

**CAPTION: Docket No. 2010-1410-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Moore County; RN100210517; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Laurie Eaves)**



**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1410-AIR-E **TCEQ ID:** RN100210517 **CASE NO.:** 40294  
**RESPONDENT NAME:** Diamond Shamrock Refining Company, L.P.

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 166o 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 AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Diamond Shamrock McKee Plant, 6701 Farm-to-Market Road 119, Sunray, Moore County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0909-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 25, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Kevin D. Jeanes, Senior Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013  Mr. G.M. Corcoman, Vice President/General Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Reviews Relating to this Case:</b> July 13, 2010, July 14, 2010, September 9, 2010, September 13, 2010, September 17, 2010, and November 5, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 4, September 13 and 17, October 8, and December 8, 2010 (NOEs)</p> <p><b>Background Facts:</b> These were records reviews.</p> <p><b>AIR</b></p> <p>1) Failed to prevent unauthorized emissions. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions. Specifically, the Respondent released 53 lbs of lime with 48.3% opacity from the water treater lime silo during an emissions event (Incident No. 138521) that began on April 15, 2010 and lasted 48 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of lime into the silo. Since</p>	<p><b>Total Assessed:</b> \$60,433</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$60,433</p> <p><b>Compliance History Classification:</b>                  Person/CN – Average                  Site/RN – Average</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 Orders Justification:</b> This is a Findings Order because human health has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent:</p> <p>a) Conducted informal refresher training on June 3, 2010 over procedures to be followed to prevent rail cars from being inadvertently moved while positioning additional cars at the loading rack in order to prevent reoccurrence of emissions events similar to Incident No. 140273;</p> <p>b) Installed and began operating a newly designed bag house on the water treater lime silo on September 18, 2010 in order to prevent reoccurrence of emissions events similar to Incident Nos. 138521 and 143437; and</p> <p>c) Completed refresher training on December 10, 2010 during the Plant's Environmental Department weekly meeting in order to ensure emissions events are properly reported. The refresher training was conducted on the computer with the team observing the correct steps in documenting information.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent the air pressure from the bulk carrier truck from exceeding the bag house design capability during the unloading of soda ash into the silo, in order to prevent recurrence of emissions due to the same causes of Incident Nos. 138712 and 139697; and</p> <p>ii. Implement measures designed to prevent the Refinery Vapor Recovery Unit from experiencing a shutdown of the Refinery Light Ends compressor K101 due to a high liquid level in the inter-stage knockout drum, in order to prevent recurrence of emissions due to</p>

<p>this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failed to properly report Incident No. 138521 [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failed to prevent unauthorized emissions. Specifically, the Respondent released 90 lbs of soda ash with 100% opacity from the water treater soda ash silo during an emissions event (Incident No. 139697) that began on May 12, 2010 and lasted 58 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of soda ash into the silo. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failed to prevent unauthorized emissions. Specifically, the Respondent released 141.15 lbs of carbon monoxide, 11.32 lbs of hydrogen sulfide, 1,042.68 lbs of sulfur dioxide, 19.51 lbs of nitrogen oxide, and 252.40 lbs of volatile organic compounds from Flare FL-01 during an emissions event (Incident No. 139452) that began on May 6, 2010</p>		<p>the same causes as Incident No. 139452.</p> <p>b) Within 45 days after the effective date of this Ageed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p>
---	--	--

and lasted one hour and 52 minutes, when the Refinery Vapor Recovery Unit experienced a shutdown of the Refinery Light Ends compressor K101 due to a high liquid level in the inter-stage knockout drum. Since the Respondent failed to provide sufficient information to demonstrate that this emissions event was caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, or that the emissions event could have been foreseen and avoided by good design, operation, and maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failed to prevent unauthorized emissions. Specifically, the Respondent released 56,320 lbs of butane from the Liquefied Petroleum Gas Rail Loading Rack during an emissions event (Incident No. 140273) that began on May 27, 2010 and lasted two hours and four minutes, when Rail Car No. NATX 400313 was inadvertently moved while positioning additional cars at the loading rack. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, and the emissions event could not have been foreseen and avoided by good operation, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to prevent unauthorized emissions. Specifically, the Respondent released 54 lbs of lime with 70.8% opacity from the water treater lime silo during an emissions event (Incident No. 143437) that began on August 11, 2010 and lasted 41 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of lime into the silo. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, and the

