

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1544-AIR-E TCEQ ID: RN100210517 CASE NO.: 34660

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

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Diamond Shamrock McKee Plant, 6701 Farm-to-Market Road 119, Moore County</p> <p>TYPE OF OPERATION: Petroleum refining plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0384-AIR-E and 2008-0738-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. John Deemer, Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013 Mr. Thomas A. Shetina, Vice President and General Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 10 through 25, 2007, October 25 and 29, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 29, October 26, and November 6, 2007 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to operate the flares with a constant pilot flame. Specifically, there was no pilot flame present intermittently between January 1, 2006 and April 21, 2007 at the Wastewater Flare, between April 12, 2006 and April 21, 2007 at the Main Refinery Flare, between March 31, 2006 and April 13, 2007 at the Fluidized Catalytic Cracking Unit Flare, and between November 5, 2006 and April 13, 2007 at the Hydrocracker Unit ("HCU") Flare [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 9708, Special Condition 9.B. (formerly 8.B.), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.11(b)(5) and 63.643(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain the minimum firebox temperature of 1200 degrees Fahrenheit at the No. 2 sulphur recovery unit ("SRU") incinerator vents intermittently between August 29, 2005 and February 14, 2007 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 9708, Special Condition 16 (formerly 15) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to operate the Main Refinery Flare without visible emissions lasting longer than five minutes during any two</p>	<p>Total Assessed: \$140,443</p> <p>Total Deferred: \$28,088 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$56,177</p> <p>Total Paid to General Revenue: \$56,178</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the initial notification for affected units in operation prior to April 29, 2003, on November 24, 2003.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures or install additional equipment to ensure the flares have a constant flame;</p> <p>ii. Implement measures designed to ensure firebox temperatures do not drop below 1200 degrees Fahrenheit at the No. 2 SRU incinerator vents;</p> <p>iii. Implement measures designed to ensure there are no visible emissions from the Main Refinery Flare;</p> <p>iv. Implement measures designed to ensure annual inspections of the two frac tanks;</p> <p>v. Submit a complete compliance status report to include the information that was missing from the report submitted on November 8, 2006;</p> <p>vi. Remediate hydrocarbons spilled from the TFRW No. 4 container;</p> <p>vii. Implement measures designed to ensure timely and accurate submittal of compliance reports;</p> <p>viii. Implement measures designed to prevent vibration of the Refinery Light Ends Compressor;</p> <p>ix. Implement measures designed to ensure</p>

from the No. 1 Main Refinery Flare, emission point number ("EPN") FL-1, in the Complex 3 Unit during an emissions event (Incident No. 94302) that occurred on July 14, 2007 and lasted 112 hours and 30 minutes. These emissions are not authorized by the permit. Since these emissions were improperly reported and the duration not minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failure to submit initial notification of an emissions event (Incident No. 94302) within 24 hours after discovery of the event. Specifically, the event was discovered on July 16, 2007 at 5:00 p.m., but was not reported until July 19, 2007 at 7:21 p.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 4,611 lbs of SO₂, 1,267 lbs of CO, 249 lbs of NO_x, 50 lbs of H₂S, and 429 lbs of VOCs were released from the Fluid Catalytic Cracking Unit ("FCCU") Flare, EPN F-50 in the Complex 1 Unit during an emissions event (Incident No. 96137) that occurred on August 18, 2007 and lasted seven hours. These emissions are not authorized by the permit. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): MR0008T

<p>consecutive hours intermittently between January 19, 2005 and December 30, 2006 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 9708, Special Condition 9.C. (formerly 8.C.), 40 CFR §§ 63.11(b)(4) and 63.643(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to inspect two frac tanks annually in 2005 and 2006 [40 CFR 63.7903(d)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to include all of the required information in the Notification of Compliance Status ("NCS") report submitted November 8, 2006. Although the report was submitted, it did not contain three of the five required items [40 CFR §§ 63.7921(c)(1) and (c)(2) and 63.7950(e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to operate and maintain any affected source, including air pollution control equipment, in a manner consistent with safety and good air pollution control practices. Specifically, on June 5, 2007, container Tank Farm Recovery Well ("TFRW") No. 4 overflowed, spilling approximately two barrels of hydrocarbon to containment and approximately five gallons of hydrocarbon to the soil [40 CFR § 63.7935(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to submit initial notification within 120 days after April 29, 2003 (August 28, 2003) for affected units in operation prior to April 29, 2003. The notification was submitted on November 24, 2003 [40 CFR § 63.8692(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to submit the initial semi-annual compliance report by July 31, 2006. The report was submitted on January 29, 2007 and covered both the initial semi-annual reporting period, and the subsequent semi-annual reporting period (May 1 to December 31, 2006) [40 CFR § 63.8693(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 586.35 pounds ("lbs") of volatile organic compounds ("VOCs"), 421 lbs of carbon monoxide ("CO"), 26 lbs of hydrogen sulfide ("H2S"), 82.67 lbs of nitrogen oxides ("NOx"), and 2,395.40 lbs of sulfur dioxide ("SO2") were released</p>		<p>that emissions event reports are submitted within required timeframes; and</p> <p>x. Implement measures designed to prevent the FCCU Flare suction screen from plugging.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.x.</p>
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Attachment A
Docket Number: 2007-1544-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Diamond Shamrock Refining Company, L.P.

Payable Penalty Amount: One Hundred Twelve Thousand Three Hundred Fifty-Five Dollars (\$112,355)

SEP Amount: Fifty-Six Thousand One Hundred Seventy-Seven Dollars (\$56,177)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP: Moore County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	4-Sep-2007	Screening	19-Sep-2007	EPA Due	25-May-2008
	PCW	28-Apr-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Diamond Shamrock Refining Company, L.P.		
Reg. Ent. Ref. No.	RN100210517		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	34660	No. of Violations	11	
Docket No.	2007-1544-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Trina Grieco	
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	\$51,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	181% Enhancement	Subtotals 2, 3, & 7	\$92,491
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Notes
Penalty enhancement due to 13 previous NOV's issued for same or similar violations, three violations issued for non-similar violations, which includes one self-reported effluent violation, four agreed orders containing a denial of liability, and one court order containing a denial of liability.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Total EB Amounts	\$2,934	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$19,600	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$143,591
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1%	Adjustment	\$1,000
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Notes
Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount	\$144,591
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$140,443
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DEFERRAL	20% Reduction	Adjustment	-\$28,088
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
Deferral offered for expedited settlement.

