

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2008-0384-AIR-E TCEQ ID: RN100210517 CASE NO.: 35498
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 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: 6701 FM 119, Sunray, 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 three additional pending enforcement actions regarding this facility location (2007-1544-AIR-E; 2009-0300-AIR-E; 2009-0748-AIR-E).</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired July 13, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Anna M. Treadwell, Litigation Division, MC 175, (512) 239-0974 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Kim Morales, Air Enforcement Section, MC R-12, (713) 422-8938 TCEQ Regional Contact: Mr. Eddy Vance, Amarillo Regional Office, MC R-1, (806) 468-0510 Respondent: Mr. John Deemer, Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 FM Road 119, Sunray, Texas 79086 Respondent's Attorney: Ms. Donna C. Taylor, Environmental & Regulatory Affairs Department, The Valero Companies, One Valero Way, San Antonio, Texas 78249</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 of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: December 12-18, 2007</p> <p>Date of NOE Relating to this Case: February 15, 2008</p> <p>Background Facts: The Respondent signed the Agreed Order on April 2, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>AIR:</p> <ol style="list-style-type: none"> Failed to include the common name of the facilities, compound descriptive type and estimated quantities of all compounds released, and the cause of the emissions event (Incident No. 96231) in the final emissions event report [30 TEX. ADMIN. CODE § 101.201(b)(1)(D), (G), (H) and (J); and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to prevent unauthorized emissions. Specifically, 1,541 lbs. of VOCs, including 13 lbs. of the hazardous air pollutant benzene, were released from the 60 M 1 Storage Tank, EPN S-218, in the FCCU during an emissions event (Incident No. 96231) that occurred on August 20, 2007 and lasted 24 hours [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)]. Failed to identify the compound descriptive type of all compounds released during an emissions event (Incident No. 97187) on the final emissions event report [30 TEX. ADMIN. CODE § 101.201(b)(1)(G); and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to prevent unauthorized emissions. Specifically, 699.81 lbs. of carbon monoxide, 1.79 lbs. of H₂S, 97.95 lbs. of nitrogen oxide, 1650.07 lbs. of SO₂, and 704.5 lbs. of VOCs were released from the flare, EPN FL-3, and the 15% opacity limit exceeded from the stack vent, EPN V-20, in the Complex 1 Unit during an emissions event (Incident No. 97187) that occurred on September 9, 2007 and lasted 2 hours and 26 minutes [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>Total Assessed: \$93,236</p> <p>Total Deferred: \$46,618 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$46,618</p> <p>The Respondent paid \$46,618 of the administrative penalty. The remaining amount of \$46,618 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</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>The ED recognizes the Respondent implemented the following corrective actions at the Plant:</p> <ol style="list-style-type: none"> Trained environmental staff on the submission of complete and accurate emissions reporting for the final report for emission events within 14 days of the start of the incident. To prevent over-pressurization of the 60M1 storage tank during the start-up of the FCCU, the following procedural changes were implemented: <ol style="list-style-type: none"> The Plant reviewed and updated operating procedures as necessary to ensure that the temperature and pressure of the Debutanizer Tower are consistent with a bottoms product vapor pressure of 9 – 10 psia with a maximum allowed vapor pressure of 11 psia before sending to a storage tank; The Plant reviewed operating procedures and update as necessary to avoid sending hot material to Tank TK-60M1 by ensuring the product rundown coolers are not overwhelmed by excessive flow rates in a short period of time; and The Treating Plant will be immediately notified when Tank TK-60M1 is used for shut-down and start-up to check the roof and make any other observations of the tank. Unplugged (cleaned or removed accumulated debris) the taps for the Wet Gas Compressor instrumentation and replaced the root valves for the instrument taps during the October 2007 Maintenance Turnaround. Retrained operators on the operating procedures for de-inventorying and start-up of Amine stills. The Plant applied for a permit amendment to change this limit from an instantaneous limit to a "15 minute block average" basis for the SRU 1 and 2 incinerators.

