TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST

AGENDA REQUESTED: August 22, 2007

DATE OF REQUEST: August 3, 2007

NAME & NUMBER OF PERSON TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:

Scott Shoemaker, Environmental Law Division, MC 173, (512) 239-2679

CAPTION: **(as it should appear on the agenda with the name of the person PRESENTING the item listed at the end)**

Docket No. 2003-0103-IWD. Consideration of whether to affirm, modify or set aside an Emergency Order issued after a request by **Diamond Shamrock Refining Company, L.P. (Diamond Shamrock)** pursuant to Texas Water Code, Section 5.509 and 30 Texas Administrative Code, Sections 35.301 through 35.303. The Executive Director granted the Emergency Order on July 11, 2007 which will expire 45 days after issuance. The Emergency Order: created an internal outfall 102 for the purpose of the Emergency Order only; authorized the discharge of excess water (process wastewater, utility wastewater, storm water, and groundwater) from Pond Nos. 5, 6, and 7 via pump hoses at a daily average flow not to exceed 1.5 MGD; and established effluent limitations for all discharges from outfall 102. Diamond Shamrock is authorized to operate its wastewater treatment facility under Texas Pollutant Discharge Elimination System Permit No. WQ0001353000. The facility is located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas, with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers in Live Oak County, Texas. Diamond Shamrock sought the Emergency Order to prevent uncontrolled releases or overtopping from onsite ponds that store treated wastewater and storm water. The discharge is to an unnamed ditch, then to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. (Kerrie Jo Qualtrough, Michael Sunderlin)

Acting Director
Environmental Law Division

Environmental Law Attorney

Texas Commission on Environmental Quality
INTEROFFICE MEMORANDUM

TO: Texas Commission on Environmental Quality
FROM: Scott Shoemaker
Environmental Law Division
DATE: August 3, 2007
Re: Emergency Order Application Filed by Diamond Shamrock Refining Company, L.P.; TCEQ Docket No. 2007-1106-IWD

Executive Summary

Petitioner: Diamond Shamrock Refining Company, L.P.

Type of Request: Request for Commission Approval of an Emergency Order issued by the Executive Director on July 11, 2007.

Staff Recommendation: Staff recommends that the Emergency Order be affirmed. The Applicant's reasons for requesting the Order meet the requirements of Title 30, Section 35.302 of the Texas Administrative Code. Based on the facts provided, the Executive Director has appropriately issued the Emergency Order because:

i. The order is necessary to enable action to be taken more expeditiously than is otherwise provided by Texas Water Code, Chapter 26, to effectuate the policy and purposes of that chapter;

ii. The discharge is unavoidable to prevent loss of life, serious injury and/or severe property damage. Because of the recent unprecedented rainfall in South Texas, the Refinery asserted that it had run out of storage capacity and additional precipitation would cause water levels in the onsite storage ponds to overtop or breach containment dikes. The Applicant also asserted that if it could not discharge, storm water could potentially back up into the City of Three Rivers and cause flooding of homes and businesses;

iii. There is no feasible alternative to the proposed discharge because there are no other disposal options which can be implemented to alleviate the current situation. The Refinery has been managing its wastewater to the maximum extent possible pursuant to its current authorizations, including maximum allowable discharges through Outfall 001 and maximum usage of its irrigation site. The Refinery has also investigated disposal of excess water by trucking it to a disposal site, but the volumes are such that trucking would make a negligible impact on the situation;

iv. The proposed discharge will not cause significant hazard to human life and health, unreasonable damage to property of persons other than the Applicant, or unreasonable economic loss to persons other than the Applicant;

v. The proposed discharge will not present a significant hazard either to the uses that may be made of the receiving water after the discharge, or the area surrounding the proposed discharge. The effluent quality will be similar to currently authorized releases from outfalls 001 and 002. The proposed discharge will not have an affect on compliance of the receiving stream with applicable state water quality standards;

vi. The dates for the authorization to discharge (begin on the date the Emergency Order is issued and terminating 45 days from the date of issuance) are reasonable and attainable;

vii. The Applicant has taken steps to minimize the volume and duration of the discharge and maximize the treatment efficiency of available units. The discharge could begin immediately upon issuance of the Emergency Order, depending upon continued excessive rainfall. The discharge will continue as necessary to manage the water level in the onsite storage ponds to prevent emergency circumstances;

viii. The Applicant's facility is a Texas Pollutant Discharge Elimination System-permitted treatment facility.

Background: The Diamond Shamrock Refining Company, L.P. Three Rivers Refinery is located in the City of Three Rivers (the City) in Live Oak County Texas and operates under Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001353000. The facility is located in the southeastern portion of the City. The northern border of the Diamond Shamrock Refinery is U.S. Highway 72 and the northeast corner of the facility is at the intersection of U.S. Highway 72 and the Frio River in Live Oak County. The effluent disposal site is located three miles north-northeast of Three Rivers at (Lat. 28° 30' 30", Long 98° 9' 53"). The facility and disposal site are not above the 100-year frequency flood level. However, the treatment facility, refinery, and the City of Three Rivers are protected by a levee designed and constructed by the U.S. Army Corps of Engineers.

The wastewater treatment plant (WWTP) receives process wastewater generated during the refining and processing of crude oil into petroleum products. Other waste streams include contaminated storm water, tank draws, spill cleanups, sludge dewatering, wash water, hydrostatic test water, steam condensate, air pollution control wastewater, fire fighting flows, and recovered groundwater. Utility waters include cooling tower and boiler blow-down, and water treatment wastes. Non-process waste streams may or may not be passed through the wastewater treatment plant, depending upon the need for treatment to meet limitations. Wastewater is treated and managed in an onsite treatment system consisting of an API separator, dissolved air/gas flotation units, activated sludge biological treatment including aeration and clarification, an irrigation reservoir and an irrigation system. During normal operations, the treated effluent is usually pumped to an irrigation site located approximately three miles from the Refinery.

The existing discharge permit specifies an allowable application rate of 2.95 acre-feet/acre/year for the irrigation system. In addition to irrigation, the existing permit authorizes discharge of wastewater to Segment 2106 of the Nueces/Lower Frio River, adjacent to the Refinery. The discharge route is to an unnamed ditch, then to the Nueces/Lower Frio River in Segment No.

2106 of the Nueces River Basin. The existing permit authorizes a daily average flow of up to 0.8 million gallons per day (MGD) and a daily maximum flow of 1.6 MGD at Outfall 001 of treated process wastewater, utility wastewater, storm water and treated groundwater. The existing permit also authorizes the discharge via Outfall 002 of storm water and plant wash water. Outfall 001 and Outfall 002 are located adjacent to each other on the west side of the Refinery property. The outfalls are gated to enable discharges to be released via either gravity flow or pumping over an existing levee that provides flood protection for the City and the Refinery.

The wastewater treatment system includes an API separator at the Treatment Facility. This is followed by dissolved air/gas flotation, followed by activated sludge biological treatment that includes aeration and clarification. Effluent from the treatment plant is either used for irrigation or discharged. For irrigation disposal, treated effluent is pumped to the storage pond at the agricultural irrigation site and used for spray irrigation of bermuda grass. For discharge, effluent from the biological treatment units is fed to sand filters prior to being discharged to Outfall 001. It is not chlorinated prior to discharge. Non-process waste streams that meet limitations may either be used for irrigation or discharge.

Storm water from refinery production areas is captured via floor drains and drainage network and sent to the refinery WWTP, after which, it is either discharged via Outfall 001 or applied as irrigation water. Storm water from non-process areas is not treated and is discharged via Outfall 002. Non-process areas may include equipment storage, lay-down yard, tank farms, vehicle parking, loading areas, maintenance shops, warehouse, administration buildings, road ways, drum storage.

The drainage area of Outfall 002 excludes refinery process areas. It does include various tanks and equipment storage areas. The tanks, materials, and equipment are all exposed to precipitation. Flow releases from hydrostatic testing of tanks may be released via 002. Fire fighting flows may also exit via 002. Levee outfall is normally closed for discharge for outfall 002, unless discharge is required through the levee.

Refinery process areas are segregated with a drainage system that routes runoff to the facility's wastewater treatment plant. Material storage tanks are bermed to prevent releases of runoff that may contact pollutants. Levee outfall is normally closed for discharge from outfall 002, unless discharge is required through the levee.

The land disposal unit consists of a 1376-acre tract of land, of which approximately 341 acres is under active irrigation. The entire tract of land is fenced in with locked gates to prevent public access. The irrigation system includes a 224 acre-foot irrigation reservoir. Effluent is pumped from the wastewater treatment plant to the irrigation storage reservoir at the agricultural irrigation tract located three miles north-northeast of the City. From the irrigation reservoir, the effluent is pumped through pipes to the adjacent irrigation fields.

Reasons for Emergency Order: In 2004, the Applicant submitted an application to amend the existing TPDES permit. The Executive Director has prepared a draft permit that includes the following key requested items that pertain to overall system sizing and capacity:

- Increase the permitted daily average discharge rate from 0.8 MGD to 1.5 MGD; delete the limitation on total volume discharged during any 24-hour period and replace with daily maximum flow limitation of 3.0 MGD

- Revise the total irrigation tract size from 1376 acres to 1438 acres and revise minimum area under irrigation from 341.5 acres to 474 acres.

If issued, the Applicant asserts that the amended TPDES permit will provide increased flexibility to discharge during extended periods of wet weather that does not exist in the current TPDES permit. There is a pending request for a contested hearing on this application to amend the current permit.

The Applicant indicated that the need for this Emergency Order is that the Three Rivers Refinery has experienced several months of extreme rainfall during the first half of 2007. From January through July 4, 2007, the rainfall at the plant is estimated at 35.5 inches, based upon a rain gauge at the Refinery irrigation site. The normal, typical average precipitation for this area during the first six months of the year is 11 inches at the City, based upon National Weather Service data. Therefore, the rainfall received so far in 2007 has been approximately 3.2 times greater than normal. This rainfall pattern has resulted in a significant increase in the volume of rainfall and storm water stored at the Refinery.

The Applicant indicated that the wet weather has severely impaired the Refinery's ability to irrigate over the last several months and as a result, the irrigation reservoir is now near its maximum capacity. At the time of applying for the Emergency Order, the Applicant asserted that the water level was within 3 feet of exceeding the maximum level necessary to maintain adequate freeboard (two feet) as required by the TPDES permit.

According to the Applicant, the Refinery had been generating approximately 1 - 1.2 million gallons per day (MGD) of treated effluent. The Applicant stated that the refinery was irrigating as much water as possible and had also been discharging directly to the Nueces/Lower Frio River as authorized under the existing TPDES permit.

As a result of the precipitation, the Applicant stated that the Refinery did not have its normal alternatives to manage its treated effluent and storm water at the Refinery site. According to the Applicant, the irrigation reservoir had only enough remaining capacity to hold a limited amount of wastewater before encroaching upon minimum freeboard requirements. There was a significant risk that the water levels in the irrigation reservoir would rise to unsafe levels, particularly if additional periods of significant rainfall occur before the volume of water in the irrigation reservoir could be worked off.

The Applicant indicated that substantial additional storage capacity was usually available in three onsite ponds at the Refinery. These ponds (known as ponds nos. 5, 6, and 7) are utilized to hold storm water derived from process areas and process wastewater under certain conditions. Ponds nos. 5, 6, and 7 were almost full. Current maximum discharges were drawing down water levels in pond no. 7 less than 1/4 inch per day. The Applicant asserted that dikes on these onsite ponds could fail if significant additional rainfall occurs. The Applicant indicated that if dike failure

were to occur on one or more of ponds nos. 5, 6, and 7, or if the ponds overtopped, wastewater would be released to a ditch through the Refinery that leads to Outfall 002. This ditch also conveys floodwater away from the City.

As mentioned above, Outfall 002 is a regulated storm water and wash water outfall for the Refinery. Releases from Outfall 002 are controlled by the Refinery with a gate valve that regulates the flow through the flood-protection levee that surrounds the Refinery and the town. If a discharge occurred from ponds nos. 5, 6, or 7 it would be an unauthorized discharge of process area storm water and process wastewater that the Refinery would typically prevent by closing the valve at Outfall 002.

If additional rainfall were to have occurred, the Applicant stated that the Refinery would need the ability to release water from the onsite storage ponds into the drainage ditch that feeds to Outfall 002 to avoid dike failure on the ponds. The Refinery would also need the ability to release this water via Outfall 002 in order to avoid flooding of the City. If a large rainfall event were to have occurred and the Refinery closed the outlet gate at Outfall 002, the Applicant asserted that storm water would rapidly back up into the City and potentially flood area homes and businesses. The only viable short-term alternative was an Emergency Order that would provide authorization to discharge from ponds nos. 5, 6, and 7 via Outfall 002. According to the Applicant, there were no other disposal options which can be implemented to alleviate the current situation.

Requested Emergency Order

In response to the high levels of rainfall that have saturated the area and to ensure that onsite storage ponds will not be overfilled and breached as a result of forecasted continuing rainfall, the Refinery requested an Emergency Order that would authorize the discharge of excess water from ponds # 5, 6, and 7 through Outfall 002 to avoid severe property damage, economic loss, and risk of environmental harm. During the effective period of the order, the Refinery would continue to irrigate as much water as possible consistent with its permit requirements to work down the volume of water stored in the irrigation reservoir, and would continue to discharge treated process wastewater through Outfall 001 to the limits of the permit.

The following specific authorizations were requested:

- Discharge from Ponds # 5, 6, and 7 to Outfall 002 at an average rate less than or equal to 1.5 MGD. The timing, flow rate and duration of discharge at Outfall 002 will be as needed to avoid emergency circumstances.

- For compliance purposes, the single grab concentration limit of 750 mg/L COD in the existing permit for outfall 001 will be in effect. This COD will be the most workable parameter to regulate the release. It will enable Refinery personnel to obtain rapid feedback on discharge quality and should insure that negative water quality impacts will not occur.

The Applicant further stated:

1. The discharge was unavoidable to prevent severe property damage or severe economic loss. Because of the recent unprecedented rainfall in South Texas, the Refinery had run out of storage capacity and additional precipitation would cause water levels in the onsite storage ponds to overtop or breach containment dikes. If the Applicant could not discharge, storm water could potentially back up into the City and cause flooding of homes and businesses;

2. There was no feasible alternative to the proposed discharge from the onsite storage ponds. There were no other disposal options which can be implemented to alleviate the current situation. The Refinery had been managing its wastewater to the maximum extent possible pursuant to its current authorizations, including maximum allowable discharged through Outfall 001 and maximum usage of its irrigation site. The Refinery had also investigated disposal of excess water by trucking it to a disposal site but the volumes were such that trucking would make a negligible impact on the situation.

3. The proposed discharge would not present a significant hazard to life or property. The effluent quality would be similar to the currently authorized releases from outfalls 001 and 002.

4. The proposed discharge would not have an affect on compliance of the receiving stream with applicable state water quality standards. The discharge would not present a significant hazard to the downstream uses or the area surrounding the discharge.

5. The discharge could begin immediately upon issuance of the Emergency Order, depending upon continued excessive rainfall. The discharge would continue as necessary to manage the water level in the onsite storage ponds to prevent emergency circumstances. The Applicant requested that the order continue for up to 180 days which would allow flexibility through the hurricane season. It was not possible to accurately predict how long it will take to lower the onsite pond levels since it would be dependent in large part on rainfall.

6. The volume of water discharged from the onsite storage ponds was expected to be less than or equal to 1.5 MGD. The total discharged would be greater, since it would include storm water originating from non-process areas at the Refinery and storm water from the City. The discharge would meet the single grab concentration limits for COD in the current TPDES permit for Outfall 001.

7. The irrigation system would continue to be operated in accordance with the maximum allowable rates under the current TPDES permit. In addition, the discharge of treated wastewater effluent via outfall 001 would continue to be maximized in accordance with the current permit.

8. The Refinery's WWTP would have the use of all of the facility's treatment units and would operate at its normal efficiency to produce effluent of a quality to meet the concentration limits of the existing TPDES discharge permit. However, the authorization

requested herein does not relate to the treatment of wastewater at the treatment facility. Instead, it relates only to release of water stored in the onsite storage ponds (# 5, 6 and 7).

Additional Information:

- The Applicant also submitted the following information in the application:
    - In 2004, the Applicant submitted an application to amend the existing TPDES permit. The TCEQ has prepared a proposed amended TPDES permit that includes the following key requested items that pertain to overall system sizing and capacity: (1) Increase the permitted daily average discharge rate from 0.8 MGD to 1.5 MGD; delete the limitation on total volume discharged during any 24-hour period and replace with daily maximum flow limitation of 3.0 MGD; and (2) Revise the total irrigation tract size from 1376 acres to 1438 acres and revise minimum area under irrigation from 341.5 acres to 474 acres.
- Once issued, the Applicant asserts that the amended TPDES permit will provide increased flexibility to discharge during extended periods of wet weather that does not exist in the current TPDES permit.
- Notice for this Emergency Order has been provided in accordance with 30 TAC § 35.25.
- Large additional maps were included with the application and are available upon request. If a copy of the large maps is desired, contact Scott Shoemaker at (512) 239-2679.

Environmental Protection Agency (EPA) Position:

Under the terms of the September 14, 1998 Memorandum of Agreement, the EPA has an opportunity to file written objections to an Emergency Order within 21 days from its receipt of a facsimile transmission of the draft Emergency Order and supporting information. The EPA received the facsimile on July 11, 2007 and has verbally objected to the issuance of the Emergency Order but has not filed written objections. On July 31, 2007, EPA requested a 30 day extension to file written objections and that request was granted the same day. EPA's 30 day extension will expire after the August 22, 2007 agenda.

Compliance History: Rating 3.88, Site Rating 9.42

Authority: Texas Water Code §§ 5.501 and 5.509; 30 TAC Chapter 35.

Staff Contact: Kelly Holligan, Team Leader, Water Quality Division, Industrial Permits Section, TCEQ, (512) 239-2369

Michael Sunderlin, Permits Coordinator, Water Quailty Division, Industrial Permits Section, TCEQ (512) 239-4523

Legal Contact: Scott Shoemaker, Staff Attorney, Office of Legal Services, Environmental Law Division, TCEQ, (512) 239-2679

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN ORDER concerning the application of Diamond Shamrock Refining Company, L.P. for an Emergency Order; TPDES Permit No. WQ0001353000; TCEQ Docket No. 2007-1106-IWD.

On August 22, 2007, the Texas Commission on Environmental Quality (Commission) during its public meeting evaluated the request for an Emergency Order concerning the Diamond Shamrock Refining Company, L.P. Three Rivers Facility (Diamond Shamrock). The request for an Emergency Order was evaluated under the requirements in the applicable statutes and Commission rules, including Texas Water Code §§ 5.501 and 5.509 and Title 30, Chapter 35 of the Texas Administrative Code. The Commission also considered all timely filings in this matter.

After considering these filings and answers to its questions during its public meeting, the Commission determined to affirm the Emergency Order.

The Commission finds that:

1. The Executive Director was authorized to sign the Emergency Order;

2. The order was necessary to enable action to be taken more expeditiously than is otherwise provided by Texas Water Code, Chapter 26, to effectuate the policy and purposes of that chapter;

3. The discharge was unavoidable to prevent loss of life, serious injury and/or severe property damage;

4. There was no feasible alternative to the proposed discharge because there are no other disposal options which can be implemented to alleviate the current situation;

5. The proposed discharge did not cause significant hazard to human life and health, unreasonable damage to property of persons other than the applicant, or unreasonable economic loss to persons other than the Diamond Shamrock;

6. The proposed discharge did not present a significant hazard either to the uses that may be made of the receiving water after the discharge, or the area surrounding the proposed discharge;

7. The dates for authorization to discharge are reasonable and attainable;

8. Diamond Shamrock had taken steps to minimize the volume and duration of the discharge and maximize the treatment efficiency of available units; and

9. Diamond Shamrock's facility is a Texas Pollutant Discharge Elimination System-permitted treatment facility.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

The Emergency Order issued by the Executive Director on July 11, 2007 is AFFIRMED.

ISSUE DATE:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Kathleen Hartnett White, Chairman

WQ STANDARD MAIL LIST

APPLICANT:
Diamond Shamrock Refining Company LP
Attn: Mr. Jon Kiggans, Environmental Manager
P. O. Box 490
Three Rivers, Texas 78702

APPLICANT REPRESENTATIVE:

PERMIT#: WQ0001353000
REGION: 14
COUNTY: Live Oak

TO BE PUBLISHED BY: Not applicable

DATE NOTICE MAILED: July 30, 2007

CCO# 59206

NOTICE TECH INITIALS: crs

LONG NEWS SERVICE
P O BOX 12368
AUSTIN TX 78711

TEXAS LEGISLATIVE SERVICE
P O BOX 100
AUSTIN TX 78767

ENVIRONMENTAL PROTECTION AGENCY
ATTN JACK FERGUSON CHIEF
PERMIT SECTION
1445 ROSS AVENUE
DALLAS TX 75202-2733

US ENVIRONMENTAL PROTECTION AGENCY
REGION 6 (Only notices with TPDES language)
ATTENTION: EVELYN ROSBOROUGH (6WQ-CA)
1445 ROSS AVENUE
DALLAS TX 75202

TEXAS CENTER FOR POLICY STUDIES
ATTN CYRUS REED & MARY E KELLY
1002 WEST AVENUE, SUITE 300
AUSTIN TX 78701-2051

NATIONAL WILDLIFE FEDERATION
ATTN: MYRON J HESS
44 EAST AVE STE 200
AUSTIN TX 78701

CHRISTOPHER BROWN
WATER PROJECTS ATTORNEY
NATIONAL WILDLIFE FEDERATION
44 EAST AVE STE 200
AUSTIN TX 78701-4385

TEXAS PARKS AND WILDLIFE DEPARTMENT
ATTN: PATRICIA L. RADLOFF
COASTAL FISHERIES DIVISION - FPP
INTERAGENCY MAIL

RAILROAD COMMISSION OF TEXAS
ATTN LESLEY L. SAVAGE DIRECTOR
ENVIRONMENTAL SERVICES
INTERAGENCY MAIL

OFFICE OF THE ATTORNEY GENERAL
ATTN KAREN CORNELL
NATURAL RESOURCES DIVISION
INTERAGENCY MAIL

TEXAS HISTORICAL COMMISSION
ATTN STATE HISTORICAL PRESERVATION OFFICER AND STATE ARCHEOLOGIST
INTERAGENCY MAIL

WATER DEVELOPMENT BOARD
ATTN JAN BEFFORD
INTERAGENCY MAIL

TEXAS DEPARTMENT OF AGRICULTURE
ATTN RICHARD EYSTER, OFFICE OF RISK ASSESSMENT & TOXICOLOGY
INTERAGENCY MAIL

TEXAS DEPARTMENT OF HEALTH
ATTN DR. JOHN VILLANACCI
INTERAGENCY MAIL (WQ, MSW, IHW)

LYNETTE MARTINEZ, COUNCIL SECRETARY
COASTAL COORDINATION COUNCIL
GENERAL LAND OFFICE
1700 N CONGRESS AVE ROOM 617
AUSTIN TX 78701-1495
(ONLY NOTICES WITH CMP LANGUAGE)
INTERAGENCY MAIL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF PUBLIC HEARING
TO CONSIDER WHETHER TO AFFIRM, MODIFY OR SET ASIDE
AN EMERGENCY ORDER
FOR DIAMOND SHAMROCK REFINING COMPANY, L.P.
TCEQ DOCKET NO. 2007-1106-IWD

APPLICATION: Diamond Shamrock Refining Company, L.P. ("Diamond Shamrock") has applied to the Texas Commission on Environmental Quality ("TCEQ") for an Emergency Order pursuant to Section 5.509 of the Texas Water Code and Title 30, Sections 35.301 - 35.303 of the Texas Administrative Code. Diamond Shamrock has applied to discharge process wastewater, utility wastewater, storm water, and groundwater at a daily average flow not to exceed 1,500,000 gallons per day via existing Outfall 002 to an unnamed ditch, then to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. The discharge may occur using the existing piping system at Outfall 002 or it may occur by pumping the water using temporary hoses that go over the levee at the same location as Outfall 002. The facility is a petroleum refinery located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas, with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers in Live Oak County, Texas. Diamond Shamrock submitted a sworn application dated July 5, 2007 for an Emergency Order as required by Section 5.502 of the Texas Water Code and has stated that such a request is justified to avoid dike failure of the facility ponds (Ponds Nos. 5, 6, and 7) and to prevent flooding of the City of Three Rivers which could result in a threat to homes, other neighboring properties, and public roads. Diamond Shamrock has stated other matters and information required by Sections 5.502 and 5.509 of the Texas Water Code.

Based on the information submitted by Diamond Shamrock and other information available at the time, the Executive Director issued the Emergency Order on July 11, 2007. Authorization to discharge pursuant to the Emergency Order terminates 45 days from the date of issuance, unless it is modified or set aside by the Commission. The Emergency Order authorizes Diamond Shamrock to discharge excess water (process wastewater, utility wastewater, storm water, and groundwater) from Ponds Nos. 5, 6, and 7 via pump hoses at a daily average flow not to exceed 1,500,000 gallons per day to an unnamed ditch, then to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. For the purposes of the order, the outlets of the pump hoses from Ponds Nos. 5, 6, and/or 7 are collectively designated as internal Outfall 102. According to the Emergency Order, the discharge from internal Outfall 102 may be discharged from the facility by pumping the water using temporary hoses that go over the levee at the same location as Outfall 002 or it may be discharged from the facility using the existing piping system at Outfall 002. Diamond Shamrock's discharges under the authority of the Emergency Order must

comply with the specific effluent limitations, monitoring requirements and procedures established in the Emergency Order.

PUBLIC HEARING. The Commission will conduct a public hearing to determine whether to affirm, modify or set aside the Emergency Order at:

9:30 a.m. on August 22, 2007
Texas Commission on Environmental Quality
Room 201S, Building E
12100 Park 35 Circle
Austin, Texas

The hearing will be conducted in accordance with Title 30, Chapter 10 of the Texas Administrative Code (relating to Commission meetings). If a contested case hearing is held, it shall be conducted under the Administrative Procedures Act, Chapter 2001 of the Texas Government Code, and Title 30, Chapter 80 of the Texas Administrative Code.

PUBLIC COMMENT. You may comment either in person at the hearing, or by submitting written comments. You must submit written comments before the hearing to the Office of the Chief Clerk, MC 105, TCEQ, P. O. Box 130807, Austin, Texas 78711-3087. Written comments should include: 1) your name, address and daytime telephone number; and 2) the TCEQ docket number found at the top of this notice.

CONTESTED CASE HEARING. If requested by an affected person with a reasonable request, either at or before the public hearing, the TCEQ may grant a contested case hearing on this Emergency Order. The Commission will determine if a party is an affected person with a reasonable request in accordance with Section 5.115(a) of the Texas Water Code and Title 30, Sections 55.203 and 55.211 of the Texas Administrative Code. A contested case hearing is similar to a court trial, with each party afforded the opportunity to present sworn testimony and other legally admissible evidence and to ask questions of other witnesses. If a contested case hearing is held, the Commission's decision to affirm, modify or set aside the Emergency Order will be based on the evidence introduced at the contested case hearing and the applicable law.

You may request a contested case hearing on this Emergency Order. To request a contested case hearing, you must furnish the following: 1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; 2) applicant's name and permit number; 3) request a contested case hearing 4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and 5) the location and distance of your property relative to the facility and discharge point. You may also submit your proposed adjustments to the Emergency Order that would satisfy your concerns.

If you submit a written contested case hearing request to the Office of the Chief Clerk before the public hearing, you are encouraged to attend the public hearing to answer any questions the Commission may have.

INFORMATION. A copy of the application for the Emergency Order may be obtained from the Office of the Chief Clerk, MC 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087.

For information concerning the hearing process, contact the Public Interest Counsel, MC 103, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at www.tceq.state.tx.us.

