

Executive Summary – Enforcement Matter – Case No. 63803

Alon USA, LP

RN100250869

Docket No. 2023-0419-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Alon USA Big Spring Refinery, 200 Refinery Road, Big Spring, Howard 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: March 8, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,425

Amount Deferred for Expedited Settlement: \$3,885

Total Paid to General Revenue: \$7,770

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$7,770

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

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: December 12, 2022 through February 16, 2023 and December 14, 2022 through March 20, 2023

Date(s) of NOE(s): February 28, 2023 and March 22, 2023

Executive Summary – Enforcement Matter – Case No. 63803

Alon USA, LP

RN100250869

Docket No. 2023-0419-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,551.75 pounds ("lbs") of sulfur dioxide ("SO₂"), 268.97 lbs of volatile organic compounds, 15.46 lbs of hydrogen sulfide ("H₂S"), 140.38 lbs of nitrogen oxides ("NO_x"), and 247.36 lbs of carbon monoxide from the Northeast Flare, Emissions Point Number ("EPN") 14NEASTFLR, and 2,455.66 lbs of SO₂, 16.65 lbs of H₂S, and 62.74 lbs of NO_x from the South Flare, EPN 16SOUTHFLR, during an emissions event (Incident No. 391004) that began on November 24, 2022 and lasted 16 hours and seven minutes. The emissions event occurred when a plugged pressure indicator sensor line caused the Fuel Gas Treater control valve to close, 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), New Source Review ("NSR") Permit No. 49154, Special Conditions ("SC") No. 1, NSR Permit No. 53425, SC No. 1, Federal Operating Permit ("FOP") No. O1505, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,205.75 lbs of SO₂, 41.30 lbs of H₂S, and 37.92 lbs of NO_x from the Northeast Flare, EPN 14NEASTFLR, during an emissions event (Incident No. 391010) that began on November 26, 2022 and lasted 25 hours and three minutes. The emissions event occurred when a process upset in the Diesel Hydrotreating Amine Treater sent a slug of sour gas to the Sour Water Stripper that caused an intermittent surge of SWS off-gas and flame instability at the #2 Sulfur Recovery Unit ("SRU") Muffle Furnace, resulting in the #2 SRU Muffle Furnace to shut down and 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. 49154, SC No. 1, FOP No. O1505, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By March 20, 2023, implemented routine operator training for the control valve and pressure monitoring of the Diesel Hydrotreating Amine Treater, the tower pressure monitoring of the Sour Water Stripper, and the interrelationship of acid gas entering the #2 SRU to improve the operational responses to pressure swings and expedite the

Executive Summary – Enforcement Matter – Case No. 63803

Alon USA, LP

RN100250869

Docket No. 2023-0419-AIR-E

sulfur sheading practices in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 391010; and

b. By May 9, 2023, installed an alarm to alert the control room operator of a high pressure/low output on the control valve that sends acid gas to the #2 SRU and conducted training for all operators on this alarm in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 391004.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Texas PTA, 408 West 11th Street, Austin, Texas 78701

Respondent: Jeffrey Rose, Refinery General Manager, Alon USA, LP, 200 Refinery Road, Big Spring, Texas 79720

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Mar-2023		
	PCW	11-Jan-2024	Screening	21-Mar-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Alon USA, LP			
Reg. Ent. Ref. No.	RN100250869			
Facility/Site Region	7-Midland	Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	63803	No. of Violations	2
Docket No.	2023-0419-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	42.0%	Adjustment	Subtotals 2, 3, & 7	\$6,300
---------------------------	-------	------------	--------------------------------	---------

Notes	Enhancement for one NOV with same or similar violations and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure 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	\$250	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$11,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,425
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$19,425
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,425
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$3,885
-----------------	-------	-----------	------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,540
------------------------	----------

Screening Date21-Mar-2023

RespondentAlon USA, LP

Case ID No.63803

Reg. Ent. Reference No.RN100250869

MediaAir

Enf. CoordinatorYuliya Dunaway

Docket No.2023-0419-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	0	0%
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>)	1	-1%
	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>)	1	-2%
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)42%

>> 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 and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)42%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%42%

Screening Date

21-Mar-2023

Docket No.

