, the Respondent replaced the digital control valve positioner on Valve XV2033 and updated the control logic in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363599.

II. ALLEGATIONS

During a record review conducted from August 6, 2021 through August 19, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18999, PDTX755M1, and N216, Special Conditions No. 1, Federal Operating Permit No. O1251, General Terms and Conditions and Special Terms and Conditions No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 716.05 pounds of nitrogen oxides from the Waste Heat Boiler, Emissions Point Number 4026-U, during an emissions event (Incident No. 363599) that occurred on July 26, 2021 and lasted one hour and 10 minutes. The emissions event occurred due to a malfunction of a Printed Wiring Board assembly on the positioner mounted on Valve XV2033 that caused the valve position feedback indication to fail and the equipment protection program to activate as designed, resulting in the release to the atmosphere. Since the emissions event 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: Flint Hills Resources Houston Chemical, LLC, Docket No. 2021-1409-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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

8/10/2022

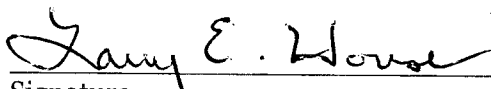
Date

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

2-1-2022

Date

Larry E. House

Name (Printed or typed)
Authorized Representative of
Flint Hills Resources Houston Chemical, LLC

Plant Manager

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.