EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1547-AIR-E **TCEQ ID:** RN100222512 **CASE NO.:** 40425

RESPONDENT NAME: Delek Refining, Ltd.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Delek Tyler Refinery, 1702 East Commerce Street, Tyler, Smith County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 14, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. Frank Simmons, Refinery Manager, Delek Refining, Ltd., 425 McMurrey Drive, Tyler, Texas 75702
Ms. Jennifer Schroeder, Environmental Specialist, Delek Refining, Ltd., 425 McMurrey Drive, Tyler, Texas 75702

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** August 23, 2010 to August 25, 2010 **Date of NOV/NOE Relating to this Case:** August 31, 2010 (NOE) **Background Facts:** This was a records review. **AIR** 1) Failed to maintain in good working order the continuous emissions monitoring system ("CEMS") for the measurement of sulfur dioxide ("SO2") discharged into the atmosphere from the sulfur recovery unit, sulfur pit, and sulfur loading incinerator stack. Specifically, the SO2 CEMS for Sulfur Recovery Unit 1 was not operational from May 2, 2008 through October 28, 2009 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.105(a), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 5955A, Special Conditions 3 and 12, and Federal Operating Permit ("FOP") No. O1257, Special Terms and Conditions 15]. 2) Failed to install a CEMS to monitor and record carbon monoxide ("CO") for Boiler No. 9 (Emission Point No. HTBLR0009) by March 1, 2008 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 4902, Special Conditions 9, and FOP No. O1257, Special Terms and Conditions 15].	**Total Assessed:** $70,250 **Total Deferred:** $14,050 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $28,100 **Total Paid to General Revenue:** $28,100 **Compliance History Classifications:** Person/CN - Average Site/RN - Average **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. On June 18, 2009 the Relative Accuracy Test Audit ("RATA") for the new CO CEMS was completed in order to certify that the CO emissions from Boiler No. 9 are being continuously monitored; and b. On October 28, 2009, the RATA for the new SO2 CEMS was completed in order to certify that the SO2 emissions from the Sulfur Recovery Unit are being continuously monitored. **Ordering Provisions:** The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Additional ID No(s).: Air Account SK0022A

Attachment A
Docket Number: 2010-1547-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Delek Refining, Ltd.**
Payable Penalty Amount:	**Fifty-Six Thousand Two Hundred Dollars ($56,200)**
SEP Amount:	**Twenty-Eight Thousand One Hundred Dollars ($28,100)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Clean School Buses**
Location of SEP:	**Texas Air Quality Control Region 022 - Shreveport-Texarkana-Tyler (Smith County Preferred)**

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES						
Assigned	7-Sep-2010					
PCW	21-Sep-2010	**Screening**	15-Sep-2010	**EPA Due**	30-Apr-2011	

RESPONDENT/FACILITY INFORMATION

Respondent	Delek Refining, Ltd.		
Reg. Ent. Ref. No.	RN100222512		
Facility/Site Region	5-Tyler	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	40425	**No. of Violations**	2
Docket No.	2010-1547-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Heather Podlipny
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$25,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **156.0%** Enhancement — *Subtotals 2, 3, & 7* **$39,000**

Notes: Enhancement for one consent decree with denial, one order without denial, four orders with denial, and 14 dissimilar NOVs. Reduction for two Notices Of Intent and early compliance with future state or federal governmental environmental regulations.

Culpability No **0.0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* **$6,250**

Economic Benefit **50.0%** Enhancement* — *Subtotal 6* **$12,500**

Total EB Amounts $86,806
Approx. Cost of Compliance $901,016

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$70,250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$70,250**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$70,250**

DEFERRAL **20.0%** Reduction — *Adjustment* **-$14,050**

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$56,200**

Screening Date 15-Sep-2010 **Docket No.** 2010-1547-AIR-E **PCW**

Respondent Delek Refining, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 40425

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100222512

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	Yes	-5%

Adjustment Percentage (Subtotal 2) 156%

>> 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

Enhancement for one consent decree with denial, one order without denial, four orders with denial, and 14 dissimilar NOVs. Reduction for two Notices Of Intent and early compliance with future state or federal governmental environmental regulations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 156%

