

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0738-AIR-E **TCEQ ID:** RN100210517 **CASE NO.:** 35827

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 refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0314-AIR-E, 2007-1544-AIR-E, 2008-0384-AIR-E, and 2008-0300-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 May 11, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None 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, McKee Refinery, 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 1, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 16, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 20.3 pounds ("lbs") of benzene, 211.3 lbs of toluene, 211.3 lbs of xylene, 42.3 lbs of ethyl benzene, and 367 lbs of other volatile organic compounds ("VOCs") were released from the Hay Tank in the Bulk Station, emission point number F-NBULKLD, in Unit Complex 5 during an emissions event (Incident No. 102872) that occurred on January 26, 2008 and lasted 30 minutes. Since these emissions were avoidable and improperly reported, 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/PSD-TX-861M2, Special Condition 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to include the compound descriptive type of all compounds released during the emissions event (Incident No. 102872) on the final emissions event report. Specifically, the Respondent reported 367 lbs of VOCs without knowing if any of the contaminants with a reportable quantity of 100 exceeded the 10 lbs above which the contaminant has to be identified [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$8,450</p> <p>Total Deferred: \$1,690 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,760</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 on the day of the release, the Respondent isolated the contamination, covered it with sand to minimize emissions, removed the material, and placed in covered rolloff containers for disposal to a permitted landfill.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent overpressurizing of the Hay Tank during periods of rapid temperature change; and</p> <p>ii. Implement measures designed to ensure emissions events are properly reported.</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 a.</p>

Additional ID No(s): MR0008T



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

DATES	Assigned	23-Apr-2008	Screening	1-May-2008	EPA Due	11-Jan-2009
	PCW	5-May-2008				

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.	35827	No. of Violations	2
Docket No.	2008-0738-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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 1-May-2008

Docket No. 2008-0738-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35827

PCW Revision March 8, 2008

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 <i>(number of NOVs meeting criteria)</i>	12	60%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 225%

>> **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 12 NOVs issued for same or similar violations, five NOVs issued for dissimilar violations (one of which is a self-reported effluent violation), five 1660 orders with a denial of liability, one Findings order without a denial of liability, and one court order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 225%

Screening Date 1-May-2008 **Docket No.** 2008-0738-AIR-E **PCW**
Respondent Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 35827 *PCW Revision March 8, 2008*
Reg. Ent. Reference No. RN100210517
Media [Statute] Air
Enf. Coordinator Trina Grieco
Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/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 20.3 pounds ("lbs") of benzene, 211.3 lbs of toluene, 211.3 lbs of xylene, 42.3 lbs of ethyl benzene, and 367 lbs of other volatile organic compounds ("VOCs") were released from the Hay Tank in the Bulk Station, emission point number F-NBULKLD, in Unit Complex 5 during an emissions event (Incident No. 102872) that occurred on January 26, 2008 and lasted 30 minutes. Since these emissions were avoidable and improperly reported, 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Human health or the environment has been exposed to an insignificant amount of contaminants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 1 Number of violation days
mark only one with an x
 daily:
 monthly:
 quarterly:
 semiannual:
 annual:
 single event:
Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$93	Violation Final Penalty Total: \$8,125
This violation Final Assessed Penalty (adjusted for limits): \$8,125	

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 35827
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	26-Jan-2008	1-Jan-2009	0.9	\$93	n/a	\$93

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent overpressurizing of the Hay Tank during periods of rapid temperature change. Date required is the date of the event. 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** \$93

Screening Date 1-May-2008	Docket No. 2008-0738-AIR-E	PCW
Respondent Diamond Shamrock Refining Company, L.P.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35827	<small>PCW Revision March 8, 2008</small>	
Reg. Ent. Reference No. RN100210517		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failed to include the compound descriptive type of all compounds released during the emissions event (Incident No. 102872) on the final emissions event report. Specifically, the Respondent reported 367 lbs of VOCs without knowing if any of the contaminants with a reportable quantity of 100 exceeded the 10 lbs above which the contaminant has to be identified."/>	
Base Penalty		<input type="text" value="\$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 <input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	
Matrix Notes	<input type="text" value="Approximately 8% (one of 12) of the reporting rule requirements were not met."/>				