PAYABLE PENALTY	\$112,355
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Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			Policy Revision 2 (September 2002)
Case ID No.	34660			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			

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)	13	65%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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 submitted)	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%
<i>Please Enter Yes or No</i>			
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) 181%

>> **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 Penalty enhancement due to 13 previous NOV's issued for same or similar violations, three violations issued for non-similar violations, which includes one self-reported effluent violation, four agreed orders containing a denial of liability, and one court order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 181%

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34860			<i>PCW Revision June 28, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 116.715(a), Flexible Permit No. 9708, Special Condition 9.B. (formerly 8.B.), 40 Code of Federal Regulations ("CFR") §§ 63.11(b)(5) and 63.643(a)(1), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to operate the flares with a constant pilot flame. Specifically, there was no pilot flame present intermittently between January 1, 2006 and April 21, 2007 at the Wastewater Flare, between April 12, 2006 and April 21, 2007 at the Main Refinery Flare, between March 31, 2006 and April 13, 2007 at the Fluidized Catalytic Cracking Unit Flare, and between November 5, 2006 and April 13, 2007 at the Hydrocracker Unit ("HCU") Flare.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential			X	Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input type="text" value="0%"/>

Matrix Notes

Human health or the environment could have been exposed to an insignificant amount of pollutants which would not have exceeded levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="4"/>	<input type="text" value="475"/>	Number of violation days
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mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Four single events (one per flare) are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$242"/>	Violation Final Penalty Total <input type="text" value="\$11,318"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$11,318"/>	

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No.: 34680

Reg. Ent. Reference No.: RN100210517

Media: Air

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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				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)	\$2,000	1-Jan-2006	1-Jun-2008	2.4	\$242	n/a	\$242

Notes for DELAYED costs

Estimated cost to implement procedures or install additional equipment to ensure the flares have a constant flame. Date required is the date of the first flame outage. Final date is date corrective actions are projected to be completed.

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

\$2,000

TOTAL

\$242

Screening Date 19-Sep-2007 **Docket No.** 2007-1544-AIR-E **PCW**
Respondent Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 34660 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN100210517
Media [Statute] Air
Enf. Coordinator Trina Grieco

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Flexible Permit No. 9708, Special Condition 16 (formerly 15) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain the minimum firebox temperature of 1200 degrees Fahrenheit at the No. 2 sulphur recovery unit ("SRU") incinerator vents intermittently between August 29, 2005 and February 14, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health and the environment could have been exposed to an insignificant amount of pollutants which would not have exceeded levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 535 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event for the EPN is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$690 **Violation Final Penalty Total** \$2,830

This violation Final Assessed Penalty (adjusted for limits) \$2,830

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 34660
Reg. Ent. Reference No.: RN100210517
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

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				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)	\$5,000	29-Aug-2005	1-Jun-2008	2.8	\$690	n/a	\$690

Notes for DELAYED costs

Estimated cost to implement procedures to ensure firebox temperatures do not drop below 1200 degrees Fahrenheit at the No. 2 SRU incinerator vents. Date required is the first date minimum temperatures were not maintained. Final date is the date corrective actions are projected to be completed.

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

\$5,000

TOTAL

\$690

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			Policy Revision 2 (September 2002)
Case ID No.	34660			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 116.715(a), Flexible Permit No. 9708, Special Condition 9.C. (formerly 8.C.), 40 CFR §§ 63.11(b)(4) and 63.643(a)(1), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to operate the Main Refinery Flare without visible emissions lasting longer than five minutes during any two consecutive hours intermittently between January 19, 2005 and December 30, 2006.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	25%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	0%		
Matrix Notes	Human health and the environment was exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.			
	Adjustment	\$7,500		
	Base Penalty	\$2,500		
Violation Events				
	Number of Violation Events	8		Number of violation days
		710		
mark only one with an x	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
	Violation Base Penalty	\$20,000		
Eight quarterly events are recommended.				
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$337		
Statutory Limit Test				
	Violation Final Penalty Total	\$56,591		
	This violation Final Assessed Penalty (adjusted for limits)	\$56,591		

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 34860
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)	\$2,000	19-Jan-2005	1-Jun-2008	3.4	\$337	n/a	\$337

Notes for DELAYED costs

Estimated cost to implement procedures to ensure there are no visible emissions from the Main Refinery Flare. Date required is the first date of visible emissions. Final date is the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$2,000

TOTAL

\$337

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34660			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	4			
Rule Cite(s)	40 CFR §.63.7903(d)(3) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to inspect two frac tanks annually in 2005 and 2006.			
		Base Penalty	\$10,000	

>> **Environmental, Property and Human Health Matrix**

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 25%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
Human health and the environment could have been exposed to a significant amount of pollutants which would not have exceeded levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$5,000

Two annual events are recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 34680
Reg. Ent. Reference No.: RN100210517
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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				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)	\$2,000	31-Dec-2005	1-Jun-2008	2.4	\$242	n/a	\$242

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure frac tanks are tested annually. Date required based on the end of the year during which the tanks should have been tested. Final date based on the date corrective actions are projected to be completed.

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	\$1,000	31-Dec-2005	31-Dec-2006	1.0	\$50	\$1,000	\$1,050
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

Estimated cost to inspect affected frac tanks. Date required is the last day of the first year during which the tanks should have been tested. Final date is the last day of the second year the tanks were not inspected.

