

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO. 2009-0748-AIR-E RN100210517 CASE NO. 37660**  
**RESPONDENT NAME: DIAMOND SHAMROCK REFINING COMPANY, L.P.**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	

<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATIONS OCCURRED:** 6701 Farm-to-Market Road 119, Sunray, Moore County

**TYPE OF OPERATION:** petroleum refinery

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is one additional pending enforcement action regarding this facility location (2010-0909-AIR-E).

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired May 31, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Laurencia Fasoyiro, Litigation Division, MC 175, (713) 422-8914  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ Enforcement Coordinator:** Ms. Miriam Hall, Air Enforcement Section, MC 128, (512) 239-1044

**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Regional Contact:** Mr. Eddy Vance, Amarillo Regional Office, MC R-1, (806) 468-0510

**Respondent:** Mr. John Deemer, Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 FM 119, Sunray, Texas 79086

**Respondent's Attorney:** Mr. Parker Wilson, Managing Counsel, Valero Refining – Texas, L.P., One Valero Way, San Antonio, Texas 78269

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> February 9, 2009 through February 18, 2009, April 9, 2009, April 29, 2009, and June 15, 2009</p> <p><b>Dates of NOEs Relating to this Case:</b> May 8, 2009, May 11, 2009, May 20, 2009 and July 20, 2009</p> <p><b>Background Facts:</b> The case was referred to the Litigation Division on October 26, 2009. The EDPRP was filed on February 12, 2010. Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the Agreed Order was signed on April 9, 2010.</p> <p><b>Current Compliance Status:</b> Corrective actions have been completed for violation nos. 1, 4, 10, 11, 13, and 15.</p> <p><b>AIR:</b></p> <ol style="list-style-type: none"> <li>1. Failed to prevent the unauthorized release of 93.45 pounds (lbs) of sulfur dioxide (SO<sub>2</sub>), 60 lbs of carbon monoxide (CO), 3.72 pounds of nitrogen oxides (NO<sub>x</sub>), and a total of 11.44 lbs of various volatile organic compounds (VOCs) from the Hydrocracker Unit flare EPN FL-4 during an emissions event lasted one hour and 30 minutes. The TCEQ determined that these emissions could have been foreseen and avoided by good design and/or maintenance practices [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, Special Condition (SC) 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>2. Failed to limit the maximum hydrogen sulfide (H<sub>2</sub>S) concentration in the fuel gas combusted to 230 milligrams per dry standard cubic meter (mg/dscm) [162 parts per million (ppm)] [30 TEX. ADMIN. CODE § 101.20(1), 40 C.F.R. § 60.104(a)(1), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol>	<p><b>Total Assessed:</b> \$245,227</p> <p><b>Total Deferred:</b> \$122,613  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$122,614</p> <p>Respondent paid \$122,614 of the administrative penalty. The remaining amount of \$122,613 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> People or environmental receptors have been exposed to pollutants which exceed levels that are protective (violation no. 15).</p>	<p><b>Corrective Actions Taken:</b> Respondent performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> <li>1. Completed inspecting valves of the same design and in similar service as the one involved in the January 7, 2009, emissions event and revised the replacement valve inspection program (violation no. 1);</li> <li>2. Replaced the manway cover on the top of Tank T-115 (violation no. 4);</li> <li>3. Completed corrective actions on the Main Refinery Flare, including relighting the pilot with a flare gun and installing temporary pilots until the damaged flare tip was replaced (violation no. 10);</li> <li>4. Amended Permit No. 9708/PSD-TX-861M2 to include the installation of the slotted guide poles on the three floating roof tanks (violation no. 11);</li> <li>5. Replaced the malfunctioning level indication transmitter at the FCCU (violation no. 13); and</li> <li>6. Modified operating procedures to include blocking the 60M-1 storage tank's control valve with a manual block valve when the unit is shutdown, and provided additional training on the modified operation procedure to operations personnel (violation no. 15).</li> </ol> <p><b>Ordering Provisions:</b> Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Implement and complete a SEP (<i>Clean School Bus Program</i>).</li> <li>2. Within 30 days: <ol style="list-style-type: none"> <li>a. Implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the H<sub>2</sub>S concentration exceedances in the fuel gas (violation no. 2);</li> <li>b. Implement procedures to insure that quarterly waste stream inspection reports contain all the required information including corrective action taken and the dates the corrective actions were completed (violation no. 5), and that the annual reports of benzene inspections contain the summary information for problems found during the quarterly waste stream inspections (violation no. 6);</li> </ol> </li> </ol>

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>3. Failed to limit the maximum SO<sub>2</sub> concentration in gases discharged from the No. 2 Claus sulfur recovery unit (SRU) to 250 ppm by volume (dry basis) [30 TEX. ADMIN. CODE § 101.20(1), 40 C.F.R. § 60.104(a)(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4. Failed to equip or maintain a cover or lid in a closed position on each opening in the internal floating roof of Tank T-115 [30 TEX. ADMIN. CODE § 101.20(1), 40 C.F.R. § 60.112b(a)(1)(iv), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5. Failed to keep complete records of quarterly waste streams inspections [30 TEX. ADMIN. CODE § 101.20(2), 40 C.F.R. § 61.356(g), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>6. Failed to submit complete annual reports of benzene inspections for 2007 and 2008 [30 TEX. ADMIN. CODE § 101.20(2), 40 C.F.R. § 61.357(d)(8), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>7. Failed to maintain the minimum incinerator temperature of 1336 degrees Fahrenheit (°F) for the No. 1 SRU, and 1281°F for the No. 2 SRU [30 TEX. ADMIN. CODE § 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 17, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>8. Failed to meet the minimum oxygen (O<sub>2</sub>) concentration of 1% in the incinerator stack of the No. 2 SRU [30 TEX. ADMIN. CODE § 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 16, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>9. Failed to route sour gas from the truck loading equipment back to the thermal reactor or the incinerator, and the No. 2 sulfur pit eductor vent was not operating properly, causing emissions to the atmosphere from period July 1, 2008 through December 31, 2008 [30 TEX. ADMIN. CODE § 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 21, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		<p>c. Complete the engineering analysis and submit the plan to implement improvements to designs, operations, and/or maintenance practices that address the causes leading to:</p> <ul style="list-style-type: none"> <li>i. The SO<sub>2</sub> concentration exceedances in the No. 2 SRU (violation no. 3);</li> <li>ii. The low incinerator temperatures for the No. 1 and No. 2 SRUs (violation no. 7); and</li> <li>iii. The low O<sub>2</sub> concentrations in the incinerator stack of the No. 2 SRU (violation no. 8).</li> </ul> <p>d. Complete the engineering analysis and submit the plan to:</p> <ul style="list-style-type: none"> <li>i. Replace or modify the existing equipment at the truck loading rack to properly capture the sour gas emissions; and</li> <li>ii. Eliminate the sulfur venting from the sulfur pit eductor (violation no. 9).</li> </ul> <p>e. Implement procedures to address emissions event reporting deficiencies (violation no. 16), including calculating catalyst/particulate matter emissions (violation no. 12) and reporting individual VOCs that have exceeded their reportable quantities (violation no. 14); and</p> <p>f. Replace the level gauge and alarm on oily sump No. 7 (violation no. 17).</p> <p>3. Within 45 days, submit written certification demonstrating compliance of Ordering Provision Nos. 2.a., 2.b., 2.e., and 2.f.</p> <p>4. Within 90 days, begin implementation of the procedures/plans that are developed from the engineering analyses in Ordering Provision Nos. 2.c. and 2.d.</p> <p>5. Within 365 days, submit written certification of project completion for Ordering Provision Nos. 2.c. and 2.d.</p>

