EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1948-AIR-E **TCEQ ID:** RN100542802 **CASE NO.:** 27383

RESPONDENT NAME: Diamond Shamrock Refining Company, L.P.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Diamond Shamrock Refining Valero, 301 Leroy Street, Three Rivers, Live Oak County,

TYPE OF OPERATION: Oil refinery

SMALL BUSINESS: ____ Yes X No

OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 27, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Jessica Rhodes, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2879; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

Respondent: Mr. Harry Wright, Jr., Vice President and General Manager, Diamond Shamrock Refining Company, L.P., Post Office Box 490, Three Rivers, Texas 78071-0490; Mrs. Lisa Trowbridge, Environmental Manager, Diamond Shamrock Refining Company, L.P., Post Office Box 490, Three Rivers, Texas 78071-0490

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** June 29, 2005 – August 5, 2005 **Date of NOE Relating to this Case:** August 8, 2005 (NOE) **Background Facts:** This was a routine investigation. Two violations were documented. The Respondent submitted notification of 10 emissions events that occurred May 3rd- May 6th caused by the Alky Unit flaring after unit startup following the unit turnaround. The emissions events were not excessive. **AIR** 1) Failed to comply with permitted emissions limits (TCEQ Incident Nos. 57793, 57796, and 57800). Specifically, an emissions event that occurred May 3 through May 6, 2005 had the following quantities: 5,959.15 pounds carbon monoxide, 56.51 pounds nitrogen dioxide, 1,073.76 pounds nitrogen monoxide, 35,534.85 pounds sulfur dioxide, 2,350.87 pounds butane, 179.25 pounds hydrogen sulfide, and 5,936.53 pounds propane. Since these emissions were not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air New Source Permit Nos. 50607 and PSD-TX-331M1, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to timely submit a complete and accurate final report for Incident No. 57800, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b).	**Total Assessed:** $10,228 **Total Deferred:** $2,046 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $8,182 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that Diamond Shamrock has implemented the following corrective measures at the Plant: a. Submitted a complete and accurate final report for Incident No. 57800 on July 7, 2005; and b. Implemented a program on July 8, 2005 in which transmitter levels are checked frequently to insure proper glycol levels are maintained.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	31-Oct-2005				
PCW	05-Feb-2007	Screening	08-Nov-2005	EPA Due	07-Sep-2006

RESPONDENT/FACILITY INFORMATION

Respondent	Diamond Shamrock Refining Company, L.P.		
Reg. Ent. Ref. No.	RN100542802		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	27383	No. of Violations	2
Docket No.	2005-1948-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jessica Rhodes
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $5,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 128% Enhancement *Subtotals 2, 3, & 7* $6,528

Notes: Compliance history site enhancements due to one (1) 1660-style agreed order, one (1) findings order, five (5) NOVs with same or similar violations, fourteen (14) NOVs with non-similar violations including 8 self-reported effluent violations, and one (1) EPA Consent Decree/Court Orders.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: Respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: Respondent achieved compliance on February 16, 2006, after the initial settlement offer was made.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$9
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 Final Subtotal $11,628

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $11,628

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $10,228

DEFERRAL 20% Reduction Adjustment -$2,046

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $8,182

Screening Date	08-Nov-2005	**Docket No.** 2005-1948-AIR-E	**PCW**
Respondent	Diamond Shamrock Refining Company, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	27383		*PCW Revision May 19, 2005*
Reg. Ent. Reference No.	RN100542802		
Media [Statute]	Air Quality		
Enf. Coordinator	Jessica Rhodes		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	5	25%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **128%**

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) **0%**

>> Compliance History *Person* Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes

Compliance history site enhancements due to one (1) 1660-style agreed order, one (1) findings order, five (5) NOVs with same or similar violations, fourteen (14) NOVs with non-similar violations including 8 self-reported effluent violations, and one (1) EPA Consent Decree/Court Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **128%**

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date	08-Nov-2005
Docket No.	2005-1948-AIR-E
Respondent	Diamond Shamrock Refining Company, L.P.
Case ID No.	27383
Reg. Ent. Reference No.	RN100542802
Media [Statute]	Air Quality
Enf. Coordinator	Jessica Rhodes

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Air New Source Permit Nos. 50607 and PSD-TX-331M1, Special Condition No. 1

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to comply with permitted emissions limits (TCEQ Incident Nos. 57793, 57796, and 57800). Specifically, an emissions event that occurred May 3 - 6, 2005 had the following quantities: 5,959.15 pounds carbon monoxide, 56.51 pounds nitrogen dioxide, 1,073.76 pounds nitrogen monoxide, 35,534.85 pounds sulfur dioxide, 2,350.87 pounds butane, 179.25 pounds hydrogen sulfide, and 5,936.53 pounds propane. Since these emissions were not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $11,400

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 27383
Reg. Ent. Reference No.: RN100542802
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$500	03-May-2005	08-Jul-2005	0.2	$5	n/a	$5
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated expense to implement program for technicians to properly maintain glycol levels. Date required is the date the emissions event began. Final date is the date that compliance was achieved.