Approx. Cost of Compliance

\$3,000	TOTAL	\$1,292
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Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			Policy Revision 2 (September 2002)
Case ID No.	34660			PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	5			
Rule Cite(s)	40 CFR §§ 63.7921(c)(1) and (c)(2) and 63.7950(e) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to include all of the required information in the Notification of Compliance Status report submitted November 8, 2006. Although the report was submitted, it did not contain three of the five required items.			
		Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	X	<input type="text"/>
		Percent	10%	
Matrix Notes	Approximately 40% of the rule requirements were met.			
		Adjustment	\$9,000	
			\$1,000	
Violation Events				
		<input type="text" value="1"/>	<input type="text" value="315"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	<input type="text"/>	\$1,000
	quarterly	<input type="text"/>	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	
	single event	X	<input type="text"/>	
	One single event is recommended.			
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$78"/>		Violation Final Penalty Total	<input type="text" value="\$2,830"/>
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$2,830"/>

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No.: 34660

Reg. Ent. Reference No.: RN100210517

Media: Air

Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$1,000	8-Nov-2006	1-Jun-2008	1.6	\$78	n/a	\$78

Notes for DELAYED costs

Estimated cost to submit a completed compliance status report. Date required is the date the incomplete report was received. Final date is the date corrective actions are projected to be completed.

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

\$1,000

TOTAL

\$78

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34660			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	6			
Rule Cite(s)	40 CFR § 63.7935(b) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to operate and maintain any affected source, including air pollution control equipment, in a manner consistent with safety and good air pollution control practices. Specifically, on June 5, 2007, container Tank Farm Recovery Well ("TFRW") No. 4 overflowed, spilling approximately two barrels of hydrocarbon to containment and approximately five gallons of hydrocarbon to the soil.			
		Base Penalty	\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual		x	Percent <input type="text" value="25%"/>
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification				Percent <input type="text" value="0%"/>

Matrix Notes: Human health or the environment was exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment

Violation Events

	<input type="text" value="2"/>	<input type="text" value="106"/>	Number of violation days
mark only one with an x	daily		Violation Base Penalty <input type="text" value="\$5,000"/>
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Two quarterly events are recommended from the date of the spill (June 5, 2007) to the screening date (September 19, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No.: 34660

Reg. Ent. Reference No.: RN100210517

Media: Air

Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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				0.0	\$0	n/a	\$0
Remediation/Disposal	\$2,000	5-Jun-2007	1-Jun-2008	1.0	\$99	n/a	\$99
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean up spilled hydrocarbon and remediate as necessary. Date required is date of the spill.
Final date is the date corrective actions are projected to be completed.

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

\$2,000

TOTAL

\$99

Screening Date 19-Sep-2007 **Docket No.** 2007-1544-AIR-E **PCW**
Respondent Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 34660 *PCW Revision June 28, 2007*
Reg. Ent. Reference No. RN100210517
Media [Statute] Air
Enf. Coordinator Trina Grieco

Violation Number 7
Rule Cite(s) 40 CFR § 63.8692(b) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit initial notification within 120 days after April 29, 2003 (August 28, 2003) for affected units in operation prior to April 29, 2003. The notification was submitted on November 24, 2003.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$2

Violation Final Penalty Total \$7,074

This violation Final Assessed Penalty (adjusted for limits) \$7,074

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No.: 34660

Reg. Ent. Reference No.: RN100210517

Media: Air

Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$200	28-Aug-2003	24-Nov-2003	0.2	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to complete and submit the initial notification. Date required is the date the notification was due. Final date is the date the notification 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

\$200

TOTAL

\$2

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34660			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	8			
Rule Cite(s)	40 CFR § 63.8693(b)(1) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit the initial semi-annual compliance report by July 31, 2006. The report was submitted on January 29, 2007 and covered both the initial semi-annual reporting period, and the subsequent semi-annual reporting period (May 1 to December 31, 2006)			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

- mark only one with an x*
- daily
 - monthly
 - quarterly
 - semiannual
 - annual
 - single event

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 34660
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)	\$200	31-Jul-2006	1-Jun-2008	1.8	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure timely and accurate submittal of compliance reports. Date required is the date the report was due. Final date is the date corrective actions are projected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$200

TOTAL

\$18

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34660			<i>PCW Revision June 28, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2 and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 586.35 pounds ("lbs") of volatile organic compounds ("VOCs"), 421 lbs of carbon monoxide ("CO"), 26 lbs of hydrogen sulfide ("H2S"), 82.67 lbs of nitrogen oxides ("NOx"), and 2,395.40 lbs of sulfur dioxide ("SO2") were released from the No. 1 Main Refinery Flare, emission point number ("EPN") FL-1, in the Complex 3 Unit during an emissions event (Incident No. 94302) that occurred on July 14, 2007 and lasted 112 hours and 30 minutes. These emissions are not authorized by the permit. Since these emissions were improperly reported and the duration not minimized, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		X		
	Potential				Percent <input type="text" value="50%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input type="text" value="0%"/>

Matrix Notes
 Human health and the environment was exposed to 1.76 tons of contaminants, including 239.85 lbs of the hazardous air pollutant hexane, as a result of the violation.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

daily	<input type="text"/>
monthly	X
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 34660
Reg. Ent. Reference No.: RN100210517
Media: Air
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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				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)	\$2,000	14-Jul-2007	1-Jun-2008	0.9	\$88	n/a	\$88

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent vibration of the Refinery Light Ends Compressor. Date required is the date of the release. Final date is the date corrective actions are projected to be completed.

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	\$2,000	TOTAL	\$88
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Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34660			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	10			
Rule Cite(s)	30.Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit initial notification of an emissions event (Incident No. 94302) within 24 hours after discovery of the event. Specifically, the event was discovered on July 16, 2007 at 5:00 p.m., but was not reported until July 19, 2007 at 7:21 p.m.			
		Base Penalty	\$10,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1%

Matrix Notes: At least 70% of the rule requirements were met.

Adjustment: \$9,900

\$100

Violation Events

Number of Violation Events: 1 3 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty: \$100

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$9	Violation Final Penalty Total: \$283
This violation Final Assessed Penalty (adjusted for limits): \$283	

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No.: 34660

Reg. Ent. Reference No.: RN100210517

Media: Air

Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

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	\$200	17-Jul-2007	1-Jun-2008	0.9	\$9	n/a	\$9
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 of training necessary to ensure that plant personnel submit emissions event reports within required timeframes. Date required is the date the emissions event report was due. Final date is the date corrective actions are projected to be completed.

