

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0300-AIR-E **TCEQ ID:** RN100210517 **CASE NO.:** 37248

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

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Diamond Shamrock McKee Plant, 6701 Farm-to-Market Road 119, Sunray, Moore County</p> <p>TYPE OF OPERATION: Petroleum refining plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two pending enforcement actions, Docket Numbers 2007-1544-AIR-E and 2008-0348-AIR-E, regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 3, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732</p> <p>TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387</p> <p>Respondent: Mr. Thomas A. Shetina, Vice President and General Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013</p> <p>Mr. John Deemer, Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013</p> <p>Respondent's Attorney: Ms. Donna C. Taylor, Counsel, 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Reviews Relating to this Case: December 11, 2008 and January 12, 2009</p> <p>Date of NOEs Relating to this Case: December 19, 2008 and February 20, 2009 (NOE)</p> <p>Background Facts: These were routine record reviews.</p> <p>AIR</p> <p>1) Failure to include the compound descriptive type of individually listed compounds in the final emissions event report and to submit it within two weeks after the end of the event (Incident No. 114211). Specifically, the report contained the amount of particulate matter ("PM") emitted, but did not specify that it was catalyst fines. It also was required to be submitted by September 30, 2008, but was not submitted until October 9, 2008 [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, 7.2 pounds of catalyst fines, a type of PM, were released from the Electrostatic Precipitator Stack, emission point number ("EPN") V-20, in the Complex 1 Unit during an emissions event (Incident No. 114211) that occurred on September 16, 2008 and lasted 24 minutes with 36.70 percent opacity. Since this emissions event was determined to be avoidable (by ensuring desulfurization additives do not cause increased catalyst fines and opacity) and improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3),</p>	<p>Total Assessed: \$17,004</p> <p>Total Deferred: \$3,400 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,802</p> <p>Total Paid to General Revenue: \$6,802</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) Submitted the final emissions event report for Incident No. 114211 to the TCEQ on October 9, 2008; and</p> <p>b) Submitted the compound descriptive type of PM, catalyst fines, for Incident No. 114211 to the TCEQ on December 3, 2008, which was received on December 5, 2008.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to ensure that emissions events are properly reported; and</p> <p>ii. With regard to Incident No. 114211, implement measures designed to ensure that desulfurization additives do not cause increased catalyst fines and opacity above authorized limits.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.</p>

<p>Flexible Permit No. 9708 and PSD-TX-861M2, Special Conditions 2 and 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit the initial emissions event report within 24 hours after discovery of the event. Specifically, the event was discovered on October 12, 2008 at 9:30 p.m., but the initial notification was not submitted until October 15, 2008 at 7:30 p.m [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to prevent unauthorized emissions. Specifically, 355.2 pounds of volatile organic compounds, including 112.2 pounds of hazardous air pollutants, were released from the #1 Reformer, EPN 1REF, in the Complex Unit during an emissions event (Incident No. 115445) that occurred on October 12, 2008 and lasted 15 hours. Since this emissions event was improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): Air Acct. No. MR0008T

Attachment A

Docket Number: 2009-0300-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diamond Shamrock Refining Company, L.P.
Payable Penalty Amount:	Thirteen Thousand Six Hundred Four Dollars (\$13,604)
SEP Amount:	Six Thousand Eight Hundred Two Dollars (\$6,802)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 211 – Amarillo-Lubbock

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Diamond Shamrock Refining Company, L.P.
Agreed Order - Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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





Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Feb-2009	Screening	4-Mar-2009	EPA Due	
	PCW	12-Mar-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.	37248	No. of Violations	4
Docket No.	2009-0300-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		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)	<i>Subtotal 1</i>	\$5,200
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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	227.0% Enhancement	<i>Subtotals 2, 3, & 7:</i>	\$11,804
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Notes: Penalty enhancement due to 13 NOVs issued for same or similar violations, four NOVs issued for dissimilar violations, five Agreed Orders with a denial of liability issued, one Agreed Order without a denial of liability issued, and one court order containing a denial of liability issued. Penalty reduction due to a Notice of Audit letter submitted.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts \$140
 Approx. Cost of Compliance \$2,800
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$17,004
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$17,004
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$17,004
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$3,400
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,604
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Screening Date 4-Mar-2009