Adjustment:

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$22"/>	Violation Final Penalty Total <input type="text" value="\$325"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$325"/>	

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 35827
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
<i>No commas or \$</i>							
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)	\$500	9-Feb-2008	1-Jan-2009	0.9	\$22	n/a	\$22

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure emissions events are properly reported. Date required is the date the final 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 \$500 **TOTAL** \$22

Compliance History

Customer/Respondent/Owner-Operator: CN600124861 Diamond Shamrock Refining Company, L.P. Classification: AVERAGE Rating: 2.85

Regulated Entity: RN100210517 DIAMOND SHAMROCK MCKEE PLANT Classification: AVERAGE Site Rating: 5.56

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	AFS NUM	4834100031
	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	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	REGISTRATION	83688
	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
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50229

Location: 6701 FM 119, SUNRAY, TX, 79086 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: April 24, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 24, 2003 to April 24, 2008

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

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: 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
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1

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)
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)
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)

30 TAC Chapter 116, SubChapter G 116.715(a).

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: failure to comply with conditions of Permit No. 9708/PSD-TX-861M2 during emissions event which took place May 8-10, 2006

Classification: Moderate

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

Description: Failure to submit final report within two weeks after the end of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9708/PSD-TX-861M2 PERMIT

Description: Failure to comply with Permit No. 9708/PSD-TX-861M2 during an emissions event (which did not meet all affirmative defense criteria).

Effective Date: 12/20/2007

ADMINORDER 2007-0676-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all facility common names in the initial notification and final emissions event reports for Incident No. 85519. Specifically, common names for the Main Refinery Flare and No. 2 Crude/Vacuum Unit Fugitives were included, but those for three Vacuum Compressors and two Refinery Light Ends ("RLE") Compressors were not.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b).

Rqmt Prov: Flexible Permit 9708, Table F-2 PERMIT
Permit No. 9708, S.C. 9B PERMIT

Description: Failed to prevent unauthorized emissions and to operate a flare, emission point number ("EPN") FL-1, with a pilot flame present at all times.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9780, Table F-2 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9708, Table F-2 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 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)
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)
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.

Effective Date: 11/09/2007

ADMINORDER 2006-1774-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

Description: Failed to include all required information in the initial and final emissions event reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit No. 9708, Table F-2 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 03/08/2008

ADMINORDER 2007-1096-AIR-E

Classification: Moderate

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

Description: Failed to submit additional information regarding Incident 87720 within the established timeframe.

Classification: Moderate

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

Description: Failed to submit the final emissions event report for Incident 87720 within two weeks after the end of the event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit 9708 Table F-2 PERMIT

Description: Failed to prevent unauthorized emissions.

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	05/12/2003	(325386)
2	06/11/2003	(325387)
3	07/15/2003	(325388)
4	08/07/2003	(36149)
5	08/11/2003	(325389)
6	08/14/2003	(150090)
7	08/15/2003	(150108)
8	08/15/2003	(150117)
9	08/15/2003	(150402)
10	08/15/2003	(150074)
11	08/18/2003	(150410)
12	08/29/2003	(152993)
13	08/29/2003	(152978)
14	08/29/2003	(152987)
15	08/29/2003	(152990)
16	08/29/2003	(152982)
17	09/10/2003	(325390)
18	10/07/2003	(249490)
19	10/08/2003	(325391)
20	11/06/2003	(252941)
21	11/12/2003	(325392)
22	12/12/2003	(325393)
23	01/12/2004	(325394)
24	02/10/2004	(325384)
25	02/13/2004	(262439)
26	02/13/2004	(262426)
27	03/04/2004	(263545)
28	03/04/2004	(263543)
29	03/04/2004	(263539)
30	03/11/2004	(263598)
31	03/12/2004	(325385)
32	04/08/2004	(266806)