Persons with disabilities who need special accommodations at the hearing should call the Office of Public Assistance at the number above or 1-800-RELAY-TX (TDD) at least one week prior to the hearing.

Issued: July 30, 2007

APPLICANT CONTACTS

DIAMOND SHAMROCK REFINING
COMPANY LP
ATTN MR JON KIGGANS
ENVIRONMENTAL MANAGER
PO BOX 490
THREE RIVERS TX 78701-0490

MR JAMES MIERTSCHIN
JAMES MIERTSCHIN &
ASSOCIATES INC.
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AUSTIN TX 78716-2305

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MR BUCHANAN EASLEY
4020 SUMMIT CT
FAIRVIEW TX 75069-1183

ROCKY FREUND
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CORPUS CHRISTI TX 78412-5503

LEONARD G GARCIA
10105 GRAND OAK DR
AUSTIN TX 78750-3806

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5316 W HIGHWAY 290
AUSTIN TX 78735-8931

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801 NAVIGATION BLVD
CORPUS CHRISTI TX 78408-2600

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LLOYD STEWART JR
1299 HIGHWAY 72
THREE RIVERS TX 78071-2609

THE HONORABLE YVONNE GONZALEZ TOUREILLES
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT 35 ROOM E2.716
TEXAS STATE CAPITOL

THE HONORABLE JUDITH ZAFFIRINI
TEXAS SENATE
DISTRICT 21 ROOM 1E.12
TEXAS STATE CAPITOL

✍ CITY OF CORPUS CHRISTI
PO BOX 9277 WATER DIVISION
CORPUS CHRISTI TX 78469-9277

✍ COASTAL BEND COUNCIL OF GOVERNMENT
PO BOX 9909
CORPUS CHRISTI TX 78469-9909

✍ LIVE OAK COUNTY HEALTH AUTHORITY
DRAWER 670
GEORGE WEST TX 78022-0670

✍ LIVE OAK COUNTY JUDGE
PO BOX 487
GEORGE WEST TX 78022

✍ LIVE OAK UNDERGROUND WATER CONSERV DIST
3460A HIGHWAY 281
GEORGE WEST TX 78022-3759

✍ NUECES RIVER AUTHORITY
PO BOX 349
UVALDE TX 78802-0349

✍ US ARMY CORPS OF ENGINEERS
PO BOX 1229
GALVESTON TX 77553-1229

FIELD SUPERVISOR
✍ US FISH & WILDLIFE SERVICE
6300 OCEAN DR
CORPUS CHRISTI TX 78412-5503

PUBLIC HEALTH REGION 11
✍ TEXAS DEPARTMENT OF STATE HEALTH SERVICES
601 W SESAME DR
HARLINGEN TX 78550-7962

✍ CITY OF THREE RIVERS
HEALTH OFFICIAL
PO BOX 398
THREE RIVERS TX 78071-0398

✍ CITY OF THREE RIVERS
MAYOR
PO BOX 398
THREE RIVERS TX 78071-0398

MARY K SAHS
SAHS & ASSOCIATES PC
1700 COLLIER ST
AUSTIN TX 78704-2917

Participant on major amendment application – CID # 46982

HUGHIE E & BEVIE M HOUSE
PO BOX 10
THREE RIVERS TX 78071

JAKE PLOCH
PO BOX 428
THREE RIVERS TX 78071

DIANA M GIESLER
PO BOX 1603
GEORGE WEST TX 78022

ERNEST WOLFF JR
RT 1 BOX 140
THREE RIVERS TX 78071

JAMES & LYNN BLUHM
HCR 70 BOX 5064
THREE RIVERS TX 78071

LOID ODOM EXT
% JAMES R ODOM
RT 5 BOX 79A
ROBSTOWN TX 78380

MARY B GOYNES ODOM
%JAMES R ODOM
RT 5 BOX 79A
ROBSTOWN TX 78380

JAMES & LYNN BLUHM
HCR 70 BOX 5064
THREE RIVERS TX 78071

CITY OF THREE RIVERS
PO BOX 398
THREE RIVERS TX 78071

ROCKY L TEAGUE AND
NORMA J SALAZAR
PO BOX 518
THREE RIVERS TX 78071

BASIC EQUIPMENT COMPANY
%AMERICAN AD VALOREM TAX
CONS
PO BOX 271095
CORPUS CHRISTI TX 78247

BOYD & SCHULZ
PO BOX 115
THREE RIVERS TX 78071

TONY & MARIA ORTIZ
PO BOX 1452
GEORGE WEST TX 78022

DAVID C LICONA
7119 NW LAMAR DR
KANSAS CITY MO 64152-000

RAFTER D INVESTMENTS INC
%BRYAN DICARO
830 COUNTY ROAD 339
JOURDANTON TX 78026

HARRY J SCHULTZ
PO BOX 580
THREE RIVERS TX 78071

GEORGE FLORES
PO BOX 325
THREE RIVERS TX 78071

CENTRAL POWER & LIGHT
PO BOX 660164
DALLAS TX 75266

BILLY B CULLEN MD
5020 ROYALTON
CORPUS CHRISTI TX 78413

ALFREDO P GUERRA
PO BOX 1831
THREE RIVERS TX 78071

HECTOR CHAPA
PO BOX 1831
THREE RIVERS TX 78071

NEAL MCGRIFF
PO BOX 992
THREE RIVERS TX 78071

M T BUCKALOO
PO BOX 456
THREE RIVERS TX 78071

ELTON R FRANKE
2308 COLOGNE RD
VICTORIA TX 77905

ECONOMIC DEVELOPMENT CORP
OF THREE RIVERS
PO BOX 1677
THREE RIVERS TX 78071

NONEY FAYE GISLER
PO BOX 194
NORMANNA TX 78412

W J CAMPBELL JR
PO BOX 400
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ESPERANZA H KAZ
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GEORGE WEST TX 78022

SIGMOR CORPORATION
PO BOX 69600
SAN ANTONIO TX 78269

ROSELYN H DOVE
PO BOX 1484
THREE RIVERS TX 78071

STENDEBACH & SONS
%RONNIE STENDEBACH
PO BOX 639
THREE RIVERS TX 78071

THREE RIVERS J MART
JAMES E & SHERIL TEAL
PO BOX 341
TILDER TX 78072

DONNIE FRANKLIN
2537 WIDGEON
CORPUS CHRISTI TX 78410

UNION PACIFIC RAILROAD
1400 DOUGLAS ST STOP 1690
OMAHA NE 68179-1690

WESLEY VAN CLEAVE
669 ARISTOCRAT
CORPUS CHRISTI TX 78418

LOIS FAYE VAN CLEAVE
RT 3 BOX 271
OAK GROVE LA 71263

DORIS ANN VAN CLEAVE
PO BOX 463
THREE RIVERS TX 78071

DENNIS EARL VAN CLEAVE
%DAVID VAN CLEAVE
PO BOX 187
THREE RIVERS TX 78071

CAROLYN H BATEMAN
1221 LUCHENBACK DRIVE
NEW BRAUNFELS TX 78130

THREE RIVERS DEV VENTURE A
GENERAL PARTNERSHIP
407 WEST RHAPSODY
SAN ANTONIO TX 78216

MILDRED BELLOWS
RT 1 BOX 426
THREE RIVERS TX 78071

ANSELLO GUERRA
PO BOX 51
CAMBELLTON TX 78008

MILDRED BELLOWS
RT 1 BOX 426
THREE RIVERS TX 78071

SHANE JOHANSON
PO BOX 867
THREE RIVERS TX 78071

CLYDE T & THEO GILES
%GARY T GILES
7123 RIBBON CREEK
SAN ANTONIO TX 78238-3610

JOHN M SWETLICK
3953 FM 24
ROBSTOWN TX 78380

REX McCLEREY
PO BOX 717
THREE RIVERS TX 70871

CAROLYN L DYE
PO BOX 656
THREE RIVERS TX 78071

CARL & JOHN MATTHIJETZ
RT 1 BOX 1228
THREE RIVERS TX 78071

JIM & ANN ESSE
HCR 1
CAMBELTON TX 78008

STEVE STAPLETON
PO BOX 186
THREE RIVERS TX 78071

STATEMENT OF BASIS/TECHNICAL SUMMARY

DESCRIPTION OF APPLICATION

Applicant:	Diamond Shamrock Refining Company, L.P.; TPDES Permit No. WQ0001353000, (TX0088331).
Regulated Activity:	Industrial Wastewater Discharge.
Type of Application:	Emergency order.
Request:	Original order.
Authority:	Texas Water Code §5.501; 30 TAC Chapter 35, Subchapter F, Chapters 307 and 319, Commission policies and EPA Guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The proposed order be approved and issued to expire 180 days following issuance.

REASON FOR PROJECT PROPOSED

The applicant has requested an emergency order to discharge excess water (process wastewater, utility wastewater, storm water, and groundwater) from Ponds Nos. 5, 6, and 7 at a daily average flow not to exceed 1,500,000 gallons per day via existing Outfall 002 to an unnamed ditch, thence to the Nueces/Lower Frio River. The discharge may occur using the existing piping system at Outfall 002 or it may occur by pumping the water using temporary hoses that go over the levee at the same location as Outfall 002.

The discharge is unavoidable due to excessive rainfall that has occurred in the first half of 2007. From January through July 4, 2007, the rainfall at the plant is estimated at 35.5 inches, based upon a rain gauge at the Refinery irrigation site. The normal, typical average precipitation for this area during the first six months of the year is 11 inches at Three Rivers, based upon National Weather Service data for the City of Three Rivers. Therefore, the rainfall received so far in 2007 has been 3.2 times greater than normal and more rainfall is forecast. This rainfall pattern has resulted in a significant increase in the volume of rainfall and storm water stored at the Refinery.

The chronic wet weather has severely impaired the Refinery's ability to irrigate over the last several months. As a result, the irrigation reservoir is now near its maximum capacity. The water level is currently within three (3) feet of exceeding the maximum level necessary to maintain adequate freeboard (two feet) as required by the TPDES permit.

The Refinery has been generating approximately 1 - 1.2 million gallons per day (MGD) of treated effluent. The Refinery is irrigating as much water as possible and has also been discharging directly to the Nueces/Lower Frio River as authorized under the existing TPDES permit.

As a result of the excessive precipitation, the Refinery does not have its normal alternatives to manage its treated effluent and storm water at the Refinery site. The irrigation reservoir has only enough remaining capacity to hold a limited amount of wastewater before encroaching upon minimum freeboard requirements. There is a significant risk that the water levels in the irrigation reservoir could rise to unsafe levels, particularly if additional periods of significant rainfall occur before the volume of water in the irrigation reservoir can be worked off.

Substantial additional storage capacity is usually available in three onsite ponds at the Refinery. These ponds (known as Ponds Nos. 5, 6, and 7) are utilized to hold storm water derived from process areas and process wastewater under certain conditions. Ponds Nos. 5, 6, and 7 are almost full. Current maximum discharges are drawing down water levels in pond #7 less than 1/4 inch per day. Dikes on these onsite ponds could fail if significant additional rainfall occurs. If dike failure does occur on one or more of Ponds Nos. 5, 6, and 7, or if the ponds are overtopped, wastewater would be released to a ditch through the Refinery that leads to Outfall 002. This ditch also conveys floodwater away from the City of Three Rivers. Outfall 002 is a regulated storm water and wash water outfall for the Refinery. Releases from Outfall 002 are controlled by the Refinery with a gate valve that regulates the flow through the flood-protection levee that surrounds the Refinery and the town. If a discharge occurs from Ponds Nos. 5, 6, or 7 it would be an unauthorized discharge of process area storm water and process wastewater that the Refinery would typically prevent by closing the valve at Outfall 002.

If additional rainfall occurs, the Refinery will need the ability to release water from the onsite storage ponds into the drainage ditch that feeds to Outfall 002 to avoid dike failure on the ponds. The Refinery would also need the ability to release this water via Outfall 002 in order to avoid flooding of the City of Three Rivers. If a large rainfall event occurs and the Refinery closes the outlet gate at Outfall 002 storm water will rapidly back up in the City of Three Rivers and potentially flood area homes and businesses.

The only viable short-term alternative is an emergency order which will provide authorization to discharge from Ponds Nos. 5, 6, and 7 via Outfall 002. There are no other disposal options which can be implemented to alleviate the current situation.

PROJECT DESCRIPTION AND LOCATION

The applicant operates a petroleum refinery.

The wastewater system at this facility handles process wastewater, utility wastewater (cooling tower blowdown, boiler blowdown, reverse osmosis reject, etc.) miscellaneous waste streams (air pollution control wastewater, deep well backflush, etc.), storm water, and remediated ground water. Non-process waste streams may or may not be routed through the wastewater treatment plant, depending upon the need for treatment to meet effluent limitations. Three ponds (Ponds 5, 6, and 7) on the plant site are used to store treated effluent, utility wastewater, storm water, sandfilter backflush, and deep well backflush. Wastewaters that are treated are routed through an oil/water separator; thence through a flow equalization tank; thence to either of three dissolved air flotation units; thence through any of three biological treatment units (aeration, clarification, sludge digester); thence to a wastewater storage pond (224 acre-feet of storage). Treated wastewater from the storage pond is typically disposed of by spray irrigation on a minimum of 474 acres of a 1438 acre tract. Alternatively, treated effluent is routed through a sand filter for discharge through Outfall 001. Sanitary wastewater is primarily routed to the City of Three Rivers wastewater treatment plant for treatment and disposal. Sanitary wastewater from several remotely located buildings is disposed of through utilization of two septic tank systems.

The plant site is located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas; with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers, Live Oak County, Texas.

The effluent is discharged to an unnamed ditch, thence to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. Stream Segment No. 2106 is water quality limited. The receiving water uses are high aquatic life use, contact recreation, and public water supply. The uses for the unclassified waters in the vicinity of this discharge are: no significant aquatic life use for the unnamed ditch. The effluent limits in the draft order will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

The applicant's current TPDES permit authorizes the discharge of treated process wastewater, utility wastewater, storm water, and treated ground water via Outfall 001 at a daily average flow not to exceed 800,000 gallons per day; the intermittent flow variable discharge of storm water runoff and plant wash water via Outfall 002; and the disposal of treated process wastewater, utility wastewater, storm water, and treated ground water via irrigation of 1376 acres. The applicant has applied for a major amendment to TPDES Permit No. WQ0001353000 to increase the daily average permitted flow at Outfall 001from 800,000 gallons per day to 1,500,000 gallons per day; increase the daily maximum permitted flow at Outfall 001 from 1,600,000 gallons per day to 3,000,000 gallons per day; increase loading based effluent limitations for all limited parameters at Outfall 001; remove monitoring/reporting requirements for total antimony, total arsenic, total barium, total cadmium, cyanide, total chromium, hexavalent chromium, total copper, total lead, total mercury, total selenium, total silver, and fecal coliform at Outfall 001; increase the size of the irrigation tract from 1376 acres to 1438 acres; increase the minimum irrigation area from 341.5 acres to 474 acres; increase the hydraulic application rate from 2.95 acre-feet/acre/year to 3.54 acre-feet/acre/year; and remove the retest provision which requires monitoring for benzene, ethylbenzene, toluene, total xylene, and methyl-tertial-butyl-ether (MTBE) at Outfall 001. That application was submitted to the TCEQ on December 31, 2004. Public comments and a request for a public hearing have received on the pending application. Delays in the permitting process have occurred at the request of the applicant in an attempt to resolve concerns of the public.

PROPOSED EMERGENCY ORDER CONDITIONS

The emergency order would authorize a discharge of excess water (process wastewater, utility wastewater, storm water, and groundwater) from Ponds Nos. 5, 6, and 7 via pump hoses at a daily average flow not to exceed 1.5 million gallons per day. The outlets of the pump hoses from Ponds Nos 5, 6, and/or 7 are collectively designated as internal Outfall 102 for the purposes of this Order. The discharge from internal Outfall 102 may be discharged from the facility by pumping the water using temporary hoses that go over the levee at the same location as Outfall 002 or it may be discharged from the facility using the existing piping system at Outfall 002.

Effluent limitations are established in draft order as follows:

Outfall Number	Pollutant	Daily Average (mg/l)	Daily Maximum (mg/l)
102	Flow (MGD)	1.5 MGD	3.0 MGD
	Biochemical Oxygen Demand (5-day)	27	50
	Chemical Oxygen Demand	262	509

Outfall Number	Pollutant	Daily Average (mg/l)	Daily Maximum (mg/l)
102 cont.	Total Suspended Solids	83	166
	Oil and Grease	10.0	19
	Ammonia as Nitrogen	15.0	30.0
	Phenols	0.10	0.19
	Sulfides	0.10	0.18
	Chromium, Total	0.43	0.73
	Chromium, Hexavalent	0.014	0.028
	Total Dissolved Solids	3562	5600
	Chlorides	1602	2097
	Mercury, Total	0.00029	0.000614
	Zinc, Total	0.23	0.50
	Antimony, Total	Report	Report
	Arsenic, Total	Report	Report
	Barium, Total	Report	Report
	Cadmium, Total	Report	Report
	Copper, Total	Report	Report
	Lead, Total	Report	Report
	Selenium, Total	Report	Report
	Silver, Total	Report	Report
	Fecal Coliform (#/100 mls)	(Report - #/100mls)	(Report - #/100mls)
	pH	6.0 S.U. (min)	9.0 S.U.

The parameters above shall be monitored at a frequency of once per day, by grab samples, when discharge from internal Outfall 102 occurs.

Diamond Shamrock must continue to comply with all other conditions of TPDES Permit No. WQ0001353000 issued on June 7, 2004.

Diamond Shamrock shall submit weekly status reports to the TCEQ Region 14 office, the TCEQ Industrial Permits Team (MC-148) of the Water Quality Division, summarizing the progress of the project and including any analytical sampling conducted relating to Provision (1)(b) of this order. The weekly status reports shall also include daily records of precipitation events, volume of wastewater discharged via Outfall 001, and the volume of wastewater sent to the irrigation tracts.

Diamond Shamrock shall develop and submit a plan to prevent a future re-occurance of this type situation in the future. The plan shall be submitted to the the TCEQ Industrial Permits Team (MC-148) of the Water Quality Division within 90 days after the issuance of this order.

The issuance of this order only provides for state authorization under the Texas Water Code and does not include federal authorization under the Clean Water Act.

Diamond Shamrock shall discharge only as needed to obtain and maintain optimum storage capacity in the storage ponds. The irrigation system shall continue to be operated in accordance with the maximum allowable rates under the current TPDES permit. In addition, the discharge of treated wastewater effluent via Outfall 001 shall continue to be maximized in accordance with the current permit.

SUMMARY OF CHANGES FROM APPLICATION

The applicant has requested an Emergency Order to be issued under the authority of the Clean Water Act for Federal authorization and the Texas Water Code for State of Texas authorization. However, the draft order only provides for authorization under the Texas Water Code and does not include authorization under the Clean Water Act. The Memorandum of Agreement only allows the TCEQ to issue Emergency Orders for bypasses.

The applicant requested that only a single grab effluent limitation for chemical oxygen demand be imposed at Outfall 002 in addition to the existing effluent limitations for the duration of this Order. Staff has imposed effluent limitations and/or monitoring requirements at Outfall 002 for all parameters regulated at Outfall 001 for the duration of this Order. In addition to maintaining the current limitations for pH at Outfall 002, this order increase the current limitations for chemical oxygen demand and oil and grease; imposes new limitations and monitoring requirements for flow, biochemical oxygen demand (5-day), total suspended solids, ammonia (as Nitrogen), phenols, sulfides, total chromium, hexavalent chromium, total dissolved solids, chlorides, total mercury, and total zinc; and imposes new monitoring requirements for total antimony, total arsenic, total barium, total cadmium, total copper, total lead, total selenium,total silver, and fecal coliform.

The applicant requested the emergency order be issued for a term of 180 days. The emergency order is only issued for a term of 45 days.

SUMMARY OF CHANGES FROM EXISTING ORDER

N/A - this is a new emergency order.

BASIS FOR PROPOSED DRAFT EMERGENCY ORDER

The following items were considered in developing the proposed draft order:

1. Application received on July 5, 2007. Emails received from the applicant's representatives: Sara Burgin (7/06/2007, 7/09/2007, and 7/10/2007) and James Miertschin (7/10/2007 and 7/11/2007).
2. Existing permits: TPDES Permit No. WQ0001353000 issued on June 7, 2004.
3. EPA Guidelines for Petroleum Refining Point Source Category - Integrated Subcategory (40 CFR Part 419 Subpart E).
4. TCEQ Rules.
5. Texas Surface Water Quality Standards - 30 TAC Sections 307.1-307.10, effective April 30, 1997, and Appendix E, effective February 27, 2002.
6. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.
7. Consistency with the Coastal Management Plan: N/A
8. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.

PROCEDURES FOR FINAL DECISION

The emergency order may be issued before notice and an opportunity for a hearing. Once the emergency order is completed and signed by the Executive Director, it is sent to the Office of the Chief Clerk of the Texas Commission on Environmental Quality where a notice is prepared. If the Executive Director acts on the application for an emergency order, the Office of the Chief Clerk will mail notice of the action to the applicant, the Executive Director, public interest counsel, and other persons who have filed hearing requests or public comment. When the emergency order is issued before notice and a hearing, the order will set a time and place for a hearing to affirm, modify, or set aside the order to be held before the commission or its designee as soon as practicable after the order is issued. Notice of the hearing must be given at least 20 days before the hearing. The notice shall provide that an affected person may request an evidentiary hearing on issuance of the emergency order. For additional information about this application contact Michael Sunderlin at (512) 239-4523.

Michael Sunderlin

7-11-2007
Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Cindy Cavazos

Date of call: 7/6/07

Phone no.: ( )

Call from: Sara Burgin

File no.: 1353-006

Subject: Nod letter - landowner map

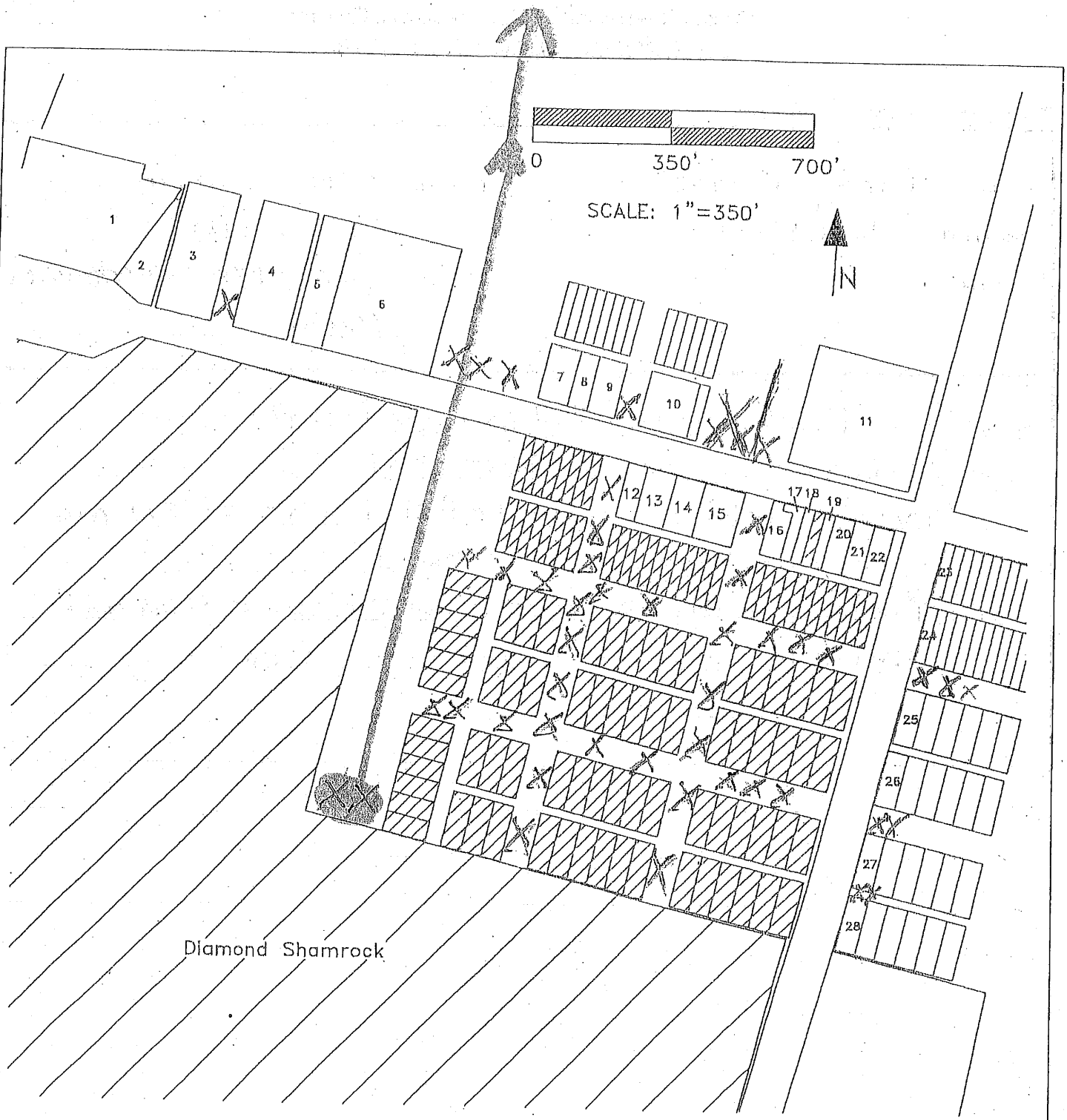
Information for file: Ms. Burgin called in regard to the maps.

(A.) Most of the marked areas in the boxed area (including between 3 & 4, west of #11, between 23 & 28) are city-owned streets. - map 1

(B) The area with the 2 x's above the words "Diamond Shamrock" is a railroad track - map 1

Signed

TCEQ-0225 (Rev. 06-30-03)



city-owned streets

OWNED BY DIAMOND SHAMROCK

railroad tracks

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING

MAP 2
LANDOWNERS PROPERTY BOUNDARY MAP
DIAMOND SHAMROCK INDUSTRIAL SITE
NORTHEAST CORNER

JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING
P.O. BOX 162305 ◦ AUSTIN, TEXAS 78716-2305 ◦ (512) 327-2708

9 July 2007

Ms. Cindy Cavazos
Applications Review and Processing Team (MC 148)
Water Quality Division
Texas Commission on Environmental Quality
Post Office Box 13087
Austin, TX 78711-3087

RE: Requested items for Diamond Shamrock Three Rivers Refinery Emergency Order permit number WQ0001353000 (EPA I.D. No. TX0088331)
Customer Number: CN600124681; Regulated Entity Number: RN100542802

Dear Ms. Cavazos:

We received your letter dated July 6, 2007, with comments on the emergency order application for the Diamond Shamrock Three Rivers Refinery. The letter requested that the following items be provided to the TCEQ:

1. Updated landowner map and address list.

   The landowner information has been updated and attached to this letter. In addition, a disk with the revised landowner list has been provided.

2. Original, notarized signature page.

   The original signature page has been attached to this letter.

One original and two complete copies of this response are being provided. If you have any questions or need additional information, please do not hesitate to contact me at (512) 327-2708.

Yours truly,
JAMES MIERTSCHIN & ASSOCIATES, INC.

STATE OF TEXAS
JAMES MIERTSCHIN
43900
REGISTERED PROFESSIONAL ENGINEER
9 JUL 2007

James Miertschin, PE, PhD

RECEIVED
JUL 09 2007
WATER QUALITY DIVISION

cc Mr. Jon Kiggans, Diamond Shamrock Three Rivers Refinery, PO Box 490, Three Rivers, TX 78071
Ms. Sara Burgin, Baker Botts L.L.P., 1500 San Jacinto Center, 98 San Jacinto Blvd., Austin, TX 78701

SIGNATURE PAGE

OWNER OF FACILITY:

I, Harry Wright (Typed or Printed Name) VP & General Manager (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

Signature: Harry Wright Jr. Date: 07/05/07

NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.