<p>emissions event could not have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
--	--	--

Additional ID No(s).: Air Operating Permits Account No. MR0008T





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	11-Oct-2010	<b>Screening</b>	18-Oct-2010	<b>EPA Due</b>	1-May-2011
	<b>PCW</b>	2-Feb-2011				

<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>	40294	<b>No. of Violations</b>	7
<b>Docket No.</b>	2010-1410-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>	Kimberly Morales
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ 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>	<b>\$22,600</b>
---	-------------------	-----------------

<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
<b>Compliance History</b>	333.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$75,258</b>

Notes: Enhancement for 14 NOVs with same/similar violations, three NOVs with dissimilar violations, nine agreed orders and one court order containing a denial of liability, and two agreed orders without a denial of liability. Reduction for three notice of audit letters submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply: Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$3,375</b>
---	-------------------	----------------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
Total EB Amounts	\$781	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$23,000		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$94,483</b>
-----------------------------	-----------------------	-----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
---	------	-------------------	------------

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

<b>Final Penalty Amount</b>	<b>\$94,483</b>
-----------------------------	-----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$60,433</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
-----------------	----------------	-------------------	------------

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

Notes

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$60,433</b>
------------------------	-----------------

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	14	70%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	9	180%
	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	2	50%
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> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 333%

>> 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 14 NOVs with same/similar violations, three NOVs with dissimilar violations, nine agreed orders and one court order containing a denial of liability, and two agreed orders without a denial of liability. Reduction for three notice of audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 333%

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 91 pounds ("lbs") of soda ash with 71% opacity from the water treater soda ash silo during an emissions event (Incident No. 138712) that began on April 20, 2010 and lasted 40 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of soda ash into the silo. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for event frequency: daily, weekly, monthly, quarterly (marked with X), semiannual, annual, single event.

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X), and Notes.

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 \$318

Violation Final Penalty Total \$10,825

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

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

**Case ID No.:** 40294

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

**Media:** Air

**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$5,000	20-Apr-2010	28-Jul-2011	1.27	\$318	n/a	\$318

Notes for DELAYED costs

Estimated cost to implement measures to prevent the air pressure from the bulk carrier truck from exceeding the bag house design capability during the unloading of soda ash into the silo. The Date Required is the start date of the emissions event. The Final Date is the date that corrective actions are expected to be completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$318

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 53 lbs of lime with 48.3% opacity from the water-treater lime silo during an emissions event (Incident No. 138521) that began on April 15, 2010 and lasted 48 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of lime into the silo. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent completed corrective actions on September 18, 2010, after the August 4, 2010 NOE, but prior to the December 7, 2010 settlement offer.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$214

Violation Final Penalty Total \$10,575

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 40294  
**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)	\$10,000	15-Apr-2010	18-Sep-2010	0.43	\$214	n/a	\$214

Notes for DELAYED costs

Estimated cost to implement measures to prevent the air pressure from the bulk carrier truck from exceeding the bag house design capability during the unloading of lime into the silo. The Date Required is the start date of the emissions event. The Final Date is the date that 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

\$10,000

**TOTAL**

\$214

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

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

Violation Description

Failed to properly report Incident No. 138521. Specifically, the final record did not include the compound descriptive type or estimated total quantities of all compounds released during Incident No. 138521.