Screening Date 15-Sep-2010 **Docket No.** 2010-1547-AIR-E **PCW**

Respondent Delek Refining, Ltd. *Policy Revision 2 (September 2002)*

Case ID No. 40425 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100222512

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 60.105(a), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 5955A, Special Conditions 3 and 12, and Federal Operating Permit ("FOP") No. O1257, Special Terms and Conditions 15

Violation Description Failed to maintain in good working order the continuous emissions monitoring system ("CEMS") for the measurement of sulfur dioxide ("SO2") discharged into the atmosphere from the sulfur recovery unit, sulfur pit, and sulfur loading incinerator stack. Specifically, the SO2 CEMS for Sulfur Recovery Unit 1 was not operational from May 2, 2008 through October 28, 2009.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants 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: 6 — 386 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $15,000

Six quarterly events are recommended from the date the SO2 CEMS became non-operational on May 2, 2008 to the SO2 CEMS Relative Accuracy Test Audit ("RATA") date on October 28, 2009. The time period the refinery was shutdown (November 20, 2008 to April 28, 2009) was excluded from the violation duration calculation.

Good Faith Efforts to Comply

25.0% Reduction — $3,750

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

Notes: The Respondent returned to compliance on October 28, 2009 and the NOE is dated August 31, 2010.

Violation Subtotal $11,250

Economic Benefit (EB) for this violation

Estimated EB Amount $38,080

Statutory Limit Test

Violation Final Penalty Total $42,150

This violation Final Assessed Penalty (adjusted for limits) $42,150

Economic Benefit Worksheet

Respondent Delek Refining, Ltd.
Case ID No. 40425
Req. Ent. Reference No. RN100222512
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment	$365,000	2-May-2008	28-Oct-2009	1.49	$1,813	$36,267	$38,080
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	Estimated cost for replacement of the SO2 CEMS. The Date Required is the date the SO2 CEMS became non-operational and the Final Date is the date of compliance.						
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 $365,000

TOTAL $38,080

Screening Date 15-Sep-2010 **Docket No.** 2010-1547-AIR-E **PCW**

Respondent Delek Refining, Ltd. *Policy Revision 2 (September 2002)*

Case ID No. 40425 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100222512

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 4902, Special Conditions 9, and FOP Permit No. O1257, Special Terms and Conditions 15

Violation Description Failed to install a CEMS to monitor and record carbon monoxide ("CO") for Boiler No. 9 (Emission Point No. HTBLR0009) by March 1, 2008.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential		x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants 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: 4 — 315 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 the date the CO CEMS was required to be installed on March 1, 2008 to the CO CEMS RATA date on June 18, 2009. The time period the refinery was shutdown (November 20, 2008 to April 28, 2009) was excluded from the violation duration calculation.

Good Faith Efforts to Comply

25.0% Reduction — $2,500

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

Notes: The Respondent returned to compliance on June 18, 2009 and the NOE is dated August 31, 2010.

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $48,726

Statutory Limit Test

Violation Final Penalty Total $28,100

This violation Final Assessed Penalty (adjusted for limits) $28,100

Economic Benefit Worksheet

Respondent Delek Refining, Ltd.
Case ID No. 40425
Req. Ent. Reference No. RN100222512
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment	$536,016	1-Mar-2008	18-Jun-2009	1.30	$2,320	$46,406	$48,726
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: Estimated cost for replacement of the CO CEMS for the Boiler No. 9 Stack. The Date Required is the date the CEMS was required to be operational and the Final Date is the date of compliance.

