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REGIONAL HEARING CLERK  
EPA REGION 6

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS**

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In the Matter of	§	
	§	
Flint Hills Resources Corpus Christi, LLC	§	Docket No. CAA-06-2025-3382
Corpus Christi, Texas	§	
	§	
Respondent.	§	

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**ADMINISTRATIVE ORDER ON CONSENT**

**A. PRELIMINARY STATEMENT**

1. This Administrative Compliance Order on Consent ("Order") is brought under Section 113(a) of the Clean Air Act (the "CAA" or the "Act"), 42 U.S.C. § 7413(a). Section 113(a)(3)(B) of the CAA authorizes the Administrator of the United States Environmental Protection Agency to issue an order requiring compliance to any person the Administrator finds to have violated, or is in violation of the CAA, which includes, among other things, the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder.

2. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6 has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 113(a) of the Act, 42 U.S.C. § 7413(a).

3. Flint Hills Resources Corpus Christi, LLC (“FHR Corpus” or “Respondent”) is a limited liability company doing business in the State of Texas. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent have agreed to voluntarily enter into this Order for the purposes of carrying out the goals of Section 112(r) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(r), and the regulations promulgated thereunder and codified at 40 C.F.R. Part 68.

**B. JURISDICTION**

5. This Order is entered into pursuant to Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B) for the alleged violation of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder.

6. On January 3, 2025, EPA issued to Respondent a Notice letter, providing notice to Respondent that EPA found Respondent committed the alleged violations described in Section E of this Order and providing Respondent an opportunity to confer with EPA. On January 14, 2025, representatives of Respondent and EPA conferred regarding the January 3, 2025, Notice letter.

**C. STATUTORY AND REGULATORY BACKGROUND**

**Clean Air Act, Section 112(R)**

7. The objective of Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), is to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance.

8. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), requires the Administrator to promulgate, not later than 24 months after November 15, 1990, a list of regulated substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

9. Pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

10. Pursuant to Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), whenever the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations, the Administrator may issue an administrative order against any person assessing a civil administrative penalty.

11. The Administrator may assess a civil penalty of up to \$59,114 per day of violation up to a total of \$472,901 for each violation. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

#### **Risk Management Plan (RMP)**

12. Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for stationary sources with threshold quantities of regulated substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3). On June 20, 1996, EPA promulgated a final

rule known as the Risk Management Program, 40 C.F.R. Part 68 – Chemical Accident Prevention Provisions, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

13. The regulations at 40 C.F.R. Part 68 require owners and operators to develop and implement a Risk Management Program at each stationary source with over a threshold quantity of regulated substances. The Risk Management Program must include, among other things, a hazard assessment, a prevention program, and an emergency response program. The Risk Management Program is described in a Risk Management Plan (RMP) that must be submitted to EPA.

14. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source subject to 40 C.F.R. Part 68 no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

15. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68 apply to each program level of covered processes.

16. Pursuant to 40 C.F.R. § 68.10(i), a covered process is subject to Program 3 requirements if the process does not meet the requirements of Program 1, as described in 40 C.F.R. § 68.10(g), and if it is in a specified North American Industrial Classification System code or is subject to the OSHA process safety management standard, 29 C.F.R. 1910.119.

#### **Definitions**

17. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a

State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

18. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), and the regulation at 40 C.F.R. § 68.3 defines “accidental release” as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

19. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulation at 40 C.F.R. § 68.3 defines “stationary source,” in part, as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

20. Section 112(r)(2)(B) of the CAA, 42 U.S.C. § 7412(r)(2)(B), and the regulation at 40 C.F.R. § 68.3 defines “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

21. The regulation at 40 C.F.R. § 68.3 defines “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

22. The term “extremely hazardous substance” means an extremely hazardous substance within the meaning of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1). Such substances include any chemical which may, as a result of short-term exposures associated with

releases to the air, cause death, injury, or property damage due to its toxicity, reactivity, flammability, or corrosivity.<sup>1</sup> The term includes, but is not limited to, regulated substances listed in Section 112(r)(3), 42 U.S.C. § 7412(r)(3), and 40 C.F.R. 68.130. Also, the release of any substance that causes death or serious injury because of its acute toxic effect or as a result of an explosion or fire or that causes substantial property damage by blast, fire, corrosion, or other reaction would create a presumption that such substance is extremely hazardous<sup>2</sup>.

23. The regulation at 40 C.F.R. § 68.3 defines “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

24. The regulation at 40 C.F.R. § 68.3 defines “covered process” as a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.