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

Matrix Notes

The Respondent has met at least 70% of the rule requirements.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1, Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an 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		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent completed corrective actions on December 10, 2010, after the December 7, 2010 settlement offer.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$433

This violation Final Assessed Penalty (adjusted for limits) \$433

# Economic Benefit Worksheet

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

**Case ID No.:** 40294

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

**Media:** Air

**Violation No.:** 3

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**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,000	16-Apr-2010	10-Dec-2010	0.65	\$33	n/a	\$33
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 to implement measures designed to ensure emissions events are properly reported. The Date Required is the date the final record was submitted. The Final Date is the date that corrective actions were completed.

**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

\$1,000

**TOTAL**

\$33

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 90 lbs of soda ash with 100% opacity from the water treater soda ash silo during an emissions event (Incident No. 139697) that began on May 12, 2010 and lasted 58 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of soda ash into the silo. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
				0%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is 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)

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 \$0

Violation Final Penalty Total \$10,825

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Diamond Shamrock Refining Company, L.P.  
**Case ID No.** 40294  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 1.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 141.15 lbs of carbon monoxide, 11.32 lbs of hydrogen sulfide, 1,042.68 lbs of sulfur dioxide, 19.51 lbs of nitrogen oxide, and 252.40 lbs of volatile organic compounds from Flare FL-01 during an emissions event (Incident No. 139452) that began on May 6, 2010 and lasted one hour and 52 minutes, when the Refinery Vapor Recovery Unit experienced a shutdown of the Refinery Light Ends compressor K101 due to a high liquid level in the inter-stage knockout drum. Since the Respondent failed to provide sufficient information to demonstrate that this emissions event was caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, or that the emissions event could have been foreseen and avoided by good design, operation, and maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the 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.

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 \$215

Violation Final Penalty Total \$10,825

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

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

**Case ID No.** 40294

**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)	\$5,000	6-May-2010	16-Mar-2011	0.86	\$215	n/a	\$215

Notes for DELAYED costs

Estimated cost to implement measures to prevent the Refinery Vapor Recovery Unit from experiencing a shutdown of the Refinery Light Ends compressor K101 due to a high level in the Inter-stage knockout drum. The Date Required is the start date of the emissions event. The Final Date is the date that corrective actions are expected to be completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$215

Screening Date

18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent

Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No.

40294

PCW Revision October 30, 2008

Reg. Ent. Reference No.

RN100210517

Media [Statute]

Air

Enf. Coordinator

Kimberly Morales

Violation Number

6

Rule Cite(s)

30 Tex. Admin. Code § 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 56,320 lbs of butane from the Liquefied Petroleum Gas Rail Loading Rack during an emissions event (Incident No. 140273) that began on May 27, 2010 and lasted two hours and four minutes, when Rail Car No. NATX 400313 was inadvertently moved while positioning additional cars at the loading rack. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, and the emissions event could have been foreseen and avoided by good operation, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$10,000

One daily event is recommended.

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 completed corrective actions on June 3, 2010, prior to the October 8, 2010 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$40,800

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

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

**Case ID No.** 40294

**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)	\$2,000	27-May-2010	3-Jun-2010	0.02	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to implement measures to prevent rail cars from being inadvertently moved while positioning additional cars at the loading rack. The Date Required is the start date of the emissions event. The Final Date is the date that 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

\$2,000

**TOTAL**

\$2

Screening Date 18-Oct-2010

Docket No. 2010-1410-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40294

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 54 lbs of lime with 70.8% opacity from the water treater lime silo during an emissions event (Incident No. 143437) that began on August 11, 2010 and lasted 41 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of lime into the silo. Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
Actual				X
Potential				

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

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 Respondent completed corrective actions on September 18, 2010, prior to the December 8, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,200