<p>5. Failed to operate combustion sources with fuel at or below the maximum H2S concentration limit of 0.10 grain per dry standard cubic feet (162 parts per million), resulting in unauthorized emissions of SO2, on July 13, August 9, September 5 and 27, and November 26, 2007. [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 10; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to operate Sulfur Recovery Unit ("SRU") 1 with a minimum firebox temperature of 1200 degrees Fahrenheit on September 22 and October 19, 2007 and SRU 2 on November 2, 2007 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 16; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to operate the FCCU stack at or below the maximum opacity limit of 15 percent 17 times in June 2007, 15 times in August 2007, twice in September 2007, 10 times in October 2007, and once in November 2007 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 25; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8. Failed to operate flares with a pilot flame present at all times [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 9.B.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9. Failed to operate the FCCU Flare with no visible emissions on September 7, 9, and 10, 2007 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 9.C.; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>6. Made repairs to the electrostatic precipitator (ESP) during the October 2007 maintenance turnaround. The Plant is working with the TCEQ permits division to address excess opacity during start-ups in the Maintenance, Start-ups and Shutdowns (MSS) permit.</p> <p>7. Implemented an alarm system that alerts operating personnel of an indication that a pilot may not be present for the Wastewater, FCCU and hydrocracker flares. The system allows the operator to verify the presence of a flame and enter a confirmation that a flame is present.</p> <p>Ordering Provision(s):</p> <p>The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>
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Attachment A
Docket Number: 2008-0384-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **Diamond Shamrock Refining Company, L.P**

Penalty Amount: Ninety-three thousand two hundred thirty-six dollars (\$93,236)

SEP Offset Amount: Forty-six thousand six hundred eighteen dollars (\$46,618)

Type of SEP: Pre-approved SEP

Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Abandoned Tire Cleanups*

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 Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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 the SEP Offset Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the Abandoned Tire Cleanups project. Any remaining SEP funds after completion of the Abandoned Tire Site cleanups may, upon approval of the Executive Director, be spent on Cleanup of Unauthorized Trash Dumps, Water or Wastewater Treatment Assistance, or other approved RC&D project to be conducted within Moore County. Specifically, SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on site wastewater systems, plugging of abandoned wells, antifreeze recycling, or other approved project. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

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

The clean up of unauthorized trash dumps project will provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may enter into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

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

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the

Diamond Shamrock Refining Company, L.P
Agreed Order – Attachment A Docket No. 2008-0384-AIR-E

TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

DATES	Assigned	19-Feb-2008	Screening	5-Mar-2008	EPA Due	11-Nov-2008
	PCW	23-Feb-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.	35498	No. of Violations	9
Docket No.	2008-0384-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
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	\$28,600
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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	226% Enhancement	Subtotals 2, 3, & 7	\$64,636
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Notes: Penalty enhancement due to 13 NOVs issued for same or similar violations, three NOVs issued for non-similar violations (one of which is a self-reported effluent violation), five agreed orders containing a denial of liability, one agreed order without 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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$522	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$8,500		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$93,236
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$93,236

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$93,236
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DEFERRAL	0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered since this is a non-expedited case.

PAYABLE PENALTY	\$93,236
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Screening Date 5-Mar-2008

Docket No. 2008-0384-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35498

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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)	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 (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%

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) 226%

>> **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 NOVs issued for same or similar violations, three NOVs issued for non-similar violations (one of which is a self-reported effluent violation), five agreed orders containing a denial of liability, one agreed order without a denial of liability, and one court order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 226%

Screening Date 5-Mar-2008

Docket No. 2008-0384-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35498

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(D), (G), (H) and (J) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include the common name of the facilities, compound descriptive type and estimated quantities of all compounds released, and the cause of the emissions event (Incident No. 96231) in the final emissions event report.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

Approximately 33% (four of 12) of the reporting rule requirements were not met.

Adjustment \$9,000

\$1,000

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	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$3,260

This violation Final Assessed Penalty (adjusted for limits) \$3,260

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No. 35498

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
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	4-Sep-2007	1-Nov-2008	1.2	\$29	n/a	\$29

Notes for DELAYED costs
 Estimated expense to implement measures designed to ensure that complete and accurate emissions event reports are submitted. Date required is on the date the complete and accurate 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 TOTAL

\$500	\$29
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Screening Date 5-Mar-2008

Docket No. 2008-0384-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35498

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number

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, 1,541 pounds ("lbs") of volatile organic compounds ("VOCs"), including 13 lbs of the hazardous air pollutant benzene, were released from the 60 M 1 Storage Tank, emission point number ("EPN") S-218, in the Fluid Catalytic Cracking Unit ("FCCU") during an emissions event (Incident No. 96231) that occurred on August 20, 2007 and lasted 24 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

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors 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	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly 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. 35498