SUBSCRIBED AND SWORN to before me by the said HARRY Wright Jr. on this 5th day of July, 2007

My commission expires on the 2nd day of June, 2009.

Donna Poore
Notary Public

Lee Oak
County, Texas

(Seal) DONNA POORE NOTARY PUBLIC STATE OF TEXAS My Comm. Exp. 06-02-2009

RECEIVED
JUL 09 2007
Water Quality Division
Application Team

OWNED BY DIAMOND SHAMROCK

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING

MAP 2
LANDOWNERS PROPERTY BOUNDARY MAP
DIAMOND SHAMROCK INDUSTRIAL SITE
NORTHEAST CORNER

ADJACENT LANDOWNER LIST
DIAMC , SHAMROCK WASTEWATER TREATM. .NT PLANT
THREE RIVERS, TEXAS
PERMIT NO. 01353
(MAP 2)

REFERENCE NUMBER	LAND OWNER
1	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
2	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
3	BOYD & SCHULZ. PO BOX 115 THREE RIVERS, TX 78071
4	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
5	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
6	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
7	TONY & MARIA ORTIZ PO BOX 1452 GEORGE WEST, TX 78022
8	DAVID C LICONA 7119 NW LAMAR DR KANSAS CITY, MO 64152-000
9	RAFTER D. INVESTMENTS, INC. %BRYAN DICARO 830 COUNTY ROAD 339 JOURDANTON, TX 78026
10	HARRY J SCHULTZ PO BOX 580 THREE RIVERS, TX 78071
11	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
12	GEORGE FLORES PO BOX 325 THREE RIVERS, TX 78071
13	CENTRAL POWER & LIGHT PO BOX 660164 DALLAS, TX 75266
14	BILLY B CULLEN MD 5020 ROYALTON CORPUS CHRISTI, TX 78413

ADJACENT LANDOWNER LIST
DIAMC) SHAMROCK WASTEWATER TREATM. (T PLANT
THREE RIVERS, TEXAS
(MAP 2 CONTINUED)

15 ALFREDO P GUERRA
PO BOX 1831
THREE RIVERS, TX 78071

16 HECTOR CHAPA
PO BOX 1831
THREE RIVERS, TX 78071

17 NEAL MCGRIFF
PO BOX 992
THREE RIVERS, TX 78071

18 M T BUCKALOO
PO BOX 456
THREE RIVERS, TX 78071

19 ELTON R FRANKE
2308 COLOGNE RD
VICTORIA, TX 77905

20 ECONOMIC DEVELOPMENT CORP OF THREE RIVERS
PO BOX 1677
THREE RIVERS, TX 78071

21 NONEY FAYE GISLER
PO BOX 194
NORMANNA, TX 78412

22 W J CAMPBELL JR.
PO BOX 400
THREE RIVERS, TX 78071

23 ESPERANZA H KAZ
119 COUNTY ROAD 217
GEORGE WEST, TX 78022

24 SIGMOR CORPORATION
PO BOX 69600
SAN ANTONIO, TX 78269

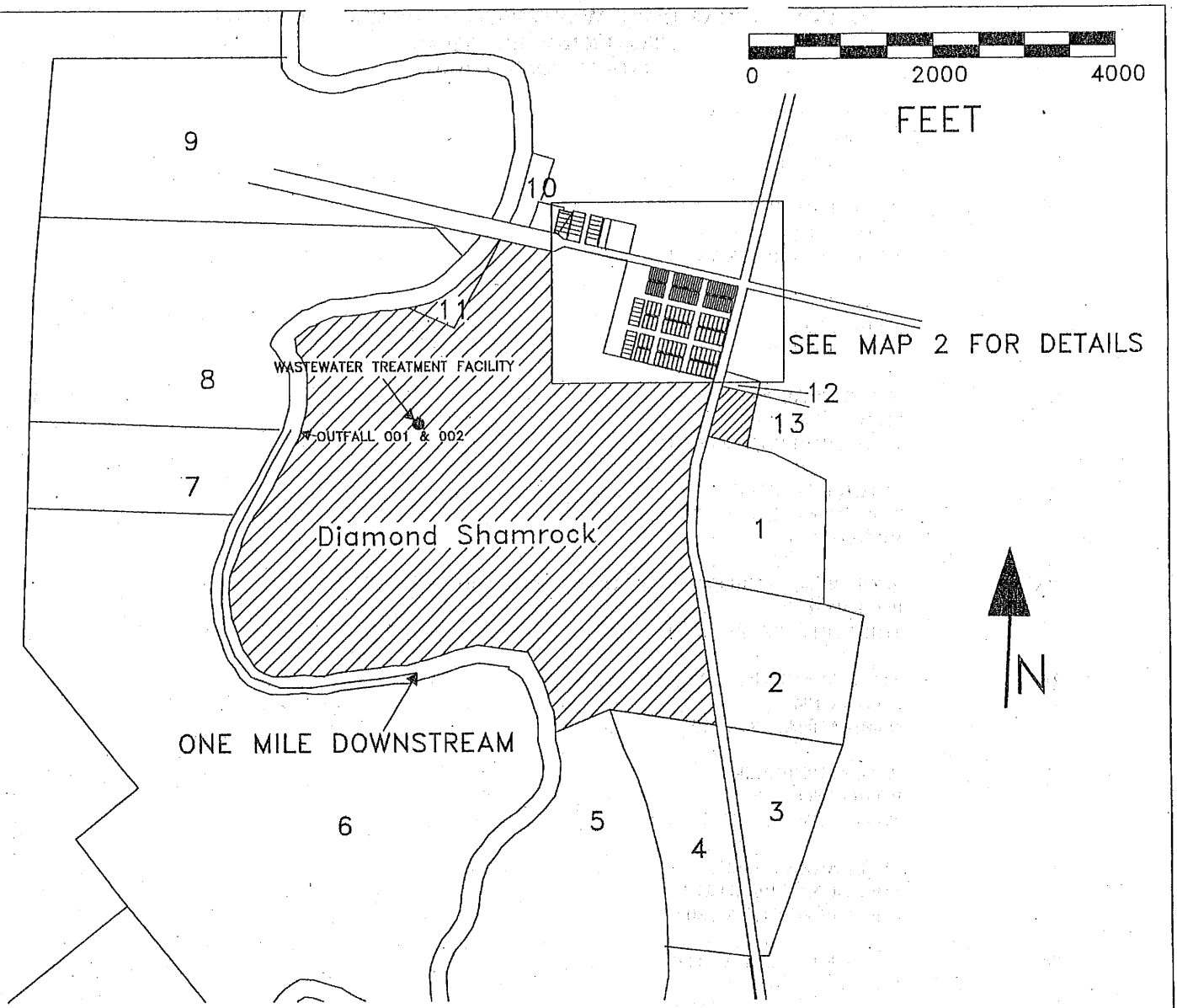
25 ROSELYN H. DOVE
PO BOX 1484
THREE RIVERS, TX 78071

26 STENDEBACH & SONS
%RONNIE STENDEBACH
PO BOX 639
THREE RIVERS, TX 78071

27 THREE RIVERS J MART
JAMES E & SHERIL TEAL
PO BOX 341
TILDER, TX 78072

28 DONNIE FRANKLIN
2537 WIDGEON
CORPUS CHRISTI, TX 78410

29 UNION PACIFIC RAILROAD
1400 DOUGLAS STREET, STOP 1690
OMAHA, NEBRASKA 68179-1690



JLS/MAP1.DWG

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING

MAP 1
LANDOWNERS PROPERTY BOUNDARY MAP
ONE MILE DOWNSTREAM OF OUTFALL
AND ADJACENT TO PLANT SITE

ADJACENT LANDOWNER LIST
DIAMOI SHAMROCK WASTEWATER TREATMI PLANT
THREE RIVERS, TEXAS
PERMIT NO. 01353
(MAP 1)

REFERENCE NUMBER	LAND OWNER
1	HUGHIE E & BEVIE M HOUSE PO BOX 10 THREE RIVERS, TX 78071
2	JAKE PLOCH PO BOX 428 THREE RIVERS, TX 78071
3	DIANA M GIESLER PO BOX 1603 GEORGE WEST, TX 78022
4	HUGHIE E & BEVIE M HOUSE PO BOX 10 THREE RIVERS, TX 78071
5	ERNEST WOLFF JR. RT 1 BOX 140 THREE RIVERS, TX 78071
6	JAMES & LYNN BLUHM HCR 70 BOX 5064 THREE RIVERS TX 78071
7	LOID ODOM EXT % JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380 MARY B GOYNES ODOM %JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380
8	JAMES & LYNN BLUHM HCR 70 BOX 5064 THREE RIVERS, TX 78071
9	LOID ODOM EXT %JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380 MARY B GOYNES ODOM %JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380
10	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
11	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
12	ROCKY L TEAGUE & NORMA J SALAZAR PO BOX 518 THREE RIVERS, TX 78071

ADJACENT LANDOWNER LIST
DIAM ID SHAMROCK WASTEWATER TREAT ENT PLANT
THREE RIVERS, TEXAS
PERMIT NO. 01353
(MAP 1 CONTINUED)

13 BASIC EQUIPMENT COMPANY
% AMERICAN AD VALOREM TAX CONS
PO BOX 271095
CORPUS CHRISTI, TX 78427

From: "James Miertschin" <jm-jma@swbell.net>
To: "Michael Sunderlin" <msunderl@tceq.state.tx.us>, "Kelly Holligan" <KHOLLIGA@tceq.state.tx.us>
Date: 7/11/07 10:17:42 AM
Subject: additional information; Diamond Shamrock EO

Michael

1. Flow in the Receiving Stream

Some important information that should be taken into consideration is the present high-flow condition of the Nueces/Frio River receiving stream. The attached figure shows that the river is presently at an extremely high flow of almost 20,000 cfs, and for the past 31 days the flow has averaged about 2000 cfs. This high flow condition will certainly be sustained for at least the next 30-45 days.

Therefore, for the next 30-45 days we can expect the flow in the Nueces to be at least 1000 - 2000 cfs. We are requesting authorization to discharge an extra 1.5 MGD (= 2.3 cfs) of stormwater combined with wastewater to the Nueces. So, the proposed EO discharge can be expected to comprise only about 500:1 to 1000:1 of the total flow in the receiving stream for at least the next 30-45 days. This would be an argument that single grab sample limits may be appropriate for a 30-45 day period, then after that, perhaps the limits need to be revisited.

The water stored in Ponds 5, 6, and 7 is mostly stormwater. Stormwater is usually characterized by high TSS concentrations, and a typical value would be up to 200 mg/L. The sampling data that we have available for the ponds does in fact indicate that TSS concentration is up to 95 mg/L in one of the ponds. Information submitted to TCEQ yesterday estimated the stormwater content of the ponds at roughly 80%.

2. EO Stipulations

The most straightforward way to handle the requested release of water from the onsite ponds is to designate a temporary "internal outfall" to represent the point where stored water is pumped from the onsite ponds to the internal ditch that leads to Outfall 002. This internal outfall should be the place where the 1.5 MGD is applicable and where any effluent limitations are applicable. Refinery staff are very concerned if any temporary limitations are applicable at the existing Outfall 002 monitoring point, since it can be expected that stormwater runoff from the City of Three Rivers will have very high TSS content. It is also requested that compliance sampling under the EO be based upon grab sampling rather than composite sampling.

The Refinery needs a period of time where they can discharge the stored water that has a high TSS content due to the fact that it is mostly stormwater. We request a period of time with a single grab limit of 100 mg/L on TSS for the EO's internal outfall. During this same period, perhaps the single grab limits for other Outfall 001 constituents would also be applicable to the internal outfall. A 30-45 day period should allow a substantial dewatering period, accompanied by high river flow.

After 30-45 days, perhaps the issue should be revisited, similar to the 45-day window that is suggested in the draft EO for consideration by the Regional office. We have no control over whether or not the rainy conditions will continue, and hurricane/tropical storm season is now upon us.

I hope this information is helpful.

James Miertschin
James Miertschin & Associates, Inc.
(512) 327-2708

CC: <jon.kiggans@valero.com>, "Taylor, Donna" <Donna.Taylor@valero.com>, "sara burgin" <sara.burgin@bakerbotts.com>

From: <sara.burgin@bakerbotts.com>
To: <KHOLLIGA@tceq.state.tx.us>, <MSUNDERL@tceq.state.tx.us>
Date: 7/10/07 6:31:09 PM
Subject: Diamond Shamrock Request for Emergency Order

Kelly and Michael,

This is to follow up on the information provided by James Miertschin, the conversation I had with Kelly late this afternoon and information just provided by the refinery.

1. The physical configuration planned is for the ponds to be pumped via one or more temporary hoses which will lead from the pond to the Corps ditch in the refinery that leads to Outfall 002. The refinery requests authority to pump up to 1.5 MGD from the ponds to the Corps ditch. The refinery then requests authority to discharge from Outfall 002 (or the hose from the Corps ditch over the levee at the same location as Outfall 002) storm water runoff from the refinery that it would typically discharge at Outfall 002 plus up to the additional 1.5 MGD contribution from the ponds (measured by pump capacity and rate). The refinery planned to sample for compliance with the emergency order pollutants at Outfall 002 or the temporary hose from the Corps ditch over the levee that is functioning as 002.

As mentioned, the refinery needs for the authorized flow at Outfall 002 (or the temporary hose over the levee at the location of Outfall 002) to authorize the 1.5 MGD plus the variable storm water flow from the refinery that would typically be discharged at the outfall.

2. The refinery does not believe it can meet the total suspended solids (TSS) limitation and perhaps others impacted by storm water in the proposed emergency order because the limitation does not provide allocation for the storm water component. The refinery estimates that ponds # 5, 6, and 7 contain approximately 10 - 15 percent process wastewater and 85 - 90 percent storm water. Thus, the refinery believes that a conservative estimate of the ratio of waters in the pond would be 20 percent process wastewater and 80 percent storm water. The refinery requests that the TCEQ provide limitations in the emergency order on Outfall 002 (or the temporary hose from the Corps ditch over the levee that is functioning as Outfall 002) that reflect this estimate of the ratio of process wastewater to storm water in the ponds.

Thank you very much for your efforts on this emergency order request. James Miertschin and/or I will call you as soon as we get in tomorrow morning. If you need this in a more formal format or from the refinery, we can accomplish that in the morning.

Sara Burgin

Sara M. Burgin
Baker Botts L.L.P. *
1500 San Jacinto Center
98 San Jacinto Boulevard
Austin, Texas 78701-4039
512.322.2649 (direct)
512.322.8357 (fax)

sara.burgin@bakerbotts.com

CC: <JM-JMA@swbell.net>

From: "James Miertschin" <jm-jma@swbell.net>
To: "Michael Sunderlin" <msunderl@tceq.state.tx.us>
Date: 7/10/07 1:11:01 PM
Subject: Application for Emergency Order, Diamond Shamrock

Michael
I have just finished discussions with Jon Kiggans at the refinery and Sara Burgin with Baker Botts and I have a couple of comments on the draft emergency order that you circulated this morning.

1. There may be some confusion in the document regarding the proposed EO discharge. Diamond Shamrock wants to discharge the water from ponds 5, 6, and 7, with the 1.5 MGD flow limit and any appropriate parameter limits applying to the water released from those ponds only. We just want to clarify that the EO limits will not be applicable to Outfall 002 itself, since it will still convey stormwater from both the refinery and from the City of Three Rivers. It is correct that the discharge will occur "via Outfall 002" but that is just the conveyance route. We propose to sample the actual water pumped from the ponds.

On page 3 of the EO then, Item (1)(b) we assume that it is meant that "effluent discharged via Outfall 002 shall comply..." can be interpreted as we have discussed in the preceding paragraph. But in the SUMMARY OF CHANGES FROM APPLICATION, page 4, it is stated that "staff has imposed effluent limitations and/or monitoring requirements at Outfall 002 for all...." We request that this wording be changed to refer to the "waters dicharged from Ponds 5, 6, and 7".

2. We understand your desire to impose the effluent limitations for Outfall 001 upon the proposed EO discharges from Ponds 5, 6, and 7. We had not proposed this because the water contained in the ponds is mainly stormwater, and we have little direct control over its quality. Because the water contained in the ponds is mainly stormwater, it has a total suspended solids concentration higher than the allowable daily average value at Outfall 001 of 27 mg/L. We request that only the single grab limitation of 75 mg/L TSS be applicable to the proposed discharge under the EO. We also request that you consider application of only the Outfall 001 daily maximum or single grab limitations for the other parameters. We request this in recognition of the emergency nature of this situation.

Thank you for your review of this request. Do not hesitate to call me if you have any questions.

James Miertschin
James Miertschin & Associates, Inc.
(512) 327-2708

CC: "sara burgin" <sara.burgin@bakerbotts.com>, <jon.kiggans@valero.com>, "Taylor, Donna" <Donna.Taylor@valero.com>

From: <sara.burgin@bakerbotts.com>
To: <MSUNDERL@tceq.state.tx.us>, <bseaton@tceq.state.tx.us>
Date: 7/9/07 6:13:13 PM

The purpose of this email is to respond to the following four questions from Beth Seaton and Michael Sunderlin:

1. Is the facility doing anything to reduce inflow into ponds # 5, 6, and 7?

Yes. The refinery has two tanks in service to receive process area storm water. Ponds # 5, 6, and 7 are the overflow from those tanks. Since the water levels began to be a concern in Ponds # 5, 6, and 7, the refinery has transferred water from one of those tanks into an empty diesel holding tank such that some capacity is available for additional process area storm water. For the last several days, the only water adding to the levels in ponds # 5, 6, and 7 has been the rain falling directly on them and process area storm water has been re-filling one of the tanks. However, if the refinery gets another heavy storm the remaining capacity in the tank will be quickly used, and the ponds will again receive both inflow of process area storm water and direct rainfall.

2. What is being done to minimize the amount of wastewater being generated at the refinery such that more water from Ponds # 5, 6, and 7 can be discharged through Outfall 001?

Short of curtailing or halting gasoline production entirely, the refinery's options to minimize process wastewater production are few. To maximize dewatering of Ponds # 5, 6, and 7, the refinery has been discharging over the daily average flow limitation during the first part of July. Within the next few days, the refinery will be forced to cut back on flow at Outfall 001 to comply with flow requirements. Thus, the refinery's ability to dewater Ponds # 5, 6, and 7 through Outfall 001 will be even further reduced.

At present, the refinery has continued to operate at normal capacity. Even if the refinery reduces or halts operations, it would still need the emergency order to dewater the ponds to manageable levels.

An injection well has been constructed at the refinery to increase wastewater disposal capacity, but its use is not yet authorized by the TCEQ. The refinery has been waiting since February 2007 for required core samples that must be submitted as part of the well completion report. The refinery has been told by its contractor that it will be at least 4 more weeks before results of the core sample analyses will be available.

3. If no more rainfall were to occur, what is the estimated time until irrigation fields would be usable?

The refinery estimates that it could use the fields in about 2 weeks.

4. If no more rainfall were to occur, what is the minimum volume of water that would be needed to reduce ponds # 5, 6, and 7 to manageable

capacity?

The refinery estimates that it would need to remove about 11 million gallons of stored water to reduce the ponds to a freeboard of 2 feet. However, to be manageable and to preserve the minimum 2 -foot freeboard, the refinery believes that removal of about 15 - 25 million gallons would be more protective.

I hope that this is the information that you need. If you have additional questions, please do not hesitate to call.

Sara Burgin

Sara M. Burgin
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512.322.2649 (direct)
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sara.burgin@bakerbotts.com

From: <sara.burgin@bakerbotts.com>
To: <KQualtro@tceq.state.tx.us>, <JSADLIER@tceq.state.tx.us>, <KHOLLIGA@tceq.state.tx.us>, <MSUNDERL@tceq.state.tx.us>
Date: 7/9/07 11:51:57 AM
Subject: Weather forecast for Three Rivers

All,

I wanted to let you all know that we did not have to discharge from the ponds over the weekend. I have attached a pdf of the weather forecast for Three Rivers for the next seven days and more thunderstorms are in the forecast. As indicated in the pictures forwarded Friday afternoon and in the Emergency Order request, Ponds # 5 and 7 are very full up to a few inches of the top of the berms. The refinery is very concerned about not losing the integrity of the berms because of the volume of water and the time the ponds may be required to hold that water if we can not discharge from the ponds. The ponds are holding significantly more water than at the 2-foot freeboard volume and pressure, and they have not been tested with this much water in the past. Therefore, Diamond Shamrock continues to urgently request that the TCEQ issue the requested emergency order.

The additional landowner information and original sworn signature page will delivered to the TCEQ early this afternoon.

Please call if you need additional information.

Sara Burgin

Sara M. Burgin
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sara.burgin@bakerbotts.com

From: <sara.burgin@bakerbotts.com>
To: <MSUNDERL@tceq.state.tx.us>
Date: 7/6/07 1:57:32 PM
Subject: FW: Diamond Shamrock EO Application

Michael,
I wanted to make sure you have seen the second paragraph below relating to what is going on with Outfall 002. I didn't know if this has been forwarded to you. I haven't heard from anyone over there whether we need to address this in the emergency order.
Thanks.
Sara

-----Original Message-----
From: Burgin, Sara
Sent: Friday, July 06, 2007 11:21 AM
To: 'Kerrie Qualtrough'; 'Kelly Holligan'; 'bcoy@tceq.state.tx.us'; 'lstepney@tceq.state.tx.us'
Subject: Diamond Shamrock EO Application

All,

Attached is a copy of the emergency order application with the sworn signature page incorporated. The appropriate number of copies of the application are being hand delivered to the applications unit this morning. As I mentioned yesterday, we will provide the original sworn signature page Monday morning.

It is my understanding that the refinery began discharging at around 10am this morning. Another issue that has arisen since we talked yesterday and since we prepared the emergency order is that the river is so high that we cannot discharge through the permanent pipe through the levee we typically use as Outfall 002. It is below the water surface. If we opened the valve the river would flow into the refinery rather than out. Thus, we are having to discharge by using temporary hoses that go over the levee at the same location as Outfall 002. The permit refers to Outfall 002 as "the flood levee gate area at the edge of plant property". The regional office mentioned that discharge over the levee rather then through the levee may be another issue to be addressed in the request for emergency order and the emergency order. If so, we need to discuss how best to address that issue.

Thanks again.

Sara Burgin

Sara M. Burgin
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 11, 2007

Ms. LaDonna Castañuela, Chief Clerk (MC-105)
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Re: Application for an Emergency Order by Diamond Shamrock Refining Company, L.P.; TPDES Permit No. WQ0001353000 (TX0088331)
(RN100542802) (CN600124861)

Dear Ms. Castañuela:

Transmitted herewith for filing with the Texas Commission on Environmental Quality ("Commission") is the application of Diamond Shamrock Refining Company, L.P. ("Diamond Shamrock") for an emergency order and the proposed "Order." In the attached sworn application dated July 5, 2007 and filed pursuant to Section 5.509 of the Texas Water Code and 30 Texas Administrative Code ("TAC") Sections 35.301 - 35.303, Diamond Shamrock requests permission to discharge process wastewater, utility wastewater, storm water, and groundwater at a daily average flow not to exceed 1,500,000 gallons per day via existing Outfall 002. The discharge will be to an unnamed ditch, thence to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. The facility is a petroleum refinery located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas, with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers in Live Oak County, Texas.

Based on the information submitted by Diamond Shamrock and other information presently available, the Executive Director has granted the emergency order and recommends that the Office of the Chief Clerk set this matter for the Commission to determine whether to affirm, modify, or set aside the emergency order on the Commission's August 22, 2007 agenda after notice of not less than twenty (20) days to any potentially affected persons.

Respectfully submitted,

for
Robert Martinez
Director, Environmental Law Division

L'Oreal Stepney, P.E.
Director, Water Quality Division

Enclosures

cc: Derek Seal, General Counsel, TCEQ MC 101
Kerrie Jo Qualtrough, Senior Attorney, Environmental Law Division, TCEQ MC 173
Scott Shoemaker, Staff Attorney, Environmental Law Division, TCEQ MC 173
Matthew R. Baker, P.E., Director, Enforcement Division, TCEQ MC 219
Michael Sunderlin, Wastewater Permits Section, Water Quality Division, TCEQ MC 148
Blas J. Coy, Jr., Public Interest Counsel, TCEQ MC 103
Jennifer Sidnell, Director, Field Operations Division, TCEQ MC 174
Susan Clewis, Director, Region 14 Office, TCEQ MC R-14
Richard Greene, U. S. Environmental Protection Agency, Region VI,
1445 Ross Avenue, Dallas, Texas 75202-2733
Amber Harbour, U.S. Environmental Protection Agency, Region VI,
1445 Ross Avenue, Suite 1200, Mail Code 6ENWC, Dallas, Texas 75202-2733
Jana Harvill, U.S. Environmental Protection Agency, Region VI,
1445 Ross Avenue, Suite 1200, Mail Code 6ENNWM, Dallas, Texas 75202-2733
Diane Taheri, U.S. Environmental Protection Agency, Region VI,
1445 Ross Avenue, Suite 1200, Mail Code 6ENWC, Dallas, Texas 75202-2733

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 11, 2007

Mr. Jon Kiggans, Environmental Manager
Diamond Shamrock Refining Company, L.P.
P.O. Box 490
Three Rivers, Texas 78071

Re: Application for an Emergency Order by Diamond Shamrock Refining Company, L.P.; TPDES Permit No. WQ0001353000 (TX0088331)
(RN100542802) (CN600124861)

Dear Mr. Kiggans:

A copy of the proposed order for the above-referenced facility is enclosed.

You will be notified by the Chief Clerk's Office of the date, time and place of the hearing on your application for an emergency order. The Executive Director has proposed that the item be considered on August 22, 2007, at 9:30 a.m. You should attend the hearing, or ensure that your interests are represented, since the Executive Director cannot state your case to the Commission. As the applicant, you assume the burden of establishing the justification for issuance of the emergency order and to determine whether to affirm, modify, or set aside the order.

If, for any reason, you cannot attend the hearing as scheduled by the Commission, you should immediately contact Ms. LaDonna Castañuela, Chief Clerk (MC-105), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas, 78711-3087. Ms. Castañuela can be reached by telephone at (512) 239-3300.

If you have any questions about this or any other matter pertaining to this application, please feel free to contact me at (512) 239-0600. Thank you for your attention to this matter.

Sincerely,

Scott Shoemaker

Scott Shoemaker, Staff Attorney
Environmental Law Division

Enclosures

DOCKET NO. _____

IN THE MATTER OF THE APPLICATION OF DIAMOND SHAMROCK REFINING COMPANY, L.P. FOR A TEXAS WATER CODE § SECTION 5.509 EMERGENCY ORDER	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN EMERGENCY ORDER RELATING TO THE DISCHARGE OF WASTE OR POLLUTANTS INTO OR ADJACENT TO ANY WATER IN THE STATE

On July 5, 2007, the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"), considered the application of Diamond Shamrock Refining Company, L.P., ("Diamond Shamrock"), for an Emergency Order pursuant to Section 5.509, Texas Water Code (the "Code"), and 30 Texas Administrative Code ("TAC") Sections 35.301 - 35.303. The application has satisfied the requirements of Section 5.509 of the Code and, therefore, the Executive Director finds that a situation exists that justifies the issuance of an Emergency Order authorizing the discharge of process wastewater, utility wastewater, storm water, and groundwater at a daily average flow not to exceed 1,500,000 gallons per day via Outfall 002 into water in the state.

FINDINGS OF FACT

1. Diamond Shamrock is a petroleum refinery which currently holds TPDES Permit No. WQ0001353000 issued on June 7, 2004. The facility is located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas.