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

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

**Case ID No.** 40294

**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in Violation No. 2.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 5.59
Regulated Entity:	RN100210517	DIAMOND SHAMROCK MCKEE PLANT	Classification: AVERAGE	Site Rating: 12.08  MR0008T
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		
	AIR OPERATING PERMITS	PERMIT		1555
	WASTEWATER	PERMIT		WQ0003927000
	WASTEWATER	EPA ID		TX0115851
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1710004
	AIR NEW SOURCE PERMITS	AFS NUM		4834100031
	AIR NEW SOURCE PERMITS	REGISTRATION		93480
	AIR NEW SOURCE PERMITS	PERMIT		92928
	AIR NEW SOURCE PERMITS	REGISTRATION		92528
	AIR NEW SOURCE PERMITS	REGISTRATION		92147
	AIR NEW SOURCE PERMITS	REGISTRATION		92059
	AIR NEW SOURCE PERMITS	EPA ID		HAP63
	AIR NEW SOURCE PERMITS	REGISTRATION		13435
	AIR NEW SOURCE PERMITS	PERMIT		9708
	AIR NEW SOURCE PERMITS	REGISTRATION		10152
	AIR NEW SOURCE PERMITS	PERMIT		10727
	AIR NEW SOURCE PERMITS	REGISTRATION		13095
	AIR NEW SOURCE PERMITS	REGISTRATION		39988
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		MR0008T
	AIR NEW SOURCE PERMITS	REGISTRATION		91836
	AIR NEW SOURCE PERMITS	REGISTRATION		86866
	AIR NEW SOURCE PERMITS	REGISTRATION		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		PSDTX861M2
	AIR NEW SOURCE PERMITS	REGISTRATION		85548
	AIR NEW SOURCE PERMITS	REGISTRATION		91312
	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
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD059685339
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30871
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50229
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
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	MR0008T

Location: 6701 FM 119, SUNRAY, TX, 79086

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: November 17, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 17, 2005 to November 17, 2010

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

Name: Kimberly Morales Phone: (713) 422-8938

**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: 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 QP

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.

Effective Date: 08/31/2009

ADMINORDER 2008-0384-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(J)  
5C THSC Chapter 382 382.085(b)

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

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: Flex Permit 9708/PSD-TX-861M2, SC 2 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 1,541 pounds ("lbs") of volatile organic compounds ("VOCs"), including 13 lbs of the hazardous air pollutant benzene, were released from the 60 M 1 Storage Tank, emission point number ("EPN") S-218, in the Fluid Catalytic Cracking Unit ("FCCU") during an emissions event (Incident No. 96231) that occurred on August 20, 2007 and lasted 24 hours. These emissions are not authorized by the permit. Since these emissions were avoidable, the dem

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

5C THSC Chapter 382 382.085(b)

Description: Failed to identify the compound descriptive type of all compounds released during an emissions event (Incident No. 97187) on the final emissions event report.

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: Flex Permit 9708/PSD-TX-861M2, SC 2 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 699.81 lbs of carbon monoxide, 1.79 lbs of hydrogen sulfide ("H2S"), 97.95 lbs of nitrogen oxide, 165.07 lbs of sulfur dioxide ("SO2"), and 704.5 lbs of VOCs were released from the flare, EPN FL-3, and the 15% opacity limit exceeded from the stack vent, EPN V-20, in the Complex 1 Unit during an emissions event (Incident No. 97187) that occurred on September 9, 2007 and lasted two hours and 26 minutes. Since these emissions were avoidable,

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: Flex Permit 9708/PSD-TX-861M2, SC 10 PERMIT

Description: Failed to operate combustion sources with fuel at or below the maximum H2S concentration limit of 0.10 grain per dry standard cubic feet (162 parts per million), resulting in unauthorized emissions of SO2, on July 13, 2007.

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: Flex Permit 9708/PSD-TX-861M2, SC 16 PERMIT

Description: Failed to operate Sulfur Recovery Unit ("SRU") 1 with a minimum firebox temperature of 1200 degrees Fahrenheit on September 22 and October 19, 2007 and SRU 2 on November 2, 2007.