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 $536,016

TOTAL $48,726

Compliance History Report

Customer/Respondent/Owner-Operator: CN602831232 Delek Refining, Ltd. Classification: AVERAGE Rating: 10.26

Regulated Entity: RN100222512 DELEK TYLER REFINERY Classification: AVERAGE Site Rating: 17.52

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	SK0022A
AIR OPERATING PERMITS	PERMIT	1257
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50062
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD007333800
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30872
WASTEWATER	PERMIT	WQ0001590000
WASTEWATER	EPA ID	TX0001449
AIR NEW SOURCE PERMITS	REGISTRATION	92520
AIR NEW SOURCE PERMITS	PERMIT	92637
AIR NEW SOURCE PERMITS	PERMIT	72
AIR NEW SOURCE PERMITS	PERMIT	3903
AIR NEW SOURCE PERMITS	PERMIT	3904
AIR NEW SOURCE PERMITS	PERMIT	4028
AIR NEW SOURCE PERMITS	PERMIT	4902
AIR NEW SOURCE PERMITS	PERMIT	5955
AIR NEW SOURCE PERMITS	PERMIT	5955A
AIR NEW SOURCE PERMITS	PERMIT	7488
AIR NEW SOURCE PERMITS	PERMIT	10819
AIR NEW SOURCE PERMITS	REGISTRATION	14200
AIR NEW SOURCE PERMITS	PERMIT	21104
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	SK0022A
AIR NEW SOURCE PERMITS	PERMIT	56479
AIR NEW SOURCE PERMITS	PERMIT	56281
AIR NEW SOURCE PERMITS	PERMIT	56648
AIR NEW SOURCE PERMITS	REGISTRATION	89603
AIR NEW SOURCE PERMITS	AFS NUM	4842300001
AIR NEW SOURCE PERMITS	REGISTRATION	75087
AIR NEW SOURCE PERMITS	REGISTRATION	79795
AIR NEW SOURCE PERMITS	REGISTRATION	80509
AIR NEW SOURCE PERMITS	PERMIT	80756
AIR NEW SOURCE PERMITS	REGISTRATION	90934
AIR NEW SOURCE PERMITS	REGISTRATION	82728
AIR NEW SOURCE PERMITS	REGISTRATION	84386
AIR NEW SOURCE PERMITS	REGISTRATION	83703

	AIR NEW SOURCE PERMITS	REGISTRATION	92728
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30872
	UNDERGROUND INJECTION CONTROL	PERMIT	5X2600283
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	SK0022A

Location: 1702 E COMMERCE ST, TYLER, TX, 75702

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: September 10, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 07, 2005 to September 07, 2010

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

Name: Heather Podlipny Phone: 239 - 2603

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: 9/1/2010 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: 10/24/2005 ADMINORDER 2005-0342-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SPECIAL CONDITION NO. 1 OP
Description: La Gloria failed to comply with emission limits for sulfur dioxide (SO2) from the refinery fuel gas system.

Effective Date: 05/12/2006 ADMINORDER 2005-1354-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly report the incidents associated to the January 18, 2005 emisisons event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to comply with permitted emissions limits during an emisisons event on January 18, 2005. Since the emissions event was not properly reported La Gloria was unable to meet the demonstration for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit a deviation report within 30 days after the end of the reporting period and include certification by a responsibile official.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Permit O-01257 STC 3Aiii and 3Biii OP

Description: Failed to maintain records documenting quarterly opacity observations, as reported in deviation reports for the period of May 6, 2004 to November 5, 2004 and November 6, 2004 to April 28, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit O-01257, ST&C 1.A. OP

Description: Failed to install an instrument for continuously monitoring and recording the concentration of hydrogen sulfide in fuel gases before being burned in any fuel gas combustion device.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 5955A, SC 4 PA
SOP O-01257, ST&C 13 OP

Description: Failed to maintain sulfur production below the maximum limit of 16.6 long tons per day ("LTD").

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 5955A, SC 5B PA
Permit O-01257, SC 13 OP

Description: Failed to maintain records demonstrating the date, time, and specific repairs made for leaks that were discovered during olfactory, visual, and audible ("OVA") leak checks.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 21104, SC 2 PA
Permit O-01257, SC 13 OP

Description: Failed to maintain nitrogen oxide ("NOx") emissions below 64 parts per million volumetric dry ("ppmvd").