Docket No. 2009-0300-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 37248

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
	Other written NOVs	4	8%
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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 227%

>> 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, four NOVs issued for dissimilar violations, five Agreed Orders with a denial of liability issued, one Agreed Order without a denial of liability issued, and one court order containing a denial of liability issued. Penalty reduction due to a Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 227%

Screening Date 4-Mar-2009	Docket No. 2009-0300-AIR-E	PCW		
Respondent Diamond Shamrock Refining Company, L.P.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37248	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN100210517				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number 1				
Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(1)(G) and (c) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to include the compound descriptive type of individually listed compounds in the final emissions event report and to submit it within two weeks after the end of the event (Incident No. 114211). Specifically, the report contained the amount of particulate matter ("PM") emitted, but did not specify that it was catalyst fines. It also was required to be submitted by September 30, 2008, but was not submitted until October 9, 2008.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
		Percent	1%	
Matrix Notes	Most (at least 70%) of the rule requirements were met.			
	Adjustment	\$9,900		
			\$100	
Violation Events				
	Number of Violation Events	1	Number of violation days	
		65		
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
		Violation Base Penalty	\$100	
One single event for the deficient report is recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	\$100		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$55	Violation Final Penalty Total	\$327	
		This violation Final Assessed Penalty (adjusted for limits)	\$327	

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 37248
Reg. Ent. Reference No.: RN100210517
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	30-Sep-2008	1-Nov-2009	1.09	\$54	n/a	\$54
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Sep-2008	9-Oct-2008	0.02	\$0	n/a	\$0
Other (as needed)	\$50	30-Sep-2008	3-Dec-2008	0.18	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to complete and submit the emissions event report (\$250); to implement measures designed to ensure that emissions event reports are properly reported (\$1,000); and to report catalyst fines as the type of PM emitted (\$50). The date required is the date that the complete and accurate final emissions event report was due. The final dates are the dates corrective actions were completed (October 9 and December 3, 2008) and when the last one is projected to be completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,300

TOTAL

\$55

Screening Date 4-Mar-2009	Docket No. 2009-0300-AIR-E	PCW		
Respondent Diamond Shamrock Refining Company, L.P.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37248	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100210517				
Media [Statute] Air				
Enf. Coordinator Trina Grieco				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708 and PSD-TX-861M2, Special Conditions 2 and 25, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, 7.2 pounds of catalyst fines, a type of PM, were released from the Electrostatic Precipitator Stack, emission point number ("EPN") V-20, in the Complex 1 Unit during an emissions event (Incident No. 114211) that occurred on September 16, 2008 and lasted 24 minutes with 36.70 percent opacity. Since this emissions event was determined to be avoidable (by ensuring desulfurization additives do not cause increased catalyst fines and opacity) and improperly reported, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="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 insignificant amount of contaminants that did not exceed protective levels 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"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	weekly	<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			<input type="text" value="\$2,500"/>	
One quarterly event is recommended for the event that occurred on September 16, 2008.				
Good Faith Efforts to Comply				
		<input type="text" value="0.0%"/>	Reduction	
		<input type="text"/>	<input type="text" value="\$0"/>	
		<input type="text"/>	<input type="text"/>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	<input type="text" value="\$84"/>	Violation Final Penalty Total	<input type="text" value="\$8,175"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$8,175"/>	

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.