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<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>10. Failed to operate the Main Refinery Flare (EPN FL-1) with a pilot flame [30 TEX. ADMIN. CODE § 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 9.B., and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>11. Failed to obtain a permit amendment prior to the installation of the slotted guide poles on floating roof tanks, Tank Nos. 1001, 120M2, and 120M3 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> <p>12. Failed to include in the final report the compound descriptive type of all compounds released from the Electrostatic Precipitator Stack (ESP) (EPN V-20) during an emissions event which occurred on January 9, 2009 [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>13. Failed to control unauthorized catalyst fines particulate emissions during an emissions event on January 9, 2009, which lasted 24 minutes. Specifically, approximately 3.6 lbs of catalyst from the ESP (EPN V-20) were lost per 1,000 lbs of coke burnoff on an hourly average during the hour of highest opacity; the maximum allowable permitted rate is 2.0 lbs of catalyst per 1,000 lbs of coke burnoff. The TCEQ determined that this emissions event was improperly reported. Also, exceeded the maximum opacity rate of 15% over a six-minute period during the emissions event. Specifically, the six-minute opacity average varied from 18.47% to 72.15% [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, 24B, and 25, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>14. Failed to include on the final report the compound descriptive type of all compounds released during an emissions event which lasted 72 hours. Specifically, in the final report submitted on April 17, 2009, a number of VOCs were grouped together as "hydrocarbons." At least 31 of the individual VOCs were released in quantities greater than 10 pounds in 24 hours, and should have been reported individually [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>15. Failed to prevent the release of 98,774 lbs of VOC from the 60M-1 storage tank during an emissions event which lasted 72 hours. The TCEQ determined that this emissions event was improperly reported [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>16. Failed to include on the final report the compound descriptive type of all compounds released during an emissions event which lasted six hours [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>17. Failed to prevent the release of 2,955 lbs of VOC during an emissions event at the gasoline blending unit which lasted six hours. Specifically, a defective pressure relief valve on the No. 2 reformat transfer line valve relieved material to the blending slab drain, which overflowed and caused the treating plant oily sump No. 7 to back up and overrun the drain at the FCCU flare accumulator. The high level alarm on the sump malfunctioned and failed to notify operations personnel of the high liquid levels. The TCEQ determined that this emissions event was improperly reported [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		

**Attachment A**  
**Docket Number: 2009-0748-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

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

**Penalty Amount:** Two hundred forty-five thousand two hundred twenty-seven dollars (\$245,227)

**SEP Offset Amount:** One hundred twenty-two thousand six hundred thirteen dollars (\$122,613)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** **Texas Association of 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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D** to be used for the *Clean School Buses* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds 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 fueled or clean diesel buses; or 2) retrofitting older diesel buses with new cleaner technology. RC&D shall disburse SEP Funds to school districts, area transit agencies, or local governments on a needs-rated basis, using non-attainment area status, condition of buses, or economic status of recipient as possible rating factors if competition for funds exists. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing particulate matter (PM), and the ozone precursors NO<sub>x</sub> and hydrocarbon (HC), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the

Environmental Protection Agency (EPA), a model year 2007 bus will be 90% cleaner in terms of particulate matter emissions than a model year 2004 bus. New HC and NO<sub>x</sub> standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NO<sub>x</sub> than a bus produced to meet the 2004 federal standards for these pollutants. This SEP will provide a discernible environmental benefit by reducing exposure of children and other bus passengers to harmful air pollutants.

C. Minimum Expenditure

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

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to "Texas Association of RC&D" and mail the check and a copy of the Agreed Order with the contribution check to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Dr. Ste 510  
Bryan, TX 77802

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-May-2009			
	<b>PCW</b>	23-Dec-2009	<b>Screening</b>	20-May-2009	<b>EPA Due</b> 2-Feb-2010

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

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	37660	<b>No. of Violations</b>	17		
<b>Docket No.</b>	2009-0748-AIR-E	<b>Order Type</b>	Findings		
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Miriam Hall		
		<b>EC's Team</b>	Enforcement Team 4		
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$95,100
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	277.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$263,427
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Notes: The penalty was enhanced for 16 same or similar NOVs, two other NOVs, seven 1660 orders, one findings order, and one court order with a denial of liability. The penalty was reduced for two notices of audit.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$2,500
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$1,021  
 Approx. Cost of Compliance \$14,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$356,027
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$356,027

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$245,227
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$245,227
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**Screening Date** 20-May-2009

**Docket No.** 2009-0748-AIR-E

**PCW**

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

Policy Revision 2 (September 2002)

**Case ID No.** 37660

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100210517

**Media [Statute]** Air

**Enf. Coordinator** Miriam Hall

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	16	80%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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)** 277%

>> **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**

The penalty was enhanced for 16 same or similar NOVs, two other NOVs, seven 1660 orders, one findings order, and one court order with a denial of liability. The penalty was reduced for two notices of audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 277%

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, Special Condition ("SC") 2, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent the unauthorized release of 93.45 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>"), 60 lbs of carbon monoxide, 3.72 lbs of nitrogen oxides, and a total of 11.44 lbs of various volatile organic compounds ("VOC") from the Hydrocracker Unit flare, Emission Point No. ("EPN") FL-4 during an emissions event on January 7, 2009 which lasted one hour and 30 minutes. Specifically, a wafer check valve had been installed on a horizontal line, which created a stagnant zone, which caused the valve to corrode and leak. Because these emissions could have been foreseen and avoided by good design and/or maintenance practices, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes** Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

*mark only one with an x*

**Violation Base Penalty**

One quarterly event is recommended based on the event which occurred on January 7, 2009.

**Good Faith Efforts to Comply**  Reduction

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

**Notes** Corrective actions were completed by March 31, 2009. The NOE was issued on May 8, 2009.

**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.** 37660  
**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
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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				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)	\$500	7-Jan-2009	31-Mar-2009	0.23	\$6	n/a	\$6

Notes for DELAYED costs

The estimated cost of inspecting valves of the same design and in similar service and revising the replacement valve inspection program from the date of the violation to the date corrective actions were 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

\$500

**TOTAL**

\$6

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(1), 40 CFR § 60.104(a)(1), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to limit the maximum hydrogen sulfide ("H2S") concentration in the fuel gas combusted to 230 milligrams per dry standard cubic meter ("mg/dscm") [162 parts per million ("ppm")] on January 17, March 15, and June 17 and 18, 2008.  
**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual	Potential	x	
				25%

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500  
 \$2,500

**Violation Events**

Number of Violation Events 2 4 Number of violation days  
 mark only one with an x  
 daily  
 weekly  
 monthly  
 quarterly x  
 semiannual  
 annual  
 single event  
**Violation Base Penalty** \$5,000

Two quarterly events are recommended from January 17 through June 18, 2008.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

Before NOV NOV to EDRP/Settlement Offer  
 Extraordinary  
 Ordinary  
 N/A x (mark with x)  
**Notes** The Respondent does not meet the good faith criteria for this violation.  
**Violation Subtotal** \$5,000

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

Estimated EB Amount \$51 **Violation Final Penalty Total** \$18,850  
**This violation Final Assessed Penalty (adjusted for limits)** \$18,850

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**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
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				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)	\$500	17-Jan-2008	31-Jan-2010	2.04	\$51	n/a	\$51

Notes for DELAYED costs

The estimated cost for additional oversight and management practices designed to ensure that proper maintenance practices are followed from the date of the first violation until the estimated date of completion.

### 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

\$500

**TOTAL**

\$51

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(1), 40 CFR § 60.104(a)(2), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to limit the maximum SO2 concentration in gases discharged from the No. 2 Claus sulfur recovery unit ("SRU") to 250 ppm by volume (dry basis) on June 4 and 17, August 20 and 21, September 2, October 8, and December 10, 2008.  
**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent	
	<b>Release</b>	Major	Moderate		Minor
	Actual				x
Potential				25%	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

**Matrix Notes** Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 3 7 Number of violation days

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

**Violation Base Penalty** \$7,500

Three quarterly events are recommended from June 4 through December 10, 2008.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$7,500

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

**Estimated EB Amount** \$42 **Violation Final Penalty Total** \$28,275

**This violation Final Assessed Penalty (adjusted for limits)** \$28,275

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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)	\$500	4-Jun-2008	31-Jan-2010	1.66	\$42	n/a	\$42

Notes for DELAYED costs

The estimated cost for additional oversight and management practices designed to ensure that proper maintenance and operating practices are followed from the date of the first violation until the estimated date of completion.

### 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

\$500

**TOTAL**

\$42

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(1), 40 CFR § 60.112b(a)(1)(iv), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to equip or maintain a cover or lid in a closed position on each opening in the internal floating roof of Tank T-115. Specifically, the manway cover on top of the floating roof for Tank T-115 was missing during a tank inspection conducted on September 30, 2008.  
**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500  
 \$2,500

**Violation Events**

Number of Violation Events 1 44 Number of violation days  
 mark only one with an x  
 daily  
 weekly  
 monthly  
 quarterly x  
 semiannual  
 annual  
 single event  
**Violation Base Penalty** \$2,500

One quarterly event is recommended from the discovery date (September 30, 2008) to the compliance date (November 12, 2008).