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit O-01257 STC 1A OP

Description: Failed to notify the Administrator in writing 30 days in advance of conducting seal gap measurements.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257, STC 1A OP

Description: Failed to submit a report to the Administrator within 60 days after conducting seal gap measurements.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to notify the Administrator in writing 30 days prior to refilling an empty storage vessel.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to perform seal gap measurements of external floating roof vessels equipped with primary and secondary seals at least once per year after the initial compliance date.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(b)(1)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 4902 SC 2 PA
SOP O-01257 STC 13 OP

Description: Failed to maintain complete quality control records for the CEMS and continuous opacity monitoring system ("COMS") on BLRHT0009.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to include in semi-annual reports submitted to the Administrator facts that explain each delay of repair, and where appropriate, why a process unit shutdown was technically infeasible, and changes to components that have occurred since the submission of previous semi-annual reports

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to obtain authorization for construction and operation of the Reformer HCl Fixed Bed Absorber installed on April 11, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 10E OP

Description: Failed to include with each off-site shipment a notice stating that the waste contains benzene which is required to be managed and treated in accordance with 40 Code of Federal Regulations Subpart FF.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 10K OP

Description: Failed to submit an annual benzene report that includes the total benzene quantity from facility waste, a table identifying each waste stream and whether or not the waste stream is being controlled for benzene emissions, or a statement that there were not changes fromthe previous annual report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 10F OP

Description: Failed to include in the annual report a summary of all inspections in which detectable emissions are measured that could result in benzene emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to maintain a signed and dated certification that closed-vent systems and control devices in benzene waste operations are designed to operate at the documented performance level when operated at the highest load or capacity expected to occur.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to maintain a signed and dated certification that a treatment process unit in benzene waste operations is designed to operate at the documented performance level when the waste stream entering the unit is at the highest waste stream flow rate and benzene content expected to occur.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to visually inspect on a quarterly basis each closed-vent system and control device in benzene waste operations.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to demonstrate compliance with the standards of performance for equipments leaks by failing to monitor components for fugitive emissions.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to equip each sampling system connection with a closed-purge, closed-loop, or closed-vent system.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to equip open-ended lines with a cap, blind flange, plug, or second valve.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to maintain a complete log of information relating to the detection of leaks.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(2)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to include all required information on the list of identification number for equipment that has been designated as having no detectable emissions.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to monitor valves monthly.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to operate a flare with a flame present at all times.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to maintain the internal or external floating roof resting on the liquid surface at all times except during the initial fill, after the vessel has been completely emptied and degassed.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 2E OP

Description: Failed to submit an emissions inventory report that includes the amount of emissions not identified in previous inventories.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SOP O-01257 STC 1A OP

Description: Failed to maintain records of the calculations used to determine the seal gap size.

Effective Date: 06/15/2006 ADMINORDER 2006-0028-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report unauthorized emissions resulting from an emissions event.

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

Rqmt Prov: 4902 Special Condition 1 PA

Description: Failure to prevent unauthorized emissions during an emissions event at the FCCU/#9 Boiler. Since Delek failed to properly report the emissions event, the affirmative defense could not be met pursuant to 30 TAC §101.222(c)(1).

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 3.A.iii and 3.B.iii OP

Description: Failed to maintain records of quarterly opacity observations.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(h)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP
O-01257 STC 8G OP

Description: Failed to submit semiannual SSM reports.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.214(b)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 72 SC 5 PA
O-01257 STC 1A OP

Description: Loaded tank trucks not having current leak test certifications.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.13(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.642(f)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 11F OP

Description: Failed to submit a Maximum Achievable Control Technology MACT report to the proper address.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 5955 SC 11F PA
O-01257 STC 13 OP

Description: Failed to conduct weekly cooling tower sampling.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 5955A SC 4 PA
O-01257 STC 13 OP

Description: Failed to maintain sulfur production levels below the maximum limit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 10E OP
O-01257 STC 1A OP

Description: Failed to include a notice with offsite benzene waste shipments.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 10 G H I OP
O-01257 STC 1A OP

Description: Failed to identify each benzene-containing waste stream.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.647(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 1A OP

Description: Failed to conduct vent system visual inspections.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(g)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 1A OP

Description: Failed to conduct yearly internal floating roof tank seal inspections on tanks in HAP service.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 1A OP

Description: Failed to visually inspect the seals of tanks in benzene service within 12 months of the previous inspections.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 1A OP

Description: Failed to perform a timely visual tank inspection of primary and secondary seals within ten years of the previous inspection.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 1A OP