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

\$200

TOTAL

\$9

Screening Date	19-Sep-2007	Docket No.	2007-1544-AIR-E	PCW
Respondent	Diamond Shamrock Refining Company, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34860			<i>PCW Revision June 28, 2007</i>
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			
Enf. Coordinator	Trina Grieco			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 4,611 lbs of SO ₂ , 1,267 lbs of CO, 249 lbs of NO _x , 50 lbs of H ₂ S, and 429 lbs of VOCs were released from the Fluid Catalytic Cracking Unit ("FCCU") Flare, EPN F-50 in the Complex 1 Unit during an emissions event (Incident No. 96137) that occurred on August 18, 2007 and lasted seven hours. These emissions are not authorized by the permit. Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
		Base Penalty	\$10,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		Percent <input type="text" value="50%"/>
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
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Matrix Notes: Human health and the environment was exposed to 3.28 tons of contaminants as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 34660
Reg. Ent. Reference No.: RN100210517
Media: Air
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

Tracking No. 291604

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

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				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)	\$2,000	18-Aug-2007	1-Jun-2008	0.8	\$79	n/a	\$79

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the FCCU suction screen from plugging. Date required is the date of the release. Final date is the date corrective actions are projected to be completed.

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

\$2,000

1

TOTAL

\$79

Compliance History

Customer/Respondent/Owner-Operator: CN600124861 Diamond Shamrock Refining Company, L.P. Classification: Average Rating: 1.42

Regulated Entity: RN100210517 DIAMOND SHAMROCK MCKEE PLANT Classification: Average Site Rating: 5.59

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	MR0008T
	AIR OPERATING PERMITS	PERMIT	1555
	WASTEWATER	PERMIT	WQ0003927000
	WASTEWATER	PERMIT	TPDES0115851
	WASTEWATER	PERMIT	TX0115851
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1710004
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD059685339
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30871
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50229
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50229
	AIR NEW SOURCE PERMITS	REGISTRATION	75538
	AIR NEW SOURCE PERMITS	REGISTRATION	70214
	AIR NEW SOURCE PERMITS	REGISTRATION	71692
	AIR NEW SOURCE PERMITS	REGISTRATION	71696
	AIR NEW SOURCE PERMITS	REGISTRATION	77646
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1004
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX861M2
	AIR NEW SOURCE PERMITS	PERMIT	13435
	AIR NEW SOURCE PERMITS	PERMIT	42
	AIR NEW SOURCE PERMITS	PERMIT	9708
	AIR NEW SOURCE PERMITS	PERMIT	10152
	AIR NEW SOURCE PERMITS	PERMIT	10727
	AIR NEW SOURCE PERMITS	PERMIT	13095
	AIR NEW SOURCE PERMITS	PERMIT	39988
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MR0008T
	AIR NEW SOURCE PERMITS	PERMIT	32958
	AIR NEW SOURCE PERMITS	AFS NUM	4834100031
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW192
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW332
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW225
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW226
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW333
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW020
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW102
	WATER LICENSING	LICENSE	1710004
	STORMWATER	PERMIT	TXR05P771
	STORMWATER	PERMIT	TXR15P579
	ON SITE SEWAGE FACILITY	PERMIT	1710271
	ON SITE SEWAGE FACILITY	PERMIT	1710272
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30871
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50229

Location: 6704 FM 119, SUNRAY, TX, 79086 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: September 06, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 06, 2002 to September 06, 2007

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

Name: Trina Grieco Phone: (210) 403-4006

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: 3/31/2003

ADMINORDER 2002-0181-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)[G]
30 TAC Chapter 101, SubChapter A 101.6(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with upset reporting regulations for eight (8) upset events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 1 PERMIT
SC No. 17 PERMIT

Description: Failure to repair nine (9) leaking components within fifteen calendar days after leaks were detected.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain opacity of emissions within the permitted limits on nine (9) occasions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

40 CFR Part 60, Subpart A 60.18(c)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 11 PERMIT
SC No. 4 PERMIT

Description: Failure to operate the affected flares with no visible emissions expect for periods not to exceed a total of five minutes during any two consecutive hours on ten (10) occasions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 14 PERMIT

Description: Failure to maintain the No. 2 incinerator firebox exit temperature above 1200F.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 5 PERMIT

Description: Failure to conduct monthly monitoring of volatile organic compounds (VOCs) associated with cooling tower water with an approved method.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(iii)
30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to make available, at the request of the TNRCC, monthly emissions records required by NSR Permit No. 9914, Special Conditions, Storage of VOC, No. 7G.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.230

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart R 63.425(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PERMIT

Description: Failure to determine a monitored operating parameter value for the performance test of the vapor system.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.230

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart R 63.427(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PERMIT

Description: Failed to install, calibrate, certify, operate, and maintain a continuous monitoring system capable of measuring temperature in the firebox or in the ductwork.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain a net ground level concentration of 0.4 parts per million by volume of SO₂ averaged over a 30 minute period.

Classification: Minor

Citation: 30 TAC Chapter 21 21.4(e)
30 TAC Chapter 290, SubChapter E 290.51(a)(3)

30 TAC Chapter 305, SubChapter M 305.503[G]

Description: Failure to pay outstanding Public Health Service fees WQA fees and WWI fees.