Case ID No.: 37248

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	16-Sep-2008	1-Nov-2009	1.13	\$84	n/a	\$84
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that desulfurization additives do not cause increased catalyst fines and opacity. 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$84

Screening Date 4-Mar-2009	Docket No. 2009-0300-AIR-E	PCW			
Respondent Diamond Shamrock Refining Company, L.P.	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 37248	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN100210517					
Media [Statute] Air					
Enf. Coordinator Trina Grieco					
Violation Number 3					
Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to submit the initial emissions event report within 24 hours after discovery of the event. Specifically, the event was discovered on October 12, 2008 at 9:30 p.m., but the initial notification was not submitted until October 15, 2008 at 7:30 p.m.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>	
Matrix Notes	Most (at least 70%) of the rule requirements were met.				
Adjustment				\$9,900	
				\$100	
Violation Events					
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="2"/>			
<small>mark only one with an x</small>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
single event	<input checked="" type="checkbox"/>				
				Violation Base Penalty <input type="text" value="\$100"/>	
One single event for the late report is recommended.					
Good Faith Efforts to Comply		0.0% Reduction		<input type="text" value="\$0"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input type="checkbox"/>				
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$100	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount <input type="text" value="\$0"/>		Violation Final Penalty Total		\$327	
This violation Final Assessed Penalty (adjusted for limits)				\$327	

Economic Benefit Worksheet

Respondent: Diamond Shamrock Refining Company, L.P.
Case ID No.: 37248
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated for Violation 1.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date 4-Mar-2009	Docket No. 2009-0300-AIR-E	PCW
Respondent Diamond Shamrock Refining Company, L.P.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37248	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN100210517		
Media [Statute] Air		
Enf. Coordinator Trina Grieco		
Violation Number 4		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent unauthorized emissions. Specifically, 355.2 pounds of volatile organic compounds, including 112.2 pounds of hazardous air pollutants, were released from the #1 Reformer, EPN 1REF, in the Complex Unit during an emissions event (Incident No. 115445) that occurred on October 12, 2008 and lasted 15 hours. Since this emissions event was improperly reported, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.	
Base Penalty	\$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 insignificant amounts of contaminants, including 112.2 pounds of hazardous air pollutants, that did not exceed protective levels as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended for the 15 hour event that began on October 12, 2008.

Good Faith Efforts to Comply Reduction

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

Notes
The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

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. 37248

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in the economic benefit calculated for Violation 1, since the affirmative defense could not be claimed due solely to late reporting.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124861 Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 3.38
Regulated Entity:	RN100210517 DIAMOND SHAMROCK MCKEE PLANT	Classification: AVERAGE	Site Rating: 5.50

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	MR0008T
	AIR OPERATING PERMITS	PERMIT	1555
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670095
	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	REGISTRATION	86866
	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	85548
	AIR NEW SOURCE PERMITS	REGISTRATION	87455
	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
STORMWATER	PERMIT	TXR05P771
ON SITE SEWAGE FACILITY	PERMIT	1710271
ON SITE SEWAGE FACILITY	PERMIT	1710272
ON SITE SEWAGE FACILITY	PERMIT	1710285
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30871
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50229
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50229

Location: 6701 FM 119, SUNRAY, TX, 79086

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: March 04, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 04, 2004 to March 04, 2009

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
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 08/07/2005

ADMINORDER 2004-1645-MLM-E

Classification: Major

Citation: 2D TWC Chapter 27, SubChapter A 27.011

30 TAC Chapter 331, SubChapter A 331.7(a)

30 TAC Chapter 335, SubChapter A 335.2(g)

30 TAC Chapter 335, SubChapter B 335.43

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

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

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

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT OP

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to include estimated quantities on the initial notification for an emissions event

Classification: Minor

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

Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Moderate

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit initial notification within 24 hours for an emissions event

Classification: Minor

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

Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to include in the final report all individually listed compounds which were released during an emissions event

Classification: Moderate

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit initial notification within 24 hours of discovery of an emissions event
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to include all individually listed air contaminants in the final report for an emissions event
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to meet the maximum allowable emission rates of Permit No. 9914
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to obtain authorization for emissions from a 4" transfer line on Tank 503

Effective Date: 03/23/2006

ADMINORDER 2005-1111-AIR-E

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to include all of the required information in the final reports submitted for the emission event reporting.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.117(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit No. 9708/PSD-TX-861M2 OP
Description: Failure to control emissions to the atmosphere by emitting unauthorized air contamination during an emission event (Incident No. 54540) on February 26, 2005.