**Good Faith Efforts to Comply** 25.0% Reduction \$625

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

**Notes** The Respondent came into compliance on November 12, 2008. The NOE was issued by on May 8, 2009.

**Violation Subtotal** \$1,875

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

**Estimated EB Amount** \$4 **Violation Final Penalty Total** \$8,800  
**This violation Final Assessed Penalty (adjusted for limits)** \$8,800

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$500	30-Sep-2008	12-Nov-2008	0.12	\$0	\$4	\$4
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 estimated cost for replacing the manway cover from first date of violation to the compliance date.

### 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

\$500

**TOTAL**

\$4

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(2), 40 CFR §61.356(g), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to keep complete records of quarterly waste streams inspections. Specifically, some of the records for fourth quarter 2008 were missing information for the corrective action taken and the dates of the corrective action for some of the inspections were missing.  
**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1%

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

**Adjustment** \$9,900 **\$100**

**Violation Events**

Number of Violation Events 1 231 Number of violation days  
 mark only one with an x  
 daily  
 weekly  
 monthly  
 quarterly  
 semiannual  
 annual  
 single event x  
**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

Before NOV NOV to EDRP/Settlement Offer  
 Extraordinary  
 Ordinary  
 N/A x (mark with x)  
**Notes** The Respondent does not meet the good faith criteria for this violation.  
**Violation Subtotal** \$100

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

**Estimated EB Amount** \$33 **Violation Final Penalty Total** \$377  
**This violation Final Assessed Penalty (adjusted for limits)** \$377

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)	\$500	1-Oct-2008	31-Jan-2010	1.33	\$33	n/a	\$33

Notes for DELAYED costs

The estimated cost for additional training, oversight and management practices designed to ensure that proper records are maintained from the date of the first violation until the estimated date of completion.

### 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

\$500

**TOTAL**

\$33

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(2), 40 CFR § 61.357(d)(8), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to submit complete annual reports of benzene inspections for 2007 and 2008. Specifically, the annual reports did not contain the summary information for problems found during the quarterly inspections.  
**Base Penalty** \$10,000

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

OR	Harm			Percent
	Release	Major	Moderate	
	Actual			0%
	Potential			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1%

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

**Adjustment** \$9,900 \$100

**Violation Events**

Number of Violation Events   Number of violation days  
*mark only one with an x*  
 daily   
 weekly   
 monthly   
 quarterly   
 semiannual   
 annual   
 single event

**Violation Base Penalty** \$200

One event for each report (two) is recommended.

**Good Faith Efforts to Comply**  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	<input checked="" type="checkbox"/>	(mark with x)

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

**Violation Subtotal** \$200

**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.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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)	\$500	31-Jan-2008	31-Jan-2010	2.00	\$50	n/a	\$50

Notes for DELAYED costs

The estimated cost of training and preparing complete reports from the due date of the first report to the estimated compliance date.

### 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

\$500

**TOTAL**

\$50

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 7  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 17, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to maintain the minimum incinerator temperature of 1336 degrees Fahrenheit ("°F") for the No. 1 SRU and 1281°F for the No. 2 SRU. Specifically, the incinerator for the No. 1 SRU was below 1336 °F on January 17 and June 17, 2008, and the incinerator for the No. 2 SRU was below 1281°F on January 17, March 15, June 29, July 14, August 3 and 20, September 2, October 8, and December 11, 2008.  
**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500  
 \$2,500

Violation Events

4 10 Number of violation days  
 mark only one with an x  
 daily  
 weekly  
 monthly  
 quarterly x  
 semiannual  
 annual  
 single event  
**Violation Base Penalty** \$10,000

Four quarterly events are recommended from January 7 to December 11, 2008.

Good Faith Efforts to Comply 0.0% Reduction \$0

Before NOV NOV to EDRP/Settlement Offer  
 Extraordinary  
 Ordinary  
 N/A x (mark with x)  
**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$10,000

Economic Benefit (EB) for this violation Statutory Limit Test

**Estimated EB Amount** \$51 **Violation Final Penalty Total** \$37,700  
**This violation Final Assessed Penalty (adjusted for limits)** \$37,700

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				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)	\$500	17-Jan-2008	31-Jan-2010	2.04	\$51	n/a	\$51

Notes for DELAYED costs

The estimated cost for additional oversight and management practices designed to ensure that proper maintenance and operating practices are followed from the date of the first violation until the estimated date of completion.

### 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

\$500

**TOTAL**

\$51

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 8  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 16, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to meet the minimum oxygen ("O2") concentration of 1% in the incinerator stack of the No. 2 SRU on January 17, April 9, June 16, August 20 and 21, September 2, and December 10, 2008.  
**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

	7	7	Number of violation days
<i>mark only one with an x</i>	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

**Violation Base Penalty** \$7,000

Seven single events are recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

**Violation Subtotal** \$7,000

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

**Estimated EB Amount** \$51 **Violation Final Penalty Total** \$26,390

**This violation Final Assessed Penalty (adjusted for limits)** \$26,390

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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)	\$500	17-Jan-2008	31-Jan-2010	2.04	\$51	n/a	\$51

Notes for DELAYED costs

The estimated cost for additional oversight and management practices designed to ensure that proper maintenance and operating practices are followed from the date of the first violation until the estimated date of completion.

### 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

\$500

**TOTAL**

\$51

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 9  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 21, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to route sour gas from the truck loading equipment back to the thermal reactor or the incinerator during the period January 1, 2008 through December 31, 2008. Additionally, the No. 2 sulfur pit eductor vent was not operating properly, and emissions to the atmosphere occurred during the period July 1, 2008 through December 31, 2008.  
**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500  
**Subtotal** \$2,500

**Violation Events**

Number of Violation Events: 4      365 Number of violation days  
*mark only one with an x*  
 daily:   
 weekly:   
 monthly:   
 quarterly:   
 semiannual:   
 annual:   
 single event:   
**Violation Base Penalty** \$10,000

Four quarterly events are recommended for January 1 through December 31, 2008. (Both truck loading equipment and the No. 2 sulfur pit eductor vent are part of the same sulfur vapor collection system.)

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$10,000

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

**Estimated EB Amount** \$540      **Violation Final Penalty Total** \$37,700  
**This violation Final Assessed Penalty (adjusted for limits)** \$37,700

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$2,500	1-Jan-2008	31-Jan-2011	3.08	\$26	\$514	\$540
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 estimated cost of repairing and modifying equipment from the first violation date to the estimated compliance date.

### 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

\$2,500

**TOTAL**

\$540

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 10  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 9.B., and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to operate the Main Refinery Flare (EPN FL-1) with a pilot flame present on June 7 through 8, 2008.

**Base Penalty** \$10,000

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

OR	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual			
Potential		x		<b>Percent</b> 25%

**>> Programmatic Matrix**

	Major	Moderate	Minor	
Falsification				
				<b>Percent</b> 0%

**Matrix Notes** Human health or the environment could have been exposed to significant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

One quarterly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$625

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

**Notes** The corrective actions were completed by July 31, 2008 and the NOE was issued on May 8, 2009.

**Violation Subtotal** \$1,875

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

**Estimated EB Amount** \$21 **Violation Final Penalty Total** \$8,800

**This violation Final Assessed Penalty (adjusted for limits)** \$8,800

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,000	7-Jun-2008	31-Jul-2008	0.15	\$1	\$20	\$21
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 estimated cost for repairs from the first violation date to the date corrective actions were completed. Corrective actions included relighting the pilot with a flare gun and installing temporary pilots until the damaged flare tip was replaced.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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

\$2,000

**TOTAL**

\$21

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 11  
**Rule Cite(s)** 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)  
**Violation Description** Failed to obtain a permit amendment prior to the installation of the slotted guide poles on floating roof tanks, Tank Nos. 1001, 120M2, and 120M3.  
**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			25%

Matrix Notes: The Respondent failed to comply with 100% of the rule requirement.

**Adjustment** \$7,500  
 \$2,500

Violation Events

Number of Violation Events: 1      26 Number of violation days  
 mark only one with an x  
 daily:   
 weekly:   
 monthly:   
 quarterly:   
 semiannual:   
 annual:   
 single event:   
**Violation Base Penalty** \$2,500

One monthly event is recommended from the date the amendment was required (November 20, 2008) to the date that the permit was amended (December 16, 2008).

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes: The permit amendment was approved on December 16, 2008.

**Violation Subtotal** \$1,875

Economic Benefit (EB) for this violation      Statutory Limit Test

**Estimated EB Amount** \$9      **Violation Final Penalty Total** \$8,800  
**This violation Final Assessed Penalty (adjusted for limits)** \$8,800

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$2,500	20-Nov-2008	16-Dec-2008	0.07	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of obtaining a permit amendment from the first date that an amendment was known to be required to actual compliance date.