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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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	20-Aug-2007	1-Nov-2008	1.2	\$60	n/a	\$60

Notes for DELAYED costs

Estimated cost to revise Fluid Catalytic Cracking Unit ("FCCU") startup procedures to include measures that will prevent over-pressurization of 60 M 1 Storage Tank during startup. 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

\$1,000

TOTAL

\$60

Screening Date 5-Mar-2008 **Docket No.** 2008-0384-AIR-E **PCW**
Respondent Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 35498 *PCW Revision January 29, 2008*
Reg. Ent. Reference No. RN100210517
Media [Statute] Air
Enf. Coordinator Kimberly Morales
Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to identify the compound descriptive type of all compounds released during an emissions event (Incident No. 97187) on the final emissions event report.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes: Approximately 8% (one of 12) of the reporting rule requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 1

mark only one with an x

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 \$0

Violation Final Penalty Total \$326

This violation Final Assessed Penalty (adjusted for limits) \$326

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 35498
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
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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation 1.

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 \$0

TOTAL \$0

Screening Date 5-Mar-2008	Docket No. 2008-0384-AIR-E	PCW
Respondent Diamond Shamrock Refining Company, L.P.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35498	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN100210517		
Media [Statute] Air		
Enf. Coordinator Kimberly Morales		
Violation Number <input type="text" value="4"/>		
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, 699.81 lbs of carbon monoxide, 1.79 lbs of hydrogen sulfide ("H2S"), 97.95 lbs of nitrogen oxide, 165.07 lbs of sulfur dioxide ("SO2"), and 704.5 lbs of VOCs were released from the flare, EPN FL-3, and the 15% opacity limit exceeded from the stack vent, EPN V-20, in the Complex 1 Unit during an emissions event (Incident No. 97187) that occurred on September 9, 2007 and lasted two hours and 26 minutes. 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	<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 checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
				Adjustment <input type="text" value="\$7,500"/>

	<input type="text" value="\$2,500"/>
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Violation Events				
	Number of Violation Events <input type="text" value="1"/>		<input type="text" value="1"/> Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		Violation Base Penalty <input type="text" value="\$2,500"/>
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	One quarterly event is recommended.			

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$115"/>	Violation Final Penalty Total	<input type="text" value="\$8,150"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$8,150"/>

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.

Case ID No. 35498

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
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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)	\$2,000	9-Sep-2007	1-Nov-2008	1.1	\$115	n/a	\$115

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent releases from the FL-3 Flare during temperature drops. 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	\$115
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Screening Date 5-Mar-2008	Docket No. 2008-0384-AIR-E	PCW		
Respondent Diamond Shamrock Refining Company, L.P.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35498	<i>PCW Revision January 29, 2008</i>			
Reg. Ent. Reference No. RN100210517				
Media [Statute] Air				
Enf. Coordinator Kimberly Morales				
Violation Number <input type="text" value="5"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 10 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to operate combustion sources with fuel at or below the maximum H2S concentration limit of 0.10 grain per dry standard cubic feet (162 parts per million), resulting in unauthorized emissions of SO2 on July 13, 2007.			
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"/>	x
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
Matrix Notes	Human health or the environment has been exposed to an unknown amount of pollutants as a result of the violation.			
Adjustment		<input type="text" value="\$7,500"/>		
		<input type="text" value="\$2,500"/>		
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		<input type="text" value="\$2,500"/>		
One quarterly event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$65"/>	Violation Final Penalty Total	
			<input type="text" value="\$8,150"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$8,150"/>	

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.

Case ID No. 35498

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	13-Jul-2007	1-Nov-2008	1.3	\$65	n/a	\$65

Notes for DELAYED costs

Estimated cost to implement measures to ensure that combustion sources are operating with fuel at or below the maximum H2S concentration limit. Date required is the date of the exceedance. 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

\$65

Screening Date 5-Mar-2008	Docket No. 2008-0384-AIR-E	PCW	
Respondent Diamond Shamrock Refining Company, L.P.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35498	<i>PCW Revision January 29, 2008</i>		
Reg. Ent. Reference No. RN100210517			
Media [Statute] Air			
Enf. Coordinator Kimberly Morales			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 16 and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to operate Sulfur Recovery Unit ("SRU") 1 with a minimum firebox temperature of 1200 degrees Fahrenheit on September 22 and October 19, 2007 and SRU 2 on November 2, 2007.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	Human health or the environment could have been exposed to significant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.		
		Adjustment	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>	
Violation Events			
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days
		<input type="text" value="3"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$5,000"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Two quarterly events (one per unit) are recommended.			
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$56"/>	Violation Final Penalty Total	<input type="text" value="\$16,300"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$16,300"/>