Effective Date: 06/26/2006

ADMINORDER 2006-0131-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit 9708 & PSD-TX-861M2, GC No. 1 PERMIT
Description: Failed to prevent unauthorized emissions of 1030.65 lbs of sulfur dioxide and 11.15 pounds of hydrogen sulfide from the Main Refinery Flare (EPN FL-1) during an avoidable emissions event at Complex 3, which began on October 11, 2005 and lasted for eighteen hours and forty seven minutes.

Effective Date: 11/09/2007

ADMINORDER 2006-1774-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: failure to comply with conditions of Permit No. 9708/PSD-TX-861M2 during emissions event which took place May 8-10, 2006
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to submit final report within two weeks after the end of an emissions event.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 9708/PSD-TX-861M2 PERMIT

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

Effective Date: 12/20/2007

ADMINORDER 2007-0676-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Permit 9780, Table F-2 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Effective Date: 03/08/2008

ADMINORDER 2007-1096-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit 9708 Table F-2 PERMIT

Description: Failed to prevent unauthorized emissions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/04/2004	(263539)
2	03/04/2004	(263543)
3	03/04/2004	(263545)
4	03/11/2004	(263598)
5	03/12/2004	(325385)
6	04/08/2004	(266806)
7	04/26/2004	(365867)
8	04/30/2004	(271083)
9	05/13/2004	(365868)
10	05/14/2004	(262197)
11	05/19/2004	(270183)
12	05/19/2004	(270186)
13	05/19/2004	(270190)
14	05/19/2004	(270192)
15	05/19/2004	(270194)
16	06/10/2004	(365869)
17	06/29/2004	(277740)
18	06/29/2004	(277795)
19	07/13/2004	(365870)
20	07/19/2004	(282462)
21	07/19/2004	(282628)
22	07/30/2004	(281203)
23	07/30/2004	(285088)
24	07/30/2004	(285091)
25	08/18/2004	(365871)
26	09/10/2004	(365872)
27	09/24/2004	(333652)
28	09/24/2004	(333657)
29	09/24/2004	(333661)
30	09/24/2004	(334110)
31	10/09/2004	(334357)
32	10/09/2004	(334360)
33	10/12/2004	(365873)
34	11/08/2004	(389424)
35	11/23/2004	(341283)
36	11/29/2004	(265255)
37	11/29/2004	(265429)
38	11/29/2004	(265642)
39	12/08/2004	(389425)
40	12/21/2004	(344651)
41	12/21/2004	(344658)
42	12/21/2004	(344660)