### 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

\$2,500

**TOTAL**

\$9

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**V12** 12  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to include in the final report catalyst fines that were emitted during an emissions event which occurred on January 9, 2009.  
**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
The Respondent complied with more than 70% of the rule requirement.					
<b>Adjustment</b>					\$9,900
					\$100

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	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 is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

	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.		
<b>Violation Subtotal</b>			\$100

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

Estimated EB Amount	\$26	Violation Final Penalty Total	\$377
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$377

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 12

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	\$300	9-Jan-2009	23-Jan-2010	1.04	\$16	n/a	\$16
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	9-Jan-2009	31-Jan-2010	1.06	\$11	n/a	\$11

Notes for DELAYED costs

The estimated cost of developing a method to calculate catalyst emissions and train personnel in correct reporting procedures from the date of the emissions event to the estimated compliance date.

### 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

\$500

**TOTAL**

\$26

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 13

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, 24B, and 25, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to control unauthorized catalyst fines particulate emissions from the Electrostatic Precipitator Stack ("ESP") (EPN V-20) during an emissions event on January 9, 2009 and lasting 24 minutes. Specifically, due to the malfunction of a level indication transmitter at the FCCU and reduced efficiency of the ESP, approximately 3.6 lbs of catalyst were lost per 1,000 lbs of coke burnoff on an hourly average during the hour of highest opacity on January 9, 2009. The maximum allowable permitted rate is 2.0 lbs of catalyst per 1,000 lbs of coke burnoff. Also, the Respondent exceeded the maximum opacity rate of 15% over a six-minute period. During the emissions event, the six-minute opacity average varied from 18.47% to 72.15%. Since the 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	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	25%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

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

**Violation Base Penalty** \$2,500

One quarterly event is recommended based on the event which occurred on January 9, 2009.

**Good Faith Efforts to Comply**

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$2,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$53

**Violation Final Penalty Total** \$9,425

**This violation Final Assessed Penalty (adjusted for limits)** \$9,425

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 13

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				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)	\$1,000	9-Jan-2009	31-Jan-2010	1.06	\$53	n/a	\$53

Notes for DELAYED costs

The estimated cost for additional oversight and management practices designed to ensure that proper operation and maintenance practices are followed from the date of the violation until the estimated date of completion. Part of the economic benefit is included in Violation No. 12 as this event would have met the affirmative defense if it had been reported properly.

### 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

\$1,000

**TOTAL**

\$53

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 14  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to include on the final report the compound descriptive type of all compounds released during an emissions event which occurred at the 60M-1 storage tank and began on January 9, 2009. Specifically, a number of VOCs were grouped together as "hydrocarbons." At least 31 of the individual VOCs were released in quantities greater than 10 pounds in 24 hours and should have been reported individually.

**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	

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

**Adjustment** \$9,900

\$100

**Violation Events**

Number of Violation Events 1 93 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
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** \$0

**Violation Final Penalty Total** \$377

**This violation Final Assessed Penalty (adjusted for limits)** \$377

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 14

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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 is included in Violation No. 12.

### 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

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 15  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent the release of 98,774 lbs of VOC from the 60M-1 storage tank during an emissions event which occurred on January 9-12, 2009 and lasted 72 hours. Specifically, a control valve failed to close which allowed light hydrocarbons to pool on the roof of the tank. Since the 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	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual	x		
Potential				

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification				

**Matrix Notes** Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment** \$0

\$10,000

**Violation Events**

Number of Violation Events 4 4 Number of violation days

*mark only one with an x*

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$40,000

Four daily events are recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$40,000

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

**Estimated EB Amount** \$53 **Violation Final Penalty Total** \$150,800

**This violation Final Assessed Penalty (adjusted for limits)** \$40,000

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 15

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				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)	\$1,000	9-Jan-2009	31-Jan-2010	1.06	\$53	n/a	\$53

Notes for DELAYED costs

The estimated cost for additional oversight and management practices designed to ensure that proper operation and maintenance practices are followed from the date of the violation until the estimated date of completion. Part of the economic benefit is included in Violation No. 21 as this event would have met the affirmative defense if it had been reported properly.

### 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

\$1,000

**TOTAL**

\$53

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 16  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to include on the final report the compound descriptive type of all compounds released during an emissions event which occurred on March 5, 2009. Specifically, 50 additional compounds were not included on the final report submitted on March 19, 2009.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1%

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

**Adjustment** \$9,900

\$100

**Violation Events**

Number of Violation Events 1 68 Number of violation days

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

**Violation Base Penalty** \$100

Four quarterly events are recommended from January 7 to December 11, 2008.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$100

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$377

**This violation Final Assessed Penalty (adjusted for limits)** \$377

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 16

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				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 is included in Violation No. 12.

### 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

**Screening Date** 20-May-2009 **Docket No.** 2009-0748-AIR-E **PCW**  
**Respondent** Diamond Shamrock Refining Company, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37660 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100210517  
**Media [Statute]** Air  
**Enf. Coordinator** Miriam Hall

**Violation Number** 17  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description**  
 Failed to prevent the release of 2,955 lbs of VOC during an emissions event at the gasoline blending unit which occurred on March 5, 2009 and lasted six hours. Specifically, a defective pressure relief valve on the No. 2 reformate transfer line valve relieved material to the blending slab drain which overflowed and caused the treating plant oily sump No. 7 to back up and overrun the drain at the FCCU flare accumulator. The high level alarm on the sump malfunctioned and failed to notify operations personnel of the high liquid levels. Since the 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	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	25%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes**  
 Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.  
**Adjustment** \$7,500

\$2,500

**Violation Events**

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

One quarterly event is recommended based on the event which occurred on March 5, 2009.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

Before NOV NOV to EDPRP/Settlement Offer  
 Extraordinary  
 Ordinary  
 N/A x (mark with x)  
**Notes**  
 The Respondent does not meet the good faith criteria for this violation.  
**Violation Subtotal** \$2,500

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

Estimated EB Amount \$32 Violation Final Penalty Total \$9,425  
**This violation Final Assessed Penalty (adjusted for limits)** \$9,425

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 37660  
**Reg. Ent. Reference No.** RN100210517  
**Media** Air  
**Violation No.** 17

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	\$500	5-Mar-2009	31-Jan-2010	0.91	\$2	\$30	\$32
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 estimated cost for replacing the level gauge and alarm on oily sump No. 7 with alternative technology from the date of the violation to estimated compliance date.

### 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

\$500

**TOTAL**

\$32

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 3.57																																																																																																																																										
Regulated Entity:	RN100210517	DIAMOND SHAMROCK MCKEE PLANT	Classification: AVERAGE	Site Rating: 5.50																																																																																																																																										
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 30%;">ACCOUNT NUMBER</td> <td style="width: 20%;">MR0008T</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1555</td> </tr> <tr> <td>WASTE WATER GENERAL PERMIT</td> <td>PERMIT</td> <td>TXG670095</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0003927000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TPDES0115851</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0115851</td> </tr> <tr> <td>PUBLIC WATER SYSTEM/SUPPLY</td> <td>REGISTRATION</td> <td>1710004</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD059685339</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>30871</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td> <td>PERMIT</td> <td>50229</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td> <td>PERMIT</td> <td>50229</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4834100031</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13435</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>42</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>9708</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>10152</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>10727</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13095</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>39988</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>MR0008T</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>86866</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>32958</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75538</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>70214</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>71692</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>71696</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>77646</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX1004</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX861M2</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>85548</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>87455</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>83688</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW192</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW332</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW225</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW226</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW333</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW020</td> </tr> <tr> <td>UNDERGROUND INJECTION CONTROL</td> <td>PERMIT</td> <td>WDW102</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR05P771</td> </tr> <tr> <td>ON SITE SEWAGE FACILITY</td> <td>PERMIT</td> <td>1710271</td> </tr> <tr> <td>ON SITE SEWAGE FACILITY</td> <td>PERMIT</td> <td>1710272</td> </tr> <tr> <td>ON SITE SEWAGE FACILITY</td> <td>PERMIT</td> <td>1710285</td> </tr> <tr> <td>IHW CORRECTIVE ACTION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>30871</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td> <td>PERMIT</td> <td>50229</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS</td> <td>PERMIT</td> <td>50229</td> </tr> </table>				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 # 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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:	June 17, 2009																																																																																																																																													
Agency Decision Requiring Compliance History:	Enforcement																																																																																																																																													