33	04/26/2004	(365867)
34	04/30/2004	(271083)
35	05/13/2004	(365868)
36	05/14/2004	(262197)
37	05/19/2004	(270186)
38	05/19/2004	(270183)
39	05/19/2004	(270190)
40	05/19/2004	(270192)
41	05/19/2004	(270194)
42	06/10/2004	(365869)
43	06/29/2004	(277795)
44	06/29/2004	(277740)
45	07/13/2004	(365870)
46	07/19/2004	(282462)
47	07/19/2004	(282628)
48	07/30/2004	(281203)
49	07/30/2004	(285088)
50	07/30/2004	(285091)
51	08/18/2004	(365871)
52	09/10/2004	(365872)
53	09/24/2004	(333652)
54	09/24/2004	(333661)
55	09/24/2004	(334110)
56	09/24/2004	(333657)
57	10/09/2004	(334360)
58	10/09/2004	(334357)
59	10/12/2004	(365873)
60	11/08/2004	(389424)
61	11/23/2004	(341283)
62	11/29/2004	(265255)
63	11/29/2004	(265429)
64	11/29/2004	(265642)
65	12/08/2004	(389425)
66	12/21/2004	(344658)
67	12/21/2004	(344651)
68	12/21/2004	(344660)
69	12/29/2004	(342063)
70	12/30/2004	(342075)
71	12/30/2004	(340798)
72	12/30/2004	(341924)
73	12/30/2004	(342199)
74	12/30/2004	(342037)
75	12/30/2004	(335411)
76	12/30/2004	(339581)
77	12/30/2004	(341816)
78	12/30/2004	(342089)
79	12/30/2004	(342170)
80	01/12/2005	(389426)
81	01/25/2005	(347113)
82	01/28/2005	(347557)
83	01/28/2005	(347546)
84	01/28/2005	(347482)
85	01/31/2005	(349140)
86	02/08/2005	(430654)
87	02/25/2005	(349075)
88	03/04/2005	(372795)
89	03/04/2005	(372791)
90	03/04/2005	(372782)
91	03/04/2005	(372817)
92	03/11/2005	(351080)
93	03/14/2005	(389423)
94	03/17/2005	(374583)
95	03/17/2005	(374606)
96	04/11/2005	(430655)
97	04/27/2005	(378884)
98	04/27/2005	(372560)
99	05/10/2005	(430656)
100	06/03/2005	(394664)
101	06/07/2005	(453773)
102	06/10/2005	(430657)
103	06/10/2005	(379079)

104	07/06/2005	(398782)
105	07/06/2005	(398777)
106	07/11/2005	(447145)
107	07/22/2005	(400328)
108	07/26/2005	(397864)
109	08/19/2005	(447146)
110	09/12/2005	(431439)
111	09/12/2005	(447147)
112	09/12/2005	(431445)
113	10/05/2005	(433468)
114	10/05/2005	(433480)
115	10/05/2005	(491410)
116	10/05/2005	(433476)
117	11/15/2005	(433770)
118	11/15/2005	(491411)
119	11/22/2005	(438231)
120	11/22/2005	(438224)
121	11/22/2005	(438219)
122	12/14/2005	(434276)
123	12/15/2005	(491412)
124	01/05/2006	(437778)
125	01/05/2006	(437779)
126	01/06/2006	(439635)
127	01/13/2006	(491413)
128	01/30/2006	(438525)
129	01/30/2006	(434022)
130	02/02/2006	(454165)
131	02/07/2006	(491408)
132	02/24/2006	(434941)
133	02/24/2006	(434827)
134	03/07/2006	(491409)
135	04/07/2006	(505767)
136	04/11/2006	(461707)
137	04/12/2006	(461731)
138	04/19/2006	(463113)
139	04/19/2006	(463122)
140	04/19/2006	(463117)
141	04/19/2006	(463085)
142	04/19/2006	(463093)
143	05/01/2006	(463546)
144	05/04/2006	(463490)
145	05/05/2006	(505768)
146	05/30/2006	(480407)
147	05/31/2006	(480794)
148	06/05/2006	(505769)
149	06/22/2006	(480967)
150	06/27/2006	(481025)
151	06/30/2006	(481177)
152	07/13/2006	(486456)
153	07/13/2006	(486447)
154	07/17/2006	(528026)
155	07/18/2006	(482533)
156	07/26/2006	(488930)
157	07/26/2006	(488656)
158	07/27/2006	(489065)
159	07/27/2006	(489074)
160	08/24/2006	(528027)
161	08/29/2006	(510486)
162	08/29/2006	(510494)
163	09/07/2006	(488389)
164	09/11/2006	(511697)
165	09/11/2006	(511821)
166	09/12/2006	(512020)
167	09/15/2006	(488452)
168	09/20/2006	(372800)
169	09/22/2006	(512784)
170	09/22/2006	(513104)
171	09/25/2006	(488931)
172	09/25/2006	(528028)
173	10/06/2006	(551570)
174	10/06/2006	(488938)