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 35498
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
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	22-Sep-2007	1-Nov-2008	1.1	\$56	n/a	\$56

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that SRUs 1 and 2 are operating with a minimum firebox temperature of 1200 degrees Fahrenheit. Date required is the date the temperature first dropped below 1200 degrees Fahrenheit. Final date is the date corrective actions are projected to be completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$56

Screening Date 5-Mar-2008

Docket No. 2008-0384-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35498

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 25 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the FCCU stack at or below the maximum opacity limit of 15 percent 17 times in June 2007, 15 times in August 2007, twice in September 2007, 10 times in October 2007, and once in November 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of violation days

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

Violation Base Penalty

Two quarterly 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.: 35498

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	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				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	1-Jun-2007	1-Nov-2008	1.4	\$71	n/a	\$71

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the FCCU stack is operating with opacity at or below 15%. Date required is the date of the first exceedance. 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 \$71

Screening Date 5-Mar-2008 **Docket No.** 2008-0384-AIR-E **PCW**
Respondent Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 35498 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 9.B. and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate flares with a pilot flame present at all times. Specifically, there was no flame present on the Wastewater Flare on September 21 and 28, 2007, the FCCU Flare twice on June 18, 2007, and the Hydrocracker Unit Flare twice on June 26, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to significant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

3

4 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three quarterly events (one per flare) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$69

Violation Final Penalty Total \$24,450

This violation Final Assessed Penalty (adjusted for limits) \$24,450

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.

Case ID No. 35498

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
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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)	\$1,000	18-Jun-2007	1-Nov-2008	1.4	\$69	n/a	\$69

Notes for DELAYED costs Estimated cost to implement measures designed to ensure that pilot flames are present at all times at the Wastewater, FCCU, and Hydrocracker Unit Flares. Date required is the first date the pilot flame was not present. 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	\$69
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Screening Date 5-Mar-2008

Docket No. 2008-0384-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35498

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708/PSD-TX-861M2, Special Condition 9.C. and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the FCCU Flare with no visible emissions on September 7, 9, and 10, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors 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	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly 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. 35498
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)	\$1,000	7-Sep-2007	1-Nov-2008	1.2	\$58	n/a	\$58

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that the FCCU Flare is operating with no visible emissions. Date required is the first date there were visible emissions. Final date if 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** **\$58**

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: 5.59

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	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, MOORE COUNTY, TX, 79086

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: February 21, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 21, 2003 to February 21, 2008

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.

1 Effective Date: 03/31/2003

ADMINORDER 2002-0181-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)
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
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
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
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
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
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
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

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

2

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.

1

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)

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

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

3

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.

4

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.

5

Effective Date: 11/09/2007

ADMINORDER 2006-1774-AIR-E

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: 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).

6

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: 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.

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	03/04/2003	(26741)
2	03/06/2003	(229653)
3	03/28/2003	(28061)
4	03/28/2003	(28057)
5	03/28/2003	(28050)
6	03/28/2003	(28056)
7	03/28/2003	(28053)
8	04/04/2003	(31294)
9	04/11/2003	(229657)
10	04/13/2003	(31707)
11	04/13/2003	(31712)
12	05/12/2003	(325386)
13	06/11/2003	(325387)
14	07/15/2003	(325388)
15	08/07/2003	(36149)
16	08/11/2003	(325389)
17	08/14/2003	(150090)
18	08/15/2003	(150108)
19	08/15/2003	(150117)
20	08/15/2003	(150402)
21	08/15/2003	(150074)
22	08/18/2003	(150410)
23	08/29/2003	(152993)
24	08/29/2003	(152978)
25	08/29/2003	(152987)
26	08/29/2003	(152990)
27	08/29/2003	(152982)
28	09/10/2003	(325390)
29	10/07/2003	(249490)
30	10/08/2003	(325391)
31	11/06/2003	(252941)
32	11/12/2003	(325392)
33	12/12/2003	(325393)
34	01/12/2004	(325394)
35	02/10/2004	(325384)
36	02/13/2004	(262439)
37	02/13/2004	(262426)
38	03/04/2004	(263545)
39	03/04/2004	(263543)
40	03/04/2004	(263539)
41	03/11/2004	(263598)
42	03/12/2004	(325385)
43	04/08/2004	(266806)
44	04/26/2004	(365867)
45	04/30/2004	(271083)
46	05/13/2004	(365868)
47	05/14/2004	(262197)
48	05/19/2004	(270186)
49	05/19/2004	(270183)
50	05/19/2004	(270190)
51	05/19/2004	(270192)
52	05/19/2004	(270194)
53	06/10/2004	(365869)
54	06/29/2004	(277795)
55	06/29/2004	(277740)
56	07/13/2004	(365870)
57	07/19/2004	(282462)
58	07/19/2004	(282628)
59	07/30/2004	(281203)
60	07/30/2004	(285088)
61	07/30/2004	(285091)
62	08/18/2004	(365871)
63	09/10/2004	(365872)
64	09/24/2004	(333652)
65	09/24/2004	(333661)
66	09/24/2004	(334110)
67	09/24/2004	(333657)
68	10/09/2004	(334360)
69	10/09/2004	(334357)
70	10/12/2004	(365873)
71	11/08/2004	(389424)
72	11/23/2004	(341283)