Compliance Period:

June 17, 2004 to June 17, 2009

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

Name: Miriam Hall Phone: (512) 239 - 1044

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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.  
Effective Date: 04/05/2009 **ADMINORDER 2007-0314-AIR-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Part 60, Subpart J 60.105(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failed to record the Fluid Catalytic Cracking Unit (FCCU) coke burn-off rate and hours of operation. Specifically, on August 2, 2005, Diamond Shamrock failed to record the FCCU coke burn-off rate and hours of operation.  
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 8(B) PERMIT  
Description: Failed to operate the Main Refinery Flare (EPN FL-1) with a pilot flame present at all times and with an automatic re-ignition system. Specifically, the flare's pilot flame was absent, and not automatically relit, on May 14, 2005, May 16, 2005, May 17, 2005, July 6, 2005, and November 22, 2005.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failed to operate the Main Refinery Flare (EPN FL-1) with a flow indicator that provides a record of vent stream flow to the flare at least once every hour. Specifically, the hourly flow to the flare was not recorded on November 6, 2004, June 14, 2005, July 13, 2005, and August 11, 2005.  
Effective Date: 06/01/2009 **ADMINORDER 2008-0738-AIR-E**  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to include the compound descriptive type of all compounds released during the emissions event (Incident No. 102872) on the final emissions event report. Specifically, the Respondent reported 367 lbs of VOCs without knowing if any of the contaminants with a reportable quantity of 100 exceeded the 10 lbs above which the contaminant has to be identified.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Flexible Permit 9708 SC 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 06/29/2004 (277740)
- 2 06/29/2004 (277795)
- 3 07/13/2004 (365870)
- 4 07/19/2004 (282462)
- 5 07/19/2004 (282628)
- 6 07/30/2004 (281203)
- 7 07/30/2004 (285088)
- 8 07/30/2004 (285091)
- 9 08/18/2004 (365871)
- 10 09/10/2004 (365872)
- 11 09/24/2004 (333652)
- 12 09/24/2004 (333657)

13	09/24/2004	(333661)
14	09/24/2004	(334110)
15	10/09/2004	(334357)
16	10/09/2004	(334360)
17	10/12/2004	(365873)
18	11/08/2004	(389424)
19	11/23/2004	(341283)
20	11/29/2004	(265255)
21	11/29/2004	(265429)
22	11/29/2004	(265642)
23	12/08/2004	(389425)
24	12/21/2004	(344651)
25	12/21/2004	(344658)
26	12/21/2004	(344660)
27	12/29/2004	(342063)
28	12/30/2004	(335411)
29	12/30/2004	(339581)
30	12/30/2004	(340798)
31	12/30/2004	(341816)
32	12/30/2004	(341924)
33	12/30/2004	(342037)
34	12/30/2004	(342075)
35	12/30/2004	(342089)
36	12/30/2004	(342170)
37	12/30/2004	(342199)
38	01/12/2005	(389426)
39	01/25/2005	(347113)
40	01/28/2005	(347482)
41	01/28/2005	(347546)
42	01/28/2005	(347557)
43	01/31/2005	(349140)
44	02/08/2005	(430654)
45	02/25/2005	(349075)
46	03/04/2005	(372782)
47	03/04/2005	(372791)
48	03/04/2005	(372795)
49	03/04/2005	(372817)
50	03/11/2005	(351080)
51	03/14/2005	(389423)
52	03/17/2005	(374583)
53	03/17/2005	(374606)
54	04/11/2005	(430655)
55	04/27/2005	(372560)
56	04/27/2005	(378884)
57	05/10/2005	(430656)
58	06/03/2005	(394664)
59	06/07/2005	(453773)
60	06/10/2005	(379079)
61	06/10/2005	(430657)
62	07/06/2005	(398777)
63	07/06/2005	(398782)
64	07/11/2005	(447145)
65	07/22/2005	(400328)
66	07/26/2005	(397864)
67	08/19/2005	(447146)
68	09/12/2005	(431439)
69	09/12/2005	(431445)
70	09/12/2005	(447147)
71	09/20/2005	(431995)

72	10/05/2005	(433468)
73	10/05/2005	(433476)
74	10/05/2005	(433480)
75	10/05/2005	(491410)
76	11/15/2005	(433770)
77	11/15/2005	(491411)
78	11/22/2005	(438219)
79	11/22/2005	(438224)
80	11/22/2005	(438231)
81	12/14/2005	(434276)
82	12/15/2005	(491412)
83	01/05/2006	(437778)
84	01/05/2006	(437779)
85	01/06/2006	(439635)
86	01/13/2006	(491413)
87	01/30/2006	(434022)
88	01/30/2006	(438525)
89	02/02/2006	(454165)
90	02/07/2006	(491408)
91	02/24/2006	(434827)
92	02/24/2006	(434941)
93	03/07/2006	(491409)
94	04/07/2006	(505767)
95	04/11/2006	(461707)
96	04/12/2006	(461731)
97	04/19/2006	(463085)
98	04/19/2006	(463093)
99	04/19/2006	(463113)
100	04/19/2006	(463117)
101	04/19/2006	(463122)
102	05/01/2006	(463546)
103	05/04/2006	(463490)
104	05/05/2006	(505768)
105	05/30/2006	(480407)
106	05/31/2006	(480794)
107	06/05/2006	(505769)
108	06/22/2006	(480967)
109	06/27/2006	(481025)
110	06/30/2006	(481177)
111	07/13/2006	(486447)
112	07/13/2006	(486456)
113	07/17/2006	(528026)
114	07/26/2006	(488656)
115	07/26/2006	(488930)
116	07/27/2006	(489065)
117	07/27/2006	(489074)
118	08/24/2006	(528027)
119	08/29/2006	(510486)
120	08/29/2006	(510494)
121	09/07/2006	(488389)
122	09/11/2006	(511697)
123	09/11/2006	(511821)
124	09/12/2006	(512020)
125	09/15/2006	(488452)
126	09/20/2006	(372800)
127	09/22/2006	(512784)
128	09/22/2006	(513104)
129	09/25/2006	(488931)
130	09/25/2006	(528028)

131	10/06/2006	(488938)
132	10/06/2006	(551570)
133	10/11/2006	(515781)
134	10/12/2006	(489193)
135	10/13/2006	(515941)
136	10/13/2006	(515995)
137	10/13/2006	(516008)
138	10/13/2006	(516058)
139	10/31/2006	(515056)
140	10/31/2006	(515083)
141	10/31/2006	(515085)
142	10/31/2006	(515088)
143	10/31/2006	(515097)
144	10/31/2006	(517795)
145	11/03/2006	(518264)
146	11/03/2006	(518280)
147	11/08/2006	(518742)
148	11/09/2006	(551571)
149	11/20/2006	(519567)
150	12/05/2006	(532888)
151	12/05/2006	(532897)
152	12/05/2006	(532900)
153	12/05/2006	(551572)
154	12/08/2006	(533121)
155	12/08/2006	(533139)
156	12/08/2006	(533445)
157	12/11/2006	(532830)
158	12/12/2006	(533646)
159	12/13/2006	(533581)
160	12/18/2006	(518681)
161	12/28/2006	(515100)
162	01/08/2007	(535677)
163	01/08/2007	(535737)
164	01/08/2007	(535755)
165	01/11/2007	(551573)
166	01/29/2007	(533808)
167	02/11/2007	(551569)
168	02/20/2007	(452450)
169	02/28/2007	(542019)
170	02/28/2007	(542056)
171	03/06/2007	(542521)
172	03/06/2007	(542534)
173	03/06/2007	(542543)
174	03/08/2007	(542581)
175	03/09/2007	(588603)
176	03/27/2007	(555204)
177	04/05/2007	(588604)
178	04/09/2007	(541306)
179	04/10/2007	(555984)
180	04/12/2007	(556468)
181	04/12/2007	(556613)
182	04/12/2007	(556625)
183	04/12/2007	(556627)
184	04/12/2007	(556631)
185	04/12/2007	(556634)
186	04/13/2007	(556486)
187	04/13/2007	(556973)
188	05/08/2007	(559054)
189	05/14/2007	(537450)