175	10/11/2006	(515781)
176	10/12/2006	(489193)
177	10/13/2006	(515941)
178	10/13/2006	(516008)
179	10/13/2006	(516058)
180	10/13/2006	(515995)
181	10/31/2006	(515088)
182	10/31/2006	(515083)
183	10/31/2006	(515085)
184	10/31/2006	(517795)
185	10/31/2006	(515056)
186	10/31/2006	(515097)
187	11/03/2006	(518280)
188	11/03/2006	(518264)
189	11/08/2006	(518742)
190	11/09/2006	(551571)
191	11/20/2006	(519567)
192	12/05/2006	(551572)
193	12/05/2006	(532900)
194	12/05/2006	(532888)
195	12/05/2006	(532897)
196	12/08/2006	(533121)
197	12/08/2006	(533139)
198	12/08/2006	(533445)
199	12/11/2006	(532830)
200	12/12/2006	(533646)
201	12/13/2006	(533581)
202	12/18/2006	(518681)
203	12/28/2006	(515100)
204	01/08/2007	(535737)
205	01/08/2007	(535677)
206	01/08/2007	(535755)
207	01/11/2007	(551573)
208	01/29/2007	(533808)
209	02/11/2007	(551569)
210	02/20/2007	(452450)
211	02/28/2007	(542019)
212	02/28/2007	(542056)
213	03/06/2007	(542543)
214	03/06/2007	(542521)
215	03/06/2007	(542534)
216	03/08/2007	(542581)
217	03/09/2007	(588603)
218	03/27/2007	(555204)
219	04/05/2007	(588604)
220	04/09/2007	(541306)
221	04/10/2007	(555984)
222	04/12/2007	(556625)
223	04/12/2007	(556634)
224	04/12/2007	(556627)
225	04/12/2007	(556631)
226	04/12/2007	(556613)
227	04/12/2007	(556468)
228	04/13/2007	(556486)
229	04/13/2007	(556973)
230	05/08/2007	(559054)
231	05/14/2007	(537450)
232	05/16/2007	(560245)
233	05/22/2007	(558995)
234	06/18/2007	(559063)
235	06/20/2007	(588605)
236	06/20/2007	(588606)
237	06/27/2007	(563476)
238	07/18/2007	(567991)
239	07/20/2007	(559001)
240	07/23/2007	(588607)
241	07/24/2007	(568035)
242	07/26/2007	(568738)
243	07/26/2007	(568758)
244	07/31/2007	(569877)
245	07/31/2007	(569792)

246 08/03/2007 (570758)
 247 08/20/2007 (605525)
 248 08/29/2007 (571885)
 249 08/29/2007 (564391)
 250 09/04/2007 (574398)
 251 09/04/2007 (574211)
 252 09/06/2007 (593562)
 253 09/06/2007 (593586)
 254 09/06/2007 (593573)
 255 09/10/2007 (572656)
 256 09/11/2007 (593865)
 257 09/21/2007 (605526)
 258 09/27/2007 (596055)
 259 10/11/2007 (605527)
 260 10/24/2007 (598861)
 261 10/25/2007 (599120)
 262 10/25/2007 (598954)
 263 10/26/2007 (597573)
 264 10/26/2007 (597880)
 265 10/29/2007 (597941)
 266 11/06/2007 (599558)
 267 11/06/2007 (599312)
 268 11/20/2007 (598333)
 269 11/30/2007 (610557)
 270 12/17/2007 (630167)
 271 12/17/2007 (630168)
 272 12/19/2007 (611646)
 273 12/19/2007 (611641)
 274 01/03/2008 (630169)
 275 01/09/2008 (611638)
 276 01/31/2008 (616381)
 277 01/31/2008 (616610)
 278 01/31/2008 (616398)
 279 01/31/2008 (616618)
 280 01/31/2008 (616393)
 281 01/31/2008 (616613)
 282 02/08/2008 (617496)
 283 02/08/2008 (617507)
 284 02/08/2008 (617501)
 285 02/13/2008 (617998)
 286 02/13/2008 (618031)
 287 02/14/2008 (617437)
 288 02/14/2008 (617189)
 289 02/14/2008 (617318)
 290 02/14/2008 (617342)
 291 02/15/2008 (612688)
 292 02/20/2008 (618391)
 293 02/20/2008 (618387)
 294 02/20/2008 (618402)
 295 02/20/2008 (618394)
 296 02/20/2008 (618400)
 297 03/13/2008 (638732)
 298 03/18/2008 (618803)
 299 04/15/2008 (641006)
 300 04/17/2008 (653264)