43	12/29/2004	(342063)
44	12/30/2004	(335411)
45	12/30/2004	(339581)
46	12/30/2004	(340798)
47	12/30/2004	(341816)
48	12/30/2004	(341924)
49	12/30/2004	(342037)
50	12/30/2004	(342075)
51	12/30/2004	(342089)
52	12/30/2004	(342170)
53	12/30/2004	(342199)
54	01/12/2005	(389426)
55	01/25/2005	(347113)
56	01/28/2005	(347482)
57	01/28/2005	(347546)
58	01/28/2005	(347557)
59	01/31/2005	(349140)
60	02/08/2005	(430654)
61	02/25/2005	(349075)
62	03/04/2005	(372782)
63	03/04/2005	(372791)
64	03/04/2005	(372795)
65	03/04/2005	(372817)
66	03/11/2005	(351080)
67	03/14/2005	(389423)
68	03/17/2005	(374583)
69	03/17/2005	(374606)
70	04/11/2005	(430655)
71	04/27/2005	(372560)
72	04/27/2005	(378884)
73	05/10/2005	(430656)
74	06/03/2005	(394664)
75	06/07/2005	(453773)
76	06/10/2005	(379079)
77	06/10/2005	(430657)
78	07/06/2005	(398777)
79	07/06/2005	(398782)
80	07/11/2005	(447145)
81	07/22/2005	(400328)
82	07/26/2005	(397864)
83	08/19/2005	(447146)
84	09/12/2005	(431439)
85	09/12/2005	(431445)
86	09/12/2005	(447147)
87	09/20/2005	(431995)
88	10/05/2005	(433468)
89	10/05/2005	(433476)
90	10/05/2005	(433480)
91	10/05/2005	(491410)
92	11/15/2005	(433770)
93	11/15/2005	(491411)
94	11/22/2005	(438219)
95	11/22/2005	(438224)
96	11/22/2005	(438231)
97	12/14/2005	(434276)
98	12/15/2005	(491412)
99	01/05/2006	(437778)
100	01/05/2006	(437779)
101	01/06/2006	(439635)

102	01/13/2006	(491413)
103	01/30/2006	(434022)
104	01/30/2006	(438525)
105	02/02/2006	(454165)
106	02/07/2006	(491408)
107	02/24/2006	(434827)
108	02/24/2006	(434941)
109	03/07/2006	(491409)
110	04/07/2006	(505767)
111	04/11/2006	(461707)
112	04/12/2006	(461731)
113	04/19/2006	(463085)
114	04/19/2006	(463093)
115	04/19/2006	(463113)
116	04/19/2006	(463117)
117	04/19/2006	(463122)
118	05/01/2006	(463546)
119	05/04/2006	(463490)
120	05/05/2006	(505768)
121	05/30/2006	(480407)
122	05/31/2006	(480794)
123	06/05/2006	(505769)
124	06/22/2006	(480967)
125	06/27/2006	(481025)
126	06/30/2006	(481177)
127	07/13/2006	(486447)
128	07/13/2006	(486456)
129	07/17/2006	(528026)
130	07/26/2006	(488656)
131	07/26/2006	(488930)
132	07/27/2006	(489065)
133	07/27/2006	(489074)
134	08/24/2006	(528027)
135	08/29/2006	(510486)
136	08/29/2006	(510494)
137	09/07/2006	(488389)
138	09/11/2006	(511697)
139	09/11/2006	(511821)
140	09/12/2006	(512020)
141	09/15/2006	(488452)
142	09/20/2006	(372800)
143	09/22/2006	(512784)
144	09/22/2006	(513104)
145	09/25/2006	(488931)
146	09/25/2006	(528028)
147	10/06/2006	(488938)
148	10/06/2006	(551570)
149	10/11/2006	(515781)
150	10/12/2006	(489193)
151	10/13/2006	(515941)
152	10/13/2006	(515995)
153	10/13/2006	(516008)
154	10/13/2006	(516058)
155	10/31/2006	(515056)
156	10/31/2006	(515083)
157	10/31/2006	(515085)
158	10/31/2006	(515088)
159	10/31/2006	(515097)
160	10/31/2006	(517795)