Effective Date: 08/07/2005

ADMINORDER 2004-1645-MLM-E

Classification: Major

Citation: 2D TWC Chapter 27, SubChapter A 27.011
30 TAC Chapter 331, SubChapter A 331.7(a)

30 TAC Chapter 335, SubChapter A 335.2(g)
30 TAC Chapter 335, SubChapter B 335.43[G]
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1[G]

Rqmt Prov: VI A-Waste Streams Prohibited from Inj. OP

Description: Failed to prevent the unauthorized injection of characteristically hazardous waste containing benzene into non-hazardous storage tanks and then into non-hazardous waste disposal wells in violation of permit provision VI A for permits numbered WDW-020, WDW-225, and WDW-226.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT OP

Description: Failed to maintain emission rate below the allowable limit and failed to obtain authorization for emission events that occurred October 13 and 24, and December 11, 2003, and March 19, July 29, and August 29, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide written initial notification to the TCEQ within 24 hours of emission events that occurred on October 13 and 24, 2003, and August 29, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a final report within 2 weeks of the end date for emission events which occurred October 13 and 24, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the final reports for emission events which occurred October 24, 2003 and August 29, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
Description: Failure to include estimated quantities on the initial notification for an emissions event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the maximum allowable emission rates for Permit No. 9914

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit initial notification within 24 hours for an emissions event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to include in the final report all individually listed compounds which were released during an emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the maximum allowable emission rates for Permit No. 9914

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit initial notification within 24 hours of discovery of an emissions event

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to include all individually listed air contaminants in the final report for an emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the maximum allowable emission rates of Permit No. 9914

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain authorization for emissions from a 4" transfer line on Tank 503

Effective Date: 03/23/2006

ADMINORDER 2005-1111-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all of the required information in the final reports submitted for the emission event reporting.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.117(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 9708/PSD-TX-861M2 OP

Description: Failure to control emissions to the atmosphere by emitting unauthorized air contamination during an emission event (Incident No. 54540) on February 26, 2005.

Effective Date: 06/26/2006

ADMINORDER 2006-0131-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 9708 & PSD-TX-861M2, GC No. 1 PERMIT
Description: Failed to prevent unauthorized emissions of 1030.65 lbs of sulfur dioxide and 11.15 pounds of hydrogen sulfide from the Main Refinery Flare (EPN FL-1) during an avoidable emissions event at Complex 3, which began on October 11, 2005 and lasted for eighteen hours and forty seven minutes.

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	09/10/2002	(229667)
2	10/08/2002	(229669)
3	11/08/2002	(229671)
4	12/10/2002	(229672)
5	01/08/2003	(229674)
6	01/23/2003	(22639)
7	01/23/2003	(22621)
8	01/23/2003	(22391)
9	01/23/2003	(22420)
10	01/23/2003	(22629)
11	01/23/2003	(22416)
12	02/10/2003	(229651)
13	03/04/2003	(26741)
14	03/06/2003	(229653)
15	03/28/2003	(28061)
16	03/28/2003	(28057)
17	03/28/2003	(28050)
18	03/28/2003	(28056)
19	03/28/2003	(28053)
20	04/04/2003	(31294)
21	04/11/2003	(229657)
22	04/13/2003	(31707)
23	04/13/2003	(31712)
24	05/12/2003	(325386)
25	06/11/2003	(325387)
26	07/15/2003	(325388)
27	08/07/2003	(36149)
28	08/11/2003	(325389)
29	08/14/2003	(150090)
30	08/15/2003	(150108)
31	08/15/2003	(150117)
32	08/15/2003	(150402)
33	08/15/2003	(150074)
34	08/18/2003	(150410)
35	08/29/2003	(152993)
36	08/29/2003	(152978)
37	08/29/2003	(152987)
38	08/29/2003	(152990)
39	08/29/2003	(152982)
40	09/10/2003	(325390)
41	10/07/2003	(249490)
42	10/08/2003	(325391)
43	11/06/2003	(252941)
44	11/12/2003	(325392)
45	12/12/2003	(325393)
46	01/12/2004	(325394)
47	02/10/2004	(325384)
48	02/13/2004	(262439)
49	02/13/2004	(262426)
50	03/04/2004	(263545)
51	03/04/2004	(263543)
52	03/04/2004	(263539)
53	03/11/2004	(263598)

54	03/12/2004	(325385)
55	04/08/2004	(266806)
56	04/26/2004	(365867)
57	04/30/2004	(271083)
58	05/13/2004	(365868)
59	05/14/2004	(262197)
60	05/19/2004	(270186)
61	05/19/2004	(270183)
62	05/19/2004	(270190)
63	05/19/2004	(270192)
64	05/19/2004	(270194)
65	06/10/2004	(365869)
66	06/29/2004	(277795)
67	06/29/2004	(277740)
68	07/13/2004	(365870)
69	07/19/2004	(282462)
70	07/19/2004	(282628)
71	07/30/2004	(281203)
72	07/30/2004	(285088)
73	07/30/2004	(285091)
74	08/18/2004	(365871)
75	09/10/2004	(365872)
76	09/24/2004	(333652)
77	09/24/2004	(333661)
78	09/24/2004	(334110)
79	09/24/2004	(333657)
80	10/09/2004	(334360)
81	10/09/2004	(334357)
82	10/12/2004	(365873)
83	11/08/2004	(389424)
84	11/23/2004	(341283)
85	11/29/2004	(265255)
86	11/29/2004	(265429)
87	11/29/2004	(265642)
88	12/08/2004	(389425)
89	12/21/2004	(344658)
90	12/21/2004	(344651)
91	12/21/2004	(344660)
92	12/29/2004	(342063)
93	12/30/2004	(342075)
94	12/30/2004	(340798)
95	12/30/2004	(341924)
96	12/30/2004	(342199)
97	12/30/2004	(342037)
98	12/30/2004	(335411)
99	12/30/2004	(339581)
100	12/30/2004	(341816)
101	12/30/2004	(342089)
102	12/30/2004	(342170)
103	01/12/2005	(389426)
104	01/25/2005	(347113)
105	01/28/2005	(347557)
106	01/28/2005	(347546)
107	01/28/2005	(347482)
108	01/31/2005	(349140)
109	02/08/2005	(430654)
110	02/25/2005	(349075)
111	03/04/2005	(372795)
112	03/04/2005	(372791)
113	03/04/2005	(372782)
114	03/04/2005	(372817)
115	03/11/2005	(351080)
116	03/14/2005	(389423)
117	03/17/2005	(374583)
118	03/17/2005	(374606)
119	04/11/2005	(430655)
120	04/27/2005	(378884)
121	04/27/2005	(372560)
122	05/10/2005	(430656)
123	06/03/2005	(394664)
124	06/07/2005	(453773)