Description: Failed to install an instrument to continuously monitor and record hydrogen sulfide ("H2S") on fuel gas combustion devices.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 6F OP

Description: Failed to perform daily H2S calculations.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01257 STC 1A OP

Description: Failed to equip open-ended lines or valves with a cap, blind flange, plug, or a second valve.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to provide complete information on a LDAR report.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.107(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to certify the accuracy and completeness of quarterly CEMS reports.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(g)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(g)(5)(iii)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to submit a timely and complete MACT CC report.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to submit a MACT UUU report.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 4902 SC 7 PA
O-01257 STC 13 OP

Description: Failed to conduct monthly CO sampling.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to notify the TCEQ at least 30 days prior to refilling storage tanks in HAP service.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to perform timely tank seal gap measurements on tanks in HAP service.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to perform timely tank seal gap measurements on a tank in VOC service.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to maintain signed and dated flare certifications.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(2)(ii)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01257 STC 1A OP

Description: Failed to install a flow indicator.

Effective Date: 05/18/2009 ADMINORDER 2008-1670-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR Permit No. 5955A S.C. No.1 PA
O-01257 S.T. &C. No. 15 OP

Description: Failure to control carbon monoxide emissions from the Sulfur Recovery Unit 2, Tail Gas Incinerator 2 (EPN SPNTGUINC) below the emission limits listed in the Maximum Allowable Emissions Rate Table attached to TCEQ Air Quality Permit Number 5955A.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 09/19/2005 (467882)
2 10/10/2005 (433513)
3 10/12/2005 (434239)
4 10/24/2005 (467883)
5 11/14/2005 (467884)
6 11/18/2005 (434907)
7 11/18/2005 (435670)
8 11/18/2005 (435759)
9 11/18/2005 (436024)
10 12/15/2005 (449493)
11 12/15/2005 (467885)
12 12/20/2005 (449726)
13 02/03/2006 (454186)
14 02/24/2006 (467879)
15 02/27/2006 (457446)
16 03/10/2006 (458379)
17 03/10/2006 (458489)
18 03/20/2006 (467880)
19 03/21/2006 (467881)
20 03/23/2006 (459993)
21 04/04/2006 (460987)
22 04/06/2006 (455316)
23 04/11/2006 (462336)

24	04/19/2006	(462370)
25	04/19/2006	(497864)
26	05/09/2006	(464560)
27	05/22/2006	(497865)
28	05/30/2006	(464785)
29	06/22/2006	(497866)
30	08/11/2006	(483839)
31	08/22/2006	(519885)
32	09/20/2006	(511607)
33	09/20/2006	(512245)
34	09/20/2006	(512884)
35	09/22/2006	(512500)
36	09/22/2006	(513672)
37	09/25/2006	(519886)
38	10/13/2006	(544124)
39	10/16/2006	(516203)
40	10/18/2006	(513775)
41	10/18/2006	(514530)
42	10/18/2006	(516361)
43	10/18/2006	(516500)
44	10/18/2006	(516569)
45	11/20/2006	(544125)
46	11/20/2006	(544126)
47	11/28/2006	(531709)
48	11/29/2006	(532097)
49	12/11/2006	(533774)
50	01/25/2007	(533745)
51	01/25/2007	(533757)
52	01/29/2007	(574673)
53	02/19/2007	(544123)
54	02/23/2007	(541647)
55	02/23/2007	(541678)
56	02/23/2007	(541764)
57	02/27/2007	(541722)
58	02/27/2007	(541835)
59	02/27/2007	(542156)
60	03/07/2007	(542357)
61	03/08/2007	(574668)
62	03/15/2007	(542572)
63	03/15/2007	(543404)
64	03/16/2007	(553975)
65	03/22/2007	(554092)
66	04/24/2007	(574669)
67	05/23/2007	(574670)
68	05/23/2007	(574672)
69	06/23/2007	(574671)
70	08/20/2007	(607479)
71	08/28/2007	(573414)
72	08/28/2007	(573475)
73	08/28/2007	(573499)
74	09/17/2007	(607480)
75	09/25/2007	(593561)
76	09/25/2007	(593597)
77	10/18/2007	(607481)
78	10/25/2007	(598328)
79	11/15/2007	(608697)
80	11/16/2007	(619285)
81	11/16/2007	(619286)
82	01/09/2008	(614084)
83	01/10/2008	(614136)