2. On July 5, 2007, Diamond Shamrock has submitted a sworn application for an emergency order as required by Section 5.502 of the Code and stated that such a request is justified to avoid dike failure of the facility ponds (Ponds Nos. 5, 6, and 7) and prevent flooding of the City of Three Rivers which could result in a threat to homes, other neighboring properties, and public roads. Diamond Shamrock has stated other matters and information required by Sections 5.502 and 5.509 of the Code.

3. Diamond Shamrock has applied to discharge process wastewater, utility wastewater, storm water, and groundwater at a daily average flow not to exceed 1,500,000 gallons per day via existing Outfall 002 to an unnamed ditch, thence to the Nueces/Lower Frio River. The discharge may occur using the existing piping system at Outfall 002 or it may occur by pumping the water using temporary hoses that go over the levee at the same location as Outfall 002.

4. Diamond Shamrock states that the discharge is unavoidable to prevent severe property damage or severe economic loss. Because of the recent unprecedented rainfall in South Texas, the Refinery has run out of storage capacity and additional precipitation will cause water levels in the onsite storage ponds to overtop or breach containment dikes and potentially cause flooding of the City of Three Rivers.

5. Diamond Shamrock states that there are no feasible alternatives to the proposed discharge from the onsite storage ponds. There are no other disposal options which can be implemented to alleviate the current situation. The Refinery has been managing its wastewater to the maximum extent possible pursuant to its current authorizations, including maximum allowable discharges through Outfall 001 and maximum usage of its irrigation site. The Refinery has also investigated disposal of excess water by trucking it to a disposal site but the volumes are such that trucking would make a negligible impact on the situation.

6. Diamond Shamrock states that it will also take the following steps to minimize the volume and duration of the discharge and maximize the treatment efficiency of the units available:

   A. The irrigation system will continue to be operated in accordance with the maximum allowable rates under the current TPDES permit.

   B. The discharge of treated wastewater effluent via outfall 001 will continue to be maximized in accordance with the current permit.

7. Diamond Shamrock states that it will discharge only as needed to obtain and maintain optimum storage capacity in the storage ponds. The irrigation system will continue to be operated in accordance with the maximum allowable rates under the current TPDES permit. In addition, the discharge of treated wastewater effluent via outfall 001 will continue to be maximized in accordance with the current permit.

8. The discharge under the proposed Order will not cause significant hazard to human life and health, unreasonable damage to property of persons other than Diamond Shamrock, or unreasonable economic loss to persons other than Diamond Shamrock.

9. The discharge under the proposed Order will not present a significant hazard to the uses that may be made of the receiving waters after the discharge.

10. The proposed Order is necessary to enable action to be taken more expeditiously than otherwise provided by chapter 26 of the Code to effectuate the policy and purposes of that chapter.

CONCLUSIONS OF LAW

1. The above facts, as alleged by Diamond Shamrock, are conditions sufficient to issue this Order pursuant to Section 5.509 of the Code and 30 TAC Sections 35.301 - 35.303.

2. Section 5.501 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Code.

3. The Executive Director may issue an emergency order under 30 TAC Section 35.12.

4. Issuance of this Order will effectuate the purposes of Chapter 26 of the Code.

NOW, THEREFORE, BE IT ORDERED BY THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

(1) Diamond Shamrock is authorized to discharge excess water (process wastewater, utility wastewater, storm water, and groundwater) from Ponds Nos. 5, 6, and 7 via pump hoses at a daily average flow not to exceed 1.5 million gallons per day; from a petroleum refinery located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas; with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers in Live Oak County, Texas. The outlets of the pump hoses from Ponds Nos 5, 6, and/or 7 are collectively designated as internal Outfall 102 for the purposes of this Order. The discharge from internal Outfall 102 may be discharged from the facility by pumping the water using temporary hoses that go over the levee at the same location as Outfall 002 or it may be discharged from the facility using the existing piping system at Outfall 002. Diamond Shamrock is authorized to discharge such excess water (process wastewater, utility wastewater, storm water, and groundwater) to an unnamed ditch, thence to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin, subject to the following terms and conditions:

(a) Diamond Shamrock shall notify the TCEQ's Region 14 Office, and the appropriate regional office of the Texas Department of State Health Services, at least 24 hours prior to initiating the aforementioned discharge and at the cessation of it.

(b) The effluent discharged via Outfall 102 shall comply with the following effluent limitations and reporting requirements:

PARAMETER	Daily Average (mg/L)	Daily Maximum (mg/L)	Single Grab (mg/L)
Flow	1.5 MGD	3.0 MGD	N/A
Biochemical Oxygen Demand (5-day)	27	50	75
Chemical Oxygen Demand	262	509	750
Total Suspended Solids	83	166	166
Oil and Grease	10.0	19.0	19
Ammonia as Nitrogen	15.0	30.0	43
Phenols	0.10	0.19	0.3
Sulfides	0.10	0.18	0.3
Chromium, Total	0.43	0.73	1.5
Chromium, Hexavalent	0.013	0.028	0.04
Total Dissolved Solids	3562	5600	5600
Chlorides	1602	2097	2600
Mercury, Total	0.00029	0.000614	0.001

PARAMETER	Daily Average (mg/L)	Daily Maximum (mg/L)	Single Grab (mg/L)
Zinc, Total	0.23	0.50	1.0
Antimony, Total	Report	Report	N/A
Arsenic, Total	Report	Report	N/A
Barium, Total	Report	Report	N/A
Cadmium, Total	Report	Report	N/A
Copper, Total	Report	Report	N/A
Lead, Total	Report	Report	N/A
Selenium, Total	Report	Report	N/A
Silver, Total	Report	Report	N/A
Fecal Coliform (#/100 mls)	(Report - #/100mls)	(Report - #/100mls)	N/A
pH	6.0 S.U. (min)	9.0 S.U.	N/A

(c) The parameters above shall be monitored at a frequency of once per day, by grab samples, when discharge from internal Outfall 102 occurs.

(d) Except as specifically addressed in this Order, Diamond Shamrock must continue to comply with all other conditions of TPDES Permit No. WQ0001353000 issued on June 7, 2004.

(e) Diamond Shamrock shall submit weekly status reports to the TCEQ Region 14 office, the TCEQ Industrial Permits Team (MC-148) of the Water Quality Division, summarizing the progress of the project and including any analytical sampling conducted relating to Provision (1)(b) of this order. The weekly status reports shall also include daily records of precipitation events, volume of wastewater discharged via Outfall 001, and the volume of wastewater sent to the irrigation tracts.

(f) Diamond Shamrock shall develop and submit a plan to prevent a future re-occurance of this type situation in the future. The plan shall be submitted to the the TCEQ Industrial Permits Team (MC-148) of the Water Quality Division within 45 days after the issuance of this order.

(g) The issuance of this order only provides for state authorization under the Texas Water Code and does not include federal authorization under the Clean Water Act.

(2) Authorization to discharge pursuant to this Order shall terminate 45 days from the date of issuance.

Diamond Shamrock shall discharge only as needed to obtain and maintain optimum storage capacity in the storage ponds. The irrigation system shall continue to be operated in accordance with the maximum allowable rates under the current TPDES permit. In addition, the discharge of treated wastewater effluent via outfall 001 shall continue to be maximized in accordance with the current permit.

(3) The issuance of this Order does not convey any property rights in either real or personal property, or any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations; nor does it obviate the necessity of obtaining any federal or local assent that may be required by law for the permitted discharge.

(4) If any part of this Order is for any reason held to be invalid, the invalidity of that part shall not affect the validity of the remainder of this Order.

(5) The Commission will consider whether to affirm, modify, or set aside this Order at the following time and place:

August 22, 2007, 9:30 a.m.
Texas Commission on Environmental Quality
Building E, Room 201S
12118 N. Interstate 35
Austin, Texas 78753

(6) The Chief Clerk of the Commission is directed to forward a copy of this Order to Diamond Shamrock and all other parties and to issue said Order and cause the same to be recorded in the files of the Commission.

Issued date: July 11, 2007.

EXECUTIVE DIRECTOR,
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
ATTN: Water Quality Division
Wastewater Permits Section (MC 148)
Applications Team
P.O. Box 13087
Austin, Texas 78711-3087
(512)239-4433
(512)239-4430 or 239-4888 FAX

FOR COMMISSION USE ONLY

Admin Review Staff _____
Application Fee Receipt No. _____
Admin Complete Date _____
County Live Oak
Region 14
Segment 2106
Expiration Date 5-1-05
Proposed/Current Permit # 01353

01353-000

APPLICATION FOR EMERGENCY ORDERS AND TEMPORARY ORDERS TO DISCHARGE, DEPOSIT OR DISPOSE OF WASTE(S) INTO OR ADJACENT TO WATER IN THE STATE

1. APPLICANT(S):

Facility Owner: Diamond Shamrock Refining Company, L.P.
* Corporation or Other Legal Entity
**Individual

Facility Operator: _____
* Corporation or Other Legal Entity
**Individual

Address to be used on the order and for receiving correspondence from the TNRCC:

Address: PO Box 490

City: Three Rivers State: TX Zip: 78071

Telephone Number: (361) 786-8286

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TCEQ Core Data Form

TCEQ Use Only

If you have questions on how to fill out this form or about our Central Registry, please contact us at 512-239-5175.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

SECTION I: General Information

1. Reason for Submission *Example: new wastewater permit; IHW registration; change in customer information; etc.*

Application for Emergency Order

2. Attachments				Describe Any Attachments: *(ex: Title V Application, Waste Transporter Application, etc.)*
✓	YES		NO	Application for Emergency Order to Dischare Waste into Water in the State

3. Customer Reference Number-*if issued*			4. Regulated Entity Reference Number-*if issued*		
CN	600124861	*(9 digits)*	RN	100542802	*(9 digits)*

SECTION II: Customer Information

5. Customer Role *(Proposed or Actual)* -- As It Relates to the Regulated Entity Listed on This Form

Please check one of the following:		Owner		Operator	✓	Owner and Operator
	Occupational Licensee		Volunteer Cleanup Applicant			Other
TCEQ Use Only			**Superfund**		**PST**	**Respondent**

6. General Customer Information

	New Customer		Change to Customer Information
	Change in Regulated Entity Ownership	✓	No Change *

***If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.**

7. Type of Customer:		Individual		Sole Proprietorship - D.B.A.
	Partnership		Corporation		Federal Government
	State Government		County Government		City Government
	Other Government				Other:

8. Customer Name *(If an individual, please print last name first)*	*If new name, enter previous name:*

9. Mailing Address:				
	City	State	ZIP	ZIP + 4

10. Country Mailing Information *if outside USA*	11. E-Mail Address *if applicable*

12. Telephone Number	13. Extension or Code	14. Fax Number *if applicable*

15. Federal Tax ID *(9 digits)*	16. State Franchise Tax ID Number *if applicable*	17. DUNS Number *if applicable* *(9 digits)*

18. Number of Employees										19. Independently Owned and Operated?		
	0-20		21-100		101-250		251-500		501 and higher		Yes		No

SECTION III: Regulated Entity Information

20. General Regulated Entity Information

	New Regulated Entity		Change to Regulated Entity Information	✓	No Change*

*If "No Change" and Section I is complete, skip to Section IV - Preparer Information.

Press the Tab Key to continue to page 2.

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21. Regulated Entity Name *(If an individual, please print last name first)*				
Lazy Nine Municipal Utility District				
22. Street Address (No PO Boxes)				
	City	State	ZIP	ZIP + 4
23. Mailing Address				
	City	State	ZIP	ZIP + 4
24. E-Mail Address:				

25. Telephone Number	26. Extension or Code	27. Fax Number *if applicable*

28. Primary SIC Code (4 digits)	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits)	31. Secondary NAICS Code (5 or 6 digits)

32. What is the Primary Business of this entity? *(Please do not repeat the SIC or NAICS description)*

Questions 33 - 37 address geographic location. Please refer to the instructions for appliciability.

33. County

34. Description of Physical Location

35. Nearest City	State	Nearest Zip
Village of Bee Caves		

36. Latitude (N)			37. Longitude (W)		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds

38. TCEQ Programs In Which This Regulated Entity Participates *Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "Unknown".* If you know a permit or registration # for this entity, please write it below the program."

	Animal Feeding Operation		Petroleum Storage Tank		Water Rights
	Title V - Air		Wastewater Permit		
	Industrial & Hazardous Waste		Water Districts		
	Municipal Solid Waste		Water Utilities		Unknown
	New Source Review - Air		Licensing - TYPE(s)		

Section IV: Preparer Information

39. Name	40. Title
Al Capps, James Miertschin & Associates, Inc.	E.I.T.

41. Telephone Number	42. Extension or Code	43. Fax Number *if applicable*
(512) 327-2708		(512) 327-2733

44. E-mail Address: al-jma@swbell.net

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JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING
P.O. BOX 162305 ◦ AUSTIN, TEXAS 78716-2305 ◦ (512) 327-2708

APPLICATION FOR EMERGENCY ORDER TO DISCHARGE WASTE INTO WATER IN THE STATE (TPDES Permit No. 01353)

Diamond Shamrock Refining Company, L.P.
Three Rivers Refinery

Submitted to:

Texas Commission on Environmental Quality

STATE OF TEXAS
JAMES MIERTSCHIN
43900
LICENSED
PROFESSIONAL ENGINEER

July 2007

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Facility Owner:

*Corporation or Other Legal Entity: If the application is submitted on behalf of a corporation, identify the charter number or certificate of authority registration number on file with the Texas Secretary of State. Identify the Tax Identification Number as recorded with the State Comptroller of Texas.

Registered Filing 00071907-10 ✓ 74-269-116

Charter Number (on file with the Secretary of State) | Tax Identification Number (on file with the Texas State Comptroller) or Social Security Number

If the application is submitted on behalf of an entity other than an individual and is not registered or chartered with the Texas Secretary of State, include a copy of the agreement which forms the entity.

**Individual: Pursuant to the Texas Water Code § 26.027(b), please supply the following information when the applicant is an individual:

Applicant(s): NA
(Full Legal Name)

Business: NA
(Assumed Business or Professional name - Chapter 36, Business & Commerce Code)

Physical Address of Individual: NA
(Street Address of Place of residence)

City: NA State: NA Zip: NA

Sex: NA State Identification No.: NA Date of Birth: NA
(Driver's License or Personal ID Certificate)

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Facility Operator (Required only if the operator is required to apply as co-permittee.):

*Corporation or Other Legal Entity: If the application is submitted on behalf of a corporation, identify the charter number or certificate of authority registration number on file with the Texas Secretary of State. Identify the Tax Identification Number as recorded with the State Comptroller of Texas.

NA
Charter Number (on file with the Secretary of State)

NA
Tax Identification Number (on file with the Texas State Comptroller) or Social Security Number

If the application is submitted on behalf of an entity other than an individual and is not registered or chartered with the Texas Secretary of State, include a copy of the agreement which forms the entity.

**Individual: Pursuant to the Texas Water Code § 26.027(b), please supply the following information when the applicant is an individual:

Applicant(s): NA
(Full Legal Name)

Business: NA
(Assumed Business or Professional name - Chapter 36, Business & Commerce Code)

Physical Address of Individual: NA
(Street Address of Place of residence)

City: NA State: NA Zip: NA

Sex: NA State Identification No.: NA Date of Birth: NA
(Driver's License or Personal ID Certificate)

2. a. Identify the person(s) to be contacted for administrative and technical questions during processing of the application. Include the name, address, facsimile number, phone number, title, firm name, where applicable. The person(s) identified will be the contact for the permitting staff if additional information is needed during the process. If the address is the same as item 1 of the application, please indicate "same as item 1".

Jon Kiggans, Environmental Manager

Diamond Shamrock Three Rivers Refinery

PO Box 490 Voice: (361) 786-8286

Three Rivers, Texas 78071 Fax: (361) 786-2833

b. Identify the individual to be contacted to publish notice in a newspaper of general circulation in the county where the facility is (to be) located. Only identify one person to be contacted. This person will be notified by the Office of Chief Clerk to publish notice of the emergency/temporary order. Note: This will occur after the draft order has been mailed to the contact person identified above, for review and comment of the draft order (after technical review is completed). If the address is the same as item 1 of the application, please indicate "same as item 1".

Jon Kiggans Environmental Manager

Diamond Shamrock Three Rivers Refinery

PO Box 490 Voice: (361) 786-8286

Three Rivers, Texas 78071 Fax: (361) 786-2833

c. List each persons employed by the State of Texas who **represented your company and was paid** for services regarding this application. NOTE: Any violation of Section 382.0591 of the Health and Safety Code Section 26.0283 of the Water Code, or Sectin 572.054 of the Government Code, relating to conflict of interest, may result in denial of the application or filing of charges with the appropriate office.

NA

d. **If the applicant(s) identified in item 1 is an entity other than an individual**, please provide the name of two individuals that can be contacted by the agency as needed throughout the term of the order. Include their phone number and address if different than the permanent address to be used for the order, in item 1 of the application. (i.e., President or Vice President of a Corporation, Utility District, an Elected Official of a City or County, a General Partner of a Partnership, etc.) If the address is the same as item 1 of the application, please indicate "same as item 1".

Owner: Harry Wright, Jr., VP & General Manager

Same as item 1

Operator: Allyn Weber, Operations Director

Diamond Shamrock Refining Company, L.P., PO Box 490, Three Rivers, TX 78071 (361) 786-8280

e. If the adjacent property ownership list shows the State of Texas to be an adjacent landowner, your application may affect lands dedicated to the permanent school fund. Refer to Texas Water Code § 5.115. To determine whether lands dedicated to the permanent school fund are affected, you may submit a request which includes the property location to the General Land Office at the following address:

GENERAL LAND OFFICE
DEPUTY COMMISSIONER OF ASSET ACQUISITION
STEPHEN F AUSTIN BLDG
1700 N CONGRESS
AUSTIN TX 78701

If it is determined that your application may affect lands dedicated to the permanent school fund, your application must include the following information:

(1) state the location of the permanent school fund land to be affected; and

(2) describe any foreseeable impact or effect of the proposed action on permanent school fund land.

A formal action or ruling by the Commission on an application affecting permanent school fund land that is made without the notice required by the above-referenced rule is voidable by the School Land Board as to any permanent school fund lands affected by the action or ruling. [Texas Water Code § 5.115(g)]

3. a. Permit Number: TPDES 001353

Expiration Date of Existing Permit: August 1, 2007

b. NPDES Permit No.: TX0088331

NPDES Permit Expiration Date: NA

c Type of Technical Report(s) Attached to Administrative Report for Emergency or Temporary Order Application. (Please note that a Technical Report is considered part of the application for the order):

(1) Domestic Wastewater Application Technical Report _____

(2) Industrial Wastewater Application Technical Report ✔

(3) Sewage Sludge Application Technical Report _____

4. The permit application processing and postage fee in the amount of $ 500.00, has been submitted to the TNRCC. To assist in expediting the application, please include a copy of the check with the application.

See Attachment A for a copy of the application fee

5 Facility Site Information:

a. Plant Name, if applicable: Three Rivers Refinery WWTP

b. Physical Street Address of the facility/plant, if available: 301 Leroy Street, Three Rivers, Texas 78071

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c. County(s) where Facility is/is to be Located: Live Oak County

d. Facility Location:

Latitude: Deg. 28 Min. 27 Sec. 30

Longitude: Deg. 98 Min. 11 Sec. 05

e. Identify the name of the nearest city where the facility is/is to be located: Three Rivers, Texas

f. For Domestic Facilities, identify type of service provided by this facility:

Public NA Private NA

Both Public and Private NA

g. Is Facility located on Indian Land? Yes _____ No ✔

h. For any applications involving an average daily discharge of five (5) million gallons or more, provide the name of each county or counties located within 100 statute miles downstream of the point(s) of discharge. (30 TAC Section 305.93(c))

NA

I. Ownership (If the following items are not properly answered, the application may be returned or cause a significant delay in processing.):

(1) Ownership of treatment facility/plant *

Diamond Shamrock Refining Company, L.P.

(Individual, Corporation or Other Legal Entity)

Address, if different from Question 1: NA

*The owner of the treatment facility must be identified as the applicant in item 1 of the application. The owner of the treatment facility is required to hold the permit. (see application instructions)

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(2) Ownership of land where treatment facility/plant is or will be located * Diamond Shamrock Refining Company, L.P.

(Individual, Corporation or Other Legal Entity)

Address, if different from Question 1: NA

*If the owner of the land where the facility is located is different than the owner of the facility, and the facility is considered a fixture of the land (i.e. pond system, evaporation pond, units half-way in ground, holding ponds) the applicant must provide a copy of executed deed recorded easements giving the facility owner sufficient rights to the land or apply as a co-permittee. (see application instructions)

If the facility is not considered a fixture of the land, a long term lease for the life of the facility must be provided.

(3) Ownership of **effluent disposal area** for land application system: Diamond Shamrock Refining Company, L.P.

*(Individual, Corporation or other Legal Entity)

Address, if different from Question 1: NA

*If the owner of the effluent disposal site is not the same as the applicant, provide a copy of a long term lease for the use of the land. If the lease agreement is less than a five year term, the permit may be given a term equivalent to the term of the lease.

7. Is the waste disposal activity located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde or Williamson County? YES_____ NO ✔

If YES, is the waste disposal activity subject to 30 TAC Chapter 213, entitled Edwards Aquifer Rules? **NA** YES_____ NO_____

If YES, the applicant may be required to submit additional information concerning methods of aquifer protection.

8. Give a **written location description (not directions)** of the facility (plant) with respect to known or easily identifiable landmarks which can be found on a USGS Topographic map, indicating the miles or feet from major intersections. The description must be detailed enough for the facility to be located on the USGS topographic map submitted with the application.

The facility is located in the southeastern portion of the City of Three Rivers. The northern border of the Diamond Shamrock Refinery is US Highway 72 and the northeast corner of the facility is at the intersection of US Highway 72 and the Frio River in Live Oak County.

9. Effluent disposal site location description, if significantly different than the facility location:

Give a **written location description (not directions)** of the effluent disposal site, if significantly different from the facility site, with respect to known or easily identifiable landmarks which can be found on a USGS Topographic map, indicating the distance from major intersections. If the location is not significantly different from the facility site, indicate "same as facility site description".

The effluent disposal site is located three miles north northeast of Three Rivers at (Lat 28° 30' 30", Long. 98° 9' 53").

10. Provide a written description that traces the flow of effluent from the plant site to the nearest major watercourse. (For example: "From the plant site through a six-inch pipe to a county drainage ditch, to an unnamed tributary to Doe Creek, to Doe Creek, then to the Brazos River.")

From the wastewater treatment plant to an unnamed ditch, thence to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin

11. For Land Disposal (not discharged directly into surface water):

a. Provide a written description that traces the flow of effluent to final disposition including transportation and temporary storage (e.g., holding ponds). For example: "From the plant through a six-inch pipe to a holding pond then through a pipe to the irrigation site".

The effluent is pumped from the wastewater treatment plant to the irrigation storage reservoir at the agricultural irrigation tract located three miles north northeast of Three Rivers. From the irrigation reservoir, the effluent is pumped through pipes to the adjacent irrigation fields.

b. Identify the nearest identifiable watercourse to the disposal site to which rainfall/runoff might flow if not contained.

Runoff would flow towards the Frio River via Hackberry Creek or the Nueces River via Olds Slough.

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12. Attach a **COMPLETE ORIGINAL (colored) USGS TOPOGRAPHIC Quadrangle MAP(S)** (7 ½ minute scale) (copies and milars are not acceptable) and show the following information, as it applies: (To obtain an original USGS topographic map, call 1-800-435-7627.

a. Clearly label and delineate:

(1) The applicant's property boundaries

(2) The boundaries of the wastewater treatment, sewage sludge processing and/or composting facility (plant), within the applicant's property boundaries.

b. Show an area at least one (1) mile in all directions of the facility and all disposal activities. Adjacent quadrangle maps must be provided, if necessary, to show a one mile radius of the facility and all disposal activities.

c. (1) Clearly label and identify the point(s) of discharge, by Outfall number, if more than one point of discharge; and,

(2) Trace the discharge route with a highlighter from the point(s) of discharge for a distance of three (3) stream miles or to the point that the effluent reaches a classified segment listed in 30 TAC, Chapter 307, Appendix A. (Note: Do not mark with dark ink over the discharge route. A new original map will be required if the discharge route is not visible.)

d. Clearly label and delineate the boundaries of effluent surface/subsurface land disposal site(s), storage/holding/evaporation ponds, and/or the irrigation disposal area, within the applicant's approximate property boundaries.

e. Indicate the proximity of the plant site, discharge point(s) and/or disposal site(s) to any new or future commercial developments, housing developments, industrial sites, parks, schools and recreational areas.

f. Identify all springs, public water supply wells, surface water supply intakes, water treatment plants, potable water storage facilities and sewage treatment plants within one mile of the treatment facility.

g. If the discharge route(s) abuts or crosses property which is being utilized as a park, playground or school yard and is within one mile of the point of discharge, highlight the area on the original USGS topographic map. List each park, playground or schoolyard within one mile of the discharge.

See Attachment B for USGS Map

13. Landowners' Property Boundary Map and Information. Please refer to the application instructions for examples. The application processing will be significantly delayed if the information is not provided exactly as requested.

Provide a map or drawing, **with scale**, which includes the following information:

a. Applicant's property where the facility/plant is located:

(1) Clearly delineate and label the applicant's property boundaries.

(2) Clearly show and label the location of the wastewater treatment facility/plant within the applicant's property boundaries.

(3) Clearly delineate the approximate property boundaries of the landowners surrounding the applicant's property boundaries.

b. For discharge into a water body:

(1) Clearly identify and label the location of the point(s) of discharge.

(2) Highlight and trace the discharge route(s) for one mile downstream from the point of discharge.

(3) Clearly delineate the property boundaries of the landowner's adjacent to the discharge route for one mile downstream from the point of discharge. Or, if the point of discharge is into a lake, bay estuary or area effected by tidal, delineate the approximate property boundaries of the landowners 1/2 mile in all directions of the outfall(s), along the watercourse.

c. For land disposal of effluent:

(1) Clearly delineate the boundaries of the irrigation and/or subsurface site within the applicant's property boundaries.

(2) Clearly delineate the property boundaries of the landowners surrounding the applicant's property boundaries where the irrigation and/or subsurface site is proposed.

(3) Clearly label the holding/evaporation ponds.

See Attachment C for Landowner Map

14. Corresponding list of landowner identified on the above requested map showing adjacent landowners.

a. Provide a separate list of the adjacent and surrounding landowners required to be shown on the landowners map above. The list must include the name and complete mailing address of each landowner; and, the list must correspond with the map in a numeric order beginning with number 1. **A list corresponding by lot and/or tract numbers will not be accepted. Any map and list that is not easily cross referenced and the landowners are not easily identifiable, will be returned for the applicant to revise accordingly.**

b. Provide the adjacent landowner mailing list on computer disk. If more convenient, printed labels of the list may be provided in lieu of a computer disk. **This means that before this application can be declared administratively complete,** a complete list of the adjacent landowners identified in the application must be provided on a 3 1/2 inch diskette using software compatible with WordPerfect, or the list must be provided by hard copy in the form of printed labels (**four sets** of labels are required).

Please carefully read the following instructions for providing the disk or labels as the application will not be declared administratively complete if the information is not provided exactly as requested.

See Attachment C for Landowner List

Instructions for DISK and LABELS:

If the names are submitted on computer disk, please label the disk with the applicant's name and permit number. On the disk itself, type the permit number and applicant's name on the top line before typing the addresses. Names and addresses must be typed in the format indicated below. This format is required by the U.S. Postal Service for machine readability. **Each letter in the name and address must be capitalized, contain no punctuation, and the appropriate two-character abbreviation must be used for the state. Each entity listed must be blocked and spaced consecutively as shown below.**

Example:

Permit No. XXXXX-XXX, Texas Chemical Plant

TERRY M JENKINS
RR 1 BOX 34
WACO TX 76724

MR AND MRS EDWARD PEABODY
1405 MONTAGUE LN
WACO TX 76710-1234

A list submitted on computer disk should be the only item on that disk. Please do not submit the list on a disk that includes maps or other materials submitted with your application.