125	06/10/2005	(430657)
126	06/10/2005	(379079)
127	07/06/2005	(398782)
128	07/06/2005	(398777)
129	07/11/2005	(447145)
130	07/22/2005	(400328)
131	07/26/2005	(397864)
132	08/19/2005	(447146)
133	09/12/2005	(431439)
134	09/12/2005	(447147)
135	09/12/2005	(431445)
136	10/05/2005	(433468)
137	10/05/2005	(433480)
138	10/05/2005	(491410)
139	10/05/2005	(433476)
140	11/15/2005	(433770)
141	11/15/2005	(491411)
142	11/22/2005	(438231)
143	11/22/2005	(438224)
144	11/22/2005	(438219)
145	12/14/2005	(434276)
146	12/15/2005	(491412)
147	01/05/2006	(437778)
148	01/05/2006	(437779)
149	01/06/2006	(439835)
150	01/13/2006	(491413)
151	01/30/2006	(438525)
152	01/30/2006	(434022)
153	02/02/2006	(454165)
154	02/07/2006	(491408)
155	02/24/2006	(434941)
156	02/24/2006	(434827)
157	03/07/2006	(491409)
158	04/07/2006	(505767)
159	04/11/2006	(461707)
160	04/12/2006	(461731)
161	04/19/2006	(463113)
162	04/19/2006	(463122)
163	04/19/2006	(463117)
164	04/19/2006	(463085)
165	04/19/2006	(463093)
166	05/01/2006	(463546)
167	05/04/2006	(463490)
168	05/05/2006	(505768)
169	05/30/2006	(480407)
170	05/31/2006	(480794)
171	06/05/2006	(505769)
172	06/22/2006	(480967)
173	06/27/2006	(481025)
174	06/30/2006	(481177)
175	07/13/2006	(486456)
176	07/13/2006	(486447)
177	07/17/2006	(528026)
178	07/18/2006	(482533)
179	07/26/2006	(488930)
180	07/26/2006	(488656)
181	07/27/2006	(489065)
182	07/27/2006	(489074)
183	08/24/2006	(528027)
184	08/29/2006	(510486)
185	08/29/2006	(510494)
186	09/07/2006	(488389)
187	09/11/2006	(511697)
188	09/11/2006	(511821)
189	09/12/2006	(512020)
190	09/15/2006	(488452)
191	09/20/2006	(372800)
192	09/22/2006	(512784)
193	09/22/2006	(513104)
194	09/25/2006	(488931)
195	09/25/2006	(528028)

196	10/06/2006	(551570)
197	10/06/2006	(488938)
198	10/11/2006	(515781)
199	10/12/2006	(489193)
200	10/13/2006	(515941)
201	10/13/2006	(516008)
202	10/13/2006	(516058)
203	10/13/2006	(515995)
204	10/31/2006	(515088)
205	10/31/2006	(515083)
206	10/31/2006	(515085)
207	10/31/2006	(517795)
208	10/31/2006	(515056)
209	10/31/2006	(515097)
210	11/03/2006	(518280)
211	11/03/2006	(518264)
212	11/08/2006	(518742)
213	11/09/2006	(551571)
214	11/20/2006	(519567)
215	12/05/2006	(551572)
216	12/05/2006	(532900)
217	12/05/2006	(532888)
218	12/05/2006	(532897)
219	12/08/2006	(533121)
220	12/08/2006	(533139)
221	12/08/2006	(533445)
222	12/11/2006	(532830)
223	12/12/2006	(533646)
224	12/13/2006	(533581)
225	12/18/2006	(518681)
226	12/28/2006	(515100)
227	01/08/2007	(535737)
228	01/08/2007	(535677)
229	01/08/2007	(535755)
230	01/11/2007	(551573)
231	01/29/2007	(533808)
232	02/11/2007	(551569)
233	02/20/2007	(452450)
234	02/28/2007	(542019)
235	02/28/2007	(542056)
236	03/06/2007	(542543)
237	03/06/2007	(542521)
238	03/06/2007	(542534)
239	03/08/2007	(542581)
240	03/09/2007	(588603)
241	03/27/2007	(555204)
242	04/05/2007	(588604)
243	04/09/2007	(541306)
244	04/10/2007	(555984)
245	04/12/2007	(556625)
246	04/12/2007	(556634)
247	04/12/2007	(556627)
248	04/12/2007	(556631)
249	04/12/2007	(556613)
250	04/12/2007	(556468)
251	04/13/2007	(556486)
252	04/13/2007	(556973)
253	05/08/2007	(559054)
254	05/14/2007	(537450)
255	05/16/2007	(560245)
256	05/22/2007	(558995)
257	06/18/2007	(559063)
258	06/20/2007	(588605)
259	06/20/2007	(588606)
260	06/27/2007	(563476)
261	07/18/2007	(567991)
262	07/20/2007	(559001)
263	07/23/2007	(588607)
264	07/24/2007	(568035)
265	07/26/2007	(568738)
266	07/26/2007	(568758)

267 07/31/2007 (569877)
 268 07/31/2007 (569792)
 269 08/03/2007 (570758)
 270 08/29/2007 (571885)
 271 08/29/2007 (564391)
 272 09/04/2007 (574398)
 273 09/04/2007 (574211)
 274 09/06/2007 (593562)
 275 09/06/2007 (593586)
 276 09/06/2007 (593573)

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

Date: 08/06/2003 (36149)
 Self Report? NO Classification Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
 Description: Failure to perform the first attempt to repair the leaking pumps no later than 5 days after each leak was detected.

Date: 03/10/2004 (263598)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA Permit No. 9914, sp. provision No. 11
 Description: The facility failed to operate Wastewater Flare according to special provision No. 11 of permit No. 9914. Visible emissions were observed from this flare during several emissions events.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 Description: The company failed to submit the initial emissions event report within 24 hours following the discovery of the event, as required by the provisions of §101.201(e).