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: Flex Permit 9708/PSD-TX-861M2, SC 25 PERMIT

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

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: Flex Permit 9708/PSD-TX-861M2, SC 9.B. PERMIT

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

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: Flex Permit 9708/PSD-TX-861M2, SC 9.C. PERMIT

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

Effective Date: 10/04/2009

ADMINORDER 2009-0300-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to include the compound descriptive type of individually listed compounds in the final emissions event report and to submit it within two weeks after the end of the event (Incident No.

114211). Specifically, the report contained the amount of particulate matter ("PM") emitted, but did not specify that it was catalyst fines. It also was required to be submitted by September 30, 2008, but was not submitted until October 9, 2008.

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: NSR Permit 9708 and PSD-TX-861M2 PERMIT  
NSR Permit 9708 and PSD-TX-861M2, SC 2 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 7.2 pounds of catalyst fines, a type of PM, were released from the Electrostatic Precipitator Stack, emission point number ("EPN") V-20, in the Complex 1 Unit during an emissions event (Incident No. 114211) that occurred on September 16, 2008 and lasted 24 minutes with 36.70 percent opacity.

Classification: Moderate

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

Description: Failed to submit the initial emissions event report within 24 hours after discovery of the event. Specifically, the event was discovered on October 12, 2008 at 9:30 p.m., but the initial notification was not submitted until October 15, 2008 at 7:30 p.m.

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: Permit No. 9708/PSD-TX-861M2 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 355.2 pounds of volatile organic compounds, including 112.2 pounds of hazardous air pollutants, were released from the #1 Reformer, EPN 1REF, in the Complex Unit during an emissions event (Incident No. 115445) that occurred on October 12, 2008 and lasted 15 hours.

Effective Date: 11/13/2009

ADMINORDER 2007-1544-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit 9708, S.C. 9.B. PERMIT

Description: Failed to operate the flares with a constant pilot flame.

Classification: Moderate

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

Rqmt Prov: Flexible Permit 9708, S.C. 16 PERMIT

Description: Failed to maintain the minimum firebox temperature of 1200 degrees Fahrenheit at the No. 2 Sulphur Recovery Unit ("SRU") incinerator vents 13 times between August 29, 2005 and February 14, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart A 63.11(b)(4)  
40 CFR Part 63, Subpart CC 63.643(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit No. 9708, S.C. 9.C. PERMIT

Description: Failed to operate the Main Refinery Flare without visible emissions lasting longer than five minutes during any two consecutive hours 19 times between January 19, 2005 and December 30, 2006.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart GGGGG 63.7903(d)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to inspect two frac tanks annually in 2005 and 2006.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart GGGGG 63.7921(c)(1)

40 CFR Part 63, Subpart GGGGG 63.7921(c)(2)

40 CFR Part 63, Subpart GGGGG 63.7950(e)

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

Description: Failed to include the required information in the Notification of Compliance Status report submitted November 8, 2006. Although the report was submitted, it did not contain any of the information required by the rule cites.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart GGGGG 63.7935(b)

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

Description: Failed to operate and maintain any affected source, including air pollution control equipment, in a manner consistent with safety and good air pollution control practices.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart LLLLL 63.8692(b)

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

Description: Failed to submit initial notification within 120 days after April 29, 2003 (August 28, 2003) for affected units in operation prior to April 29, 2003. The notification was submitted on November 24, 2003.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart LLLLL 63.8693(b)(1)

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

Description: Failed to submit the initial semi-annual compliance report by July 31, 2006. The report was submitted on January 29, 2007 and covered both the initial semi-annual reporting period, and the subsequent semi-annual reporting period (May 1 to December 31, 2006).

Classification: Moderate

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

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

Description: Failed to submit initial notification of an emissions event (Incident No. 94302) within 24 hours after discovery of the event. Specifically, the event was discovered on July 16, 2007 at 5:00 p.m., but was not reported until July 19, 2007 at 7:21 p.m.