84	01/15/2008	(614322)
85	01/18/2008	(619287)
86	01/23/2008	(614387)
87	01/23/2008	(614579)
88	01/23/2008	(614738)
89	02/13/2008	(616532)
90	02/13/2008	(616544)
91	02/20/2008	(671798)
92	03/10/2008	(638254)
93	03/12/2008	(638015)
94	03/12/2008	(638062)
95	03/12/2008	(638215)
96	03/14/2008	(671799)
97	03/27/2008	(638000)
98	04/18/2008	(671800)
99	05/12/2008	(654323)
100	05/19/2008	(689725)
101	05/29/2008	(653770)
102	06/16/2008	(689726)
103	07/18/2008	(689727)
104	08/01/2008	(686343)
105	08/20/2008	(710451)
106	08/29/2008	(653966)
107	09/20/2008	(710452)
108	10/10/2008	(704685)
109	10/14/2008	(704825)
110	10/20/2008	(710453)
111	10/20/2008	(710454)
112	10/21/2008	(704933)
113	11/21/2008	(727289)
114	12/10/2008	(707304)
115	12/10/2008	(709915)
116	12/17/2008	(709992)
117	01/06/2009	(721656)
118	01/06/2009	(721664)
119	01/20/2009	(727290)
120	01/22/2009	(722847)
121	02/13/2009	(721643)
122	02/13/2009	(750011)
123	02/25/2009	(735622)
124	03/16/2009	(735819)
125	03/19/2009	(750012)
126	03/20/2009	(736782)
127	03/25/2009	(735579)
128	04/02/2009	(740025)
129	04/09/2009	(710057)
130	04/20/2009	(750013)
131	05/14/2009	(768178)
132	05/27/2009	(745532)
133	06/03/2009	(746834)
134	06/11/2009	(768179)
135	07/09/2009	(760888)
136	07/14/2009	(760635)
137	07/14/2009	(761054)
138	07/14/2009	(761113)
139	07/22/2009	(761065)
140	07/23/2009	(804091)
141	08/06/2009	(762119)
142	08/06/2009	(762607)
143	08/17/2009	(804092)

144 09/18/2009 (804093)
145 09/28/2009 (776612)
146 10/05/2009 (761090)
147 10/06/2009 (777865)
148 10/20/2009 (765302)
149 10/20/2009 (804094)
150 11/20/2009 (781254)
151 11/20/2009 (804095)
152 12/15/2009 (804096)
153 01/06/2010 (786537)
154 01/20/2010 (804097)
155 02/19/2010 (804090)
156 02/23/2010 (792449)
157 02/23/2010 (792462)
158 02/23/2010 (792570)
159 02/23/2010 (792609)
160 02/24/2010 (792373)
161 02/24/2010 (792527)
162 03/19/2010 (830651)
163 03/31/2010 (796561)
164 04/22/2010 (830652)
165 05/03/2010 (830653)
166 05/27/2010 (824819)
167 05/28/2010 (824886)
168 06/07/2010 (846191)
169 06/09/2010 (824790)
170 06/09/2010 (824843)
171 08/31/2010 (850690)

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

Date: 06/30/2006 (467881)
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: 11/30/2006 (574673) CN602831232
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: 12/31/2006 (544126) CN602831232
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: 05/31/2007 (574671)
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: 06/30/2007 (574672)
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: 11/30/2007 (619286)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 12/31/2007 (619287) CN602831232

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 05/31/2008 (689726)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 03/20/2009 (736782) CN602831232

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(1)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Semi-Annual Fugitive Emission Monitoring Report no later than 30 days after the end of the reporting period. Tyler Refinery did not submit their fugitive emission monitoring report for the reporting period ending December 31, 2008 within 30 days after the end of the reporting period. The report was due January 30, 2009 but was not signed until February 13, 2009. It was received by TCEQ on February 17, 2009. This is a violation of 30 TAC 122.145(1)(c).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(ii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(iv)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
ST & C No. 9 OP

Description: Failure to repair a leak no later than 15 days after the leak was detected. During an investigation on February 25, 2009 it was discovered that Tyler Refinery did not repair a leaking valve (Component ID 08167) and a leaking pump (Component ID 0915) within 15 days from the time they were detected.