190	05/16/2007	(560245)
191	05/22/2007	(558995)
192	06/18/2007	(559063)
193	06/20/2007	(588605)
194	06/20/2007	(588606)
195	06/27/2007	(563476)
196	07/18/2007	(567991)
197	07/20/2007	(559001)
198	07/23/2007	(588607)
199	07/24/2007	(568035)
200	07/26/2007	(568738)
201	07/26/2007	(568758)
202	07/31/2007	(569792)
203	07/31/2007	(569877)
204	08/03/2007	(570758)
205	08/20/2007	(605525)
206	08/29/2007	(564391)
207	08/29/2007	(571885)
208	09/04/2007	(574211)
209	09/04/2007	(574398)
210	09/06/2007	(593562)
211	09/06/2007	(593573)
212	09/06/2007	(593586)
213	09/10/2007	(572656)
214	09/11/2007	(593865)
215	09/21/2007	(605526)
216	09/27/2007	(596055)
217	10/11/2007	(605527)
218	10/24/2007	(598861)
219	10/25/2007	(598954)
220	10/25/2007	(599120)
221	10/26/2007	(597573)
222	10/26/2007	(597880)
223	10/29/2007	(597941)
224	11/06/2007	(599312)
225	11/06/2007	(599558)
226	11/20/2007	(598333)
227	11/30/2007	(610557)
228	12/17/2007	(630167)
229	12/17/2007	(630168)
230	12/19/2007	(611641)
231	12/19/2007	(611646)
232	01/03/2008	(630169)
233	01/09/2008	(611638)
234	01/31/2008	(616381)
235	01/31/2008	(616393)
236	01/31/2008	(616398)
237	01/31/2008	(616610)
238	01/31/2008	(616613)
239	01/31/2008	(616618)
240	02/08/2008	(617496)
241	02/08/2008	(617501)
242	02/08/2008	(617507)
243	02/13/2008	(617998)
244	02/13/2008	(618031)
245	02/14/2008	(617189)
246	02/14/2008	(617318)
247	02/14/2008	(617342)
248	02/14/2008	(617437)

249	02/15/2008	(612688)
250	02/20/2008	(618387)
251	02/20/2008	(618391)
252	02/20/2008	(618394)
253	02/20/2008	(618400)
254	02/20/2008	(618402)
255	03/13/2008	(638732)
256	03/18/2008	(618803)
257	04/15/2008	(641006)
258	04/17/2008	(653264)
259	05/30/2008	(695546)
260	05/30/2008	(695547)
261	05/30/2008	(695548)
262	05/30/2008	(695549)
263	06/17/2008	(683001)
264	06/17/2008	(683012)
265	07/01/2008	(695550)
266	07/02/2008	(684662)
267	07/15/2008	(695551)
268	07/20/2008	(334071)
269	09/11/2008	(700819)
270	09/12/2008	(702770)
271	09/15/2008	(700539)
272	09/15/2008	(702765)
273	09/18/2008	(700737)
274	10/08/2008	(704830)
275	10/09/2008	(717085)
276	10/09/2008	(717086)
277	10/17/2008	(705769)
278	10/17/2008	(705775)
279	10/17/2008	(705781)
280	10/17/2008	(705787)
281	11/10/2008	(717087)
282	11/21/2008	(708521)
283	11/21/2008	(708548)
284	11/21/2008	(708603)
285	12/15/2008	(710174)
286	12/17/2008	(721045)
287	12/18/2008	(721139)
288	12/22/2008	(721734)
289	12/22/2008	(721770)
290	12/22/2008	(721805)
291	12/22/2008	(721850)
292	12/22/2008	(721917)
293	01/12/2009	(722626)
294	01/12/2009	(722797)
295	01/12/2009	(723376)
296	01/26/2009	(732469)
297	01/28/2009	(724669)
298	01/29/2009	(724743)
299	01/29/2009	(724838)
300	02/06/2009	(724918)
301	02/06/2009	(724921)
302	02/06/2009	(725025)
303	02/06/2009	(725029)
304	02/06/2009	(725034)
305	02/08/2009	(725042)
306	02/09/2009	(725420)
307	02/19/2009	(722773)

308 02/19/2009 (735611)  
309 04/29/2009 (744045)  
310 05/08/2009 (724295)  
311 05/09/2009 (744000)  
312 05/12/2009 (745290)  
313 05/18/2009 (745994)  
314 05/20/2009 (744437)

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

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) CN600124861  
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) CN600124861  
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) CN600124861  
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)

Description: 5C THC Chapter 382, SubChapter D 382.085(b)  
 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: 40 CFR Part 60, Subpart A 60.7(c)  
Description: The facility is in violation of the requirements of 40 CFR 60, 60.7(c).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a)

and Texas Health and Safety Code 382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 61, Subpart FF 61.346(b)(5)  
40 CFR Part 63, Subpart CC 63.647(a)  
Description: The facility is in violation of the provisions of 40 CFR 63.647(a) and 61.346(b)(5).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 61, Subpart FF 61.354(d)  
Description: The facility is in violation of the provisions of 40 CFR 61.354(d).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart A 60.7(f)  
Description: The facility is in violation of the provisions of 40 CFR 60.7(f).  
Date: 08/29/2007 **(573564)**

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart CC 63.646(a)  
Description: The facility is in violation of provisions of 40 CFR 63 Subpart CC, 60. 646(a).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart CC 63.654(h)(1)  
Description: The facility is in violation of the requirements of 40 CFR 63, 63.654(h)(1).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart UUU 63.1564(a)(3)  
Description: The facility is in violation of requirements of 40 CFR, 63.1364(a)(3).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart UUU 63.1565(a)(3)  
Description: The facility is in violation of the requirements of 40 CFR 63, 63.1565(a)(3).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart UUU 63.1568(a)(3)  
Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(a)(3).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(c)(1).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart LLLLL 63.8684(a)  
Description: The facility is in violation of the requirements of 40 CFR 63, 63.8684(a).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart LLLLL 63.8688(b)(4)  
Description: The facility is in violation of the monitoring requirements of 40 CFR 63, 63.8688(b)(4).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 63, Subpart LLLLL 63.8692(d)  
Description: The facility is in violation of the requirements of 40 CFR 63, 63.8692(d).  
Date: 03/18/2008 **(618803)** 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

Date: 05/08/2009 **(724295)** **CN600124861**

Self Report? NO Classification: Moderate

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

Description: This facility is subject to requirements of the special conditions of the flexible permit No. 9708. The special condition No. 18 (approved on December 8, 2008) specifies the minimum sulfur recovery efficiency of 99.8% for No. 2 SRU. The review of information provided indicated that the minimum SRU efficiency was not achieved on 6/4/2008. The facility is in violation of 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: This facility is subject to requirements of the special conditions of the flexible

permit No. 9708. The special condition No. 24 (approved on December 8, 2008) specifies the maximum sulfur dioxide concentration of 300 ppm (on hourly average) from the FCCU regeneration stack. The review of information provided indicated that the SO2 concentration limit was exceeded on 5/20/2008. The facility is in violation of 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 A 60.18(f)(2)		
Description:	The facility is in violation of the provisions of §60.18(f)(2).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 63.1569(a)(3) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(3) 40 CFR Part 63, Subpart UUU 63.1564(a)(3) 40 CFR Part 63, Subpart UUU 63.1565(a)(3)		
Description:	The facility is in violation of the provisions of §63.1564(a)(3), §63.1569(a)(3), §63.1567(a)(3), §63.1565(a)(3), and 63.1565(c)(2).		
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 is in violation of 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 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(d)		
Description:	The facility is in violation of the provisions of §63.6(e)(3) and §63.1570(d).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter C 122.217(a)(3)		
Description:	The facility is in violation of the provisions of 30 TAC 122, §122.217(a)(3).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter K 106.264(7)		
Description:	The facility is in violation of the provisions §106.264(7).		
Date:	05/19/2009	(745994)	CN600124861
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(f)		
Description:	Failure to provide additional or more detailed information regarding an emissions event within the time established in the request.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)		
Description:	Failure to include on the final report of an emissions event the compound descriptive type of all compounds released		

F. Environmental audits.

Notice of Intent Date: 05/05/2008 (671277)  
No DOV Associated

Notice of Intent Date: 08/29/2008 (739445)  
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**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-0748-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Diamond Shamrock Refining Company, L.P. (“Diamond Shamrock”) under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Diamond Shamrock represented by Parker Wilson, Managing Counsel, Valero Refining – Texas, L.P., presented this agreement to the Commission.

Diamond Shamrock understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Diamond Shamrock agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Diamond Shamrock.