2023-0419-AIR-E

PCW

Respondent

Alon USA, LP

Case ID No.

63803

Reg. Ent. Reference No.

RN100250869

Media

Air

Enf. Coordinator

Yuliya Dunaway

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 49154, Special Conditions ("SC") No. 1, NSR Permit No. 53425, SC No. 1, Federal Operating Permit ("FOP") No. O1505, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,551.75 pounds ("lbs") of sulfur dioxide ("SO2"), 268.97 lbs of volatile organic compounds ("VOC"), 15.46 lbs of hydrogen sulfide ("H2S"), 140.38 lbs of nitrogen oxides ("NOx"), and 247.36 lbs of carbon monoxide ("CO") from the Northeast Flare, Emissions Point Number ("EPN") 14NEASTFLR, and 2,455.66 lbs of SO2, 16.65 lbs of H2S, and 62.74 lbs of NOx from the South Flare, EPN 16SOUTHFLR, during an emissions event (Incident No. 391004) that began on November 24, 2022 and lasted 16 hours and seven minutes. The emissions event occurred when a plugged pressure indicator sensor line that caused the Fuel Gas Treater control valve to close, 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

Major

Moderate

Minor

Actual

x

Potential

Percent

30.0%

>>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 did 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

1

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$7,500

One monthly 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

\$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$227

Violation Final Penalty Total

\$10,650

This violation Final Assessed Penalty (adjusted for limits)

\$10,650

Economic Benefit Worksheet

Respondent Alon USA, LP
Case ID No. 63803
Reg. Ent. Reference No. RN100250869
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)	\$10,000	24-Nov-2022	9-May-2023	0.45	\$227	n/a	\$227

Notes for DELAYED costs

Estimated cost to install an alarm to alert the control room operator of a high pressure/low output on the control valve that sends acid gas to the #2 Sulfur Recovery Unit ("SRU") and conduct training for all operators on this alarm in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 391004. The Date Required is the date the emissions event began 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 \$10,000

TOTAL \$227

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

21-Mar-2023
Alon USA, LP
63803
RN100250869
Air
Yuliya Dunaway

Docket No.

2023-0419-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 49154, SC No. 1, FOP No. O1505, GTC and STC No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,205.75 lbs of SO2, 41.30 lbs of H2S, and 37.92 lbs of NOx from the Northeast Flare, EPN 14NEASTFLR, during an emissions event (Incident No. 391010) that began on November 26, 2022 and lasted 25 hours and three minutes. The emissions event occurred when a process upset in the Diesel Hydrotreating ("DHT") Amine Treater sent a slug of sour gas to the Sour Water Stripper ("SWS") that caused an intermittent surge of SWS off-gas and flame instability at the #2 SRU Muffle Furnace, resulting in the #2 SRU Muffle Furnace to shut down and 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

Major

Moderate

Minor

Actual

x

Potential

Percent

30.0%

>>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 did 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

2

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 completed the corrective measures by March 20, 2023, prior to the Notice of Enforcement dated March 22, 2023.

Violation Subtotal

\$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$23

Violation Final Penalty Total

\$8,775

This violation Final Assessed Penalty (adjusted for limits)

\$8,775

Economic Benefit Worksheet

Respondent Alon USA, LP
Case ID No. 63803
Reg. Ent. Reference No. RN100250869
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	26-Nov-2022	20-Mar-2023	0.31	\$23	n/a	\$23
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	Estimated cost to implement routine operator training for the control valve and pressure monitoring of the DHT Amine Treater, tower pressure monitoring of the SWS, and the interrelationship of acid gas entering the #2 SRU to improve the operational responses to pressure swings and expedite the sulfur sheading practices in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 391010. The Date Required is the date the emissions event began 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 \$1,500