73	11/29/2004	(265255)
74	11/29/2004	(265429)
75	11/29/2004	(265642)
76	12/08/2004	(389425)
77	12/21/2004	(344658)
78	12/21/2004	(344651)
79	12/21/2004	(344660)
80	12/29/2004	(342063)
81	12/30/2004	(342075)
82	12/30/2004	(340798)
83	12/30/2004	(341924)
84	12/30/2004	(342199)
85	12/30/2004	(342037)
86	12/30/2004	(335411)
87	12/30/2004	(339581)
88	12/30/2004	(341816)
89	12/30/2004	(342089)
90	12/30/2004	(342170)
91	01/12/2005	(389426)
92	01/25/2005	(347113)
93	01/28/2005	(347557)
94	01/28/2005	(347546)
95	01/28/2005	(347482)
96	01/31/2005	(349140)
97	02/08/2005	(430654)
98	02/25/2005	(349075)
99	03/04/2005	(372795)
100	03/04/2005	(372791)
101	03/04/2005	(372782)
102	03/04/2005	(372817)
103	03/11/2005	(351080)
104	03/14/2005	(389423)
105	03/17/2005	(374583)
106	03/17/2005	(374606)
107	04/11/2005	(430655)
108	04/27/2005	(378884)
109	04/27/2005	(372560)
110	05/10/2005	(430656)
111	06/03/2005	(394664)
112	06/07/2005	(453773)
113	06/10/2005	(430657)
114	06/10/2005	(379079)
115	07/06/2005	(398782)
116	07/06/2005	(398777)
117	07/11/2005	(447145)
118	07/22/2005	(400328)
119	07/26/2005	(397864)
120	08/19/2005	(447146)
121	09/12/2005	(431439)
122	09/12/2005	(447147)
123	09/12/2005	(431445)
124	10/05/2005	(433468)
125	10/05/2005	(433480)
126	10/05/2005	(491410)
127	10/05/2005	(433476)
128	11/15/2005	(433770)
129	11/15/2005	(491411)
130	11/22/2005	(438231)
131	11/22/2005	(438224)
132	11/22/2005	(438219)
133	12/14/2005	(434276)
134	12/15/2005	(491412)
135	01/05/2006	(437778)
136	01/05/2006	(437779)
137	01/06/2006	(439635)
138	01/13/2006	(491413)
139	01/30/2006	(438525)
140	01/30/2006	(434022)
141	02/02/2006	(454165)
142	02/07/2006	(491408)
143	02/24/2006	(434941)
144	02/24/2006	(434827)
145	03/07/2006	(491409)