161	11/03/2006	(518264)
162	11/03/2006	(518280)
163	11/08/2006	(518742)
164	11/09/2006	(551571)
165	11/20/2006	(519567)
166	12/05/2006	(532888)
167	12/05/2006	(532897)
168	12/05/2006	(532900)
169	12/05/2006	(551572)
170	12/08/2006	(533121)
171	12/08/2006	(533139)
172	12/08/2006	(533445)
173	12/11/2006	(532830)
174	12/12/2006	(533646)
175	12/13/2006	(533581)
176	12/18/2006	(518681)
177	12/28/2006	(515100)
178	01/08/2007	(535677)
179	01/08/2007	(535737)
180	01/08/2007	(535755)
181	01/11/2007	(551573)
182	01/29/2007	(533808)
183	02/11/2007	(551569)
184	02/20/2007	(452450)
185	02/28/2007	(542019)
186	02/28/2007	(542056)
187	03/06/2007	(542521)
188	03/06/2007	(542534)
189	03/06/2007	(542543)
190	03/08/2007	(542581)
191	03/09/2007	(588603)
192	03/27/2007	(555204)
193	04/05/2007	(588604)
194	04/09/2007	(541306)
195	04/10/2007	(555984)
196	04/12/2007	(556468)
197	04/12/2007	(556613)
198	04/12/2007	(556625)
199	04/12/2007	(556627)
200	04/12/2007	(556631)
201	04/12/2007	(556634)
202	04/13/2007	(556486)
203	04/13/2007	(556973)
204	05/08/2007	(559054)
205	05/14/2007	(537450)
206	05/16/2007	(560245)
207	05/22/2007	(558995)
208	06/18/2007	(559063)
209	06/20/2007	(588605)
210	06/20/2007	(588606)
211	06/27/2007	(563476)
212	07/18/2007	(567991)
213	07/20/2007	(559001)
214	07/23/2007	(588607)
215	07/24/2007	(568035)
216	07/26/2007	(568738)
217	07/26/2007	(568758)
218	07/31/2007	(569792)
219	07/31/2007	(569877)

220	08/03/2007	(570758)
221	08/20/2007	(605525)
222	08/29/2007	(564391)
223	08/29/2007	(571885)
224	09/04/2007	(574211)
225	09/04/2007	(574398)
226	09/06/2007	(593562)
227	09/06/2007	(593573)
228	09/06/2007	(593586)
229	09/10/2007	(572656)
230	09/11/2007	(593865)
231	09/21/2007	(605526)
232	09/27/2007	(596055)
233	10/11/2007	(605527)
234	10/24/2007	(598861)
235	10/25/2007	(598954)
236	10/25/2007	(599120)
237	10/26/2007	(597573)
238	10/26/2007	(597880)
239	10/29/2007	(597941)
240	11/06/2007	(599312)
241	11/06/2007	(599558)
242	11/20/2007	(598333)
243	11/30/2007	(610557)
244	12/17/2007	(630167)
245	12/17/2007	(630168)
246	12/19/2007	(611641)
247	12/19/2007	(611646)
248	01/03/2008	(630169)
249	01/09/2008	(611638)
250	01/31/2008	(616381)
251	01/31/2008	(616393)
252	01/31/2008	(616398)
253	01/31/2008	(616610)
254	01/31/2008	(616613)
255	01/31/2008	(616618)
256	02/08/2008	(617496)
257	02/08/2008	(617501)
258	02/08/2008	(617507)
259	02/13/2008	(617998)
260	02/13/2008	(618031)
261	02/14/2008	(617189)
262	02/14/2008	(617318)
263	02/14/2008	(617342)
264	02/14/2008	(617437)
265	02/15/2008	(612688)
266	02/20/2008	(618387)
267	02/20/2008	(618391)
268	02/20/2008	(618394)
269	02/20/2008	(618400)
270	02/20/2008	(618402)
271	03/13/2008	(638732)
272	03/18/2008	(618803)
273	04/15/2008	(641006)
274	04/17/2008	(653264)
275	05/30/2008	(695546)
276	05/30/2008	(695547)
277	05/30/2008	(695548)
278	05/30/2008	(695549)