TOTAL \$23



Compliance History Report

Compliance History Report for CN600881783, RN100250869, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600881783, Alon USA, LP	Classification:	SATISFACTORY	Rating:	0.70
Regulated Entity:	RN100250869, ALON USA BIG SPRING REFINERY	Classification:	SATISFACTORY	Rating:	0.86
Complexity Points:	33	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	200 REFINERY ROAD, BIG SPRING, HOWARD COUNTY, TEXAS				
TCEQ Region:	REGION 07 - MIDLAND				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HT0011Q
AIR NEW SOURCE PERMITS PERMIT 51A
AIR NEW SOURCE PERMITS REGISTRATION 18782
AIR NEW SOURCE PERMITS PERMIT 20628
AIR NEW SOURCE PERMITS PERMIT 21392
AIR NEW SOURCE PERMITS REGISTRATION 25233
AIR NEW SOURCE PERMITS REGISTRATION 28979
AIR NEW SOURCE PERMITS REGISTRATION 31904
AIR NEW SOURCE PERMITS REGISTRATION 39184
AIR NEW SOURCE PERMITS REGISTRATION 48115
AIR NEW SOURCE PERMITS PERMIT 49154
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HT0011Q
AIR NEW SOURCE PERMITS REGISTRATION 76223
AIR NEW SOURCE PERMITS REGISTRATION 70204
AIR NEW SOURCE PERMITS REGISTRATION 71018
AIR NEW SOURCE PERMITS REGISTRATION 71293
AIR NEW SOURCE PERMITS PERMIT 73323
AIR NEW SOURCE PERMITS REGISTRATION 74448
AIR NEW SOURCE PERMITS REGISTRATION 78556
AIR NEW SOURCE PERMITS PERMIT 80833
AIR NEW SOURCE PERMITS REGISTRATION 84775
AIR NEW SOURCE PERMITS REGISTRATION 88517
AIR NEW SOURCE PERMITS REGISTRATION 51700
AIR NEW SOURCE PERMITS REGISTRATION 92615
AIR NEW SOURCE PERMITS REGISTRATION 103186
AIR NEW SOURCE PERMITS REGISTRATION 101913
AIR NEW SOURCE PERMITS REGISTRATION 103162
AIR NEW SOURCE PERMITS REGISTRATION 103187
AIR NEW SOURCE PERMITS REGISTRATION 103156
AIR NEW SOURCE PERMITS REGISTRATION 103160
AIR NEW SOURCE PERMITS REGISTRATION 103189
AIR NEW SOURCE PERMITS REGISTRATION 103158
AIR NEW SOURCE PERMITS REGISTRATION 103188
AIR NEW SOURCE PERMITS REGISTRATION 103154
AIR NEW SOURCE PERMITS REGISTRATION 103191
AIR NEW SOURCE PERMITS REGISTRATION 140037
AIR NEW SOURCE PERMITS REGISTRATION 139413
AIR NEW SOURCE PERMITS REGISTRATION 119374
AIR NEW SOURCE PERMITS REGISTRATION 111025
AIR NEW SOURCE PERMITS REGISTRATION 126155
AIR NEW SOURCE PERMITS REGISTRATION 123201