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, S.C. 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: Flex Permit 9708 and PSD-TX-861M S.C. 2 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/09/2010

ADMINORDER 2009-0748-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THSC Chapter 382 382.085(b)

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

Description: Failed to prevent the unauthorized release of emissions. 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C THSC Chapter 382 382.085(b)

Description: Failed to limit the maximum H2S concentration in the fuel gas.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)  
5C THSC Chapter 382 382.085(b)

Description: Failed to limit the maximum SO2 concentration in gases discharged from the No. 2 Claus SRU to 250 ppm by volume (dry basis)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)  
5C THSC Chapter 382 382.085(b)

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.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)  
5C THSC Chapter 382 382.085(b)

Description: Failed to keep complete records of quarterly waste streams inspections.

Classification: Moderate

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

Description: Failed to submit complete annual reports of benzene inspections for 2007 and 2008

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: SC 17/PSD-TX-861M2 PERMIT

Description: failed to maintain the minimum incinerator temperature of 1336 °F for the No. 1 SRU and 1281 °F for the No. 2 SRU.

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: SC 16/PSD-TX-861M2 PERMIT

Description: failed to meet the minimum O2 concentration of 1% in the incinerator stack of the No. 2 SRU.

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: SC 21/PSD--TX-861M2 PERMIT

Description: Failed to route sour gas from the truck loading equipment back to the thermal reactor or the incinerator

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: SC 9B/PSD-TX-861M2 PERMIT

Description: Failed to operate the EPN FL-1 with a pilot flame.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)

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

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 in the final report the compound descriptive type of all compounds released during an emissions event which occurred on January 9, 2009.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 9708/PSD-TX-861M2 PERMIT

Description: Failed to control unauthorized catalyst fines particulate emissions and exceeded maximum opacity rates.

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 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.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 9708/PSD-TX-861M2 PERMIT

Description: 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.

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 on the final report the compound descriptive type of all compounds released during an emissions event which occurred on March 5, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 9708/PSD-TX-861M2 PERMIT

Description: 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.

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 07/20/2008 (334071)

2 09/20/2006 (372800)

3 01/30/2006 (434022)

4 12/14/2005 (434276)

5 02/24/2006 (434827)

6 02/24/2006 (434941)

7 01/05/2006 (437778)

8 01/05/2006 (437779)  
9 11/22/2005 (438219)  
10 11/22/2005 (438224)  
11 11/22/2005 (438231)  
12 01/30/2006 (438525)  
13 01/06/2006 (439635)  
14 02/20/2007 (452450)  
15 02/02/2006 (454165)  
16 04/11/2006 (461707)  
17 04/12/2006 (461731)  
18 04/19/2006 (463085)  
19 04/19/2006 (463093)  
20 04/19/2006 (463113)  
21 04/19/2006 (463117)  
22 04/19/2006 (463122)  
23 05/04/2006 (463490)  
24 05/01/2006 (463546)  
25 05/30/2006 (480407)  
26 05/31/2006 (480794)  
27 06/22/2006 (480967)  
28 06/27/2006 (481025)

29 06/30/2006 (481177)  
30 07/13/2006 (486447)  
31 07/13/2006 (486456)  
32 09/07/2006 (488389)  
33 09/15/2006 (488452)  
34 07/26/2006 (488656)  
35 07/26/2006 (488930)  
36 09/25/2006 (488931)  
37 10/06/2006 (488938)  
38 07/27/2006 (489065)  
39 07/27/2006 (489074)  
40 10/12/2006 (489193)  
41 02/07/2006 (491408)  
42 03/07/2006 (491409)  
43 12/15/2005 (491412)  
44 01/13/2006 (491413)  
45 04/07/2006 (505767)  
46 05/05/2006 (505768)  
47 06/05/2006 (505769)  
48 08/29/2006 (510486)  
49 08/29/2006 (510494)