Date: 05/31/2009 (768179) CN602831232

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/11/2009 (765302)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(2)(A)
2D TWC Chapter 26, SubChapter A 26.121(a)(2)(B)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 335, SubChapter A 335.4
30 TAC Chapter 335, SubChapter A 335.4(1)
30 TAC Chapter 335, SubChapter A 335.4(3)
TWC Chapter 26 26.121

TWC Chapter 26 26.121(a)(2)

Description: Failure to properly dispose of industrial solid waste.

Date: 11/20/2009 (781254)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(ii)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(iv)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
ST & C No. 9 OP

Description: Failure to place two components on Delay of Repair or repair leaks within 15 days from the date the leaks were detected. Failure to repair a leaking valve no later than 15 days after the leak was detected is a violation of 40 CFR 60.482-7(d)(1). Failure to repair a leaking pump no later than 15 days after the leak was detected is a violation of 40 CFR 60.482-2(c)(1).

Date: 05/31/2010 (846191)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/31/2010 (850690)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10B PERMIT
Special Terms and Condition 1.A OP

Description: Failure to operate a flare with a flame present at all times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Special Condition No. 10 PERMIT
Special Terms and Condition 15 OP

Description: Failure to maintain the Tail Gas Incinerator (TG12) fire exit temperature above 1150 degrees Fahrenheit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10 PERMIT
Special Terms and Condition 15 OP

Description: Failure to maintain the Tail Gas Incinerator (TG12) fire exit temperature above 1214 degrees Fahrenheit (F).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10 PERMIT
Special Terms and Condition 15 OP

Description: Failure to maintain the Tail Gas Incinerator (TG12) oxygen level above 1.84 percent(%).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(5)
5C THSC Chapter 382 382.085(b)

Special Terms and Condition 6.F. OP

Description: Failed to perform drift calculations for the SO2 CEMS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(5)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 6.F. OP

Description: Failed to perform oxygen drift calculation for the SRU2 CEMS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(5)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 6.F. OP

Description: Failed to perform drift calculation for the H2S CEMS at the Fuel Gas Drum Gas Chromatograph.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 17 PERMIT
Special Terms and Condition 15 OP

Description: Failure to document the manual check of the sour water stripper feed tank for hydrocarbons on a daily basis using regularly spaced draws for sampling.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5955, Special Condition No. 11 PERMIT
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 15 OP

Description: Failure to fully implement the revised LDAR changes by the time indicated in the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THSC Chapter 382 382.085(b)
Special Condition No. 12 B(2) PERMIT
Special Terms and Condition 15 OP

Description: Failure to conduct the Quarterly Cylinder Gas Audits on the SO2 CEMS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 7 D PERMIT
Special Terms and Condition 15 OP

Description: Failure to conduct a new stack test within 120 days after the initial stack test was performed where the coke burn rate was exceeded.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Special Condition No. 4 PERMIT
Special Terms and Condition 15 OP

Description: Failure to maintain the Isobutane gallons per year throughput under the permitted limits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(5)
5C THSC Chapter 382 382.085(b)

Special Condition No. 12E PERMIT
Special Terms and Condition 1.A. OP

Description: Failure to notify the TCEQ Regional Office 30 days prior to conducting the Relative Accuracy Test Audits (RATA) for the CEMS on the fuel gas drum and SRU2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1.A OP

Description: Failure to notify the Administrator in writing 30 days in advance of conducting seal gap measurements.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10E PERMIT
Special Terms and Condition 15 OP

Description: Failure to maintain the opacity monitor down time less than 5% of the operating hours based on a rolling 12 month period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1.A OP

Description: Failed to furnish the Administrator a report within 30 days listing defects found in the Internal Floating Roof during its required inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1.A OP

Description: Failure to submit all deviations for Permit No. O-1257 during the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(10)(ii)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1.A. OP

Description: Failure to notify the Administrator in writing 30 days in advance prior to refilling Tank 155.