AIR OPERATING PERMITS PERMIT 1505
AIR NEW SOURCE PERMITS REGISTRATION 15407
AIR NEW SOURCE PERMITS PERMIT 20487
AIR NEW SOURCE PERMITS PERMIT 21013
AIR NEW SOURCE PERMITS REGISTRATION 23836
AIR NEW SOURCE PERMITS REGISTRATION 27065
AIR NEW SOURCE PERMITS REGISTRATION 31834
AIR NEW SOURCE PERMITS PERMIT 36845
AIR NEW SOURCE PERMITS REGISTRATION 41916
AIR NEW SOURCE PERMITS REGISTRATION 50028
AIR NEW SOURCE PERMITS PERMIT 50209
AIR NEW SOURCE PERMITS PERMIT 53425
AIR NEW SOURCE PERMITS AFS NUM 4822700001
AIR NEW SOURCE PERMITS REGISTRATION 70215
AIR NEW SOURCE PERMITS REGISTRATION 70658
AIR NEW SOURCE PERMITS REGISTRATION 71774
AIR NEW SOURCE PERMITS REGISTRATION 74005
AIR NEW SOURCE PERMITS REGISTRATION 77393
AIR NEW SOURCE PERMITS REGISTRATION 78640
AIR NEW SOURCE PERMITS REGISTRATION 82085
AIR NEW SOURCE PERMITS REGISTRATION 87417
AIR NEW SOURCE PERMITS REGISTRATION 87851
AIR NEW SOURCE PERMITS REGISTRATION 90993
AIR NEW SOURCE PERMITS REGISTRATION 92136
AIR NEW SOURCE PERMITS REGISTRATION 102218
AIR NEW SOURCE PERMITS REGISTRATION 102238
AIR NEW SOURCE PERMITS REGISTRATION 103166
AIR NEW SOURCE PERMITS REGISTRATION 102255
AIR NEW SOURCE PERMITS REGISTRATION 103142
AIR NEW SOURCE PERMITS REGISTRATION 103164
AIR NEW SOURCE PERMITS REGISTRATION 103190
AIR NEW SOURCE PERMITS REGISTRATION 102256
AIR NEW SOURCE PERMITS REGISTRATION 102241
AIR NEW SOURCE PERMITS REGISTRATION 102252
AIR NEW SOURCE PERMITS REGISTRATION 103145
AIR NEW SOURCE PERMITS REGISTRATION 109237
AIR NEW SOURCE PERMITS REGISTRATION 139891
AIR NEW SOURCE PERMITS REGISTRATION 120041
AIR NEW SOURCE PERMITS REGISTRATION 113295
AIR NEW SOURCE PERMITS REGISTRATION 112751
AIR NEW SOURCE PERMITS REGISTRATION 151418

AIR NEW SOURCE PERMITS REGISTRATION 169517
AIR NEW SOURCE PERMITS REGISTRATION 166594
AIR NEW SOURCE PERMITS REGISTRATION 147050
AIR NEW SOURCE PERMITS REGISTRATION 146112
AIR NEW SOURCE PERMITS REGISTRATION 157674
AIR NEW SOURCE PERMITS REGISTRATION 160102
AIR NEW SOURCE PERMITS REGISTRATION 153255
AIR NEW SOURCE PERMITS REGISTRATION 158321
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30083
WASTEWATER PERMIT 2E0000032
WASTEWATER PERMIT WQ0001768000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HT0011Q
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50140
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30083

AIR NEW SOURCE PERMITS REGISTRATION 164523
AIR NEW SOURCE PERMITS REGISTRATION 164514
AIR NEW SOURCE PERMITS PERMIT AMOC47
AIR NEW SOURCE PERMITS REGISTRATION 142563
AIR NEW SOURCE PERMITS REGISTRATION 160786
AIR NEW SOURCE PERMITS REGISTRATION 156312
AIR NEW SOURCE PERMITS REGISTRATION 152183
AIR NEW SOURCE PERMITS REGISTRATION 168554
STORMWATER PERMIT TXR05FF84
WASTEWATER PERMIT WQ0004539000
WASTEWATER EPA ID TX0104515
POLLUTION PREVENTION PLANNING ID NUMBER P00240
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008013468

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: March 21, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 21, 2018 to March 21, 2023

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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? YES
- 3) Who is the current owner/operator?

Alon USA, LP OWNER OPERATOR since 1/1/1800
 Alon USA GP, Inc. OWNER OPERATOR since 1/1/1800
 TotalEnergies Petrochemicals & Refining USA, Inc. OWNER OPERATOR since 1/1/1800
- 4) Who was/were the prior owner(s)/operator(s)?

Expal USA Inc., OPERATOR, 10/23/2020 to 10/24/2020

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

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

- 1 Effective Date: 05/19/2020 ADMINORDER 2019-1558-AIR-E (1660 Order-Agreed Order With Denial)
 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 No. O1505 OP
 Description: Failure to include all deviations from earlier reporting periods in the appropriate report. This is a category C3 violation according to the Enforcement Initiation Criteria, revision 16 (EIC rev 16). This is also a violation of Texas Health and Safety Code (THSC) 382.085 (b). This is a third C violation for the same non-compliance which requires that the violation be referred to enforcement.