Avoided Costs (ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs))							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: N/A

Approx. Cost of Compliance: $500

TOTAL: $5

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date	08-Nov-2005
Docket No.	2005-1948-AIR-E
Respondent	Diamond Shamrock Refining Company, L.P.
Case ID No.	27383
Reg. Ent. Reference No.	RN100542802
Media [Statute]	Air Quality
Enf. Coordinator	Jessica Rhodes
Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)
Violation Description	Failed to timely submit a complete and accurate final report for Incident No. 57800.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Respondent complied with more than 70% of the rule requirement.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $228

This violation Final Assessed Penalty (adjusted for limits) $228

Economic Benefit Worksheet

Respondent	Diamond Shamrock Refining Company, L.P.
Case ID No.	27383
Reg. Ent. Reference No.	RN100542802
Media [Statute]	Air Quality
Violation No.	2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$500	03-May-2005	07-Jul-2005	0.2	$4	n/a	$4
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to properly submit a complete and accurate final report of an emissions event. Date required is the beginning date of emissions event. Final date is the date the report was submitted.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $4

Compliance History

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 4.57
Regulated Entity:	RN100542802	DIAMOND SHAMROCK REFINING VALERO	Classification: AVERAGE	Site Rating: 5.97

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	PERMIT	50100
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	PERMIT	PSDTX1017
AIR NEW SOURCE PERMITS	PERMIT	55728
AIR NEW SOURCE PERMITS	REGISTRATION	70536
AIR NEW SOURCE PERMITS	EPA ID	PSDTX331
AIR NEW SOURCE PERMITS	EPA ID	PSDTX331M1
AIR NEW SOURCE PERMITS	REGISTRATION	71415
AIR NEW SOURCE PERMITS	EPA ID	PSDTX331M5
AIR NEW SOURCE PERMITS	EPA ID	PSDTX804
AIR NEW SOURCE PERMITS	REGISTRATION	71663
AIR NEW SOURCE PERMITS	PERMIT	P804
AIR NEW SOURCE PERMITS	PERMIT	50835
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1017
AIR NEW SOURCE PERMITS	REGISTRATION	76733
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	30328
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	0003
AIR NEW SOURCE PERMITS	AFS NUM	0006
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
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31553
WASTE WATER GENERAL PERMIT	PERMIT	TXG670020
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50100

	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50100
Location:	301 LEROY ST, THREE RIVERS, TX, 78071	Rating Date: September 01 05	Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: November 16, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 08, 2000 to November 08, 2005

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

Name: Jessica Rhodes Phone: 512-239-2879

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.

N/A Effective Date: 12/09/2000 ADMINORDER 2000-0708-IHW-E

Classification: Major
Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter B 335.43[G]
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1[G]
Description: Allowed the storage of hazardous waste in excess of 90 days without first having obtained a permit.

Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
Description: Failed to label drums of hazardous waste with a correct accumulation start date.

Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
Description: Failed to label drums of hazardous waste with the words "Hazardous Waste".

Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171
Description: Stored hazardous waste in open and leaking containers.

Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.196[G]
Description: Failed to adequately respond to an apparent leak in Tank 6805(b).

Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
TWC Chapter 26 26.121
Description: Diamond Shamrock has caused, suffered, allowed, or permitted the disposal of industrial and hazardous waste in such a manner so as to cause the discharge or imminent threat of discharge of such waste into or adjacent to waters of the state without obtaining specific authorization for such a discharge.

Classification: Moderate
Citation: TWC Chapter 26 26.039
Description: Failed to notify the Commission concerning the unauthorized discharge of contaminants within 24 hours of the discharge.

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.

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.)

N/A

1	01/24/2001	(38526)
2	06/17/2003	(210617)
3	07/16/2001	(210619)
4	07/16/2002	(210620)
5	08/17/2001	(210622)
6	08/13/2002	(210623)
7	09/13/2001	(210625)
8	09/04/2002	(6401)
9	09/16/2002	(210626)
10	02/02/2004	(261494)
11	09/20/2004	(361457)
12	10/15/2004	(361458)
13	10/15/2001	(210628)
14	11/15/2002	(210629)
15	11/15/2004	(361459)
16	12/17/2004	(361460)
17	07/28/2004	(284551)
18	11/14/2000	(210631)
19	01/24/2001	(263172)
20	11/20/2001	(210632)
21	01/16/2004	(259884)
22	11/16/2002	(210633)
23	08/23/2002	(8584)
24	02/24/2002	(263244)
25	12/12/2000	(210635)
26	12/12/2001	(210636)
27	12/16/2002	(210637)
28	03/16/2004	(261988)
29	01/12/2001	(210639)
30	01/14/2002	(210640)
31	02/11/2005	(387172)
32	01/21/2003	(210641)
33	02/17/2005	(344711)
34	03/14/2005	(387173)
35	08/30/2005	(405011)
36	01/19/2005	(387174)
37	06/20/2005	(396550)
38	06/24/2005	(395367)
39	09/26/2003	(153044)
40	08/30/2002	(263167)
41	06/28/2005	(397649)
42	05/13/2002	(107726)
43	03/26/2002	(107725)
44	03/30/2005	(334416)
45	08/30/2005	(404952)
46	08/10/2001	(263170)