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: The company failed to comply with the special provision 19B of the permit No. 8636 by operating a pump in violation of the required standards.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
 Description: The company failed to provide sufficient information to review the emissions event, as required by the provisions of §101.201(a)(4).

Date: 11/29/2004 (265255)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
 Description: Failure to include on the final report all compounds released during an emissions event

Date: 11/30/2004 (265429)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
 Description: Failure to include authorized emissions limit on initial notification for an emissions event

Date: 12/30/2004 (342075)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Failure to submit an initial notification within 24 hours of an emissions event

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to obtain authorization to emit air contaminants

Date: 07/26/2005 (397864)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: The facility failed to comply with the provisions of the flexible permit No. 9708 by failure to have the Wastewater flare's pilot flame lit at all times.

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: The facility failed to comply with the provisions of the flexible permit No. 9708 by failure to operate the No. 2 SRU incinerator with the temperatures above 1200 degrees Fahrenheit.

Date: 05/05/2006 (463490)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure of FCCU to comply with opacity limits of Permit No. 9708/PSD-TX-861M2

Date: 06/23/2006 (480967)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: 5C THC Chapter 382, SubChapter A 382.085(b)
 Failure to comply with special condition 24 of Permit No. 9708/PSD-TX-861M2 during an excess opacity event that occurred on March 23, 2006

Date: 06/28/2006 (481025)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: Failure to provide notification of an excess opacity event within 24 hours of discovery

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the opacity limit of permit no. 9708/PSD-TX-861M2 for V-20

Date: 09/25/2006 (488931)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: Failure to submit notification of an excess opacity event within 24 hours

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with permitted opacity limit during an excess opacity event that did not meet the affirmative defense criteria

Date: 12/18/2006 (518881)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: failure to comply with permitted opacity limits for FCCU stack during excess opacity event which did not meet affirmative defense criteria

Date: 02/28/2007 (542058)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT MSGP Part III 7 (b)

Description: Failure to conduct Annual Comprehensive Site Compliance Evaluations as permit required.

Date: 04/30/2007 (588605)

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: 07/25/2007 (568035)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: failure to submit notification of an excess opacity event within 24 hours of discovery

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: failure to comply with permitted opacity limits for FCCU stack during excess opacity event which did not meet one of the affirmative defense criteria

Date: 08/29/2007 (571885)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: The review of the deviation reports, submitted on January 3, 2007 and July 2, 2007, indicated that Diamond Shamrock did not provide the required information for the non-reportable events at this facility in those deviation reports. The company was required to provide the deviation period, the cause, and the corrective action taken for each incident.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).

Self Report? NO Classification Moderate

Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(G) 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 111.111(a)(4), 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.132(a)		
Description:	The review of the deviation report submitted on January 3, 2007 indicated that the company failed to conduct initial verification to ensure accuracy and completeness of the permit application. The facility is in violation of the provisions of Chapter 122.132(a).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(2)		
Description:	The facility is in violation of the requirements of 30 TAC Chapter 101 Chapter 101.201(b)(2).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	The facility is in violation of the requirements of 30 TAC Chapter 122.143(4).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	The facility is in violation of the requirements of 30 TAC Chapter 122.143(4).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
Description:	The facility is in violation of the requirements of 30 TAC Chapter 122.143(4).		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Part 60, Subpart Kb 60.115b(b)(2)		
Description:	The facility is in violation of 40 CFR Subpart Kb, 60.115b(b)(2).		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Part 60, Subpart H 60.82(a)		
Description:	The facility is in violation of 40 CFR Subpart H, 60.82(a).		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Part 61, Subpart FF 61.357(d)(7)		
Description:	The facility is in violation of the requirements of 40 CFR 61, 61.357(d)(7).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Part 60, Subpart A 60.7(c)		
Description:	The facility is in violation of the requirements of 40 CFR 60, 60.7(c).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		

Description: 5C THC Chapter 382, SubChapter A 382.085(b)
 The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 61, Subpart FF 61.346(b)(5)
 40 CFR Part 63, Subpart CC 63.647(a)
 Description: The facility is in violation of the provisions of 40 CFR 63.647(a) and 61.346(b)(5).
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 61, Subpart FF 61.354(d)
 Description: The facility is in violation of the provisions of 40 CFR 61.354(d).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 60, Subpart A 60.7(f)
 Description: The facility is in violation of the provisions of 40 CFR 60.7(f).
 Date: 08/29/2007 (573564)
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart CC 63.646(a)
 Description: The facility is in violation of provisions of 40 CFR 63 Subpart CC, 60. 646(a).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart CC 63.654(h)(1)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.654(h)(1).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart UUU 63.1564(a)(3)
 Description: The facility is in violation of requirements of 40 CFR, 63.1364(a)(3).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart UUU 63.1565(a)(3)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1565(a)(3).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart UUU 63.1568(a)(3)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(a)(3).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart UUU 63.1568(b)(1)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(b)(1).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart UUU 63.1568(c)(1)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(c)(1).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart LLLLL 63.8684(a)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.8684(a).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart LLLLL 63.8688(b)(4)
 Description: The facility is in violation of the monitoring requirements of 40 CFR 63, 63.8688(b)(4).
 Self Report? NO Classification Moderate
 Citation: 40 CFR Part 63, Subpart LLLLL 63.8692(d)
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.8692(d).