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 | April 13, 2018 | (1495178) |
| Item 2 | April 27, 2018 | (1435204) |

Item 3	May 18, 2018	(1502098)
Item 4	June 18, 2018	(1509222)
Item 5	July 13, 2018	(1499991)
Item 6	July 19, 2018	(1515527)
Item 7	July 20, 2018	(1504445)
Item 8	August 19, 2018	(1521577)
Item 9	August 29, 2018	(1506837)
Item 10	September 19, 2018	(1528767)
Item 11	October 19, 2018	(1535089)
Item 12	October 24, 2018	(1401656)
Item 13	November 13, 2018	(1542944)
Item 14	December 18, 2018	(1546685)
Item 15	January 19, 2019	(1564164)
Item 16	February 19, 2019	(1564162)
Item 17	March 11, 2019	(1435201)
Item 18	March 17, 2019	(1564163)
Item 19	April 16, 2019	(1573316)
Item 20	May 15, 2019	(1586239)
Item 21	June 05, 2019	(1571247)
Item 22	August 02, 2019	(1523185)
Item 23	August 26, 2019	(1576159)
Item 24	September 13, 2019	(1596464)
Item 25	October 28, 2019	(1604655)
Item 26	October 29, 2019	(1604897)
Item 27	November 19, 2019	(1620534)
Item 28	November 22, 2019	(1611407)
Item 29	December 10, 2019	(1616424)
Item 30	December 11, 2019	(1616586)
Item 31	January 18, 2020	(1635511)
Item 32	January 30, 2020	(1598674)
Item 33	February 14, 2020	(1612926)
Item 34	February 25, 2020	(1591292)
Item 35	May 15, 2020	(1645713)
Item 36	June 01, 2020	(1651544)
Item 37	July 20, 2020	(1675035)
Item 38	August 11, 2020	(1663419)
Item 39	August 19, 2020	(1681802)
Item 40	August 25, 2020	(1617821)
Item 41	September 04, 2020	(1672281)
Item 42	September 19, 2020	(1688381)
Item 43	September 25, 2020	(1610931)
Item 44	October 20, 2020	(1694741)
Item 45	November 13, 2020	(1690396)
Item 46	November 20, 2020	(1690678)
Item 47	December 09, 2020	(1692645)
Item 48	December 18, 2020	(1716809)
Item 49	January 20, 2021	(1716810)
Item 50	February 05, 2021	(1701915)
Item 51	February 20, 2021	(1729889)
Item 52	March 19, 2021	(1729890)
Item 53	April 16, 2021	(1707877)
Item 54	April 19, 2021	(1729891)
Item 55	April 30, 2021	(1710368)
Item 56	May 14, 2021	(1722183)
Item 57	May 20, 2021	(1742236)
Item 58	June 08, 2021	(1725053)
Item 59	June 19, 2021	(1748328)
Item 60	June 24, 2021	(1724418)
Item 61	July 20, 2021	(1753141)
Item 62	August 17, 2021	(1751130)

Item 63	August 19, 2021	(1758546)
Item 64	August 27, 2021	(1751142)
Item 65	September 19, 2021	(1767838)
Item 66	October 04, 2021	(1755070)
Item 67	October 18, 2021	(1778401)
Item 68	October 29, 2021	(1770658)
Item 69	November 15, 2021	(1785072)
Item 70	December 11, 2021	(1792105)
Item 71	December 21, 2021	(1781103)
Item 72	January 15, 2022	(1799954)
Item 73	February 04, 2022	(1789758)
Item 74	February 16, 2022	(1807786)
Item 75	February 22, 2022	(1783171)
Item 76	March 16, 2022	(1814829)
Item 77	April 19, 2022	(1821398)
Item 78	May 20, 2022	(1830295)
Item 79	June 15, 2022	(1818930)
Item 80	July 17, 2022	(1843730)
Item 82	August 12, 2022	(1849892)
Item 83	September 08, 2022	(1841541)
Item 84	September 13, 2022	(1857661)
Item 85	October 10, 2022	(1864015)
Item 86	November 18, 2022	(1870924)
Item 87	December 09, 2022	(1861716)
Item 88	December 11, 2022	(1876781)
Item 89	January 15, 2023	(1883591)
Item 90	February 09, 2023	(1875018)