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Diamond Shamrock owns and operates a petroleum refinery 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. During investigations conducted on February 9, 2009 through February 18, 2009, April 9, 2009, April 29, 2009, and June 15, 2009, a TCEQ Amarillo Regional Office investigator documented that Diamond Shamrock:
  - a. Failed to prevent the unauthorized release of 93.45 pounds ("lbs") of sulfur dioxide ("SO<sub>2</sub>"), 60 lbs of carbon monoxide, 3.72 lbs of nitrogen oxides, and a total of 11.44 lbs of various volatile organic compounds ("VOC") from the Hydrocraker Unit flare, Emission Point No. ("EPN") FL-4 during an emissions event on January 7, 2009 which lasted one hour and 30 minutes. Specifically, a wafer check valve had been installed on a horizontal line, which created a stagnant zone, which caused the valve to corrode and leak. The TCEQ determined that these emissions could have been foreseen and avoided by good design and/or maintenance practices;
  - b. Failed to limit the maximum hydrogen sulfide ("H<sub>2</sub>S") concentration in the fuel gas combusted to 230 milligrams per dry standard cubic meter ("mg/dscm") [162 parts per million ("ppm")] on January 17, 2008, March 15, 2008, June 17, 2008 and June 18, 2008;
  - c. Failed to limit the maximum SO<sub>2</sub> concentration in gases discharged from the No. 2 Claus sulfur recovery unit ("SRU") to 250 ppm by volume (dry basis) on June 4, 2008, June 17, 2008, August 20, 2008, August 21, 2008, September 2, 2008, October 8, 2008 and December 10, 2008;
  - d. Failed to equip or maintain a cover or lid in a closed position on each opening in the internal floating roof of Tank T-115. Specifically, the manway cover on top of the floating roof for Tank T-115 was missing during a tank inspection conducted on September 30, 2008;
  - e. Failed to keep complete records of quarterly waste streams inspections. Specifically, some of the records for fourth quarter 2008 were missing information for the corrective action taken and the dates of the corrective action for some of the inspections were missing;
  - f. Failed to submit complete annual reports of benzene inspections for 2007 and 2008. Specifically, the annual reports did not contain the summary information for problems found during the quarterly inspections;
  - g. Failed to maintain the minimum incinerator temperature of 1336 degrees Fahrenheit ("°F") for the No. 1 SRU and 1281°F for the No. 2 SRU. Specifically, the incinerator for the No. 1 SRU was below 1336 °F on January 17, 2008 and June 17, 2008, and the incinerator for the No. 2 SRU was below 1281°F on January 17, 2008, March 15, 2008, June 29, 2008, July 14, 2008, August 3, 2008, August 20, 2008, September 2, 2008, October 8, 2008 and December 11, 2008;

- h. Failed to meet the minimum oxygen ("O<sub>2</sub>") concentration of 1% in the incinerator stack of the No. 2 SRU on January 17, 2008, April 9, 2008, June 16, 2008, August 20, 2008, August 21, 2008, September 2, 2008 and December 10, 2008;
- i. Failed to route sour gas from the truck loading equipment back to the thermal reactor or the incinerator during the period January 1, 2008 through December 31, 2008. Additionally, the No. 2 sulfur pit eductor vent was not operating properly, and emissions to the atmosphere occurred during the period July 1, 2008 through December 31, 2008;
- j. Failed to operate the Main Refinery Flare (EPN FL-1) with a pilot flame present on June 7, 2008 through June 8, 2008;
- k. Failed to obtain a permit amendment prior to the installation of the slotted guide poles on floating roof tanks, Tank Nos. 1001, 120M2, and 120M3;
- l. Failed to include in the final report the compound descriptive type of all compounds released during an emissions event which occurred on January 9, 2009. Specifically, the catalyst fines particulate emissions from the Electrostatic Precipitator Stack ("ESP") (EPN V-20) were not included in the final report submitted on July 16, 2009;
- m. Failed to control unauthorized catalyst fines particulate emissions during an emissions event on January 9, 2009, which lasted 24 minutes. Specifically, approximately 3.6 lbs of catalyst from the ESP (EPN V-20) were lost per 1,000 lbs of coke burnoff on an hourly average during the hour of highest opacity; the maximum allowable permitted rate is 2.0 lbs of catalyst per 1,000 lbs of coke burnoff. The TCEQ determined that this emissions event was improperly reported. Also, Diamond Shamrock exceeded the maximum opacity rate of 15% over a six-minute period during an emissions event on January 9, 2009. Specifically, the six-minute opacity average varied from 18.47% to 72.15%;
- n. Failed to include on the final report the compound descriptive type of all compounds released during an emissions event which occurred at the 60M-1 storage tank on January 9, 2009 through January 12, 2009, and lasted 72 hours. Specifically, in the final report submitted on April 17, 2009, a number of VOCs were grouped together as "hydrocarbons." At least 31 of the individual VOCs were released in quantities greater than 10 pounds in 24 hours, and should have been reported individually;
- o. Failed to prevent the release of 98,774 lbs of VOC from the 60M-1 storage tank during an emissions event from January 9<sup>th</sup> through January 12<sup>th</sup>, 2009, and lasted 72 hours. Specifically, light hydrocarbons were pooled on the roof of the tank. The TCEQ determined that this emissions event was improperly reported;

- p. Failed to include on the final report the compound descriptive type of all compounds released during an emissions event which occurred on March 5, 2009, and lasted six hours. Specifically, 50 additional compounds were not included on the final report submitted on March 19, 2009; and
  - q. Failed to prevent the release of 2,955 lbs of VOC from the gasoline blending unit during an emissions event which occurred on March 5, 2009 and lasted six hours. Specifically, a defective pressure relief valve on the No. 2 reformat transfer line valve relieved material to the blending slab drain which overflowed and caused the treating plant oily sump No. 7 to back up and overrun the drain at the FCCU flare accumulator. The high level alarm on the sump malfunctioned and failed to notify operations personnel of the high liquid levels; The TCEQ determined that this emissions event was improperly reported.
- 4. Diamond Shamrock received notices of the violations on May 14, 18, and 22, 2009, and July 20, 2009.
  - 5. The Executive Director recognizes that Diamond Shamrock implemented the following corrective measures at the Plant:
    - a. By March 31, 2009, completed inspecting valves of the same design and in similar service as the one involved in the January 7, 2009 emissions event, and revised the replacement valve inspection program;
    - b. By November 12, 2008, replaced the manway cover on the top of Tank T-115;
    - c. By July 31, 2008, completed corrective actions on the Main Refinery Flare, including relighting the pilot with a flare gun and installing temporary pilots until the damaged flare tip was replaced;
    - d. On December 16, 2008, amended Permit No. 9708/PSD-TX-861M2 to include the installation of the slotted guide poles on the three floating roof tanks;
    - e. By July 16, 2009, replaced the malfunctioning level indication transmitter at the Fluid Catalytic Cracking Unit (“FCCU”); and
    - f. On April 17, 2009, modified operating procedures to include blocking the 60M-1 storage tank’s control valve with a manual block valve when the unit is shutdown, and provided additional training on the modified operation procedure to operations personnel.

### **CONCLUSIONS OF LAW**

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Diamond Shamrock is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., Diamond Shamrock failed to prevent the unauthorized release of emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, Special Condition (“SC”) 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Because these emissions could have been foreseen and avoided by good design and/or maintenance practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
3. As evidenced by Finding of Fact No. 3.b., Diamond Shamrock failed to limit the maximum H<sub>2</sub>S concentration in the fuel gas, in violation of 30 TEX. ADMIN. CODE § 101.20(1), 40 CODE OF FEDERAL REGULATIONS (“C.F.R.”) § 60.104(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., Diamond Shamrock failed to limit the maximum SO<sub>2</sub> concentration in gases discharged from the No. 2 Claus SRU to 250 ppm by volume (dry basis), in violation of 30 TEX. ADMIN. CODE § 101.20(1), 40 C.F.R. § 60.104(a)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 3.d., Diamond Shamrock failed to equip or maintain a cover or lid in a closed position on each opening in the internal floating roof of Tank T-115, in violation of 30 TEX. ADMIN. CODE § 101.20(1), 40 C.F.R. § 60.112b(a)(1)(iv), and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 3.e., Diamond Shamrock failed to keep complete records of quarterly waste streams inspections, in violation of 30 TEX. ADMIN. CODE § 101.20(2), 40 C.F.R. § 61.356(g), and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 3.f., Diamond Shamrock failed to submit complete annual reports of benzene inspections for 2007 and 2008, in violation of 30 TEX. ADMIN. CODE § 101.20(2), 40 C.F.R. § 61.357(d)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Finding of Fact No. 3.g., Diamond Shamrock failed to maintain the minimum incinerator temperature of 1336 °F for the No. 1 SRU and 1281°F for the No. 2 SRU, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 17, and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. As evidenced by Finding of Fact No. 3.h., Diamond Shamrock failed to meet the minimum O<sub>2</sub> concentration of 1% in the incinerator stack of the No. 2 SRU, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 16, and TEX. HEALTH & SAFETY CODE § 382.085(b).
10. As evidenced by Finding of Fact No. 3.i., Diamond Shamrock failed to route sour gas from the truck loading equipment back to the thermal reactor or the incinerator, in

violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 21, and TEX. HEALTH & SAFETY CODE § 382.085(b).