If you wish to provide the list on printed labels, please use sheets of labels that have 30 labels to a page. Please provide **four complete sets of labels** of the landowner list.

Each name and corresponding address must appear only once on the mailing labels or disk even if the entity owns more than one parcel of land identified on the landowners map. Please eliminate duplicate names and addresses. Names and addresses should appear in the same order as the list cross referencing the landowner with their property on the landowners map.

c. The names and mailing addresses of persons identified as potentially affected persons were obtained from:

Live Oak County Appraisal District

(Source: City, County, School or Water District Records, Abstract Co., etc.)

17. a. List any other permits, existing or pending, which pertain to pollution control activities conducted at this facility (site) and any other TNRCC permits or licenses.

Hazardous Waste Management Permit No. HW-50100-000

Non-attainment Permit No. NA

National Emission Standards for Hazardous Pollutants Permit No. NA

Water Right/Use Permit No. NA

Water Right/Secondary Use Permit No. 5065

TNRCC Certificate of Adjudication NA

TNRCC Certificate of Convenience and Necessity NA

On-Site Subsurface Facility Permit NA

Industrial Solid Waste Registration No. NA

Dredge and Fill Permit No. NA

UIC program under SWDA NA

Sewage Sludge Registration NA

Sludge/Septage Transporter Registration NA

Municipal Solid Waste Landfill No. NA

Other EPA Hazardous Waste ID No. TXD990709966

18. (For discharges **into water in the state**) Provide a statement that the discharge is unavoidable for the following reasons: 1) to prevent loss of life, serious injury, or severe property damage; or 2) to ameliorate serious drought conditions to the extent consistent with the requirements for authorization of the TPDES program. **See Attachment D for Emergency Order Request**

(For discharges **adjacent to water in the state**) Provide a statement that the discharge is unavoidable for the following reasons: 1) to prevent loss of life, serious injury, severe property damage, or severe economic loss, 2) to ameliorate serious drought conditions, or 3) to make necessary and unforeseen repairs to a facility;

19. Provide a statement that there is no feasible alternative to the proposed discharge, such as use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. (For discharges **into water in the state**, this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement).
See Attachment D for Emergency Order Request

20. Provide a statement that the discharge will not present a significant hazard to human life and health, unreasonable damage to property of persons other than the applicant, or unreasonable economic loss to persons other than the applicant. **See Attachment D for Emergency Order Request**

21. Provide a statement that the proposed discharge will not present a significant hazard to the uses that may be made of the receiving water after the discharge, or to the area of or surrounding the discharge.
See Attachment D for Emergency Order Request

22. Provide an estimate of the dates on which the proposed discharge will begin and end. Provide a statement that the estimation of the dates on which the proposed discharge will begin and end are reasonable and attainable.
See Attachment D for Emergency Order Request

23. Provide a statement: 1) of the volume and quality of the proposed discharge; 2) and, that the estimate of the volume and quality of the proposed discharge are reasonable and attainable; **(see footnote)***

See Attachment D for Emergency Order Request

24. Provide an explanation of measures proposed to minimize the volume and duration of the discharge; and, that these measures are reasonable; (see footnote)*

See Attachment D for Emergency Order Request

25. Provide an explanation of measures proposed to maximize the waste treatment efficiency of units not taken out of service or facilities provided for interim use; and, that these measures are reasonable (see footnote)*

See Attachment D for Emergency Order Request

26. List and index all attachments crossed-referenced to the specific related item in this application. (Provide a separate attachment if necessary.)

See List of Attachments

***NOTE**

The technical report required shall conform to the requirements of a standard application for a waste discharge permit, including as appropriate: treatment components, design features, facility siting, soil data, water balance, receiving water characteristics, etc. To obtain a technical report, contact the Wastewater Permits Section at (512)239-4433.

INSTRUCTIONS FOR SIGNATURE PAGE

Signature on Application: The person who signs the application form should be the applicant(s). If the operator is required to apply as co-permittee with the facility owner, both signature pages are required.

SIGNATORY REQUIREMENTS:

An application submitted by a:	The application must be signed by:
• corporation	• a principal executive officer of at least the level of vice president;
• partnership	• general partner as identified in the partnership agreement
• sole proprietorship	• the proprietor
• municipality	• a ranking elected official
• Independent School District	• at least the level of Assistant Superintendent
• state, federal or other public facility,	• a principal executive officer

When another person signs on behalf of the applicant(s), his/her title or relationship to the applicant must be shown. In all cases, the person signing the form must be authorized to do so by the applicant. **A person signing an application on behalf of an applicant(s) must provide proof of authorization. A copy of the authorization letter from the executive officer must be included with the application.**

The signature page must bear the seal of a notary public. The date signed by the applicant must be same date notarized. The signature page will not be acceptable if the dates are different.

SIGNATURE PAGE

OWNER OF FACILITY:

I, Harry Wright (Typed or Printed Name) VP & General Manager (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

Signature: Harry Wright Jr Date: 07/05/07

NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____ , _____

My commission expires on the _____ day

of _____ , _____.

(Seal) _____ Notary Public

_____ County, Texas

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JUL 05 2007

Water Quality Division
Application Team

SIGNATURE PAGE

FACILITY OPERATOR:
(THIS ONLY APPLIES IF THE OPERATOR IS REQUIRED TO APPLY AS CO-PERMITTEE)

I, NA _____ _____
(Typed or Printed Name) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

Signature: _____ Date: _____

NOTE: ALL APPLICATIONS MUST BEAR THE SIGNATURE AND SEAL OF NOTARY PUBLIC.

SUBSCRIBED AND SWORN to before me by the said _____ on

this _____ day of _____ , _____

My commission expires on the _____ day

of _____ , _____.

(Seal) _____
Notary Public

_____
County, Texas

RECEIVED
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Water Quality Division
Application Team

TECHNICAL REPORT 1.0 - INDUSTRIAL

THE FOLLOWING IS REQUIRED FOR ALL APPLICATIONS, RENEWAL, NEW, AND AMENDMENT

1. **FACILITY/SITE INFORMATION** (Instructions, page 24)

a. Describe the type of activity and general nature of your business.

Diamond Shamrock Refining Company, L.P. operates a petroleum refinery in the City of Three Rivers, Texas.

b. SIC Code(s) 2911 , _____ , _____ , _____
NAICS Code(s) _____ , _____ , _____ , _____

c. Describe the wastewater generating processes.

The wastewater treatment plant receives process wastewater generated during the refining and processing of crude oil into petroleum products. Other waste streams include contaminated storm water, tank draws, spill cleanups, sludge dewatering, wash water, hydrostatic test water, steam condensate, air pollution control wastewater, fire fighting flows, and recovered groundwater. Utility wastes include cooling tower and boiler blow-down, and water treatment wastes. Non-process waste streams may or may not be passed through the wastewater treatment plant, depending upon the need for treatment to meet limitations

d. Provide a list of raw materials, major intermediates, and products handled at your facility.

Raw Materials	Intermediate Products	Final Products
See Attachment E for Raw Materials		

e. Indicate by a check mark that an attached facility map with the following information was provided with the application:

✔ Production areas, maintenance areas, materials handling areas, and waste disposal areas.

✔ The location of each unit of the wastewater treatment plant including the location of wastewater collection sumps and impoundments.

Attachment: F - Facility Map

f. Is this a new permit application for an existing facility? _____ Yes ✔ No

If yes, provide background discussion below.

g. Is the treatment facility/disposal site located above the 100-year frequency flood level?
_____ Yes ✔ No

List source(s) used to determine 100-year frequency flood plain: **Plant Records**

If **no**, provide the elevation of the 100-year frequency flood plain and describe what protective measures are in use or planned to be used to prevent flooding of the treatment facility/disposal area.

The treatment facility, refinery, and the City of Three Rivers are protected by a levee designed and constructed by the U.S. Army Corps of Engineers.

h. For **new or amendment** permit applications, will there be discharge of fill material into a water in the state for construction of the proposed outfall structure? _____ Yes ✔ No

If **no**, proceed to Item No. 2. If **yes**, has the applicant applied for a U.S. Corps of Engineers 404 Dredge and Fill permit? _____ Yes _____ No

If **yes**, provide the permit number: _____

If **no**, provide the approximate date you anticipate submitting your application to the Corps._____

2. TREATMENT SYSTEM (Instructions, page 25)

a. List any physical, chemical, and/or biological treatment process that you use for the treatment of wastewater at your facility. Include a description of each treatment process starting with initial treatment and finishing with the discharge point.

The wastewater treatment system includes an API separator at the Treatment Facility. This is followed by dissolved air/gas flotation, followed by activated sludge biological treatment that includes aeration and clarification. Effluent from the treatment plant is either used for irrigation or discharged. For irrigation disposal, treated effluent is pumped to the storage pond at the agricultural irrigation site and used for spray irrigation of bermuda. For discharge, effluent from the biological treatment units is fed to sand filters prior to being discharged to Outfall 001. It is not chlorinated prior to discharge. Non-process waste streams that meet limitations may either be used for irrigation or discharge.

Units:	Dimensions:
pH Control Tank	8'W x 25' L x 6.5'H
Oil-water Separator	15'W x 65'L x 5'H
API Oil Tank 7	25,000 BBL
API Water Tank 8	75,000 BBL
Equalization Tank 6	25,000 BBL
Aeration	#1 - 7,989 cu. ft.
	#2 - 38,502 cu. ft.
	#3 - 51,330 cu. ft.
Clarification	#1 - 19.5'D x 16.5'H
	#2 - 33.5'D x 16.8'H
	#3 - 36.5'D x 16.5'H
Filtration	190 sq. ft.

b. ✓ Indicate by a check mark that an attached flow schematic with a water balance was provided with the application showing each treatment unit and all sources of wastewater flow into the treatment plant and to each outfall/point of disposal. **Attachment: G - Flow Diagram**

3. **IMPOUNDMENTS** (Instructions, pages 25-27)

Do you use or plan to use any wastewater lagoons, ponds, or impoundments? ✓ Yes ____ No
If yes, complete item **3(a)** for **existing** impoundments and items **3(a)-3(f)** for **new or proposed** impoundments. If **no**, proceed to Item No. 4.

a. Provide the following information in the table provided:

Designation: Indicate the appropriate use designation for each pond [Treatment **(T)**, Disposal **(D)**, Containment **(C)**, or Evaporation **(E)**]

Discharge Point: If a discharge occurs from the impoundments, designate the outfall associated with the impoundment.

Liner Information: If the impoundments are lined to comply with specifications outlined for **1) a compacted clay liner (C), 2) an in-situ clay liner (I), or 3) a synthetic/plastic/rubber liner (S)**, indicate the liner type with the appropriate letter designation **(see instructions for further detail on liner specifications)**. If not, provide a reference to the attachment that provides a description of the alternate liner and any additional technical information necessary for an evaluation.

Dimensions: Provide the dimensions(s), freeboard, surface area, and storage volume capacity of the impoundments. For impoundments with irregular shapes, submit surface area (instead of length and width), the average depth, and the maximum depth below natural ground level.

Impoundment Information Table

	Pond # 5	Pond # 6	Pond # 7	eff storage pond	Pond # ____
Designation					
(T) (D) (C) or (E)	C,E	C,E	C,E	C,E	
Discharge Point					
Outfall Number	NA	NA	NA	Irrigation	
Liner Information					
Liner Type (C) (I) or (S)	I	I	I	C	
Alt. Liner Attachment Reference					
Dimensions					
Length (feet)	____ ft	____ ft	____ ft	____ ft	____ ft
Width (feet)	____ ft	____ ft	____ ft	____ ft	____ ft
Depth from Water Surface	3.5 ft	3.5 ft	3.5 ft	31 ft	____ ft
Depth from Nat. Ground Level	2 avg ___ max	2 avg ___ max	2 avg ___ max	20 avg ___ max	___ avg ___ max
Freeboard (feet)	2 ft	2 ft	2 ft	2 ft	____ ft
Surface Area (acres)	8.74 acres	8.337 acres	10.87 acres	8.4 acres	____ acres
Storage Capacity (gallons)	9.969 M gal.	9.5098 m gal.	12.4 M gal.	69 M gal.	____ gal.

	Pond # ____	Pond # ____	Pond # ____	Pond # ____	Pond # ____
Designation					
(T) (D) (C) or (E)					
Discharge Point					
Outfall Number					
Liner Information					
Liner Type (C) (I) or (S)					
Alt. Liner Attachment Reference					
Dimensions					
Length (feet)	____ ft	____ ft	____ ft	____ ft	____ ft
Width (feet)	____ ft	____ ft	____ ft	____ ft	____ ft
Depth from Water Surface	____ ft	____ ft	____ ft	____ ft	____ ft
Depth from Nat. Ground Level	___ avg ___ max	___ avg ___ max	___ avg ___ max	___ avg ___ max	___ avg ___ max
Freeboard (feet)	____ ft	____ ft	____ ft	____ ft	____ ft
Surface Area (acres)	____ acres	____ acres	____ acres	____ acres	____ acres
Storage Capacity (gallons)	____ gal.	____ gal.	____ gal.	____ gal.	____ gal.

THE FOLLOWING ITEMS ARE REQUIRED ONLY FOR NEW OR PROPOSED IMPOUNDMENTS.

b. Indicate by a check mark if any of the following data was provided with the application:

(1) _____ Synthetic/plastic/rubber liner data
(2) _____ In-situ clay liner data NA

Attachment: _____

c. Are there any leak detection systems or ground water monitoring wells in place or planned? ____Yes ____No

_____ If **yes**, indicate by a check mark that a separate attachment was provided with the leak detection system information for each pond and/or ground water monitoring well data.

Attachment: _____

d. Is the bottom of the pond above the seasonal high water table in the most shallow water bearing zone?
_____ Yes _____ No

_____ If **no**, indicate by a check mark that additional information was provided describing the depth of the seasonal high water table in the most shallow water bearing zone in relation to the depth of the bottom of the new or proposed impoundment and how this may or may not impact groundwater.

e. Indicate by a check mark that the following information was provided:

_____ A USGS quadrangle map or a color copy of original quality and scale which accurately locates and identifies water supply wells and/or monitor wells within ½ mile radius of the impoundments.

_____ Copies of State Water Well Reports (driller's logs, completion data), and data on depths to ground water for water supply wells including a description of how the depths to ground water were obtained.

For TLAP permit applications: _____ Indicate by a check mark that the new or proposed impoundment(s) and the land application disposal area are located in the same general area and the information for this item is provided in Worksheet 3.0 (item 8).

f. _____ Indicate by a check mark if any data was provided with the application pertaining to the ground water, soils, geology, etc. used to assess the potential for migration of wastes from the impoundments and/or the potential for contamination of ground water or surface water.

4. **OUTFALL/DISPOSAL METHOD INFORMATION** (Instructions, pages 27-28)

Complete the following tables to describe the location and wastewater discharge or disposal operations for each outfall for discharge operations and for each point of disposal for TLAP operations.

For TLAP permit applications: Indicate the disposal method and each individual **irrigation** area **(I)**, **evaporation pond (E)**, or **subsurface drainage system (S)** by providing the appropriate letter designation for the disposal method followed by a numerical designation for each disposal area (e.g. evaporation pond, application area) in the space provided for "Outfall" designation (e.g. "E1" for evaporation pond 1, "I2" for irrigation area No. 2, etc.).

OUTFALL: 001

Latitude			Longitude			Location Description
28	27	21	98	11	40	Outlet from pipe prior to exit through dike via unnamed ditch to river: effluent flows by gravity or can be pumped over levee
Permitted Flow (MGD)			Proposed Flow (MGD)			
Dly Avg	Dly Max		Dly Avg	Dly Max		Discharge Duration
0.8	1.6		1.5	3.0		24 (hrs./day) 30 (days/mo.) 12 (mo./year)
___ Pumped ✔ Gravity			Measurement Device: Totalizer			___Intermittent ___Seasonal ✔ Continuous

Contributing Wastestreams:	Volume (MGD)	% of Total Flow
Process Wastewater	0.752	50.1
Cooling Tower Blowdown	0.216	14.4
Boiler Blowdown	0.144	9.6
Groundwater Remediation	0.043	2.9
Process Stormwater	0.013	0.8
Reverse Osmosis Reject	0.259	17.3
Air Pollution Control Wastewater	0.073	4.9

OUTFALL: 002

Latitude			Longitude			Location Description
28	27	21	98	11	40	Outlet from concrete weir prior to exit through dike via unnamed ditch to river: effluent flows by gravity or can be pumped over levee
Permitted Flow (MGD)			Proposed Flow (MGD)			
Dly Avg	Dly Max		Dly Avg	Dly Max		Discharge Duration
NA	NA		NA	NA		24 (hrs./day) 30 (days/mo.) 12 (mo./year)
___ Pumped ✔ Gravity			Measurement Device: None			✔ Intermittent ___Seasonal ___Continuous

Contributing Wastestreams:	Volume (MGD)	% of Total Flow
Stormwater	Varies	100
Hydrostatic Testing	Varies	Varies
Plant Wastewater	Varies	Varies

OUTFALL: Irrigation

Latitude			Longitude			Location Description
28	30	00	98	10	00	1.5 miles northeast of the facility from the effluent storage pond to the irrigation field.
Permitted Flow (MGD)			Proposed Flow (MGD)			
Dly Avg	Dly Max		Dly Avg	Dly Max		Discharge Duration
0.8	1.6		1.5	3.0		24 (hrs./day) 30 (days/mo.) 12 (mo./year)
✔ Pumped ___ Gravity			Measurement Device: Meter			___Intermittent ___Seasonal ✔ Continuous

Contributing Wastestreams:	Volume (MGD)	% of Total Flow
Process Wastewater	0.752	50.1
Cooling Tower Blowdown	0.216	14.4
Boiler Blowdown	0.144	9.6
Ground Water Remediation	0.43	2.9
Process Storm Water	0.13	0.8
Reverse Osmosis Reject	0.259	17.3
Air Pollution Control Wastewater	0.072	4.9

OUTFALL: _____

Latitude			Longitude			Location Description
Permitted Flow (MGD)			Proposed Flow (MGD)			
Dly Avg	Dly Max		Dly Avg	Dly Max		Discharge Duration
						_____ (hrs./day) _____ (days/mo.) _____ (mo./year)
___ Pumped ___ Gravity			Measurement Device: _____			___Intermittent ___Seasonal ___Continuous

Contributing Wastestreams:	Volume (MGD)	% of Total Flow

5. BLOWDOWN AND ONCE-THROUGH COOLING WATER DISCHARGES (Instructions, page 28)

a. Does your facility use any cooling towers or boilers that discharge blowdown or other wastestreams to the outfall(s)? ✔ Yes ____ No

b. Does your facility discharge once-through cooling water to the outfall(s)? ____ Yes ✔ No

c. If **yes** to either item **a** or **b**, indicate with a check mark that the appropriate MSDS with the following information for each chemical additive was submitted with the application.

- ✔ Manufacturers Product Identification Number.
- ✔ Product use. (e.g., biocide, fungicide, corrosion inhibitor, etc.)
- ✔ Chemical Composition including Chemical Abstracts System (CAS) number for each ingredient.
- ✔ Classify product as non-persistent, persistent, or bioaccumulative.
- ✔ Product or active ingredient half-life.
- ✔ Frequency of product use (e.g., 2 hr/day once every two weeks).
- ✔ Product toxicity data specific to fish and aquatic invertebrate organisms.
  - ____ Concentration of whole product in wastestream (if above item is for whole product)
  - ____ Concentration of active ingredient in wastestream (if above item is for active ingredient)

Please provide a summary of this information in addition to the submittal of the MSDS for each specific wastestream and the associated chemical additives and specify which outfalls are affected.
Attachment: See Attachment H

d. Cooling Towers and Boilers

	Number of Units	Daily Avg. Blowdown	Daily Max Blowdown
Cooling Towers	4 cooling towers	Daily Avg: 180000 gallons/day	Daily Max: 220000 gallons/day
Boilers	7 boilers	Daily Avg: 115000 gallons/day	Daily Max: 140000 gallons/day

6. STORM WATER MANAGEMENT (Instructions, pages 28-29)

Are there any existing or proposed outfalls which discharge storm water runoff commingled with other wastestreams? ✔ Yes ____ No. If **yes,** provide the following information. If **no**, proceed to Item No. 7.

a. Provide a brief narrative description of the industrial processes and activities that occur outdoors or in some manner that may result in exposure of the materials to precipitation or runoff in areas where runoff is generated.

Storm water from refinery production areas is captured via floor drains and drainage network and sent to the refinery WWTP, after which, it is either discharged via Outfall 001 or applied as irrigation water.

Storm water from non-process areas is not treated and is discharged via Outfall 002 . Non-process areas may include equipment storage, lay-down yard, tank farms, vehicle parking, loading areas, maintenance shops, warehouse, administration buildings, road ways, drum storage.

7. **DOMESTIC SEWAGE, SEWAGE SLUDGE, AND/OR SEPTAGE MANAGEMENT AND DISPOSAL** (Instructions, page 29)

a. Please check the appropriate method(s) of domestic sewage and domestic sewage sludge treatment/disposal and complete Attachment F if directed.

_____ Domestic sewage is not generated on-site. **PROCEED TO ITEM NO. 8.**

_____ Both domestic and industrial treatment sludge **ARE commingled** prior to use or disposal. **PROCEED TO ITEM NO. 8.**

_____ Industrial wastewater and domestic sewage are treated separately and the respective sludge **IS NOT commingled** prior to sludge use or disposal. **COMPLETE WORKSHEET 5.0 OF THIS APPLICATION.**

_____ If your facility is a POTW, **COMPLETE WORKSHEET 5.0 OF THIS APPLICATION.**

✔ Facility is connected to a wastewater treatment plant permitted to receive domestic sewage, or the domestic sewage is transported off-site to a permitted facility for treatment and/or disposal. **COMPLETE ITEM NO. 7.B.**

_____ Domestic sewage is disposed of by an on-site septic tank. **COMPLETE ITEM 7.B.**

✔ Other. Please provide a detailed description below.

Remote areas of the plant are served by on-site septic tanks

b. Provide the name and TCEQ, NPDES, and/or TPDES Permit No. of the waste disposal facility which receives the domestic sewage/septage. If hauled by motorized vehicle, provide the name and TCEQ Registration No. of the hauler.

Plant/Hauler Name	Permit/Registration No.
City of Three Rivers (EPA ID No. TX0024147)	0010301-001

8. **IMPROVEMENTS OR COMPLIANCE/ENFORCEMENT REQUIREMENTS** (Instructions, page 29)

Is the permittee currently required to meet any implementation schedule for compliance or enforcement?

_____ Yes ✔ No

If yes, provide a brief summary of the requirements and a status update.

9. **TOXICITY TESTING** (Instructions, page 30)

Have any biological tests for acute or chronic toxicity been made on any of your discharges or on a receiving water in relation to your discharge within the last three (3) years?
✔ Yes ____ No

If **yes**, identify the tests and describe their purposes below. Please attach a copy of all tests performed that have not been previously sent to the TCEQ and/or EPA.

Whole effluent toxicity tests (48-hour acute test on Daphnia Pulex and Fathead Minnows) on discharges from outfall 001, results submitted to TCEQ and EPA.

10. **OFF-SITE/THIRD PARTY WASTES** (Instructions, page 30)

Do you receive wastes from off-site sources for treatment in your facility, disposal on-site via land application, and/or discharge via a permitted outfall? ____ Yes ✔ No

If **no**, proceed to Item No. 11. If **yes**, proceed as directed.

a. Indicate with a check mark that a detailed attachment with the following information was provided with the application: **Attachment:** _____

____ List of wastes received
____ Characterization of wastes received
____ Volumes of each waste received
____ Info. on compatibility with on-site wastes
____ Identified sources of wastes received
____ Name and addresses of generators
____ Description of the relationship of waste source(s) with your facility's activities.

b. Is wastewater from a TCEQ, NPDES, and/or TPDES permitted facility commingled with your wastewater after your final treatment and prior to discharge via your final outfall/point of disposal? ____ Yes ____ No

If **yes**, provide the name, address, and TCEQ, NPDES, and/or TPDES permit number of the contributing facility and a copy of any agreements and/or contracts relating to this activity.

c. Is your facility a Publicly Owned Treatment Works (POTW) that accepts process wastewater from any Significant Industrial User (SIU) and has or is required to have an approved pretreatment program under the NPDES/TPDES program? ____ Yes ____ No If **yes**, complete **Worksheet 6.0** of this application.

11. **RADIOACTIVE MATERIALS** (Instructions, page 30)

Are radioactive materials mined, used, stored, or processed at this facility? ____ Yes ✔ No

If **yes**, Provide a list of the materials and the results of one analysis of your effluent in picocuries per liter (pCi/L) for all radioactive parameters which may be present.

Radioactive Materials	Conc. (pCi/L)

THE FOLLOWING ITEMS ARE ONLY REQUIRED FOR EXISTING PERMITTED FACILITIES.

12. MAJOR AMENDMENT REQUESTS (Instructions, pages 30-31)

Are you requesting a major amendment of an existing permit? _____ Yes ✔ No
If yes, list each specific request and provide discussion on the scope of any requested permit changes.

NA

If necessary, provide supplemental information or additional data that will support the request.

13. MINOR MODIFICATION REQUESTS (Instructions, page 31)

Are you requesting any minor modifications to the permit? _____Yes ✔ No **Note:** see the instructions for an exclusive list of changes considered as minor modifications.

If yes, list and discuss the requested changes.

NA

14. MINOR AMENDMENT REQUESTS (Instructions, page 31)

Are you requesting any minor amendments to the permit? _____Yes ✔ No

If yes, list and discuss the requested changes.

NA

WORKSHEETS
TO THE INDUSTRIAL WASTEWATER PERMIT APPLICATION TECHNICAL REPORT

Please review the worksheet requirements in the instructions and indicate by checking either yes or no which worksheets are required, completed, and submitted with the technical report. Worksheets that are not applicable do not need to be submitted with the technical report.

WORKSHEET	COMPLETED AND SUBMITTED WITH THE TECHNICAL REPORT:	
	YES	NO
1.0: EPA EFFLUENT CATEGORICAL GUIDELINES	✔	
2.0: POLLUTANT ANALYSES REQUIREMENTS		✔
3.0: LAND DISPOSAL OF EFFLUENT		✔
3.1: SURFACE LAND DISPOSAL OF EFFLUENT		✔
3.2: SUBSURFACE LAND DISPOSAL OF EFFLUENT		✔
3.3: SUBSURFACE AREA DRIP DISPERSAL SYSTEM LAND DISPOSAL OF EFFLUENT		✔
4.0: RECEIVING WATERS	✔	
4.1: STREAM PHYSICAL CHARACTERISTICS WORKSHEET		✔
5.0: SEWAGE SLUDGE MANAGEMENT AND DISPOSAL		✔
6.0: INDUSTRIAL WASTE CONTRIBUTION		✔
7.0: STORM WATER RUNOFF	✔	
8.0: AQUACULTURE		✔
9.0: CLASS V INJECTION WELL		✔
10.0: QUARRIES IN THE JOHN GRAVES SCENIC RIVERWAY		✔

WORKSHEET 1.0 - EPA EFFLUENT CATEGORICAL GUIDELINES

REQUIRED FOR ALL APPLICATIONS FOR TPDES PERMITS FOR DISCHARGES OF WASTEWATERS SUBJECT TO EPA EFFLUENT LIMITATION GUIDELINES.

1. **CATEGORICAL INDUSTRIES** (Instructions, pages 34-35)

Is your facility subject to any of the 40 CFR effluent guidelines outlined in Table 1? ✓ Yes ____ No

If **yes**, provide the appropriate information in the table below. If **no**, this worksheet is not required.

Industry	CFR
Petroleum Refining	419

2. **PRODUCTION/PROCESS DATA** (Instructions, page 35)

a. **Production data:** Provide the appropriate data for effluent guidelines with production based effluent limitations.