F. Environmental audits.

Notice of Intent Date: 11/08/2007 (611614)

No DOV Associated

Notice of Intent Date: 06/04/2008 (685904)

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.

Date Achieved

09/01/2006

Description

Federal rules require low sulfur diesel by June 2007 for all non-road uses and ultra-low sulfur dies

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: DELEK TYLER REFINERY

Reg Entity Add: 1702 E. COMMERCE ST *Reg Entity No:*

Reg Entity City: TYLER RN100222512

Customer Name: La Gloria *Customer No:* CN602831232

EPA Case No: 06-2004-3311 *Order Issue Date (yyyymmdd):* 20090923

Case Result: Final Order with Penalty *Statute:* CAA *Sect of Statute:* 112

Classification: Minor *Program:* National Emission Stand *Citation:* 40 CFR

Violation Type: National Emmission Standards *Cite Sect:* Subpart VV *Cite Part:* 60

Enforcement Action: Concent Decree/Court Order

Reg Entity Name: TYLER REFINERY

Reg Entity Add: 425 MCMURREY DRIVE *Reg Entity No:*

Reg Entity City: TYLER RN100222512

Customer Name: Delek Refining, Inc. *Customer No:* CN602831232

EPA Case No: HQ-2006-0000 *Order Issue Date (yyyymmdd):* 20051002

Case Result: Final Order No Penalty *Statute:* CAA *Sect of Statute:* 111

Classification: MODERATE *Program:* New Source Performanc *Citation:*

Violation Type: New Source Performance Standard *Cite Sect:* *Cite Part:*

Enforcement Action: Administrative Compliance Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING DELEK REFINING, LTD. RN100222512	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1547-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Delek Refining, Ltd. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 1702 East Commerce Street in Tyler, Smith County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2010.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seventy Thousand Two Hundred Fifty Dollars ($70,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Eight Thousand One Hundred Dollars ($28,100) of the administrative penalty and Fourteen Thousand Fifty

Dollars ($14,050) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Eight Thousand One Hundred Dollars ($28,100) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. On June 18, 2009 the Relative Accuracy Test Audit ("RATA") for the new carbon monoxide ("CO") continuous emissions monitoring system ("CEMS") was completed in order to certify that the CO emissions from Boiler No. 9 are being continuously monitored; and

   b. On October 28, 2009, the RATA for the new sulfur dioxide ("SO2") CEMS was completed in order to certify that the SO2 emissions from the Sulfur Recovery Unit are being continuously monitored.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain in good working order the CEMS for the measurement of SO2 discharged into the atmosphere from the sulfur recovery unit, sulfur pit, and sulfur loading incinerator stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.105(a), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 5955A, Special Conditions 3 and 12, and Federal Operating Permit ("FOP") No. O1257, Special Terms and Conditions

15, as documented during an investigation conducted from August 23, 2010 to August 25, 2010. Specifically, the SO2 CEMS for Sulfur Recovery Unit 1 was not operational from May 2, 2008 through October 28, 2009.

2. Failed to install a CEMS to monitor and record CO for Boiler No. 9 (Emission Point No. HTBLR0009) by March 1, 2008, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 4902, Special Conditions 9, and FOP No. O1257, Special Terms and Conditions 15, as documented during an investigation conducted from August 23, 2010 to August 25, 2010.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Delek Refining, Ltd., Docket No. 2010-1547-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Twenty-Eight Thousand One Hundred Dollars ($28,100) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent

shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 2/14/2011
For the Executive Director Date

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

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

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

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

_____ 12/21/2010
Signature Date

Frank Simmons Refinery Manager
Name (Printed or typed) Title
Authorized Representative of
Delek Refining, Ltd.

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

Attachment A
Docket Number: 2010-1547-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Delek Refining, Ltd.**
Payable Penalty Amount:	**Fifty-Six Thousand Two Hundred Dollars ($56,200)**
SEP Amount:	**Twenty-Eight Thousand One Hundred Dollars ($28,100)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Clean School Buses**
Location of SEP:	**Texas Air Quality Control Region 022 - Shreveport-Texarkana-Tyler (Smith County Preferred)**

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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