#### **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

25. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

26. Respondent is the owner and operator of FHR – West Refinery, a refinery located at 2825 Suntide Road Corpus Christi, Texas 78409 (the “Facility”).

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<sup>1</sup> Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Sen. Report No. 228, 101st Congress, 1st Session 211 (1989).

<sup>2</sup> *Id.*

27. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, EPA conducted an inspection of the Facility on January 22 through 25, 2025, to determine Respondent's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68 (the "Inspection").

28. On January 3, 2025, EPA sent Respondent a Notice letter. On January 14, 2025, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials. EPA responded to the documentation and information received from Respondent as a result of the opportunity to confer and articulated EPA's position concerning Respondent's compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

29. The Facility is a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulation at 40 C.F.R. § 68.3.

30. Respondent has the following processes at the Facility, meeting the definition of "process", as defined by 40 C.F.R. § 68.3: Hydrofluoric Acid (HF) Alkylation Unit and Fluidized Catalytic Cracking Unit (FCCU) Complex.

31. Hydrofluoric acid and the flammable mixture are "regulated substance[s]" pursuant to Section 112(r)(2)(B) of the CAA, 42 U.S.C. § 7412(r)(2)(B), and the regulation at 40 C.F.R. § 68.3.

32. Respondent has greater than a threshold quantity of hydrofluoric acid and the flammable mixture as listed in 40 C.F.R. § 68.130, in a process at the Facility, meeting the definition of "covered process" as defined by 40 C.F.R. § 68.3.

33. From the time Respondent first had on-site greater than a threshold quantity of hydrofluoric acid and the flammable mixture in a process, Respondent was subject to the requirements of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. Part 68 because it was the owner or operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

34. From the time Respondent first had on-site greater than a threshold quantity of hydrofluoric acid and the flammable mixture in a process, Respondent was required to submit an RMP pursuant to 40 C.F.R. § 68.12(a) and comply with the Program 3 prevention requirements because pursuant to 40 C.F.R. § 68.10(i), the covered process at the Facility did not meet the eligibility requirements of Program 1 and is in North American Industry Classification System code 32411 and subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

35. Based upon the information gathered during the Inspection, EPA determined that Respondent violated certain provisions of the CAA.

#### **E. ALLEGED VIOLATIONS**

36. The facts stated in EPA Findings of Fact and Conclusions of Law above are herein incorporated.

37. Complainant hereby states and alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as stated below.

#### **Process Safety Information: Piping and Instrument Diagrams**

38. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention

requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.65(d)(1)(ii), the owner or operator shall maintain process safety information pertaining to the equipment in the process, including piping and instrument diagrams (P&ID's).

39. Respondent failed to maintain accurate process safety information and ensure that P&IDs # 3226-03-027B and # W08F0017 were accurate and up to date in accordance with 40 C.F.R. § 68.65(d)(1)(ii).

40. Respondent's failure to maintain accurate process safety information, as required by 40 C.F.R. § 68.65(d)(1)(ii), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Process Hazard Analysis**

41. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.67(e), the owner or operator shall establish a system to promptly address the process hazard analyses team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

42. Respondent failed to assure that findings and recommendations in its process hazard analysis were resolved in a timely manner. Specifically, recommendations from 2017 and 2022 PHAs were not resolved until after the date designed by Respondent to be timely.

43. Respondent's failure to promptly address the team's findings and recommendations, assure that the recommendations were resolved in a timely manner, and complete actions as soon as possible pursuant to 40 C.F.R. § 68.67(e), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Operating Procedures**

44. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.69(a)(3)(ii), the owner or operator shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address safety and health consideration regarding precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment.

45. Respondent failed to adequately provide instructions on personal protective equipment (PPE) required to prevent exposure in its 2021 W-01-ESD-0001 operating procedure for Emergency Shutdown at a covered process of the No. 1 FCCU.

46. Respondent's failure to adequately provide clear instructions in its operating procedures for PPE pursuant to 40 C.F.R. § 68.69(a)(3)(ii), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Mechanical Integrity: Equipment Deficiencies**

47. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention

requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.73(e), the owner or operator shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in 40 C.F.R. § 68.65) before further use or in a safe and timely manner, when necessary, means are taken to assure safe operation.

48. Respondent failed to timely address deficiencies identified during an API 570 visual inspection of the HF alkylation unit in 2023.