146	04/07/2006	(505767)
147	04/11/2006	(461707)
148	04/12/2006	(461731)
149	04/19/2006	(463113)
150	04/19/2006	(463122)
151	04/19/2006	(463117)
152	04/19/2006	(463085)
153	04/19/2006	(463093)
154	05/01/2006	(463546)
155	05/04/2006	(463490)
156	05/05/2006	(505768)
157	05/30/2006	(480407)
158	05/31/2006	(480794)
159	06/05/2006	(505769)
160	06/22/2006	(480967)
161	06/27/2006	(481025)
162	06/30/2006	(481177)
163	07/13/2006	(486456)
164	07/13/2006	(486447)
165	07/17/2006	(528026)
166	07/18/2006	(482533)
167	07/26/2006	(488930)
168	07/26/2006	(488656)
169	07/27/2006	(489065)
170	07/27/2006	(489074)
171	08/24/2006	(528027)
172	08/29/2006	(510486)
173	08/29/2006	(510494)
174	09/07/2006	(488389)
175	09/11/2006	(511697)
176	09/11/2006	(511821)
177	09/12/2006	(512020)
178	09/15/2006	(488452)
179	09/20/2006	(372800)
180	09/22/2006	(512784)
181	09/22/2006	(513104)
182	09/25/2006	(488931)
183	09/25/2006	(528028)
184	10/06/2006	(551570)
185	10/06/2006	(488938)
186	10/11/2006	(515781)
187	10/12/2006	(489193)
188	10/13/2006	(515941)
189	10/13/2006	(516008)
190	10/13/2006	(516058)
191	10/13/2006	(515995)
192	10/31/2006	(515088)
193	10/31/2006	(515083)
194	10/31/2006	(515085)
195	10/31/2006	(517795)
196	10/31/2006	(515056)
197	10/31/2006	(515097)
198	11/03/2006	(518280)
199	11/03/2006	(518264)
200	11/08/2006	(518742)
201	11/09/2006	(551571)
202	11/20/2006	(519567)
203	12/05/2006	(551572)
204	12/05/2006	(532900)
205	12/05/2006	(532888)
206	12/05/2006	(532897)
207	12/08/2006	(533121)
208	12/08/2006	(533139)
209	12/08/2006	(533445)
210	12/11/2006	(532830)
211	12/12/2006	(533646)
212	12/13/2006	(533581)
213	12/18/2006	(518681)
214	12/28/2006	(515100)
215	01/08/2007	(535737)
216	01/08/2007	(535677)
217	01/08/2007	(535755)
218	01/11/2007	(551573)

219	01/29/2007	(533808)
220	02/11/2007	(551569)
221	02/20/2007	(452450)
222	02/28/2007	(542019)
223	02/28/2007	(542056)
224	03/06/2007	(542543)
225	03/06/2007	(542521)
226	03/06/2007	(542534)
227	03/08/2007	(542581)
228	03/09/2007	(588603)
229	03/27/2007	(555204)
230	04/05/2007	(588604)
231	04/09/2007	(541306)
232	04/10/2007	(555984)
233	04/12/2007	(556625)
234	04/12/2007	(556634)
235	04/12/2007	(556627)
236	04/12/2007	(556631)
237	04/12/2007	(556613)
238	04/12/2007	(556468)
239	04/13/2007	(556486)
240	04/13/2007	(556973)
241	05/08/2007	(559054)
242	05/14/2007	(537450)
243	05/16/2007	(560245)
244	05/22/2007	(558995)
245	06/18/2007	(559063)
246	06/20/2007	(588605)
247	06/20/2007	(588606)
248	06/27/2007	(563476)
249	07/18/2007	(567991)
250	07/20/2007	(559001)
251	07/23/2007	(588607)
252	07/24/2007	(568035)
253	07/26/2007	(568738)
254	07/26/2007	(568758)
255	07/31/2007	(569877)
256	07/31/2007	(569792)
257	08/03/2007	(570758)
258	08/20/2007	(605525)
259	08/29/2007	(571885)
260	08/29/2007	(564391)
261	09/04/2007	(574398)
262	09/04/2007	(574211)
263	09/06/2007	(593562)
264	09/06/2007	(593586)
265	09/06/2007	(593573)
266	09/10/2007	(572656)
267	09/11/2007	(593865)
268	09/21/2007	(605526)
269	09/27/2007	(596055)
270	10/11/2007	(605527)
271	10/24/2007	(598861)
272	10/25/2007	(599120)
273	10/25/2007	(598954)
274	10/26/2007	(597573)
275	10/26/2007	(597880)
276	10/29/2007	(597941)
277	11/06/2007	(599558)
278	11/06/2007	(599312)
279	11/20/2007	(598333)
280	11/30/2007	(610557)
281	12/17/2007	(630167)
282	12/17/2007	(630168)
283	12/19/2007	(611646)
284	12/19/2007	(611641)
285	01/03/2008	(630169)
286	01/09/2008	(611638)
287	01/31/2008	(616381)
288	01/31/2008	(616610)
289	01/31/2008	(616398)
290	01/31/2008	(616618)
291	01/31/2008	(616393)