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:	08/31/2022	(1795446)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THSC Chapter 382 382.085(a)			
	Description:	Failure to comply with Standard Permit 82085. #24 Boiler intermittently exceeded the nitrogen oxides (NOx) permitted limits. This violation is an ongoing issue which is included in the Consent Decree with the EPA.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)			
	Description:	Failure to comply with Special Condition 1 of Permit 20487 which states that the facilities covered by the permit are authorized to emit subject to the emission rate limits on the Maximum Allowable Emission Rate table (MAERT) and other operating requirements specified in the special conditions. This violation is an ongoing issue which is included in the Consent Decree with the EPA.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.110 5C THSC Chapter 382 382.085(b)			
	Description:	Failure to comply with NSPS Subpart Ja H2S limit of 162 ppm in the flare system. This violation is an ongoing issue which is being addressed as part of the Consent Decree with the EPA.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THSC Chapter 382 382.085(b)			
	Description:	Failure to maintain CEMS downtime to less than 5%.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e) 5C THSC Chapter 382 382.085(b)			
	Description:	Failure to meet the combustion zone net heating value limit of 270 BTU/SCF on a 15-minute average.			

F. Environmental audits:

Notice of Intent Date: 07/19/2017 (1430317)

Disclosure Date: 07/19/2018

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(a)(1)

Description: Failure to prepare and maintain a Quality Control program associated with the Continuous Emission Monitoring System (CEMS) for the RCCU, #1SRU, or #2 SRU.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(a)(1)

Description: Failure to maintain records of annual Data Assessment Reports (DARs) for the FCCU or the # 1 SRU and #2 SRU SO2 CEMS.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
4C THSC Chapter 263, SubChapter A 263.101(b)
4C THSC Chapter 263, SubChapter A 263.101(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)(v)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT R 63.425(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT R 63.427(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT R 63.428(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.650(a)

Description: Failure to maintain records for the gasoline loading vapor combustor unit. This includes the performance test, established operating parameter value, parametric values monitored and recorded by the combustor CMS, and a description of the approved reporting and recordkeeping procedures pursuant to the AMP.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.641

Description: Failure to designate process vents as either Group 1 or Group 2.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576

Description: Failure to maintain compliance reports for CRU HCl emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1569

Description: Failure to maintain records of monitoring reports determining whether flow is present in the FCCU electrostatic precipitator (ESP) bypass.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vi)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(vii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(xi)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(a)(2)

Description: Failure to maintain MACT UUU records; this includes startup and shutdown, failures to meet an applicable standard, sources or equipment affected by failure, actions taken to minimize emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69

Description: Failure to update RCRA Contingency Plan and include in the Integrated Contingency Plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.12(2)

Description: Failure to include used crankhouse oil in the facility's solid waste notice of registration.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(2)(A)

Description: Failure to comply with permit time limits for maintenance, startup, and shutdown (MSS) for #24 Boiler unit.

Viol. Classification: Minor

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

Description: Failure to maintain MSS records for years 2014 and 2015.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to update the rolling 12-month emissions totals on a monthly basis.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to maintain records associated with startup/shutdown activity duration times as required per Special Condition 11 of permit No 80833.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to document reason for change from hourly to daily for Carbon Canister monitoring at the North Aromex Unit and South Aremex Mid Frac unit during a January 2016 turnaround.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)
Description: Failure to include in Notice of Registration all hazardous wastes stored onsite and reported in the 2016 Annual Waste Summary and/or dewatering oily sludge in Unit 015.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
Description: Failure to report hazardous waste managed onsite and Class I wastes in the Annual Waste Summaries for 2014, 2015, and 2016. Data provided was only for hazardous waste shipped offsite.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter Q 335.474
Description: Failure to include required information in the source Reduction and Waste Minimization Plan.