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIAMOND SHAMROCK REFINING
COMPANY, L.P.
RN100210517

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1544-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. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refining plant at 6701 Farm-to-Market Road 119 in Moore 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 3, October 31, and November 11, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Hundred Forty Thousand Four Hundred Forty-Three Dollars (\$140,443) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifty-Six Thousand One Hundred Seventy-

Eight Dollars (\$56,178) of the administrative penalty and Twenty-Eight Thousand Eighty-Eight Dollars (\$28,088) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Fifty-Six Thousand One Hundred Seventy-Seven Dollars (\$56,177) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent 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 the Respondent submitted the initial notification for affected units in operation prior to April 29, 2003 on November 24, 2003.
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 the Respondent 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, the Respondent is alleged to have:

1. Failed to operate the flares with a constant pilot flame, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 9708, Special Condition 9.B. (formerly 8.B.), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.11(b)(5) and 63.643(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007. Specifically, there was no pilot flame present intermittently between January 1, 2006 and April 21, 2007 at the Wastewater Flare, between April 12, 2006 and April 21, 2007 at the Main Refinery Flare, between March 31, 2006 and April 13, 2007 at the Fluidized Catalytic Cracking Unit Flare, and between November 5, 2006 and April 13, 2007 at the Hydrocracker Unit ("HCU") Flare.
2. Failed to maintain the minimum firebox temperature of 1200 degrees Fahrenheit at the No. 2 Sulphur Recovery Unit ("SRU") incinerator vents intermittently between August 29, 2005 and

- February 14, 2007, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 9708, Special Condition 16 (formerly 15) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007.
3. Failed to operate the Main Refinery Flare without visible emissions lasting longer than five minutes during any two consecutive hours intermittently between January 19, 2005 and December 30, 2006, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit No. 9708, Special Condition 9.C. (formerly 8.C.), 40 CFR §§ 63.11(b)(4) and 63.643(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007.
 4. Failed to inspect two frac tanks annually in 2005 and 2006, in violation of 40 CFR § 63.7903(d)(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007.
 5. Failed to include all of the required information in the Notification of Compliance Status report submitted November 8, 2006, in violation of 40 CFR §§ 63.7921(c)(1) and (c)(2) and 63.7950(e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007. Although the report was submitted, it did not contain three of the five required items.
 6. Failed to operate and maintain any affected source, including air pollution control equipment, in a manner consistent with safety and good air pollution control practices, in violation of 40 CFR § 63.7935(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007. Specifically, on June 5, 2007, container Tank Farm Recovery Well ("TFRW") No. 4 overflowed, spilling approximately two barrels of hydrocarbon to containment and approximately five gallons of hydrocarbon to the soil.
 7. Failed to submit initial notification within 120 days after April 29, 2003 (August 28, 2003) for affected units in operation prior to April 29, 2003, in violation of 40 CFR § 63.8692(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007. The notification was submitted on November 24, 2003.
 8. Failed to submit the initial semi-annual compliance report by July 31, 2006, in violation of 40 CFR § 63.8693(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 10 through 25, 2007. The report was submitted on January 29, 2007 and covered both the initial semi-annual reporting period, and the subsequent semi-annual reporting period (May 1 to December 31, 2006).
 9. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 25, 2007. Specifically, unauthorized emissions of 586.35 pounds ("lbs") of volatile organic compounds ("VOCs"), 421 lbs of carbon monoxide ("CO"), 26 lbs of hydrogen sulfide ("H₂S"), 82.67 lbs of nitrogen oxides ("NO_x"), and 2,395.40 lbs of sulfur dioxide ("SO₂") were released from the No. 1 Main Refinery Flare, emission point number ("EPN") FL-1, in the Complex 3 Unit during an emissions event (Incident No. 94302) that occurred on July 14, 2007.

and lasted 112 hours and 30 minutes. These emissions are not authorized by the permit. Since these emissions were improperly reported and the duration not minimized, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

10. Failed to submit initial notification of an emissions event (Incident No. 94302) within 24 hours after discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 25, 2007. Specifically, the event was discovered on July 16, 2007 at 5:00 p.m., but was not reported until July 19, 2007 at 7:21 p.m.
11. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 29, 2007. Specifically, unauthorized emissions of 4,611 lbs of SO₂, 1,267 lbs of CO, 249 lbs of NO_x, 50 lbs of H₂S, and 429 lbs of VOCs were released from the Fluid Catalytic Cracking Unit ("FCCU") Flare, EPN F-50 in the Complex 1 Unit during an emissions event (Incident No. 96137) that occurred on August 18, 2007 and lasted seven hours. These emissions are not authorized by the permit. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2007-1544-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fifty-Six Thousand One Hundred Seventy-Seven Dollars (\$56,177) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the

administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures or install additional equipment to ensure the flares have a constant flame, in accordance with Flexible Permit No. 9708, Special Condition 9.B. and 40 CFR §§ 63.11 and 63.643;
 - ii. Implement measures designed to ensure firebox temperatures do not drop below 1200 degrees Fahrenheit at the No. 2 SRU incinerator vents, in accordance with Flexible Permit No. 9708, Special Condition 16;
 - iii. Implement measures designed to ensure there are no visible emissions from the Main Refinery Flare, in accordance with Flexible Permit No. 9708, Special Condition 9.C. and 40 CFR §§ 63.11 and 63.643;
 - iv. Implement measures designed to ensure annual inspections of the two frac tanks, in accordance with 40 CFR § 63.7903;
 - v. Submit a complete compliance status report to include the information that was missing from the report submitted on November 8, 2006, in accordance with 40 CFR § 63.7921;
 - vi. Remediate hydrocarbons spilled from the TFRW No. 4 container, in accordance with 40 CFR § 63.7935;
 - vii. Implement measures designed to ensure timely and accurate submittal of compliance reports, in accordance with 40 CFR § 63.8693;
 - viii. Implement measures designed to prevent vibration of the Refinery Light Ends Compressor;
 - ix. Implement measures designed to ensure that emissions event reports are submitted within required timeframes; and
 - x. Implement measures designed to prevent the FCCU Flare suction screen from plugging.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.x. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.

8. 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.

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

Diamond Shamrock Refining Company, L.P.
DOCKET NO. 2007-1544-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan
For the Executive Director

9/18/09
Date

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

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

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

Thomas A. Sheina
Signature

2-15-08
Date

THOMAS A. SHEINA
Name (Printed or typed)
Authorized Representative of
Diamond Shamrock Refining Company, L.P.

VP + GEN MGR
Title

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.

Attachment A
Docket Number: 2007-1544-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diamond Shamrock Refining Company, L.P.
Payable Penalty Amount:	One Hundred Twelve Thousand Three Hundred Fifty-Five Dollars (\$112,355)
SEP Amount:	Fifty-Six Thousand One Hundred Seventy-Seven Dollars (\$56,177)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Moore County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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