Subcategory	Actual Quantity/Day	Design Quantity/Day	Units
See Attachment I			

b. **Organic Chemicals, Plastics, and Synthetic Fibers Manufacturing Data (40 CFR Part 414):** Provide each appropriate subpart and the percent of total production. Also provide the appropriate data for metal bearing wastestreams as required in 40 CFR Part 414, Appendices A and B.

Subcategory	% of total production	Appendix A and B	
		Metal	Process
NA			

c. **Refineries (40 CFR Part 419):** Provide the applicable subcategory and a brief justification for each.

See Attachment I for Refinery Process

3. **PROCESS/NON-PROCESS WASTEWATER FLOWS:** Provide a breakdown of process wastewater flow(s) and non-process wastewater flow(s) as directed. (Instructions, page 35)

Process wastewater flow	522 gpm
Reverse osmosis unit reject	180 gpm
Cooling tower blowdown	150 gpm
Boiler blowdown	100 gpm
Groundwater remediation	30 gpm
Process storm water	9 gpm
Air Pollution Control	50 gpm
Total Flow	1041 gpm

4. **NEW SOURCE DETERMINATION:** Provide a list of wastewater generating processes subject to effluent guidelines and the appropriate information. (Instructions, page 35)

Process		EPA Guideline		Date Process/Construction Commenced
		Part	Subpart	
Atmospheric Crude Distillation		419	419.43	1935
Crude Desalting		419	419.43	1935
Vacuum Crude Distillation		419	419.43	1979
Fluid Catalytic Cracking		419	419.43	1981
Hydrocracking		419	419.43	1993
Hydrotreating	#1 HDU	419	419.43	1978
	#2 HDU	419	419.43	1994
	DHT/ASU	419	419.43	2002
	DOT	419	419.43	1996
Asphalt Production		419	419.43	1983
Hydrofining, Hydrofinishing, Lube		419	419.43	1935
Lube Vac TWR, Oil Fractionation		419	419.43	1935
Catalytic Reforming	#1 Reformer	419	419.43	1978
	#2 Reformer	419	419.43	1991

Diamond Shamrock Refining Company, L.P.
Three Rivers Refinery
Pond Sampling Data
July 2007

	Effluent Concentration (mg/l)	
Pollutant	Pond 5	Pond 7
Ammonia	2.3	2.8
Chlorides	680	500
COD	165	145
Oil & Grease	0.82	0.78
pH	7.5	8.1
Phenols	0.007	0.004
Sulfides	0.046	0.049
TDS	2508	1700
TSS	25	95

WORKSHEET 4.0 - RECEIVING WATERS

THE FOLLOWING IS REQUIRED FOR ALL TPDES PERMIT APPLICATIONS

1. **DOMESTIC DRINKING WATER SUPPLY** (Instructions, Page 54)

Is there a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge? _____ Yes ✔ No

If yes, identify owner of the drinking water supply, the distance and direction to the intake, and locate and identify the intake on the USGS map. Indicate by a check mark that the requested information is provided:_____

2. **DISCHARGE INTO TIDALLY INFLUENCED WATERS** (Instructions, Page 54)

a. Width of the receiving water at the outfall? _____feet **NA**

b. Are there oyster reefs in the vicinity of the discharge? _____ Yes _____ No

If yes, indicate approximate distance and direction from outfall(s):_____

c. Are there any sea grasses within the vicinity of the point of discharge? _____ Yes _____ No

If yes, provide the distance and direction to the grasses: _____

3. **CLASSIFIED SEGMENT** (Instructions, Page 54)

Is the discharge directly into (or within 300 feet of) a classified segment? ✔ Yes _____ No

If yes, stop here. It is not necessary to complete items 4 and 5 and it is not necessary to complete Worksheet 2.1. **If no**, complete items 4 and 5.

4. **DESCRIPTION OF IMMEDIATE RECEIVING WATERS** (Instructions, Page 55)

Name of the immediate receiving waters: _____

a. Check the appropriate description of the receiving waters

_____ Man-made Channel or Ditch
_____ Stream or creek
_____ Lake or Pond
Surface area _____acres. Average depth of the entire water body _____ feet
Average depth of water body within a 500-foot radius or the discharge point _____ feet
_____ Freshwater Swamp or Marsh
_____ Tidal Stream, Bayou, or Marsh
_____ Open Bay
_____ Other: _____

If a man-made channel, ditch or stream was checked above, provide the following:

b. Check one of the following that best characterizes the area **upstream** of the discharge. For new discharges, characterize the area **downstream** of the discharge (check one).

_____ Intermittent (dry for at least one week during most years)
_____ Intermittent with Perennial Pools (enduring pools containing sufficient habitat to maintain significant aquatic life uses)
_____ Perennial (normally flowing)

Check the method used to characterize the area upstream (or downstream for new dischargers): ____ USGS flow records,_____ personal observation, _____ historical observation by adjacent landowner(s), _____ others, specify:

_____

c. List the name(s) of all perennial streams that join the receiving water within three miles downstream of the discharge point:

_____

d. Do the receiving water characteristics change within three miles downstream of the discharge? (e.g., natural or man-made dams, ponds, reservoirs, etc.) _____ Yes _____ No
If yes, discuss how:

e. Provide general observations of the water body during normal dry weather conditions:

Date and time of observation:_____
Was water body influenced by storm water runoff during observations? _____ Yes _____ No

5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 55)

a. Is the receiving water upstream of the discharges or proposed discharge site influenced by (check as appropriate):

_____ oil field activities
_____ agricultural runoff
_____ upstream discharges
_____ urban runoff
_____ septic tanks
_____ others, specify below

b. Uses of water body, observed or evidences of (check as appropriate):

_____ livestock watering
_____ non contact recreation
_____ domestic water supply
_____ others, specify below
_____ contact recreation
_____ fishing
_____ industrial water supply
_____ irrigation withdrawal
_____ navigation
_____ picnic park activities

c. Check one of the following to best describe the aesthetics of the receiving water and the surrounding area:

_____ Wilderness: outstanding natural beauty; usually wooded or unpastured area: water clarity exceptional
_____ Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures,dwellings); water clarity discolored
_____ Common Setting: not offensive, developed but uncluttered; water may be colored or turbid
_____ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

WORKSHEET 7.0 - STORM WATER RUNOFF WORKSHEET

REQUIRED FOR ALL TPDES PERMIT APPLICATIONS APPLYING FOR INDIVIDUAL PERMIT COVERAGE FOR DISCHARGES OF STORM WATER RUNOFF.

1. Do discharges from any of the proposed or existing outfalls consist of storm water runoff only or storm water runoff and any of the listed non-storm water discharges? (See Instructions, Page 62)
   ✔ Yes _____ No

If **yes**, proceed as directed. If **no**, stop here.

2. Indicate by a check mark which type of authorization covers or is proposed to cover discharges from each storm water outfall. (See Instructions, Page 62)

Outfall	Coverage Under MSGP	Coverage Under Individual Permit	Outfall	Coverage Under MSGP	Coverage Under Individual Permit
002	X	001353			
Various	X	TX RO 5L561	Irrigation		
Various	X	TX RO 5L552	Refinery		

If you have indicated that <u>all</u> existing or proposed storm water outfalls are covered under the MSGP, **stop here.** If you have indicated that you are seeking authorization under an individual permit, **proceed as directed.**

THE FOLLOWING ITEMS ARE REQUIRED FOR EACH OUTFALL THAT DISCHARGES STORM WATER, AND FOR WHICH YOU ARE SEEKING INDIVIDUAL AUTHORIZATION UNDER THIS PERMIT APPLICATION.

3. **Site Map** (Instructions, pages 62-63) - Indicate by a check mark that a site map(s) of the entire facility has been provided with the following information.

✔ the location of each storm water outfall to be covered by the permit;
✔ an outline of the drainage area that is within the facility's boundary and that contributes storm water to each outfall to be covered by the permit;
_____ connections or discharge points to municipal separate storm sewer systems;
✔ locations of all structures (e.g. buildings, garages, storage tanks);
✔ structural control devices that are designed to reduce pollution in storm water runoff;
✔ process wastewater treatment units (including ponds);
✔ bag house and other air treatment units exposed to precipitation or runoff;
✔ landfills; scrapyards; surface water bodies (including wetlands);
✔ vehicle and equipment maintenance areas;
✔ physical features of the site that may influence storm water runoff or contribute a dry weather flow;
✔ locations where spills or leaks of reportable quality (as defined in 30 TAC §327.4) have occurred during the three years before this application was submitted to obtain coverage under an individual permit; and
✔ processing areas, storage areas, material loading/unloading areas, and other locations where significant materials are exposed to precipitation or runoff.

See Attachment F for Facility and Drainage map

4. **FACILITY/SITE INFORMATION** (Instructions, page 63)

a. Provide an inventory, or list, of materials currently handled at the facility that may be exposed to precipitation.

Materials Inventory, Outfall 002

Crude storage tanks (with containment)
Product storage tanks (with containment)
Stored equipment
Lay-down yard
Drum storage
Loading areas

b. Provide a narrative descriptions of the industrial processes and activities involving the materials in the above-listed inventory that occur outdoors or in some manner that may result in exposure of the materials to precipitation or runoff.

The drainage area of Outfall 002 excludes refinery process areas. It does include various tanks and equipment storage areas. The tanks, materials, and equipment are all exposed to precipitation. Flow releases from hydrostatic testing of tanks may be released via 002. Fire fighting flows may also exit via 002. Levee outfall is normally closed for discharge for outfall 002, unless discharge is required through the levee.

c. Describe any best management practices and controls that you are using to prevent or effectively reduce pollution in storm water discharges from the facility.

Refinery process areas are segregated with a drainage system that routes runoff to the facility's wastewater treatment plant. Material storage tanks are bermed to prevent releases of runoff that may contact pollutants. Levee outfall is normally closed for discharge from outfall 002, unless discharge is required through the levee.

5. **POLLUTANT ANALYSIS** (Instructions, pages 63-65)

a. **TABLE 1-SW:** Please complete the table as directed.

Outfall _____	MAXIMUM VALUES (mg/L)		AVERAGE VALUES (mg/L)			
Pollutant	Grab Sample Taken During First 30 Minutes	Flow Weighted Composite Sample	Grab Sample Taken During First 30 Minutes	Flow Weighted Composite Sample	Number of Storm Events Sampled	MAL (mg/L)
pH (Standard Units)	____(min)	____(max)	____(min)	____(max)	____	---
Total Suspended Solids	____	____	____	____	____	---
Chemical Oxygen Demand	____	____	____	____	____	---
Total Organic Carbon	____	____	____	____	____	---
Oil and Grease	____	____	____	____	____	---
Total Arsenic	____	____	____	____	____	0.010
Total Barium	____	____	____	____	____	0.010
Total Cadmium	____	____	____	____	____	0.001
Total Chromium	____	____	____	____	____	0.010
Trivalent Chromium	____	____	____	____	____	---
Hexavalent Chromium	____	____	____	____	____	0.010
Total Copper	____	____	____	____	____	0.010
Total Lead	____	____	____	____	____	0.005
Total Mercury	____	____	____	____	____	0.0002
Total Nickel	____	____	____	____	____	0.010
Total Selenium	____	____	____	____	____	0.010
Total Silver	____	____	____	____	____	0.002
Total Zinc	____	____	____	____	____	0.005

b. **TABLE 2-SW:** Please complete the table as directed. (Instructions, Pages 63-65)

Outfall _____	MAXIMUM VALUES (mg/L)		AVERAGE VALUES (mg/L)		
Pollutant	Grab Sample Taken During First 30 Minutes	Flow Weighted Composite Sample	Grab Sample Taken During First 30 Minutes	Flow Weighted Composite Sample	Number of Storm Events Sampled

6. **STORM EVENT DATA** (Instructions, page 65)

Please provide the following data for the storm event(s) which resulted in the maximum values for the analytical data submitted:

a. Date of storm event: _____

b. Duration of storm event (in minutes): _____

c. Total rainfall during storm event (in inches): _____

d. Number of hours between beginning of storm measured and end of previous measurable rain event: _____ hours

e. Maximum flow rate during rain event (gallons/minute): _____

f. Total storm water flow from rain event (in gallons): _____

g. Provide a description of the method of flow measurement or estimate:

Attachment A
Copy of Application Fee

JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING
P. O. BOX 162305 512-327-2708
AUSTIN, TX 78716-2305

5890
37-65/1119 6015
9550051482

5 July 2007
DATE

PAY TO THE ORDER OF Texas Commission on Environmental Quality $ 550.00

Five Hundred Fifty and no/100 DOLLARS

Security Features Details on Back.

WELLS FARGO
Wells Fargo Bank, N.A.
Texas
wellsfargo.com

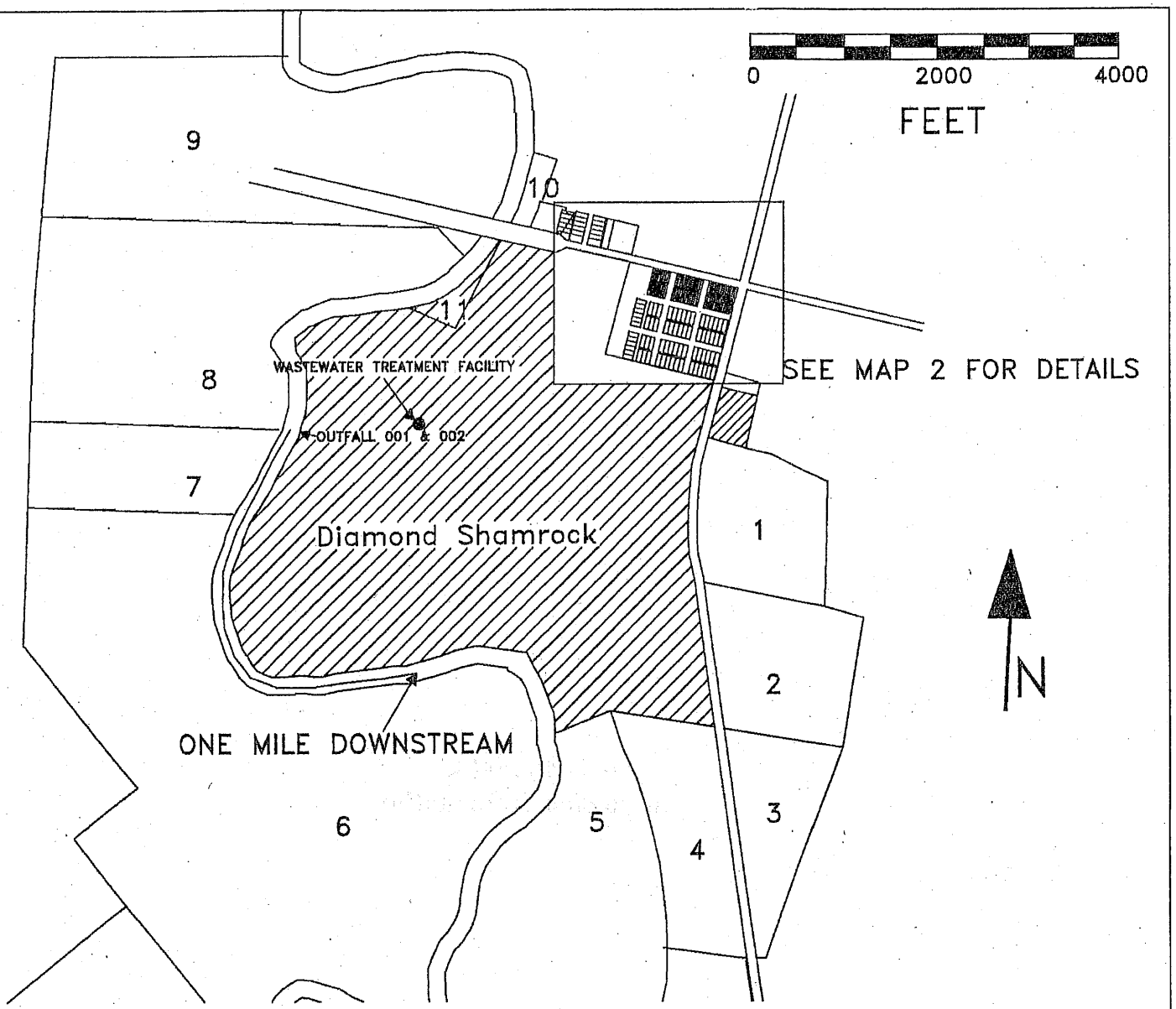
FOR Application Fee/Diamond Shamrock

MP

⑆111900659⑆ 9550051482⑈ 05890

Attachment B
USGS Maps

Attachment C
Landowner Information



JLS/MAP1.DWG

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING

MAP 1
LANDOWNERS PROPERTY BOUNDARY MAP
ONE MILE DOWNSTREAM OF OUTFALL
AND ADJACENT TO PLANT SITE

ADJACENT LANDOWNER LIST
DIAMOND SHAMROCK WASTEWATER TREATMENT PLANT
THREE RIVERS, TEXAS
PERMIT NO. 01353
(MAP 1)

REFERENCE NUMBER	LAND OWNER
1	HUGHIE E & BEVIE M HOUSE PO BOX 10 THREE RIVERS, TX 78071
2	JAKE PLOCH PO BOX 428 THREE RIVERS, TX 78071
3	DIANA M GIESLER PO BOX 1603 GEORGE WEST, TX 78022
4	HUGHIE E & BEVIE M HOUSE PO BOX 10 THREE RIVERS, TX 78071
5	ERNEST WOLFF JR. RT 1 BOX 140 THREE RIVERS, TX 78071
6	JAMES & LYNN BLUHM HCR 70 BOX 5064 THREE RIVERS TX 78071
7	LOID ODOM EXT % JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380 MARY B GOYNES ODOM %JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380
8	JAMES & LYNN BLUHM HCR 70 BOX 5064 THREE RIVERS, TX 78071
9	LOID ODOM EXT %JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380 MARY B GOYNES ODOM %JAMES R ODOM RT 5 BOX 79A ROBSTOWN, TX 78380
10	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
11	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071

OWNED BY DIAMOND SHAMROCK

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING

MAP 2
LANDOWNERS PROPERTY BOUNDARY MAP
DIAMOND SHAMROCK INDUSTRIAL SITE
NORTHEAST CORNER

ADJACENT LANDOWNER LIST
DIAMOND SHAMROCK WASTEWATER TREATMENT PLANT
THREE RIVERS, TEXAS
PERMIT NO. 01353
(MAP 2)

REFERENCE NUMBER	LAND OWNER
1	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
2	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
3	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
4	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
5	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
6	BOYD & SCHULZ PO BOX 115 THREE RIVERS, TX 78071
7	TONY & MARIA ORTIZ PO BOX 1452 GEORGE WEST, TX 78022
8	DAVID C LICONA 7119 NW LAMAR DR KANSAS CITY, MO 64152-000
9	RAFTER D. INVESTMENTS, INC. %BRYAN DICARO 830 COUNTY ROAD 339 JOURDANTON, TX 78026
10	HARRY J SCHULTZ PO BOX 580 THREE RIVERS, TX 78071
11	CITY OF THREE RIVERS PO BOX 398 THREE RIVERS, TX 78071
12	GEORGE FLORES PO BOX 325 THREE RIVERS, TX 78071
13	CENTRAL POWER & LIGHT PO BOX 660164 DALLAS, TX 75266
14	BILLY B CULLEN MD 5020 ROYALTON CORPUS CHRISTI, TX 78413

ADJACENT LANDOWNER LIST
DIAMOND SHAMROCK WASTEWATER TREATMENT PLANT
THREE RIVERS, TEXAS
(MAP 2 CONTINUED)

15 ALFREDO P GUERRA
PO BOX 1831
THREE RIVERS, TX 78071

16 HECTOR CHAPA
PO BOX 1831
THREE RIVERS, TX 78071

17 NEAL MCGRIFF
PO BOX 992
THREE RIVERS, TX 78071

18 M T BUCKALOO
PO BOX 456
THREE RIVERS, TX 78071

19 ELTON R FRANKE
2308 COLOGNE RD
VICTORIA, TX 77905

20 ECONOMIC DEVELOPMENT CORP OF THREE RIVERS
PO BOX 1677
THREE RIVERS, TX 78071

21 NONEY FAYE GISLER
PO BOX 194
NORMANNA, TX 78412

22 W J CAMPBELL JR.
PO BOX 400
THREE RIVERS, TX 78071

23 ESPERANZA H KAZ
119 COUNTY ROAD 217
GEORGE WEST, TX 78022

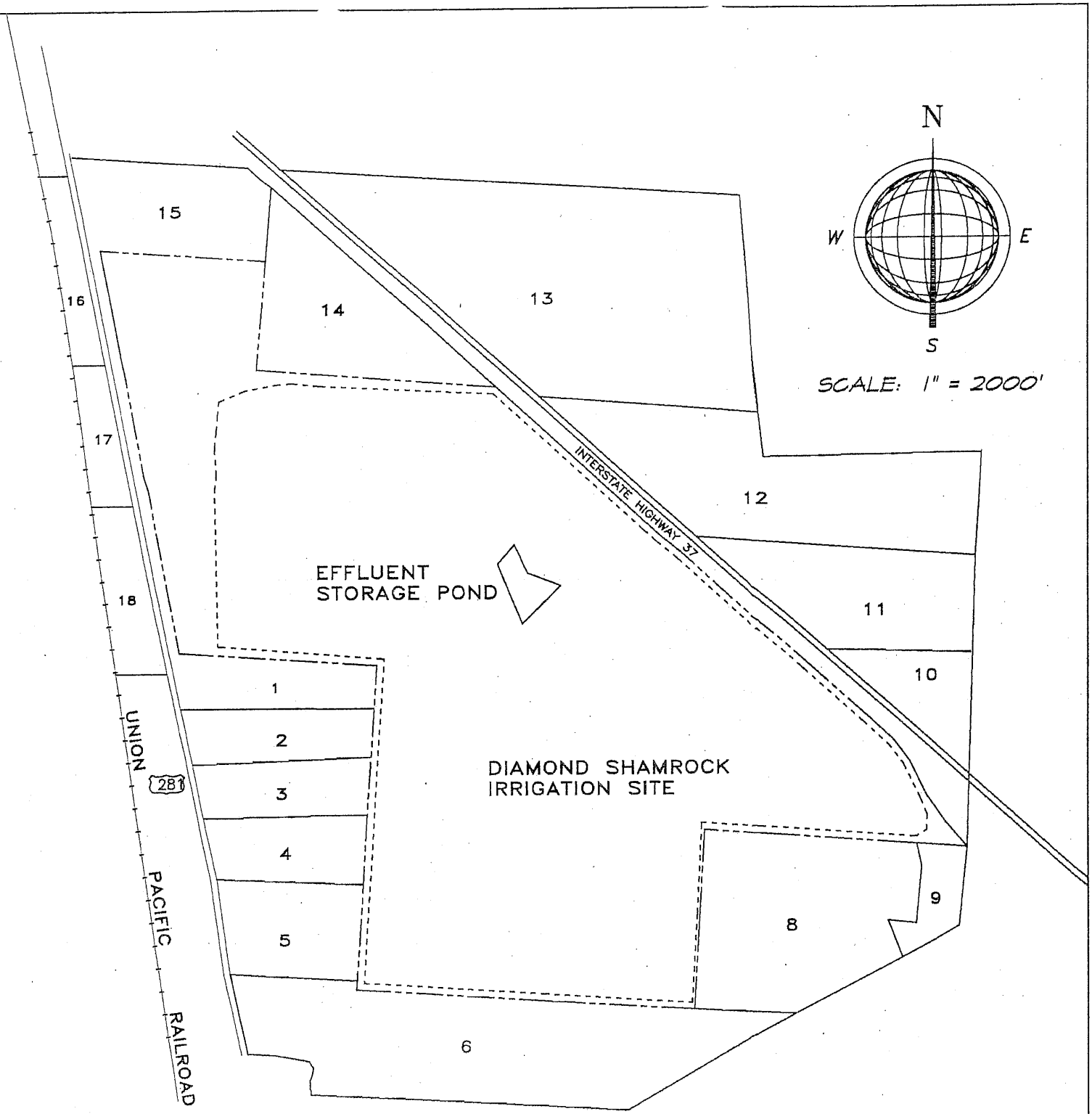
24 DIAMOND SHAMROCK
PO BOX 69600
SAN ANTONIO, TX 78269

25 TREY C DOVE
PO BOX 1484
THREE RIVERS, TX 78071

26 STENDEBACH & SONS
%RONNIE STENDEBACH
PO BOX 639
THREE RIVERS, TX 78071

27 THREE RIVERS J MART
JAMES E & SHERIL TEAL
PO BOX 341
TILDER, TX 78072

28 DONNIE FRANKLIN
2537 WIDGEON
CORPUS CHRISTI, TX 78410



LEGEND

EXISTING PROPERTY BOUNDARY

EXISTING IRRIGATION BOUNDARY

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING

PROPERTY OWNERS ADJACENT
TO IRRIGATION FIELD
DIAMOND SHAMROCK WWTP
THREE RIVERS, TEXAS

ADJACENT LANDOWNER LIST
DIAMOND SHAMROCK WASTEWATER TREATMENT PLANT
THREE RIVERS, TEXAS
PERMIT NO. 01353
(MAP 3)

REFERENCE NUMBER	LAND OWNER
1	WESLEY VAN CLEAVE 669 ARISTOCRAT CORPUS CHRISTI, TX 78418
2	LOIS FAYE VAN CLEAVE RT. 3 BOX 271 OAK GROVE, LA 71263
3	DORIS ANN VAN CLEAVE P.O. BOX 463 THREE RIVERS, TX 78071
4	DENNIS EARL VAN CLEAVE %DAVID VAN CLEAVE P.O. BOX 187 THREE RIVERS, TX 78071
5	CAROLYN H BATEMAN 1221 LUCHENBACK DRIVE NEW BRAUNFELS, TX 78130
6	THREE RIVERS DEV VENTURE A GENERAL PARTNERSHIP 407 WEST RHAPSODY SAN ANTONIO, TX 78216
8	MILDRED BELLOWS RT 1 BOX 426 THREE RIVERS, TX 78071
9	ANSELLO GUERRA PO BOX 51 CAMBELLTON, TX 78008
10	MILDRED BELLOWS RT 1 BOX 426 THREE RIVERS, TX 78071
11	SHANE JOHANSON PO BOX 867 THREE RIVERS, TX 78071
12	CLYDE T & THEO GILES %GARY T GILES 7123 RIBBON CREEK SAN ANTONIO, TX 78238-3610
13	JOHN M SWETLICK 3953 FM 24 ROBSTOWN TX 78380

ADJACENT LANDOWNER LIST
DIAMOND SHAMROCK WASTEWATER TREATMENT PLANT
THREE RIVERS, TEXAS
(MAP 3 CONTINUED)

REFERENCE NUMBER	LAND OWNER
14	REX McCLEREY PO BOX 717 THREE RIVERS, TX 70871
15	CAROLYN L. DYE PO BOX 656 THREE RIVERS TX 78071
16	CARL & JOHN MATTHIJETZ RT 1 BOX 1228 THREE RIVERS, TX 78071
17	JIM & ANN ESSE HCR 1 CAMBELTON, TX 78008
18	STEVE STAPLETON PO BOX 186 THREE RIVERS, TX 78071

Attachment D
Emergency Order Request

Attachment D
Emergency Order Request

Background

The Diamond Shamrock Refining Company, L.P. Refinery is located in Three Rivers in Live Oak County Texas and operates under Texas Pollutant Discharge Elimination System (TPDES) Permit No. 01353. Wastewater is treated and managed in an onsite treatment system consisting of an API separator, dissolved air/gas flotation units, activated sludge biological treatment including aeration and clarification, an irrigation reservoir and an irrigation system. During normal operations, the treated effluent is usually pumped to an irrigation site located approximately three miles from the Refinery. The land disposal unit consists of a 1376-acre tract of land, of which approximately 341 acres is under active irrigation. The entire tract of land is fenced in with locked gates to prevent public access. The irrigation system includes a 224 acre-foot irrigation reservoir. The existing TPDES discharge permit specifies an allowable application rate of 2.95 acre-feet/acre/year for the irrigation system. In addition to irrigation, the existing TPDES permit authorizes discharge of wastewater to Segment 2106 of the Nueces/Lower Frio River, adjacent to the Refinery. The existing TPDES permit authorizes a daily average flow of up to 0.8 million gallons per day (MGD) and a daily maximum flow of 1.6 MGD at Outfall 001 of treated process wastewater, utility wastewater, storm water and treated groundwater. The existing TPDES permit also authorizes the discharge via Outfall 002 of storm water and plant washwater. Outfall 001 and Outfall 002 are located adjacent to each other on the west side of the Refinery property. The outfalls are gated to enable discharges to be released via either gravity flow or pumping over an existing levee that provides flood protection for the City of Three Rivers and the Refinery.