292 01/31/2008 (616613)
 293 02/08/2008 (617496)
 294 02/08/2008 (617507)
 295 02/08/2008 (617501)
 296 02/13/2008 (617998)
 297 02/13/2008 (618031)
 298 02/14/2008 (617437)
 299 02/14/2008 (617189)
 300 02/14/2008 (617318)
 301 02/14/2008 (617342)
 302 02/15/2008 (612688)
 303 02/20/2008 (618391)
 304 02/20/2008 (618387)
 305 02/20/2008 (618402)
 306 02/20/2008 (618394)
 307 02/20/2008 (618400)

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

- 1 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.
- 2 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).
- 3 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
- 4 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
- 5 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
- 6 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.

7 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

8 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

9 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

10 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

11 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

12 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.

13 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

14 Date: 07/25/2007 (588035)
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

15 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:	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).		

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- 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. 2008-0384-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Diamond Shamrock owns and operates a petroleum refinery located at 6701 FM 119, Moore County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Diamond Shamrock agree that the Commission has jurisdiction to enter this Agreed Order, and that Diamond Shamrock is subject to the Commission's jurisdiction.
4. Diamond Shamrock received notice of the violations alleged in Section II ("Allegations") on or about February 20, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Diamond Shamrock of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of ninety-three thousand two hundred thirty-six dollars (\$93,236.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Diamond Shamrock paid forty-six thousand six hundred eighteen dollars (\$46,618.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, forty-six thousand six hundred eighteen dollars (\$46,618.00) of the administrative penalty shall be conditionally offset by Diamond Shamrock's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Diamond Shamrock'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.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Diamond Shamrock agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Diamond Shamrock implemented the following corrective measures at the Plant in response to this enforcement action:
 - a. Trained environmental staff on the submission of complete and accurate emissions reporting for the final report for emission events within 14 days of the start of the incident.
 - b. To prevent over-pressurization of the 60M1 storage tank during the start-up of the FCCU, the following procedural changes were implemented:
 - i. The Plant reviewed and updated operating procedures as necessary to ensure that the temperature and pressure of the Debutanizer Tower are consistent with a bottoms product vapor pressure of 9 – 10 psia with a maximum allowed vapor pressure of 11 psia before sending to a storage tank.
 - ii. The Plant reviewed operating procedures and update as necessary to avoid sending hot material to Tank TK-60M1 by ensuring the product rundown coolers are not overwhelmed by excessive flow rates in a short period of time.
 - iii. The Treating Plant will be immediately notified when Tank TK-60M1 is used for shut-down and start-up to check the roof and make any other observations of the tank.

- c. Unplugged (cleaned or removed accumulated debris) the taps for the Wet Gas Compressor instrumentation and replaced the root valves for the instrument taps during the October 2007 Maintenance Turnaround.
 - d. Retrained operators on the operating procedures for de-inventorying and start-up of Amine stills.
 - e. The Plant applied for a permit amendment to change this limit from an instantaneous limit to a "15 minute block average" basis for the SRU 1 and 2 incinerators.
 - f. Made repairs to the electrostatic precipitator (ESP) during the October 2007 maintenance turnaround. The Plant is working with the TCEQ permits division to address excess opacity during start-ups in the Maintenance, Start-ups and Shutdowns (MSS) permit.
 - g. Implemented an alarm system that alerts operating personnel of an indication that a pilot may not be present for the Wastewater, FCCU and hydrocracker flares. The system allows the operator to verify the presence of a flame and enter a confirmation that a flame is present.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Diamond Shamrock has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on December 12 thru 18, 2007, a TCEQ Amarillo Regional Office investigator documented that Diamond Shamrock violated:
 - a. 30 TEX. ADMIN. CODE § 101.201(b)(1)(D), (G), (H), and (J) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to include the common name of the facilities, compound descriptive type and estimated quantities of all compounds released, and

the cause of the emissions event (Incident No. 96231) in the final emissions event report.