47	06/22/2005	(397091)
48	02/01/2002	(107724)
49	07/30/2002	(5019)
50	01/30/2002	(107723)
51	02/17/2005	(344732)
52	02/18/2004	(317580)
53	07/31/2002	(4581)
54	01/30/2002	(107722)
55	03/17/2004	(317582)
56	07/19/2004	(274249)
57	05/25/2005	(335530)
58	01/30/2002	(107721)
59	01/10/2002	(107720)
60	04/20/2004	(317583)
61	08/31/2005	(418747)
62	12/04/2001	(107719)
63	11/21/2001	(107718)
64	10/29/2001	(107717)
65	07/08/2004	(317585)
66	08/22/2005	(404888)
67	06/25/2004	(272078)
68	07/03/2003	(112482)
69	02/19/2003	(24343)
70	09/12/2003	(317588)
71	08/18/2005	(404621)
72	09/07/2001	(263511)
73	08/18/2003	(317590)
74	02/02/2004	(261547)
75	03/14/2003	(22981)
76	09/19/2003	(317592)
77	10/20/2005	(406740)
78	08/19/2003	(149919)
79	10/16/2003	(317594)
80	11/20/2003	(317595)
81	02/20/2003	(210596)
82	12/23/2003	(317596)
83	08/31/2001	(107716)
84	04/15/2004	(264142)
85	02/19/2002	(210597)
86	02/26/2004	(317597)
87	08/07/2001	(107715)
88	05/31/2001	(107714)
89	05/02/2001	(107713)
90	08/19/2005	(404722)
91	08/31/2005	(418864)
92	02/15/2001	(210599)
93	05/02/2001	(107712)
94	06/29/2005	(380012)
95	03/28/2003	(263548)
96	05/02/2001	(107711)
97	02/19/2002	(210600)
98	05/02/2001	(107710)

99	02/20/2003	(210601)
100	05/02/2001	(107709)
101	05/02/2001	(107708)
102	04/25/2001	(107707)
103	02/19/2003	(24355)
104	03/12/2001	(210602)
105	07/09/2003	(140811)
106	02/27/2001	(107706)
107	08/22/2005	(401088)
108	03/11/2002	(210603)
109	02/27/2001	(107705)
110	08/23/2002	(8624)
111	02/27/2001	(107704)
112	03/18/2003	(210604)
113	04/01/2005	(375671)
114	02/27/2001	(107703)
115	02/27/2001	(107702)
116	02/27/2001	(107701)
117	06/20/2005	(395663)
118	03/19/2003	(28075)
119	04/10/2001	(210607)
120	04/08/2002	(210608)
121	04/21/2003	(210609)
122	08/29/2005	(404949)
123	05/14/2001	(210611)
124	06/21/2004	(361454)
125	05/13/2002	(210612)
126	05/20/2003	(210613)
127	10/08/2005	(432627)
128	06/21/2004	(361455)
129	06/11/2001	(210615)
130	08/20/2004	(361456)
131	06/13/2002	(210616)

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

Date: 01/24/2001 (263172)

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT IA

Description: During the inspection of the irrigation disposal site, evidence was observed of surface water run-off entering non-permitted acreage owned by Diamond Shamrock, thence entering private property.

Date: 02/18/2005 (344732)

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT IA

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 IA

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: 01/30/2002 (107724)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]

Description: Failure to Comply

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
Rqmt Prov: OP IA
Description: Failure to Comply
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: Failure to Comply

Date: 01/30/2002 (107723)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
Description: Failure to Comply

Date: 01/30/2002 (107722)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: Failure to Comply
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Failure to Comply
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Rqmt Prov: OP IA
Description: Failure to Comply

Date: 01/30/2002 (107721)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
Description: Failure to Comply

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: 08/31/2001 (107716)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
Description: FAILED TO MAINT. RECOR
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
Rqmt Prov: OP IA
Description: FAIL TO MAINT RCRDS
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
Description: FAIL TO MAINT RCRDS
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
Description: FAIL TO MAINT RECDS
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: FAIL TO MAINT RECRDS
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: FAIL OBTAIN REGUL AUTH

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: FAIL OBTAIN REGUL AUTH

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: FAIL OBTAIN REGUL AUTH

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.11[G]
Description: FAIL OBTAIN REGUL AUTH

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
Description: FAIL LIMIT VISIB FLARE

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: 06/24/2005 (395367)

Self Report? NO Classification: Moderate
Rqmt Prov: OP IA
Description: Failure to maintain lids/covers on groundwater recovery wells.