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)
 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)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: 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 (518681)

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 (542056)

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)

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)
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) 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 61.346(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(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).		
Date:	03/18/2008 (618803)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §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 THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §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 THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §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 THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §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 THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		

Self Report?	NO	Classification	Moderate
Citation:	40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(5) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.647(a)		
Description:	The facility is in violation of the provisions of §63.647(a) and §61.346(b)(5).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(2)		
Description:	The facility is in violation of the provisions of §101.201(b)(2) for the non-reportable events.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §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 THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(ii)		
Description:	The facility failed to comply with the provisions of 40 CFR 60 §60.104(a)(2)(ii).		
Self Report?	NO	Classification	Minor
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.697(b)(1)		
Description:	The facility is in violation of the requirements of 40 CFR 60 Subpart QQQ, §60.697(b)(1).		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)(iii)		
Description:	The facility is in violation of the requirements of §60.105(a)(4)(iii).		
Self Report?	NO	Classification	Minor
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(6)(ii)		
Description:	The facility is in violation of the provisions of 40 CFR 60 Subpart Kb, §60.113b(b)(6)(ii).		

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
DIAMOND SHAMROCK REFINING	§	TEXAS COMMISSION ON
COMPANY, L.P.	§	
RN100210517	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0738-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 refinery 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 April 21, 2008.
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 Eight Thousand Four Hundred Fifty Dollars (\$8,450) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Six Thousand Seven Hundred Sixty Dollars (\$6,760) of the administrative penalty and One Thousand Six Hundred Ninety Dollars (\$1,690) 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.

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 on the day of the release, the Respondent isolated the contamination, covered it with sand to minimize emissions, removed the material, and placed in covered rolloff containers for disposal to a permitted landfill.
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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 1, 2008. Specifically, unauthorized emissions of 20.3 pounds ("lbs") of benzene, 211.3 lbs of toluene, 211.3 lbs of xylene, 42.3 lbs of ethyl benzene, and 367 lbs of other volatile organic compounds ("VOCs") were released from the Hay Tank in the Bulk Station, emission point number F-NBULKLD, in Unit Complex 5 during an emissions event (Incident No. 102872) that occurred on January 26, 2008 and lasted 30 minutes. Since these emissions were avoidable and improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to include the compound descriptive type of all compounds released during the emissions event (Incident No. 102872) on the final emissions event report, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 1, 2008. Specifically, the Respondent reported 367 lbs of VOCs without knowing if any of the contaminants with a reportable quantity of 100 exceeded the 10 lbs above which the contaminant has to be identified.

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. 2008-0738-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. 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 designed to prevent overpressurizing of the Hay Tank during periods of rapid temperature change; and
 - ii. Implement measures designed to ensure emissions events are properly reported.
 - 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 No. 2.a. 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

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

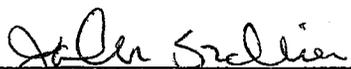
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to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

Diamond Shamrock Refining Company, L.P.
DOCKET NO. 2008-0738-AJR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

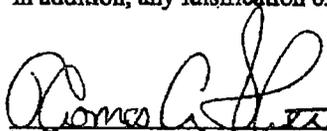
4/17/2009
Date

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.


Signature

7-18-08
Date

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

VICE PRESIDENT TQM
Title MCKEE REFINERY

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.