279	06/17/2008	(683001)
280	06/17/2008	(683012)
281	07/01/2008	(695550)
282	07/02/2008	(684662)
283	07/15/2008	(695551)
284	07/20/2008	(334071)
285	09/11/2008	(700819)
286	09/12/2008	(702770)
287	09/15/2008	(700539)
288	09/15/2008	(702765)
289	09/18/2008	(700737)
290	10/08/2008	(704830)
291	10/09/2008	(717085)
292	10/09/2008	(717086)
293	10/17/2008	(705769)
294	10/17/2008	(705775)
295	10/17/2008	(705781)
296	10/17/2008	(705787)
297	11/10/2008	(717087)
298	11/21/2008	(708521)
299	11/21/2008	(708548)
300	11/21/2008	(708603)
301	12/15/2008	(710174)
302	12/17/2008	(721045)
303	12/18/2008	(721139)
304	12/22/2008	(721734)
305	12/22/2008	(721770)
306	12/22/2008	(721805)
307	12/22/2008	(721850)
308	12/22/2008	(721917)
309	01/12/2009	(722626)
310	01/12/2009	(722797)
311	01/12/2009	(723376)
312	01/26/2009	(732469)
313	01/28/2009	(724669)
314	01/29/2009	(724743)
315	01/29/2009	(724838)
316	02/06/2009	(724918)
317	02/06/2009	(724921)
318	02/06/2009	(725025)
319	02/06/2009	(725029)
320	02/06/2009	(725034)
321	02/08/2009	(725042)
322	02/09/2009	(725420)
323	02/19/2009	(722773)
324	02/19/2009	(735611)

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

Date: 03/10/2004 (263598)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit No. 9914, sp. provision No. 11 PA

Description: The facility failed to operate Wastewater Flare according to special provision No. 11 of permit No. 9914. Visible emissions were observed from this flare during several emissions events.

Self Report? NO

Classification: Moderate

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

Description: The company failed to submit the initial emissions event report within 24 hours

following the discovery of the event, as required by the provisions of §101.201(e).

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

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

Date: 11/29/2004 (265255)

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

Date: 11/30/2004 (265429)

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

Date: 12/30/2004 (342075)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit an initial notification within 24 hours of an emissions event
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to obtain authorization to emit air contaminants

Date: 07/26/2005 (397864)

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

Date: 05/05/2006 (463490)

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

Date: 06/23/2006 (480967)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with special condition 24 of Permit No. 9708/PSD-TX-861M2 during an excess opacity event that occurred on March 23, 2006

Date: 06/28/2006 (481025)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
Description: Failure to provide notification of an excess opacity event within 24 hours of

discovery
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with the opacity limit of permit no. 9708/PSD-TX-861M2 for V-20

Date: 09/25/2006 (488931)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
Description: Failure to submit notification of an excess opacity event within 24 hours

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Date: 12/18/2006 (518681)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Date: 02/28/2007 (542056) CN600124861

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
MSGP Part III 7 (b) PERMIT

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

Date: 04/30/2007 (588605) CN600124861

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 07/25/2007 (568035)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
Description: failure to submit notification of an excess opacity event within 24 hours of discovery

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Date: 08/29/2007 (571885) CN600124861

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) CN600124861

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart CC 63.646(a)

Description: The facility is in violation of provisions of 40 CFR 63 Subpart CC, 60. 646(a).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart CC 63.654(h)(1)

Description: The facility is in violation of the requirements of 40 CFR 63, 63.654(h)(1).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart UUU 63.1564(a)(3)

Description: The facility is in violation of requirements of 40 CFR, 63.1364(a)(3).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart UUU 63.1565(a)(3)

Description: The facility is in violation of the requirements of 40 CFR 63, 63.1565(a)(3).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart UUU 63.1568(a)(3)

Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(a)(3).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart UUU 63.1568(c)(1)

Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(c)(1).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart LLLLL 63.8684(a)

Description: The facility is in violation of the requirements of 40 CFR 63, 63.8684(a).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart LLLLL 63.8688(b)(4)

Description: The facility is in violation of the monitoring requirements of 40 CFR 63, 63.8688(b)(4).

Self Report? NO Classification: Moderate
Citation: 40 CFR Part 63, Subpart LLLLL 63.8692(d)

Description: The facility is in violation of the requirements of 40 CFR 63, 63.8692(d).