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: 08/10/2001 (263170)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(10)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT K 265.228(b)(1)
Description: Failure to prevent erosion on the asphalt cover of interim status closed ponds 2, 3, and 4a. Significant erosion was present on the west, south, and top portions of the asphalt cap.

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: 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: 01/24/2002 (263244)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT IA
Description: Failure to prevent unauthorized discharges of irrigation effluent.

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

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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	DIAMOND SHAMROCK REFINING COMPANY, L.P.	CUSTOMER NO.:	CN600124861
REGULATED ENTITY:	THREE RIVERS REFINERY	REG. ENTITY NO.:	RN100542802
REG. ENTITY ADDRESS:	301 LEROY ST.		
REG. ENTITY CITY:	THREE RIVERS		

Violations

EPA CASE NO.:	06-1998-0100	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010919	STATUTE: CAA	SECT. OF STATUTE: 111
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
		PROGRAM:	New Source Performance Standards
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	New Source Performance Standard

EPA CASE NO.:	06-1998-0100	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20010919	STATUTE: RCRA	SECT. OF STATUTE: 3005A
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 265 CITE SECT.:
		PROGRAM:	NPDES - Other Unpermitted Discharge
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	Discharge/Emission/Activity w/out Permit

EPA CASE NO.:	06-1998-0100	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010919	STATUTE: CWA	SECT. OF STATUTE: 301
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 270 CITE SECT.: 1
		PROGRAM:	
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	UST Leak Detection and Repair

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
DIAMOND SHAMROCK REFINING	§	
COMPANY, L.P.	§	
RN100542802	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-1948-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Diamond Shamrock Refining Company, L.P. ("Diamond Shamrock") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 AND TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Diamond Shamrock appear before the Commission and together stipulate that:

1. Diamond Shamrock owns and operates an oil refinery at 301 Leroy Street in Three Rivers, Live Oak County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Diamond Shamrock agree that the Commission has jurisdiction to enter this Agreed Order, and that Diamond Shamrock is subject to the Commission's jurisdiction.

4. Diamond Shamrock received notice of the violations alleged in Section II ("Allegations") on or about August 13, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Diamond Shamrock of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Two Hundred Twenty-Eight Dollars ($10,228) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Diamond Shamrock has paid Eight Thousand One Hundred Eighty-Two Dollars ($8,182) of the administrative penalty and Two Thousand Forty-Six Dollars ($2,046) is deferred contingent upon Diamond Shamrock's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Diamond Shamrock fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Diamond Shamrock to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Diamond Shamrock have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that Diamond Shamrock has implemented the following corrective measures at the Plant:

   a. Submitted a complete and accurate final report for Incident No. 57800 on July 7, 2005; and

   b. Implemented a program on July 8, 2005 in which transmitter levels are checked frequently to insure proper glycol levels are maintained.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Diamond Shamrock has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Diamond Shamrock is alleged to have:

1. Failed to comply with permitted emissions limits (TCEQ Incident Nos. 57793, 57796, and 57800), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air New Source Permit Nos. 50607 and PSD-TX-331M1, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted June 29, 2005 through August 5, 2005. Specifically, an emissions event that occurred May 3 through May 6, 2005 had the following quantities: 5,959.15 pounds carbon monoxide, 56.51 pounds nitrogen dioxide, 1,073.76 pounds nitrogen monoxide, 35,534.85 pounds sulfur dioxide, 2,350.87 pounds butane, 179.25

pounds hydrogen sulfide, and 5,936.53 pounds propane. Since these emissions were not caused by a sudden breakdown of equipment or process beyond the control of the owner or operator, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

2. Failed to timely submit a complete and accurate final report for Incident No. 57800, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b).

III. DENIALS

Diamond Shamrock generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Diamond Shamrock pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Diamond Shamrock's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2005-1948-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon Diamond Shamrock. Diamond Shamrock is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against Diamond Shamrock in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Diamond Shamrock, or three days after the date on which the Commission mails notice of the Order to Diamond Shamrock, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date 8/21/2007

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

_____ _____
Signature Date 04/09/07

Harry Wright, Jr. Vice President + General Manager
Name (Printed or typed) Title
Authorized Representative of
Diamond Shamrock Refining Company, L.P.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.