11. As evidenced by Finding of Fact No. 3.j., Diamond Shamrock failed to operate the EPN FL-1 with a pilot flame, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), Permit No. 9708/PSD-TX-861M2, SC 9.B., and TEX. HEALTH & SAFETY CODE § 382.085(b).
12. As evidenced by Finding of Fact No. 3.k., Diamond Shamrock failed to obtain a permit amendment prior to the installation of the slotted guide poles on floating roof tanks, Tank Nos. 1001, 120M2, and 120M3, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b).
13. As evidenced by Finding of Fact No. 3.l., Diamond Shamrock failed to include in the final report the compound descriptive type of all compounds released during an emissions event which occurred on January 9, 2009, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b).
14. As evidenced by Finding of Fact No. 3.m., Diamond Shamrock failed to control unauthorized catalyst fines particulate emissions and exceeded maximum opacity rates, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, 24B, and 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the catalyst fines particulate emissions event was improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
15. As evidenced by Finding of Fact No. 3.n., Diamond Shamrock failed to include on the final report the compound descriptive type of all compounds released during an emissions event which occurred January 9, 2009 through January 12, 2009, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b).
16. As evidenced by Finding of Fact No. 3.o., Diamond Shamrock failed to prevent the release of 98,774 lbs of VOC from the 60M-1 storage tank during an emissions event which occurred January 9, 2009 through January 12, 2009, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
17. As evidenced by Finding of Fact No. 3.p., Diamond Shamrock failed to include on the final report the compound descriptive type of all compounds released during an emissions event which occurred on March 5, 2009, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b).

18. As evidenced by Finding of Fact No. 3.q., Diamond Shamrock failed to prevent the release of 2,955 lbs of VOC from the gasoline blending unit during an emissions event which occurred on March 5, 2009, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), Permit No. 9708/PSD-TX-861M2, SC 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was improperly reported, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
19. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Diamond Shamrock for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
20. An administrative penalty in the amount of two hundred forty-five thousand two hundred twenty-seven dollars (\$245,227.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Diamond Shamrock paid one hundred twenty two thousand, six hundred fourteen dollars (\$122,614.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, one hundred twenty two thousand, six hundred thirteen dollars (\$122,613.00) of the administrative penalty shall be conditionally offset by Diamond Shamrock's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Diamond Shamrock's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

### **ORDERING PROVISIONS**

1. Diamond Shamrock is assessed an administrative penalty in the amount of two hundred forty-five thousand two hundred twenty-seven dollars (\$245,227.00) as set forth in Conclusion of Law No. 20 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Diamond Shamrock's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.
2. Diamond Shamrock shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusion of Law No. 20, one hundred twenty two thousand, six hundred thirteen dollars (\$122,613.00) of the assessed administrative penalty shall be offset with the condition that Diamond Shamrock implement the SEP defined in Attachment A, incorporated herein by reference. Diamond Shamrock's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P.; Docket No. 2009-0748-AIR-E" to:

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

4. Diamond Shamrock shall undertake the following technical requirements within 30 days after the effective date of this Agreed Order:
- a. Implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the H<sub>2</sub>S concentration exceedances in the fuel gas.
  - b. Implement procedures to insure that quarterly waste stream inspection reports contain all the required information including corrective action taken and the dates the corrective actions were completed and that the annual reports of benzene inspections contain the summary information for problems found during the quarterly waste stream inspections.
  - c. Complete the engineering analysis and submit, to the addresses in Ordering Provision No. 5., below, a plan to implement improvements to designs, operations, and/or maintenance practices that address the causes leading to:
    - i. The SO<sub>2</sub> concentration exceedances in the No. 2 SRU;
    - ii. The low incinerator temperatures for the No. 1 and No. 2 SRUs; and
    - iii. The low O<sub>2</sub> concentrations in the incinerator stack of the No. 2 SRU.
  - d. Complete the engineering analysis and submit, to the addresses in Ordering Provision No. 5., below, a plan to:
    - i. Replace or modify the existing equipment at the truck loading rack to properly capture the sour gas emissions; and
    - ii. Eliminate the sulfur venting from the sulfur pit eductor.

- e. Implement procedures to address emissions event reporting deficiencies, including calculating catalyst/particulate matter emissions and reporting individual VOCs that have exceeded their reportable quantities; and
  - f. Replace the level gauge and alarm on oily sump No. 7.
5. Within 45 days after the effective date of this Agreed Order, Diamond Shamrock shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 4.a, 4.b., 4.e., and 4.f.. 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:

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

- 6. Within 90 days after the effective date of this Agreed Order, the Respondent shall begin implementation of the procedures/plans that are developed from the engineering analyses in Ordering Provision Nos. 4.c. and 4.d.
- 7. Within 365 days from the effective date of this agreed order, the Respondent shall submit written certification, of project completion for Ordering Provision Nos. 4.c. and 4.d
- 8. The provisions of this Agreed Order shall apply to and be binding upon Diamond Shamrock. Diamond Shamrock is ordered to give notice of this Agreed Order to

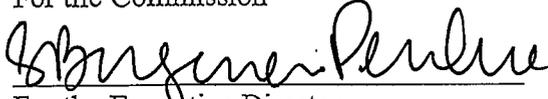
personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

9. If Diamond Shamrock fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Diamond Shamrock's failure to comply is not a violation of this Agreed Order. Diamond Shamrock has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Diamond Shamrock shall notify the Executive Director within seven days after Diamond Shamrock becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
10. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Diamond Shamrock shall be made in writing to the Executive Director. Extensions are not effective until Diamond Shamrock receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
11. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Diamond Shamrock if the Executive Director determines that Diamond Shamrock has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. This Agreed Order, issued by the Commission, shall not be admissible against Diamond Shamrock in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
14. 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.
15. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Diamond Shamrock, or three days after the date on which the Commission mails notice of this Agreed Order to Diamond Shamrock, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

6/25/2010  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Diamond Shamrock Refining Company, L.P. I represent that I am authorized to agree to the attached Agreed Order on behalf of Shamrock Refining Company, L.P, and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

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

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

  
\_\_\_\_\_  
Signature

9-April-2010  
Date

GM Corcoran  
\_\_\_\_\_  
Name (printed or typed)  
Authorized Representative  
Diamond Shamrock Refining Company, L.P.

VP & GM  
\_\_\_\_\_  
Title

**Attachment A**  
**Docket Number: 2009-0748-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>The Respondent:</b>	Diamond Shamrock Refining Company, L.P.
<b>Penalty Amount:</b>	Two hundred forty-five thousand two hundred twenty-seven dollars (\$245,227)
<b>SEP Offset Amount:</b>	One hundred twenty-two thousand six hundred thirteen dollars (\$122,613)
<b>Type of SEP:</b>	Pre-approved
<b>Third-Party Recipient:</b>	<b>Texas Association of RC&amp;D</b> – <i>Clean School Buses</i>
<b>Location of SEP:</b>	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 Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D** to be used for the *Clean School Buses* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds 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 fueled or clean diesel buses; or 2) retrofitting older diesel buses with new cleaner technology. RC&D shall disburse SEP Funds to school districts, area transit agencies, or local governments on a needs-rated basis, using non-attainment area status, condition of buses, or economic status of recipient as possible rating factors if competition for funds exists. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing particulate matter (PM), and the ozone precursors NO<sub>x</sub> and hydrocarbon (HC), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the

Environmental Protection Agency (EPA), a model year 2007 bus will be 90% cleaner in terms of particulate matter emissions than a model year 2004 bus. New HC and NO<sub>x</sub> standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NO<sub>x</sub> than a bus produced to meet the 2004 federal standards for these pollutants. This SEP will provide a discernible environmental benefit by reducing exposure of children and other bus passengers to harmful air pollutants.

C. Minimum Expenditure

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

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall make the check payable to "Texas Association of RC&D" and mail the check and a copy of the Agreed Order with the contribution check to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Dr. Ste 510  
Bryan, TX 77802

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.