In 2004, the Refinery submitted to TCEQ an application to amend the existing TPDES permit. The TCEQ has prepared a proposed amended TPDES permit that includes the following key requested items that pertain to overall system sizing and capacity:

- Increase the permitted daily average discharge rate from 0.8 MGD to 1.5 MGD; delete the limitation on total volume discharged during any 24-hour period and replace with daily maximum flow limitation of 3.0 MGD
- Revise the total irrigation tract size from 1376 acres to 1438 acres and revise minimum area under irrigation from 341.5 acres to 474 acres.

Once issued, the amended TPDES permit will provide increased flexibility to discharge during extended periods of wet weather that does not exist in the current TPDES permit.

The need for this Emergency Order is that the Three Rivers Refinery has experienced several months of extreme rainfall during the first half of 2007. From January through July 4, 2007, the rainfall at the plant is estimated at 35.5

inches, based upon a rain gauge at the Refinery irrigation site. The normal, typical average precipitation for this area during the first six months of the year is 11 inches at Three Rivers, based upon National Weather Service data for the City of Three Rivers. Therefore, the rainfall received so far in 2007 has been a phenomenal 3.2 times greater than normal and more rainfall is forecast. This rainfall pattern has resulted in a significant increase in the volume of rainfall and storm water stored at the Refinery.

The chronic wet weather has severely impaired the Refinery's ability to irrigate over the last several months. As a result, the irrigation reservoir is now near its maximum capacity. The water level is currently within 3 feet of exceeding the maximum level necessary to maintain adequate freeboard (two feet) as required by the TPDES permit.

The Refinery has been generating approximately 1 - 1.2 million gallons per day (MGD) of treated effluent. The Refinery is irrigating as much water as possible and has also been discharging directly to the Nueces/Lower Frio River as authorized under the existing TPDES permit.

As a result of the excessive precipitation, the Refinery does not have its normal alternatives to manage its treated effluent and storm water at the Refinery site. The irrigation reservoir has only enough remaining capacity to hold a limited amount of wastewater before encroaching upon minimum freeboard requirements. There is a significant risk that the water levels in the irrigation reservoir could rise to unsafe levels, particularly if additional periods of significant rainfall occur before the volume of water in the irrigation reservoir can be worked off.

Substantial additional storage capacity is usually available in three onsite ponds at the Refinery. These ponds (known as ponds #5, 6, and 7) are utilized to hold storm water derived from process areas and process wastewater under certain conditions. Ponds # 5, 6, and 7 are almost full. Current maximum discharges are drawing down water levels in pond #7 less than 1/4 inch per day. Dikes on these onsite ponds could fail if significant additional rainfall occurs. If dike failure does occur on one or more of ponds # 5, 6, and 7, or if the ponds are overtopped, wastewater would be released to a ditch through the Refinery that leads to Outfall 002. This ditch also conveys floodwater away from the City of Three Rivers. As mentioned above, Outfall 002 is a regulated storm water and wash water outfall for the Refinery. Releases from Outfall 002 are controlled by the Refinery with a gate valve that regulates the flow through the flood-protection levee that surrounds the Refinery and the town. If a discharge occurs from ponds # 5, 6, or 7 it would be an unauthorized discharge of process area storm water and process wastewater that the Refinery would typically prevent by closing the valve at Outfall 002.

If additional rainfall occurs, the Refinery will need the ability to release water from the onsite storage ponds into the drainage ditch that feeds to Outfall 002 to

avoid dike failure on the ponds. The Refinery would also need the ability to release this water via Outfall 002 in order to avoid flooding of the City of Three Rivers. If a large rainfall event occurs and the Refinery closes the outlet gate at Outfall 002 storm water will rapidly back up in the City of Three Rivers and potentially flood area homes and businesses.

The only viable short-term alternative is an Emergency Order which will provide authorization to discharge from ponds # 5, 6, and 7 via Outfall 002. There are no other disposal options which can be implemented to alleviate the current situation.

Requested Emergency Order

In response to the high levels of rainfall that have completely saturated the area and to ensure that onsite storage ponds will not be overfilled and breached as a result of forecasted continuing rainfall, the Refinery is requesting an Emergency Order that will authorize discharge of excess water from ponds # 5, 6, and 7 through Outfall 002 to avoid severe property damage, economic loss and risk of environmental harm. During the effective period of the order, the Refinery will continue to irrigate as much water as possible consistent with its permit requirements to work down the volume of water stored in the irrigation reservoir, and will continue to discharge treated process wastewater through Outfall 001 to the limits of the permit.

The following specific authorizations are requested:

- Discharge from Ponds # 5, 6, and 7 to Outfall 002 at an average rate less than or equal to 1.5 MGD. The timing, flow rate and duration of discharge at Outfall 002 will be as needed to avoid emergency circumstances.
- For compliance purposes, the single grab concentration limit of 750 mg/L COD in the existing permit for outfall 001 will be in effect. This COD will be the most workable parameter to regulate the release. It will enable Refinery personnel to obtain rapid feedback on discharge quality and should insure that negative water quality impacts will not occur.

Response to Emergency Order Application Questions

The following is the response to Items 18 through 25 of the Application for Emergency and Temporary Orders to Discharge into or Adjacent to Water in the State of Texas (pages 13 and 14):

18. **(For discharges adjacent to water in the state) Provide a statement that the discharge is unavoidable for the following reasons: 1) to prevent loss of life, serious injury, severe property damage, or severe economic loss, 2) to ameliorate serious drought conditions, or 3) to make necessary and unforeseen repairs to a facility;**

The discharge is unavoidable to prevent severe property damage or severe economic loss. Because of the recent unprecedented rainfall in South Texas, the Refinery has run out of storage capacity and additional precipitation will cause water levels in the onsite storage ponds to overtop or breach containment dikes and potentially cause flooding of the City of Three Rivers.

19. Provide a statement that there is no feasible alternative to the proposed discharge, such as use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. (For discharges into water in the state, this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment).

There is no feasible alternative to the proposed discharge from the onsite storage ponds. There are no other disposal options which can be implemented to alleviate the current situation. The Refinery has been managing its wastewater to the maximum extent possible pursuant to its current authorizations, including maximum allowable discharged through Outfall 001 and maximum usage of its irrigation site. The Refinery has also investigated disposal of excess water by trucking it to a disposal site but the volumes are such that trucking would make a negligible impact on the situation.

20. Provide a statement that the discharge will not present a significant hazard to human life and health, unreasonable damage to property of persons other than the applicant, or unreasonable economic loss to persons other than the applicant.

The proposed discharge will not present a significant hazard to life or property. The effluent quality will be similar to currently authorized releases from outfalls 001 and 002.

21. Provide a statement that the proposed discharge will not present a significant hazard to the uses that may be made of the receiving water after the discharge, or to the area of or surrounding the discharge.

The proposed discharge will not have an affect on compliance of the receiving stream with applicable state water quality standards. The discharge will not present a significant hazard to the downstream uses or the area surrounding the discharge.

22. Provide an estimate of the dates on which the proposed discharge will begin and end. Provide a statement that the estimation of the dates on which the proposed discharge will begin and end are reasonable and attainable.

The discharge could begin immediately upon issuance of the Emergency Order, depending upon continued excessive rainfall. The discharge will continue as necessary to manage the water level in the onsite storage ponds to prevent emergency circumstances. The Refinery requests that the order continue for up to 180 days which would allow flexibility through the hurricane season.

It is not possible to accurately predict how long it will take to lower the onsite pond levels since it will be dependent in large part on rainfall.

23. Provide a statement: 1) of the volume and quality of the proposed discharge; 2) and, that the estimate of the volume and quality of the proposed discharge are reasonable and attainable.

The volume of water discharged from the onsite storage ponds is expected to be less than or equal to 1.5 MGD. The total discharged will be greater, since it will include storm water originating from nonprocess areas at the Refinery and storm water from the City of Three Rivers. The discharge will meet the single grab concentration limits for COD in the current TPDES permit for Outfall 001.

24. Provide an explanation of measures proposed to minimize the volume and duration of the discharge; and, that these measures are reasonable.

The irrigation system will continue to be operated in accordance with the maximum allowable rates under the current TPDES permit. In addition, the discharge of treated wastewater effluent via outfall 001 will continue to be maximized in accordance with the current permit.

25. Provide an explanation of measures proposed to maximize the waste treatment efficiency of units not taken out of service or facilities provided for interim use; and, that these measures are reasonable.

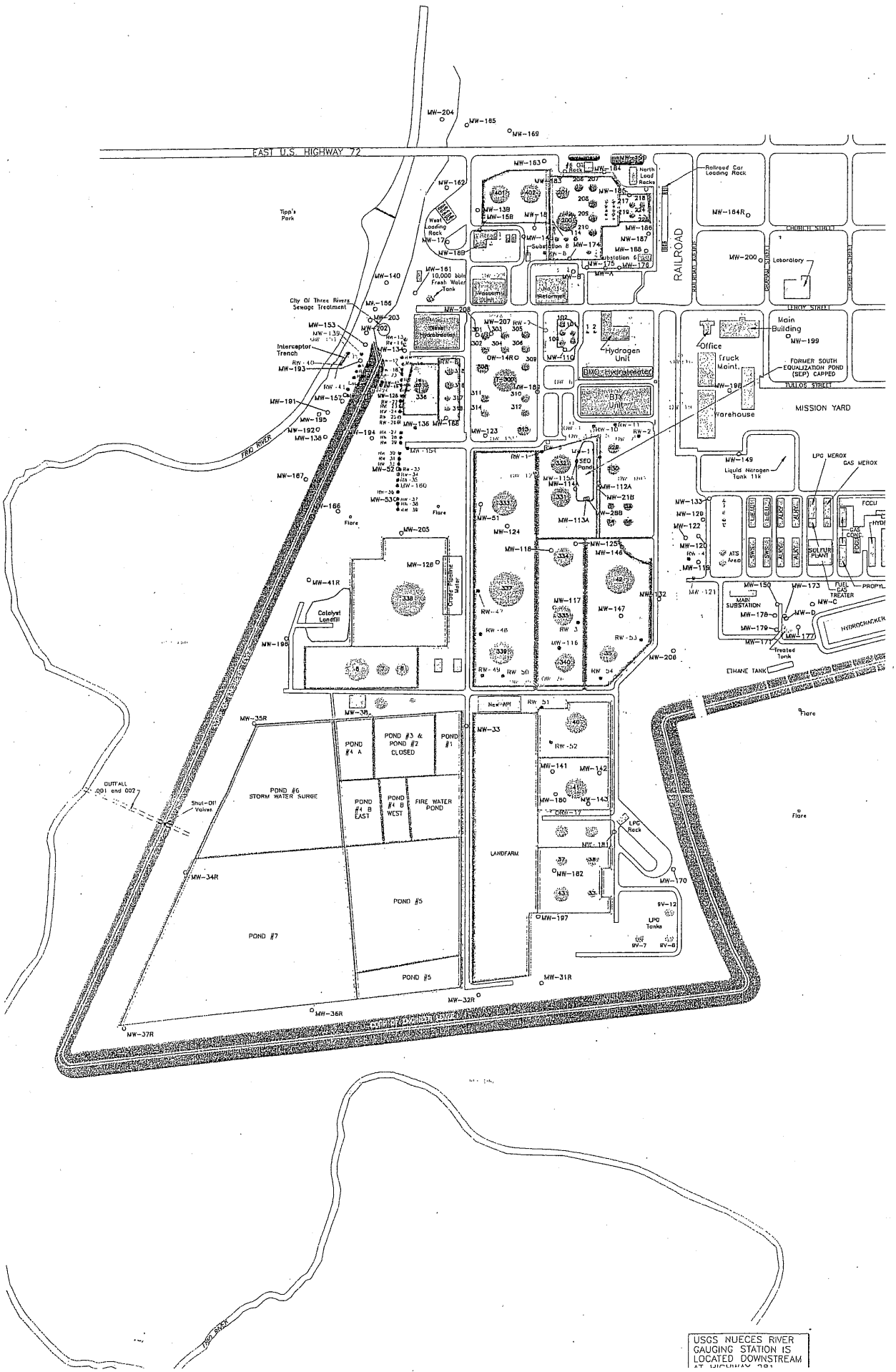
The Refinery's wastewater treatment facility will have the use of all of the facility's treatment units and will operate at its normal efficiency which will produce effluent of a quality to meet the concentration limits of the existing TPDES discharge permit. However, the authorization requested herein does not relate to the treatment of wastewater at the treatment facility. Instead, it relates only to release of water stored in the onsite storage ponds (# 5, 6 and 7).

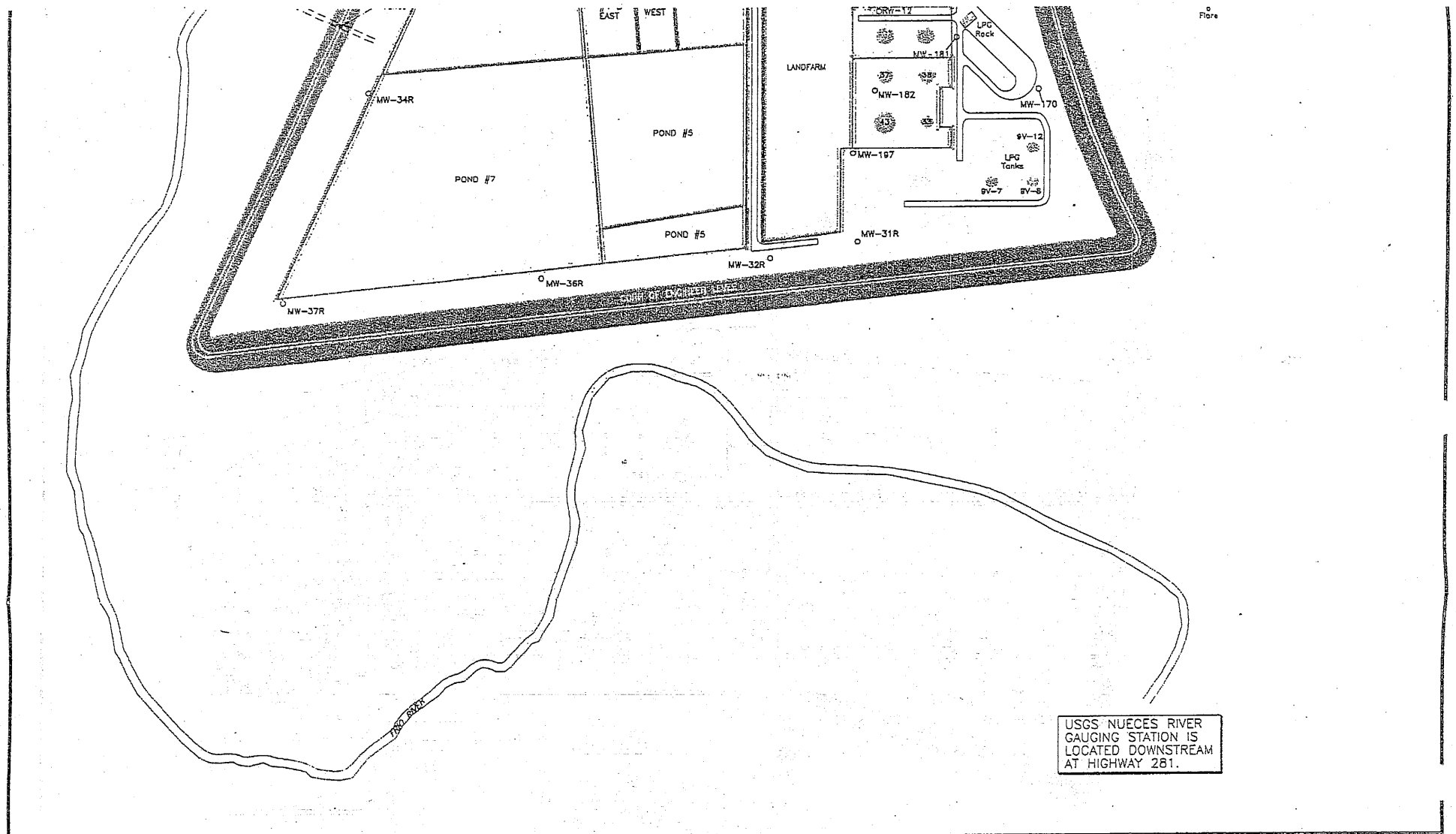
Attachment E
Raw Materials

Raw Materials, Intermediates, and Products

Raw Materials		Intermediates		Products	
Item	CAS#	Item	CAS#	Item	CAS#
Crude Oil	8002-05-09	Alkylate	68527-27-5	Ammonuim Thiosulfate	7783-18-8
Iso-butane	75-28-5	Black Oil	64741-62-4	Asphalt	8052-42-4
Normal-butane	106-97-8	Gas Oil	64741-48-6	Aviation Gasoline	8006-61-9
Toluene	108-88-3	Kerosene	8008-20-6	Diesel	68476-34-6
Slop	No CAS	Light Cycle Oil	64741-59-9	Fuel Oil #4	64741-62-4
Light cycle oil	No CAS	Lt Alkylate	64741-66-8	Fuel Oil #5	68476-33-5
Ammonia	7664-41-7	Natural Gas	68425-31-0	Fuel Oil #6	68553-00-4
Hydrochloric Acid	7647-01-0	Propane	74-98-6	Heating Oil #2	68476-30-2
Sulfuric Acid	7664-93-9	Reformate	64741-63-5	Regular unleaded gasoline	No CAS
Hydroflourlc Acid	7664-39-3	Vac. Btms.	68512-62-6	Midgrade unleaded gasoline	No CAS
Caustic	1310-73-2	Cat. Gasoline	8006-61-9	Premium unleaded gasoline	No CAS
		Naphtha	64741-54-4	40 PALE	No CAS
		LSR	8006-61-9	60 PALE	No CAS
		45 vis	No CAS	100 PALE	No CAS
		60 vis	No CAS	150 PALE	No CAS
		100 vis	No CAS0	200 PALE	No CAS
		lt vis	No CAS	750 PALE	No CAS
		med vis	No CAS	2400 PALE	No CAS
		hvy vis	No CAS	Kerosene	8008-20-6
		Propylene	No CAS	JP8	No CAS
		Blend stock	No CAS	Treated LPG	No CAS
		Butylene mix	No CAS	Mexico unleaded gasoline	No CAS
		Fuel gas	No CAS	Heavy cycle oil	No CAS
		Light Reformate	64741-63-5	Light cycle oil	No CAS
		BTX Extract	64741-99-7	Sulfur	7704-34-9
		Raffinate	No CAS	Racing Fuel	8006-61-9
		Heavy Reformate	64741-68-0	Benzene	71-43-2
				Toluene	108-88-3
				Mixed Xylenes	1330-20-7

Attachment F
Facility Map


EAST U.S. HIGHWAY 72
Tipp's Park
West Loading Rack
North Load Racks
Railroad Car Loading Rack
RAILROAD
Laboratory
CHURCH STREET
LEROY STREET
City Of Three Rivers Sewage Treatment
Interceptor Trench
10,000 bbls Fresh Water Tank
Substation B
Substation C
Hydrogen Unit
DMO-Hydrotreater
Office
Truck Maint.
Main Building
FORMER SOUTH EQUALIZATION POND (SEP) CAPPED
TULOS STREET
Warehouse
MISSION YARD
Liquid Nitrogen Tank 11k
LPG MEROX
GAS MEROX
FCCU
SULFUR PLANT
FUEL GAS TREATER
PROPYL
MAIN SUBSTATION
HYDROCRACKER
Treated Tank
ETHANE TANK
Flare
TRO RIVER
Catalyst Landfill
Gauge Pipeline Motor
POND #4 A
POND #3 & POND #2 CLOSED
POND #1
POND #6 STORM WATER SURGE
POND #4 B EAST
POND #4 B WEST
FIRE WATER POND
LANDFARM
POND #5
POND #7
OUTFALL 001 and 002
Shut-Off Valves
LPG Rack
LPG Tanks
USGS NUECES RIVER GAUGING STATION IS LOCATED DOWNSTREAM



Map Source: Basemap from Diamond Shamrock, Three Rivers Refinery, Drawing No. 980AP1, 5/18/98.

13°45'
TRUE NORTH
PLANT NORTH
N

0 250 500
FEET

EXPLANATION

MW-29 ○ MONITORING WELL LOCATION AND IDENTIFICATION NUMBER

OBSERVATION WELL LOCATION AND IDENTIFICATION NUMBER

RW-7 ○ RECOVERY WELL LOCATION AND IDENTIFICATION NUMBER

RW-4 ● ACTIVE RECOVERY WELL LOCATION AND IDENTIFICATION NUMBER

ACTIVE HYDROSKIMMER WELL LOCATION AND IDENTIFICATION NUMBER

RW-45 ● VACUUM AND PUMPING COMBINATION WELL

FORMER LOCATION OF WELL (PLUGGED & ABANDONED)

EARTHERN BERMS

ROADWAY

BUILDING STRUCTURE

PROCESS UNIT

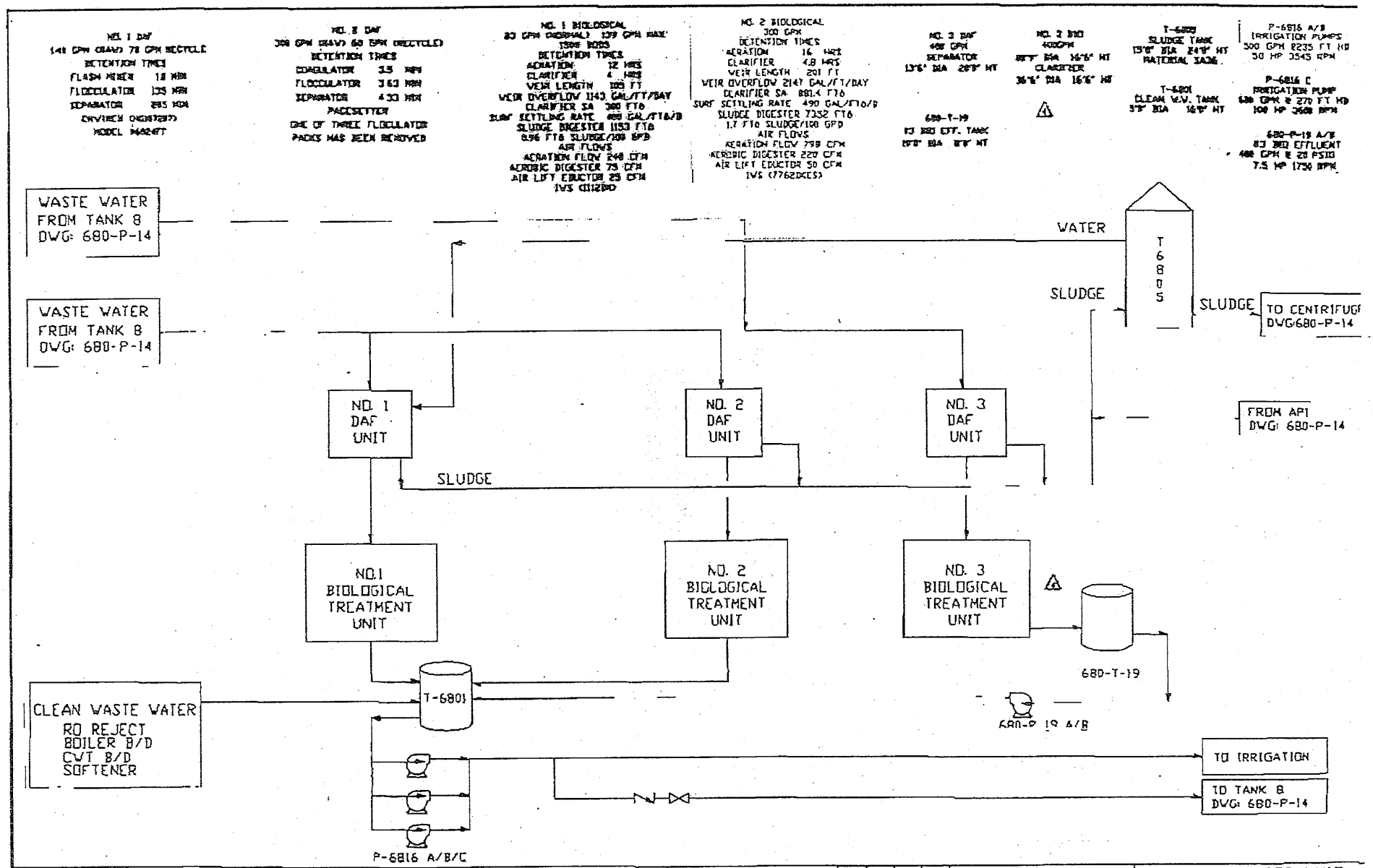
DIAMOND SHAMROCK REFINING COMPANY, L.P.
(A VALERO COMPANY)
THREE RIVERS REFINERY

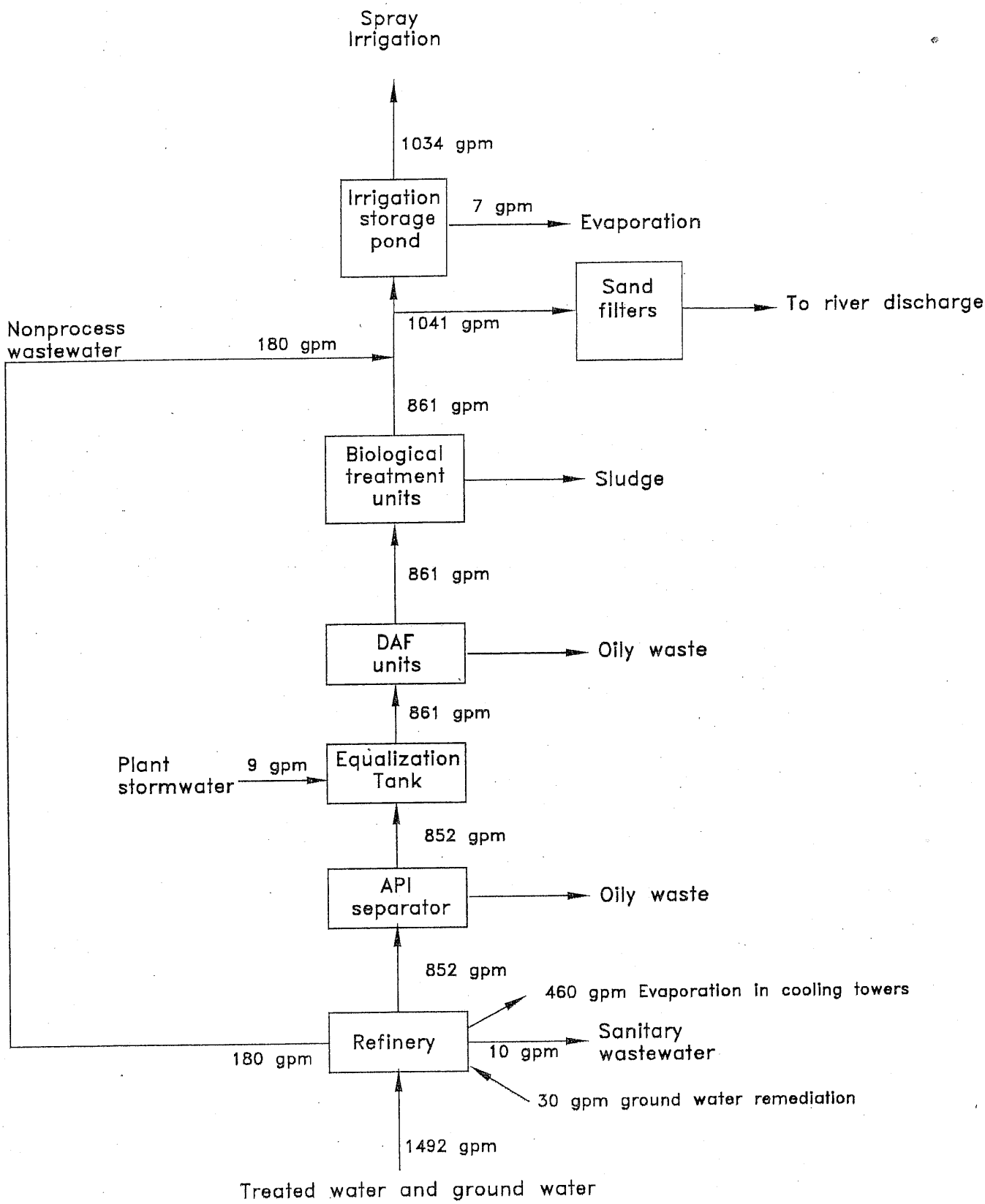
PROJ. NO.: DIA-SHA	DATE: 6/12/02	FILE: DIA-(BASE)

Facility Map

JDC
JD Consulting
404 Camp Craft Road
Austin, Texas 78746

Attachment G
Flow Diagram


WASTE WATER FROM TANK 8 DWG: 680-P-14
WASTE WATER FROM TANK 8 DWG: 680-P-14
WATER
SLUDGE
T 6 8 0 5
SLUDGE
TO CENTRIFUGE DWG:680-P-14
FROM API DWG: 680-P-14
NO. 1 DAF UNIT
NO. 2 DAF UNIT
NO. 3 DAF UNIT
SLUDGE
NO.1 BIOLOGICAL TREATMENT UNIT
NO. 2 BIOLOGICAL TREATMENT UNIT
NO. 3 BIOLOGICAL TREATMENT UNIT
680-T-19
T-6801
CLEAN WASTE WATER
RO REJECT
BOILER B/D
CWT B/D
SOFTENER
TO IRRIGATION
TO TANK 8 DWG: 680-P-14
P-6816 A/B/C
NOTES
CHANGE OF SERVICE
FLOW (GPM)
FUTURE
REFERENCE DRAWINGS
REVISIONS
DIAMOND SHAMROCK INC
Three Rivers Refinery
WASTE WATER UNIT
PROCESS FLOW DIAGRAM
THREE RIVERS, TEXAS



DIAMOND SHAMROCK
Refinery and Wastewater Treatment System
Water Balance

JAMES MIERTSCHIN & ASSOCIATES, INC.