Notice of Intent Date: 09/17/2021 (1763804)
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: ALON USA BIG SPRING REFINERY

Reg Entity Add: 200 REFINERY RD

Reg Entity City: BIG SPRING

Reg Entity No: RN100250869

EPA Case No: 06-2007-3406

Order Issue Date (yyyymmdd): 20190605

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 111

Classification: Minor

Program: National Emission

Citation:

Violation National Emission Standard For
Standards for Hazardous

Hazardous Air Pollutant

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil
Judicial Action

EPA Case No: 06-2017-3319

Order Issue Date (yyyymmdd): 20170905

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 112R

Classification: Minor

Program: National Emission

Citation:

Violation

Cite Sect: Standards for Hazardous

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without
Injunctive Relief

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALON USA, LP
RN100250869

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-0419-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 Alon USA, LP (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 200 Refinery Road in Big Spring, Howard 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 \$19,425 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,770 of the penalty and \$3,885 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$7,770 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of the Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

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 the Respondent implemented the following corrective measures at the Plant:
 - a. By March 20, 2023, implemented routine operator training for the control valve and pressure monitoring of the Diesel Hydrotreating ("DHT") Amine Treater, the tower pressure monitoring of the Sour Water Stripper ("SWS"), and the interrelationship of acid gas entering the #2 Sulfur Recovery Unit ("SRU") to improve the operational responses to pressure swings and expedite the sulfur sheading practices in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 391010; and
 - b. By May 9, 2023, installed an alarm to alert the control room operator of a high pressure/low output on the control valve that sends acid gas to the #2 SRU and conducted training for all operators on this alarm in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 391004.

II. ALLEGATIONS

1. During a record review for the Plant conducted from December 12, 2022 through February 16, 2023, 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), New Source Review ("NSR") Permit No. 49154, Special Conditions ("SC") No. 1, NSR Permit No. 53425, SC No. 1, Federal Operating Permit ("FOP") No. O1505, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,551.75 pounds ("lbs") of sulfur dioxide ("SO₂"), 268.97 lbs of volatile organic compounds, 15.46 lbs of hydrogen sulfide ("H₂S"), 140.38 lbs of nitrogen oxides ("NO_x"), and 247.36 lbs of carbon monoxide from the Northeast Flare, Emissions Point Number ("EPN") 14NEASTFLR, and 2,455.66 lbs of SO₂, 16.65 lbs of H₂S, and 62.74 lbs of NO_x from the South Flare, EPN 16SOUTHFLR, during an emissions event (Incident No. 391004) that began on November 24, 2022 and lasted 16 hours and seven minutes. The emissions event occurred when a plugged pressure indicator sensor line caused the Fuel Gas

Treater control valve to close, 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 for the Plant conducted from December 14, 2022 through March 20, 2023, 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. 49154, SC No. 1, FOP No. 01505, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4,205.75 lbs of SO₂, 41.30 lbs of H₂S, and 37.92 lbs of NO_x from the Northeast Flare, EPN 14NEASTFLR, during an emissions event (Incident No. 391010) that began on November 26, 2022 and lasted 25 hours and three minutes. The emissions event occurred when a process upset in the DHT Amine Treater sent a slug of sour gas to the SWS that caused an intermittent surge of SWS off-gas and flame instability at the #2 SRU Muffle Furnace, resulting in the #2 SRU Muffle Furnace to shut down and 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: Alon USA, LP, Docket No. 2023-0419-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,770 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
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. 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.
6. 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.
7. 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.
8. 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.

Alon USA, LP
DOCKET NO. 2023-0419-AIR-E
Page 5

SIGNATURE PAGE**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**_____
For the Commission_____
Date

4/2/2024

For the Executive Director_____
Date

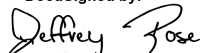
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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 OAG 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 OAG 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.

DocuSigned by:



2/6/2024

Signature_____
Date

Jeffrey Rose

Refinery General Manager

Name (Printed or typed)
Authorized Representative of
Alon USA, LP

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.

Attachment A
Docket Number: 2023-0419-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Alon USA, LP
Payable Penalty Amount:	\$15,540
SEP Offset Amount:	\$7,770
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	<i>Texas PTA Clean School Bus Replacement Program</i>
Location of SEP:	Texas Air Quality Control Region 218: Midland-Odessa-San Angelo - Preference for Howard County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA
408 West 11th Street
Austin, Texas 78701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Alon USA, LP
Docket No. 2023-0419-AIR-E
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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