49. Respondent's failure to correct deficiencies in equipment in a timely manner pursuant to 40 C.F.R. § 68.73(e), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

#### **Process Safety Information: Piping and Labeling**

50. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Pursuant to 40 C.F.R. § 68.65(d)(2), the owner or operator shall ensure and document that the process is designed and maintained in compliance with recognized and generally accepted good engineering practices.

51. During the Inspection, EPA identified that Respondent failed to label or color code process piping from the HF alkylation unit to the loading station in compliance with recognized and generally accepted good engineering practices.

52. Respondent's failure to ensure and document that the HF alkylation unit is maintained in compliance with recognized and generally accepted good engineering practices pursuant to 40 C.F.R. § 68.65(d)(2), as required by 40 C.F.R. § 68.12(d)(3), is a violation of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

**F. ORDER FOR COMPLIANCE**

53. Based on the EPA Findings of Fact and Conclusions of Law and the Alleged Violations set forth above, and pursuant to the authority of Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), as amended, Respondent is hereby ORDERED and agrees to comply with the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the regulations promulgated thereunder and codified at 40 C.F.R. Part 68. Specifically, EPA and Respondent agree that Respondent shall, complete the following actions (Compliance Actions):

a. Corrective Action Report. Respondent shall submit a completion report of the corrective actions implemented pursuant to the violations identified in Section E of this Order.

b. API 751 Audit. Within one hundred and twenty (120) days of the Effective Date of this Order, Respondent shall perform an API 751 compliance audit ("API 751 Audit") of the HF alkylation unit. Respondent shall work with the auditor in a commercially reasonable manner and consistent with this Order so that within thirty (30) days of completing the API 751 Audit, the auditor provides a report (the "Audit Report") to EPA and Respondent that includes, at a minimum, the audit findings and the Facility's proposed response to each of the audit findings.

c. Labeling and Coding. Within nine (9) months of the Effective Date of this Order, Respondent shall implement improvements to the Facility to address the conditions described in Paragraphs 51, above. Specifically, identification markings shall be made on all of the process piping leading from the HF alkylation unit to the HF

loading station. Identification markings shall be consistent with recognized and generally accepted good engineering practices.

### **Submissions**

54. Respondent shall submit a Completion Report to EPA within thirty (30) days of completing all of the required actions in Paragraph 53.

55. All submissions to EPA required by this Order shall contain the following certification signed by an authorized representative of Respondent:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

56. All submissions to EPA required by this Order shall be sent by electronic mail to:

Kristen Latiolais  
U.S. EPA Region 6  
Latiolais.Kristen@epa.gov

57. All documents submitted by Respondent to EPA in the course of implementing this Order shall be available to the public unless identified and determined to be confidential business information pursuant 40 C.F.R. Part 2, Subpart B.

58. EPA reserves the right to pursue enforcement of any violations identified as a result of Paragraphs 53 through 57.

### **Additional Terms**

59. By signing this Consent Order, Respondent acknowledges that this Order will be available to the public and agrees that this Order does not contain any confidential business information.

60. By entering into this Order, Respondent (1) consents to and agrees not to contest EPA's authority or jurisdiction to issue or enforce this Order, (2) agrees to undertake all actions required by the terms and conditions of this Order, (3) consents to service by email at the following valid email addresses: roland.alexandrea@epa.gov (for EPA) and Dana.perez@FHR.com (for Respondent), and (4) consents to be bound by the requirements set forth herein.

61. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of this Order under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1), or under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

**Stipulated Penalties**

62. Respondent shall be liable for stipulated penalties for failure to comply with the requirements of this Order. The following stipulated penalties shall accrue per violation per day for failure to comply with the Compliance Actions or Submissions requirements above:

<u>Penalty per Violation per Day</u>	<u>Period of Noncompliance</u>
\$2,500	1st through 30th day
\$5,000	31st day and beyond

63. All penalties shall begin to accrue on the day after the complete performance is due, or on the day a violation occurs and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity required by this Order.

64. The payment of penalties shall not alter in any way Respondent's obligation to comply with the provisions of this Order.

65. All penalties accruing under this section shall be due and payable to the United States within thirty (30) days of Respondent's receipt from EPA of a demand for payment of stipulated penalties.