Attachment H
MSDS Information

ATTACHMENT H
Chemical Additives *

Product Name	Manufacturer	Hazardous Ingedients		Use
		Chemical Name	CAS #	
STEAMATE NA0660	GE BETZ	Methoxypropyalamine Cyclohexylamine	5332-73-0 108-91-8	neutralizing amine
BI-FLOC 505	Bio-Solve	Polymer blend in solution	NA	coagulant
DCL 30	GE BETZ	Sodium Bisulfite	7631-90-5	dechlorinating agent
HYPERSPERSE MSI 310	GE BETZ	NA	NA	reverse osmosis antiscalant
Chlorine	Air Liquide	Cl2	7782-50-5	algicide
Sulfuric Acid	Fisher Scientific	H2SO4	7664-93-9	pH control
SPECTRUS NX1103	GE BETZ	Dodecylguanidine Hydrochloride Methylene BIS Isopropyl Alcohol	13590-97-1 6317-18-6 67-63-0	biocide
CORTROL OS7780	GE BETZ	Hydroquinone	123-31-9	oxygen scavenger
OPTISPERSE AP0520	GE BETZ	NA	N/A	scale control
DIANODIC DN2472	GE BETZ	Phosphoric Acid, Tripotassium Salt Potassium Hydroxide Chlorotolyltriazole Sodium Salt D-Glucose, Decyl Octyl Ethers, Oligomeric	7778-53-2 1310-58-3 202420-04-0 68515-73-1	corrosion inhibitor

* Obtained from available MSDS information

Attachment I
Refining Process

Processes Based on 40 CFR 419, Subpart E - Integrated Subcategory				
PROCESS CATEGORY	PROCESS	ACTUAL QUANTITY/DAY	DESIGN QUANTITY/DAY	UNITS
Crude Process	1. Atmospheric Crude Distillation	90,000	110,000	BPD
	2. Crude Desalting	90,000	110,000	BPD
	3. Vacuum Crude Distillation	35,000	45,000	BPD
Cracking and Colking Processes	6. Fluid Catalytic Cracking	24,000	28,000	BPD
	10. Hydrocracking	30,000	35,000	BPD
	54. Hydrotreating	55,000	70,000	BPD
Asphalt Processes	18. Asphalt Production (thick fuel oil)	8,000	15,000	BPD
Lube Processes	21. Hydrofining, Hydrofinishing, Lube Hydrofining	2,000	2,500	BPD
	25. Lube Vac Twr, Oil Fractionation, Batch Still (Naptha Strip), Bright Stock Treating	3,000	3,400	BPD
Reforming and Alkylation Processes	12. Catalytic Reforming	34,000	36,000	BPD

Attachment J
Previous Emergency Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 24, 2003

Via Facsimile: 214-665-2191
Mr. Miguel Florez
EPA NPDES Permits Branch
6WQ-P
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

Re: Diamond Shamrock Refining Company; TPDES Permit No. 01353;
TCEQ Docket No. 2003-0103-IWD

Dear Mr. Florez:

Attached please find a copy of the Emergency Order signed by the Executive Director in the above-referenced matter. In the sworn application dated January 13, 2003, and filed pursuant to Section 5.509 of the Texas Water Code and Title 30, Sections 35.301 - 35.303 of the Texas Administrative Code, Diamond Shamrock has requested permission to temporarily increase the discharge at its facility from 800,000 gallons per day to 1,500,000 gallons per day. Diamond Shamrock has sought this emergency order to prevent overtopping or other uncontrolled releases from an onsite irrigation reservoir that stores treated wastewater. The discharge is to to an unnamed ditch, then to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. Based on Diamond Shamrock's application and other information presently available, the Executive Director has granted the Emergency Order, issued on January 24, 2002. The Order will expire 180 days after issuance.

Please do not hesitate to contact me at (512) 239-2497 if you have any questions. Thank you for your attention to this manner.

Sincerely,

Jason Haas, Staff Attorney

cc: David Gillespie, Esq., EPA (*via facsimile: 214-665-2182*)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOCKET NO. 2003-0103-IWD

IN THE MATTER OF THE APPLICATION OF DIAMOND SHAMROCK REFINING COMPANY, L.P. FOR A TEXAS WATER CODE SECTION 5.509 EMERGENCY ORDER	§ § § § §	BEFORE THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN EMERGENCY ORDER RELATING TO THE DISCHARGE OF WASTE OR POLLUTANTS INTO OR ADJACENT TO WATER IN THE STATE

On JAN 24 2003, the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"), considered the application of Diamond Shamrock Refining Company, L.P. ("Diamond Shamrock"), for an Emergency Order pursuant to Section 5.509, Texas Water Code (the "Code"), and 30 Texas Administrative Code ("TAC") Sections 35.301 - 35.303. The application has satisfied the requirements of Section 5.509 of the Code and, therefore, the Executive Director finds that a situation exists that justifies the issuance of an Emergency Order authorizing the daily average discharge of 1,500,000 gallons per day of treated process wastewater, utility wastewater, storm water, and groundwater into waters in the State.

FINDINGS OF FACT

1. Diamond Shamrock is a petroleum refinery which currently holds TPDES Permit No. 01353 issued on July 31, 2002. The facility is located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas.

2. Diamond Shamrock has submitted a sworn application for an emergency order as required by Section 5.502 of the Code and stated that such a request is justified to prevent overtopping or other uncontrolled releases of wastewater from the irrigation reservoir. Such releases could result in erosion and a potential breach of the containment dikes which could cause localized flooding and potentially result in a threat to homes, other neighboring properties, and public roads. Diamond Shamrock has stated other matters and information required by Sections 5.502 and 5.509 of the Code.

3. Diamond Shamrock has applied to discharge treated process wastewater, utility wastewater, storm water, and treated groundwater at a daily average flow not to exceed 1,500,000 gallons per day to an unnamed ditch, thence to the Nueces/Lower Frio River; to suspend requirements in its current TPDES permit which limit the total annual discharge volume via Outfall 001 to 20 million gallons and require that the river flow must be greater than 200 cubic feet per second (cfs) at gauge station

08210000 on the Nueces River during the period of discharge; and to replace mass effluent limitations with equivalent concentration limitations at Outfall 001.

4. Diamond Shamrock states that the discharge is unavoidable due to excessive rainfall that has occurred in the latter half of 2002. Between July and December 2002, 42.3 inches of rain fell at the facility. This amount is more than three times the long-term average rainfall during the same period, and is more than the total annual rainfall amount for any year on record going back to 1940. Diamond Shamrock states that this volume of rainfall has caused the irrigation system storage pond to reach maximum capacity and the irrigation tracts to become saturated with water and unsuitable for irrigation. Additional rainfall could cause water levels in the irrigation reservoir to exceed freeboard limits and overtop containment dikes. Overtopping may result in the erosion and potential breach of the containment dikes. Diamond Shamrock requests the authorization to discharge treated wastewaters which are typically routed to the storage pond and disposed of via irrigation. The authorization to discharge these wastewaters will allow Diamond Shamrock to limit the inflow into the storage pond and to dewater the pond to optimum levels under controlled conditions when the irrigation tracts are no longer saturated and again suitable for irrigation. The discharge is unavoidable to prevent loss of life, serious injury and/or severe property damage.

5. Diamond Shamrock states that there are no feasible alternatives to the discharge. There are no other disposal options which can be implemented quickly enough to alleviate the current situation. The irrigation system, including storage capacity and irrigation fields, were designed and constructed in accordance with acceptable guidelines for irrigation systems. Diamond Shamrock's current permit contains provisions for direct discharge to the river during the periods when the fields cannot be irrigated. However, Diamond Shamrock states that it is unable to properly discharge at levels that would meet these specific provisions.

6. Diamond Shamrock has implemented several projects during the past year to recycle and reuse water, and would minimize the volume and duration of the discharge. Diamond Shamrock will also take the following steps to minimize the volume and duration of the discharge and maximize the treatment efficiency of the units available: Diamond Shamrock will discharge only as needed to obtain and maintain optimum storage capacity in the irrigation storage pond and will explore both short term and long term modifications for maximizing the efficiency and disposal rates of the irrigation system. During dry-weather conditions, Diamond Shamrock will irrigate at the maximum allowable rate. The discharge will cease when the water levels have been reduced allow for 15 feet of freeboard, although Diamond Shamrock states that additional rainfall would increase the level of water in the reservoir and limit the use of irrigation. The dates for the authorization under the proposed order are reasonable and attainable. The volume and duration of the proposed discharge under the proposed order are reasonable and attainable.

7. The discharge under the proposed Order will not cause significant hazard to human life and health, unreasonable damage to property of persons other than Diamond Shamrock, or unreasonable economic loss to persons other than Diamond Shamrock.

8. The discharge under the proposed Order will not present a significant hazard to the uses that may be made of the receiving waters after the discharge.

9. The proposed Order is necessary to enable action to be taken more expeditiously than otherwise provided by Chapter 26 of the Texas Water Code to effectuate the policy and purposes of that chapter.

CONCLUSIONS OF LAW

1. The above facts are conditions sufficient to issue this Order pursuant to Section 5.509 of the Code and 30 TAC Sections 35.301 - 35.303.

2. Section 5.501 of the Code authorizes the Commission to issue orders and make determinations necessary to effectuate the purposes of Chapter 26 of the Code.

3. The Executive Director may issue an emergency order under 30 TAC Section 35.12.

4. Issuance of this Order will effectuate the purposes of Chapter 26 of the Code.

NOW, THEREFORE, BE IT ORDERED BY THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

(1) Diamond Shamrock is authorized to discharge 1,500,000 gallons per day of treated process wastewater, utility wastewater, storm water, and treated groundwater via Outfall 000 from a petroleum refinery located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas; with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers in Live Oak County, Texas. Diamond Shamrock is authorized to discharge such treated process wastewater, utility wastewater, storm water, and treated groundwater to an unnamed ditch, thence to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin, subject to the following terms and conditions:

(a) Diamond Shamrock shall notify the Commission's Region 14 Office, and the appropriate regional office of the Texas Department of Health, at least 24 hours prior to initiating the afore-mentioned discharge and at the cessation of it.

(b) The effluent discharged via Outfall 001 shall comply with the following effluent limitations and reporting requirements which will supersede and replace the effluent limitations and reporting requirements specified in the current TPDES permit:

PARAMETER	Daily Average (mg/L)	Daily Maximum (mg/L)	Single Grab (mg/L)
Flow (MGD)	1.5 MGD	2.0 MGD	N/A
Biochemical Oxygen Demand (5-day)	26.8	50.2	75
Chemical Oxygen Demand	262	509	750
Total Suspended Solids	27.0	53.9	75
Oil and Grease	10.0	19.0	19
Ammonia as Nitrogen	15.0	30.0	43
Phenols	0.10	0.19	0.3
Sulfides	0.10	0.18	0.3
Chromium, Total	0.43	0.73	1.5
Chromium, Hexavalent	0.014	0.028	0.04
Total Dissolved Solids	3505	4494	5600
Chlorides	1602	2097	2600
Mercury, Total	0.0012	0.0027	0.006

Zinc, Total	0.23	0.50	1.0
Antimony, Total	Report	Report	N/A
Arsenic, Total	Report	Report	N/A
Barium, Total	Report	Report	N/A
Cadmium, Total	Report	Report	N/A
Copper, Total	Report	Report	N/A
Lead, Total	Report	Report	N/A
Selenium, Total	Report	Report	N/A
Silver, Total	Report	Report	N/A
Fecal Coliform (#/100 mls)	(Report - #/100mls)	(Report - #/100mls)	N/A
pH	6.0 S.U. (min)	9.0 S.U.	N/A

(c) The parameters above shall be monitored in accordance with the sample types and monitoring frequencies specified in the current TPDES Permit No. 01353 for Outfall 001.

(d) The requirements of "Other Requirements" Provision No. 2 on Page 12 of the issued TPDES permit are suspended for the purpose of this order. The total volume discharged via Outfall 001 conducted under this order shall will not be counted towards the accumulative annual flow limitation of 20 million gallons in the TPDES permit. No minimum river flow at gauge station 08210000 on the Nueces River is required for discharge to occur.

(e) Except as specifically addressed in this order, Diamond Shamrock must continue to comply with all other conditions of TPDES Permit No. 01353 issued on July 31, 2002.

(f) Diamond Shamrock shall submit weekly status reports to the TCEQ Region 14 office, the TCEQ Industrial Permits Team (MC-148) of the Water Quality Division, summarizing the progress of the project and including any analytical sampling conducted relating to Provision (1)(b) of this order. The weekly status reports shall also include daily records of precipitation events and the volume of wastewater sent to the irrigation tracts.

(g) Diamond Shamrock shall cease discharging under this order when the irrigation storage pond achieves 15 feet of freeboard. Diamond Shamrock may resume discharging when the freeboard reaches a value of less than 10 feet.

(h) Diamond Shamrock shall develop and submit a plan to prevent a future re-occurrence of this type situation in the future. The plan shall be submitted to the TCEQ Industrial Permits Team (MC-148) of the Water Quality Division within 90 days after the issuance of this order.

(i) The issuance of this order only provides for State authorization under the Texas Water Code and does not include Federal authorization under the Clean Water Act.

(2) Authorization to discharge pursuant to this Order shall terminate (180) days from the date of issuance.

(3) The issuance of this Order does not convey any property rights in either real or personal property, or any exclusive privileges; nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining any federal or local assent that may be required by law for the permitted discharge.

(4) If any part of this Order is for any reason held to be invalid the validity of that part shall not affect the validity of the remainder of this Order.

(5) The Commission will consider whether to affirm, modify, or set aside this Order at the following time and place:

March 5, 2003, 9:30 A.M.
Texas Commission on Environmental Quality
Building E, Room 201S
12118 N. Interstate 35
Austin, Texas 78753

(6) The Chief Clerk of the Commission is directed to forward a copy of this Order to Diamond Shamrock and all other parties and to issue said Order and cause the same to be recorded in the files of the Commission.

Issued date: JAN 24 2003

Margaret Hoffman
EXECUTIVE DIRECTOR
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Compliance History

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 3.88
Regulated Entity:	RN100542802	DIAMOND SHAMROCK REFINING VALERO	Classification: AVERAGE	Site Rating: 9.42

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	LK0009T
AIR OPERATING PERMITS	PERMIT	1450
WASTEWATER	PERMIT	WQ0001353000
WASTEWATER	PERMIT	TPDES0088331
WASTEWATER	PERMIT	TX0088331
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD990709966
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31553
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	LK0009T
AIR NEW SOURCE PERMITS	REGISTRATION	54729
AIR NEW SOURCE PERMITS	REGISTRATION	55285
AIR NEW SOURCE PERMITS	REGISTRATION	55896
AIR NEW SOURCE PERMITS	REGISTRATION	75517
AIR NEW SOURCE PERMITS	REGISTRATION	70536
AIR NEW SOURCE PERMITS	PERMIT	PSDTX1017
AIR NEW SOURCE PERMITS	PERMIT	55728
AIR NEW SOURCE PERMITS	EPA ID	PSDTX331M5
AIR NEW SOURCE PERMITS	EPA ID	PSDTX804
AIR NEW SOURCE PERMITS	EPA ID	PSDTX331
AIR NEW SOURCE PERMITS	EPA ID	PSDTX331M1
AIR NEW SOURCE PERMITS	REGISTRATION	71415
AIR NEW SOURCE PERMITS	PERMIT	50835
AIR NEW SOURCE PERMITS	REGISTRATION	71663
AIR NEW SOURCE PERMITS	REGISTRATION	76733
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1017
AIR NEW SOURCE PERMITS	REGISTRATION	78562
AIR NEW SOURCE PERMITS	REGISTRATION	78872
AIR NEW SOURCE PERMITS	PERMIT	50607
AIR NEW SOURCE PERMITS	PERMIT	9968
AIR NEW SOURCE PERMITS	PERMIT	2362B
AIR NEW SOURCE PERMITS	PERMIT	5139A
AIR NEW SOURCE PERMITS	PERMIT	6328
AIR NEW SOURCE PERMITS	PERMIT	9190
AIR NEW SOURCE PERMITS	PERMIT	10815
AIR NEW SOURCE PERMITS	PERMIT	15000
AIR NEW SOURCE PERMITS	PERMIT	15404
AIR NEW SOURCE PERMITS	PERMIT	16020
AIR NEW SOURCE PERMITS	PERMIT	16103
AIR NEW SOURCE PERMITS	PERMIT	27201
AIR NEW SOURCE PERMITS	PERMIT	30363
AIR NEW SOURCE PERMITS	PERMIT	40102
AIR NEW SOURCE PERMITS	PERMIT	45790
AIR NEW SOURCE PERMITS	PERMIT	49756
AIR NEW SOURCE PERMITS	PERMIT	49489
AIR NEW SOURCE PERMITS	PERMIT	49486
AIR NEW SOURCE PERMITS	PERMIT	49488
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	LK0009T
AIR NEW SOURCE PERMITS	AFS NUM	4829700006
AIR NEW SOURCE PERMITS	REGISTRATION	79137
AIR NEW SOURCE PERMITS	REGISTRATION	79862
AIR NEW SOURCE PERMITS	REGISTRATION	81078
AIR NEW SOURCE PERMITS	REGISTRATION	82209
AIR NEW SOURCE PERMITS	REGISTRATION	81730
AIR NEW SOURCE PERMITS	REGISTRATION	81540
STORMWATER	PERMIT	TXR05L552
UNDERGROUND INJECTION CONTROL	PERMIT	WDW404
UNDERGROUND INJECTION CONTROL	PERMIT	WDW405
UNDERGROUND INJECTION CONTROL	PERMIT	WDW406
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50100
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50100

	STORAGE		
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31553
	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50100
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670020
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50100

Location: 301 LE ROY ST, THREE RIVERS, TX, 78071 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: July 31, 2007

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Compliance Period: July 05, 2002 to July 31, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Michael Sunderlin Phone: (512) 239-4523

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/21/2003 ADMINORDER 2002-1233-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19F PERMIT

Description: Failure to test the utility boiler associated with EPN B-009 w/in 180 days of start up.

Effective Date: 11/23/2005 COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)[G]
30 TAC Chapter 101, SubChapter A 101.6(c)

Description: Failure to create and report a final record which sufficiently identified rule-required criteria.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Description: Failure to obtain regulatory authority for upset and shutdown emissions from the Akylation Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: SC1 PERMIT

Description: Failure to obtain regulatory authority for upset, shutdown, maintenance and start-up emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)[G]

Description: Failure to limit visible emissions to no more than five minutes in any two-hour period from flare FL-003.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)[G]

Rqmt Prov: SC1 PERMIT

Description: Failure to obtain regulatory authority for continuous emissions from the HCU Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.116(a)[G]

Rqmt Prov: Not specified PERMIT

Description: Failure to obtain regulatory authority for continuous emissions from the FCCU Flare.

Classification: Moderate

Citation: TWC Chapter 26 26.121

Description: Failure to prevent the unauthorized discharge of fire suppression water containing phase separated hydrocarbons into and adjacent to waters of the state.3

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/16/2002	(210620)
2	07/30/2002	(5019)
3	07/31/2002	(4581)
4	08/13/2002	(210623)
5	08/23/2002	(8584)
6	08/23/2002	(8624)
7	08/30/2002	(263167)
8	09/04/2002	(6401)
9	09/16/2002	(210626)
10	11/15/2002	(210629)
11	11/16/2002	(210633)
12	12/16/2002	(210637)
13	01/21/2003	(210641)
14	02/19/2003	(24343)
15	02/19/2003	(24355)
16	02/20/2003	(210596)
17	02/20/2003	(210601)
18	03/14/2003	(22981)
19	03/18/2003	(210604)
20	03/19/2003	(28075)
21	03/28/2003	(263548)
22	04/21/2003	(210609)
23	05/20/2003	(210613)
24	06/17/2003	(210617)
25	07/03/2003	(112482)
26	07/09/2003	(140811)
27	08/18/2003	(317590)
28	08/19/2003	(149919)
29	09/12/2003	(317588)
30	09/19/2003	(317592)
31	09/26/2003	(153044)
32	10/16/2003	(317594)
33	11/20/2003	(317595)
34	12/23/2003	(317596)
35	01/16/2004	(259884)
36	02/02/2004	(261494)
37	02/02/2004	(261547)
38	02/18/2004	(317580)
39	02/26/2004	(317597)
40	03/16/2004	(261988)
41	03/17/2004	(317582)
42	04/15/2004	(264142)
43	04/20/2004	(317583)
44	06/21/2004	(361454)
45	06/21/2004	(361455)
46	06/25/2004	(272078)
47	07/08/2004	(317585)
48	07/19/2004	(274249)
49	07/28/2004	(284551)

50	08/20/2004	(361456)
51	09/20/2004	(361457)
52	10/15/2004	(361458)
53	11/15/2004	(361459)
54	12/17/2004	(361460)
55	01/19/2005	(387174)
56	02/11/2005	(387172)
57	02/17/2005	(344711)
58	02/17/2005	(344732)
59	03/14/2005	(387173)
60	03/30/2005	(334416)
61	04/01/2005	(375671)
62	05/25/2005	(335530)
63	06/20/2005	(396550)
64	06/20/2005	(395663)
65	06/22/2005	(397091)
66	06/24/2005	(395367)
67	06/28/2005	(397649)
68	06/29/2005	(380012)
69	08/18/2005	(404621)
70	08/19/2005	(404722)
71	08/22/2005	(404888)
72	08/22/2005	(401088)
73	08/29/2005	(404949)
74	08/30/2005	(405011)
75	08/30/2005	(404952)
76	08/31/2005	(418747)
77	08/31/2005	(418864)
78	10/08/2005	(432627)
79	10/20/2005	(406740)
80	11/16/2005	(435723)
81	12/01/2005	(438319)
82	12/22/2005	(449864)
83	01/02/2006	(449804)
84	02/12/2006	(452941)
85	02/22/2006	(455828)
86	03/10/2006	(458400)
87	03/14/2006	(457720)
88	03/28/2006	(452750)
89	04/20/2006	(463009)
90	06/30/2006	(483518)
91	08/17/2006	(486707)
92	11/15/2006	(519601)
93	11/17/2006	(531209)
94	12/17/2006	(263224)
95	01/29/2007	(538086)
96	02/02/2007	(536186)
97	02/16/2007	(539013)
98	02/20/2007	(539328)
99	02/23/2007	(540422)
100	03/19/2007	(543755)
101	03/22/2007	(541719)
102	03/23/2007	(540495)
103	04/05/2007	(534570)
104	05/02/2007	(556217)
105	05/08/2007	(555030)
106	07/11/2007	(566548)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/30/2002 (263167)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain a flare operation log of daily flare observation for the API flare, EPN FL-005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Part 63, Subpart G 63.151(a)(1)

Description: Failure to provide a complete Initial Notification.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(c)

Description: Failure to submit a complete Implementation Plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.181(c)

Description: Failure to document that visual inspections of equipment subject to the provisions of subpart H were conducted.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.182(d)[G]

Description: Failure to include all required information in the semi-annual periodic reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT 9279

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 Tex Admin. Code §§ 101.11 for emissions released to the atmosphere during 82 events regarding the fluidized catalytic cracking unit electrostatic precipitator between October 27, 2001 and August 19, 2002.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
40 CFR Part 60, Subpart QQQ 60.697(f)(3)

Rqmt Prov: PERMIT 19108

Description: Failure to document that the control device, the API flare (EPN FL-005), will achieve the required control efficiency during maximum loading conditions.

Date: 01/23/2003 (210596)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (210601)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (210604)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (210609)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (317596)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (317580)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2004 (317582)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (317585)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (361454)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (361455)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/18/2005 (344732)

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT TPDES Permit No. WQ0001353-000

Description: Failure to comply with self monitored effluent limitations for biochemical oxygen demand (BOD), chemical oxygen demand (COD) and Zinc(Zn)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: PERMIT TPDES Permit No. WQ0001353-000

Description: Failure to comply with proper analytical method and techniques used for total suspended solids (TSS) sample analysis. Duplicate samples for TSS analysis are not being conducted.

Date: 06/24/2005 (395367)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)

Rqmt Prov: OP HW-50100 & CP-50100

Description: Failure to maintain lids/covers on groundwater recovery wells.

Date: 03/19/2007 (543755)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to comply with all terms and conditions codified in the permit and any provisional terms and conditions required to be included with the permit. Specifically, the Regulated Entity failed to conduct a quarterly observation for visible emissions for stationary vents for the period of 01/01/06 through 03/31/06.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120

Description: Failure to comply with required standards for storage vessels as required by 40 CFR Part 63 (Subpart G). Specifically, the RE failed to inspect storage tank S-119 and submit a 30 day advanced notification per the HON standards prior to filling the tank.

F. Environmental audits.

N/A

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