- b. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 2 by failing to prevent unauthorized emissions. Specifically, 1,541 pounds ("lbs") of volatile organic compounds ("VOCs"), including 13 lbs of the hazardous air pollutant benzene, were released from the 60 M 1 Storage Tank, emission point number ("EPN") S-218, in the Fluid Catalytic Cracking Unit ("FCCU") during an emissions event (Incident No. 96231) that occurred on August 20, 2007 and lasted 24 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.
- c. 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to identify the compound descriptive type of all compounds released during an emissions event (Incident No. 97187) on the final emissions event report.
- d. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 2 by failing to prevent unauthorized emissions. Specifically, 699.81 lbs of carbon monoxide, 1.79 lbs of hydrogen sulfide ("H₂S"), 97.95 lbs of nitrogen oxide, 165.07 lbs of sulfur dioxide, 704.5 lbs of VOCs were released from the flare, EPN FL-3, and the 15% opacity limit exceeded from the stack vent, EPN V-20, in the Complex 1 Unit during an emissions event (Incident No. 97187) that occurred on September 9, 2007 and lasted two hours and 26 minutes. Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
- e. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 10 by failing to operate combustion sources with fuel at or below the maximum H₂S concentration limit of 0.10 grain per dry standard cubic feet (162 parts per million), resulting in unauthorized emissions of SO₂, on July 13, 2007.
- f. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 16 by failing to operate Sulfur Recovery Unit ("SRU") 1 with a minimum firebox

temperature of 1200 degrees Fahrenheit on September 22 and October 19, 2007 and SRU 2 on November 2, 2007.

- g. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 25 by failing to operate the FCCU stack at or below the maximum opacity limit of 15 percent 17 times in June 2007, 15 times in August 2007, twice in September 2007, 10 times in October 2007, and once in November 2007.
 - h. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 9.B. by failing to operate flares with a pilot flame present at all times. Specifically, there was no flame present on the Wastewater Flare on September 21 and 28, 2007, the FCCU flare twice on June 18, 2007, and the Hydrocracker Unit Flare twice on June 26, 2007.
 - i. 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 9708/PSD-TX-861M2, Special Condition No. 9.C., by failing to operate the FCCU Flare with no visible emissions on September 7, 9, and 10, 2007.
2. Diamond Shamrock received notice of the violations on or about February 20, 2008.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Diamond Shamrock pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Diamond Shamrock's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.
2. Diamond Shamrock shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067 and as set forth in Section I, Paragraph 6, above. forty-six thousand six hundred eighteen dollars (\$46,618.00) of the assessed administrative penalty shall be offset with the condition that Diamond Shamrock

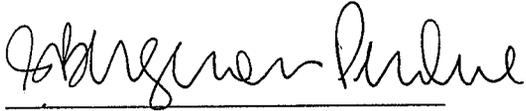
implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Diamond Shamrock's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon Diamond Shamrock.
4. If Diamond Shamrock 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, Diamond Shamrock's failure to comply is not a violation of this Agreed Order. Diamond Shamrock shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Diamond Shamrock shall notify the Executive Director within seven days after Diamond Shamrock 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 Diamond Shamrock shall be made in writing to the Executive Director. Extensions are not effective until Diamond Shamrock 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 Diamond Shamrock in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Diamond Shamrock, or three days after the date on which the Commission mails notice of the Order to Diamond Shamrock, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/15/2009

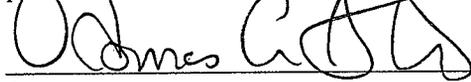
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



Signature

4/2/09

Date

THOMAS A. SHETINA

Name (Printed or typed)

V.P. + G.M.

Title

Authorized representative of
Diamond Shamrock Refining Company, L.P.

Attachment A
Docket Number: 2008-0384-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Diamond Shamrock Refining Company, L.P
Penalty Amount: Ninety-three thousand two hundred thirty-six dollars (\$93,236)
SEP Offset Amount: Forty-six thousand six hundred eighteen dollars (\$46,618)
Type of SEP: Pre-approved SEP
Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Abandoned Tire Cleanups*
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 Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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 the SEP Offset Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the Abandoned Tire Cleanups project. Any remaining SEP funds after completion of the Abandoned Tire Site cleanups may, upon approval of the Executive Director, be spent on Cleanup of Unauthorized Trash Dumps, Water or Wastewater Treatment Assistance, or other approved RC&D project to be conducted within Moore County. Specifically, SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on site wastewater systems, plugging of abandoned wells, antifreeze recycling, or other approved project. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

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

The clean up of unauthorized trash dumps project will provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may enter into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

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

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the

Diamond Shamrock Refining Company, L.P
Agreed Order – Attachment A Docket No. 2008-0384-AIR-E

TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.