66. Respondent shall pay stipulated penalties and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

67. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name and the docket number of this Order, Docket No. CAA-06-2025-3382. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2025-3382.

b. Concurrently with any payment, email proof of such payment, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and the transmittal letter to the following email addresses:

Kristen Latiolais  
U.S. EPA Region 6  
[Latiolais.Kristen@epa.gov](mailto:Latiolais.Kristen@epa.gov)

and

Region 6 Hearing Clerk  
U.S. EPA Region 6

Vaughn.Lorena@epa.gov

68. Respondent understands that failure to timely pay any portion of the stipulated penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on the stipulated penalty from the date of delinquency until such stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six percent (6%) per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

#### **G. GENERAL PROVISIONS**

69. Respondent neither admits nor denies any of the factual or legal determinations made by EPA in this Order.

70. The provisions of this Order shall apply and be binding upon Respondent and its agents, officers, directors, employees, trustees, authorized representatives, successors, and assigns. Respondent shall ensure that any agents, officers, directors, employees, contractors, consultants, firms or other persons or entities acting under or for Respondent with respect to matters included herein comply with the terms of this Order. From the Effective Date until termination of this Order, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such

transfer, assignment, or delegation to the EPA. In the event of such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless EPA has provided written approval of the release of said obligations or liabilities.

71. This Order does not resolve any civil or criminal claims for violations alleged in this Order. In accordance with Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), issuance of this Order does not preclude EPA from assessing penalties, obtaining injunctive relief, or taking any other action authorized under the CAA, or other applicable federal laws or regulation. This Order does not affect the obligation of Respondent to comply with all federal, state, and local statutes, regulations, and permits.

72. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to public health, welfare, or the environment.

73. Nothing in this Order shall limit EPA's right to obtain access to, and/or inspect the Facility, and/or to request additional information from Respondent pursuant to the authority of Section 114 of the CAA, 42 U.S.C. § 7414.

74. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the Order for Compliance is restitution, remediation, or required to come into compliance with the law.

75. Respondent and the EPA agree to bear their respective costs and attorney's fees. Respondent waives its right to seek reimbursement of their costs and attorney's fees under the

Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 104-121), and any regulations promulgated thereunder.

76. By signing this Order, the undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Order, and to execute and legally bind Respondent to this Order.

77. EPA and Respondent may subsequently amend this Order, in writing, in accordance with the authority of the CAA. In the event of any amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified by the original Order.

78. By signing this Order, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, to the best of its knowledge and belief, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

#### **H. FAILURE TO COMPLY**

79. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this Order. This Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, which EPA has under any statutory, regulatory, or common law authority of the United States.

80. Any violation of this Order may result in an additional enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413. The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes the Administrator to:

a. issue an administrative penalty order under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), assessing a civil penalty not to exceed \$59,114 (or amount as adjusted by the Civil Monetary Penalty Adjustment Rule) per day of violation, pursuant to Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B);

b. bring a civil judicial enforcement action for permanent or temporary injunction, or to assess and recover a civil penalty not to exceed \$472,901 (or amount as adjusted by the Civil Monetary Penalty Adjustment Rule) per day of violation, or both, pursuant to Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2); or

c. request the Attorney General to commence a criminal action pursuant to Section 113(c) of the CAA, 42 U.S.C. § 7413(c).

#### I. EFFECTIVE DATE

81. Pursuant to Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), this Order shall be effective on the date that it is signed by the authorized EPA representative, and shall remain in effect for one year from the Effective Date or on the date that EPA determines that Respondent has achieved compliance with all terms of this Order. This Order shall be nonrenewable.

**RESPONDENT:**

**FLINT HILLS RESOURCES CORPUS CHRISTI, LLC**

Date: 5/20/25

*Rodney Dillon*  
Signature

RODNEY DILLON  
Name

VP + MANUFACTURING MGR  
Title

**COMPLAINANT:**

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: May 21, 2025

*Cheryl T. Seager*  
Digitally signed by  
Seager, Cheryl  
Date: 2025.05.21 08:50:06  
-05'00'

**Cheryl T. Seager**  
**Director**  
**Enforcement and**  
**Compliance Assurance Division**  
**U.S. EPA, Region 6**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Administrative Order on Consent was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

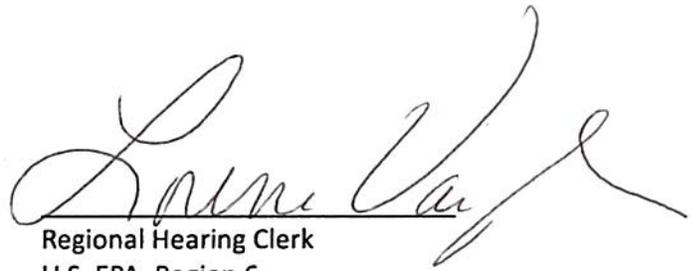
**Copy via Email to Complainant:**

Roland.alexandrea@epa.gov  
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