Date: 03/18/2008 (618803) CN600124861

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.647(a)

Description: The facility is in violation of the provisions of §63.647(a) and §61.346(b)(5).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

Description: The facility is in violation of the provisions of §101.201(b)(2) for the non-reportable events.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(ii)

Description: The facility failed to comply with the provisions of 40 CFR 60 §60.104(a)(2)(ii).

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.697(b)(1)

Description: The facility is in violation of the requirements of 40 CFR 60 Subpart QQQ, §60.697(b)(1).

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)(iii)

Description: The facility is in violation of the requirements of §60.105(a)(4)(iii).

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(6)(ii)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart Kb, §60.113b(b)

(6)(ii).

Date: 09/19/2008 (700737)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
9708/PSD-TX-861M2 PERMIT

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

F. Environmental audits.

Notice of Intent Date: 05/05/2008 (671277)

No DOV Associated

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. 2009-0300-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refining plant at 6701 Farm-to-Market Road 119 in Sunray, Moore County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about December 24, 2008 and February 25, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Four Dollars (\$17,004) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Eight Hundred Two Dollars (\$6,802) of the administrative penalty and Three Thousand Four Hundred Dollars (\$3,400) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order.

- Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Eight Hundred Two Dollars (\$6,802) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Submitted the final emissions event report for Incident No. 114211 to the TCEQ on October 9, 2008; and
 - b. Submitted the compound descriptive type of particulate matter ("PM"), catalyst fines, for Incident No. 114211 to the TCEQ on December 3, 2008, which was received on December 5, 2008.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to include the compound descriptive type of individually listed compounds in the final emissions event report and to submit it within two weeks after the end of the event (Incident No. 114211), in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 11, 2008. Specifically, the report contained the amount of PM emitted, but did not specify that it was catalyst fines. It also was required to be submitted by September 30, 2008, but was not submitted until October 9, 2008.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708 and PSD-TX-861M2, Special Conditions 2 and 25, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 11, 2008. Specifically, 7.2 pounds of catalyst fines, a type of PM, were released from the Electrostatic Precipitator Stack, emission point number ("EPN") V-20, in the Complex 1 Unit during an emissions event (Incident No. 114211) that occurred on September 16, 2008 and lasted 24 minutes with 36.70 percent opacity. Since this emissions event was determined to be avoidable (by ensuring desulfurization additives do not cause increased catalyst fines and opacity) and improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
3. Failed to submit the initial emissions event report within 24 hours after discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 12, 2009. Specifically, the event was discovered on October 12, 2008 at 9:30 p.m., but the initial notification was not submitted until October 15, 2008 at 7:30 p.m.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9708 and PSD-TX-861M2, Special Condition 2, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 12, 2009. Specifically, 355.2 pounds of volatile organic compounds, including 112.2 pounds of hazardous air pollutants, were released from the #1 Reformer, EPN 1REF, in the Complex Unit during an emissions event (Incident No. 115445) that occurred on October 12, 2008 and lasted 15 hours. Since this emissions event was improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2009-0300-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Eight Hundred Two Dollars (\$6,802) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to ensure that emissions events are properly reported; and
 - ii. With regard to Incident No. 114211, implement measures designed to ensure that desulfurization additives do not cause increased catalyst fines and opacity above authorized limits.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This 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 under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/6/2009
Date

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

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

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

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



Signature

5-29-09
Date

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

V.P. + G.M.
Title

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

Attachment A

Docket Number: 2009-0300-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Diamond Shamrock Refining Company, L.P.
Payable Penalty Amount: Thirteen Thousand Six Hundred Four Dollars (\$13,604)
SEP Amount: Six Thousand Eight Hundred Two Dollars (\$6,802)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP: Texas Air Quality Control Region 211 – Amarillo-Lubbock

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Diamond Shamrock Refining Company, L.P.
Agreed Order - Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