50 09/11/2006 (511697)  
51 09/11/2006 (511821)  
52 09/12/2006 (512020)  
53 09/22/2006 (512784)  
54 09/22/2006 (513104)  
55 10/31/2006 (515056)  
56 10/31/2006 (515083)  
57 10/31/2006 (515085)  
58 10/31/2006 (515088)  
59 10/31/2006 (515097)  
60 12/28/2006 (515100)  
61 10/11/2006 (515781)  
62 10/13/2006 (515941)  
63 10/13/2006 (515995)  
64 10/13/2006 (516008)  
65 10/13/2006 (516058)  
66 10/31/2006 (517795)  
67 11/03/2006 (518264)  
68 11/03/2006 (518280)  
69 12/18/2006 (518681)  
70 11/08/2006 (518742)  
71 11/20/2006 (519567)

72 07/17/2006 (528026)  
73 08/24/2006 (528027)  
74 09/25/2006 (528028)  
75 12/11/2006 (532830)  
76 12/05/2006 (532888)  
77 12/05/2006 (532897)  
78 12/05/2006 (532900)  
79 12/08/2006 (533121)  
80 12/08/2006 (533139)  
81 12/08/2006 (533445)  
82 12/13/2006 (533581)  
83 12/12/2006 (533646)  
84 01/29/2007 (533808)  
85 01/08/2007 (535677)  
86 01/08/2007 (535737)  
87 01/08/2007 (535755)  
88 05/14/2007 (537450)  
89 04/09/2007 (541306)  
90 02/28/2007 (542019)  
91 02/28/2007 (542056)  
92 03/06/2007 (542521)

93 03/06/2007 (542534)  
94 03/06/2007 (542543)  
95 03/08/2007 (542581)  
96 02/11/2007 (551569)  
97 10/06/2006 (551570)  
98 11/09/2006 (551571)  
99 12/05/2006 (551572)  
100 01/11/2007 (551573)  
101 03/27/2007 (555204)  
102 04/10/2007 (555984)  
103 04/12/2007 (556468)  
104 04/13/2007 (556486)  
105 04/12/2007 (556613)  
106 04/12/2007 (556625)  
107 04/12/2007 (556627)  
108 04/12/2007 (556631)  
109 04/12/2007 (556634)  
110 04/13/2007 (556973)  
111 05/22/2007 (558995)  
112 07/20/2007 (559001)  
113 05/08/2007 (559054)

114 06/18/2007 (559063)  
115 05/16/2007 (560245)  
116 06/27/2007 (563476)  
117 08/29/2007 (564391)  
118 07/18/2007 (567991)  
119 07/24/2007 (568035)  
120 07/26/2007 (568738)  
121 07/26/2007 (568758)  
122 07/31/2007 (569792)  
123 07/31/2007 (569877)  
124 08/03/2007 (570758)  
125 08/29/2007 (571885)  
126 09/10/2007 (572656)  
127 09/04/2007 (574211)  
128 09/04/2007 (574398)  
129 03/09/2007 (588603)  
130 04/05/2007 (588604)  
131 06/20/2007 (588605)  
132 06/20/2007 (588606)  
133 07/23/2007 (588607)  
134 09/06/2007 (593562)  
135 09/06/2007 (593573)

136 09/06/2007 (593586)  
137 09/11/2007 (593865)  
138 09/27/2007 (596055)  
139 10/26/2007 (597573)  
140 10/26/2007 (597880)  
141 10/29/2007 (597941)  
142 11/20/2007 (598333)  
143 10/24/2007 (598861)  
144 10/25/2007 (598954)  
145 10/25/2007 (599120)  
146 11/06/2007 (599312)  
147 11/06/2007 (599558)  
148 08/20/2007 (605525)  
149 09/21/2007 (605526)  
150 10/11/2007 (605527)  
151 11/30/2007 (610557)  
152 01/09/2008 (611638)  
153 12/19/2007 (611641)  
154 12/19/2007 (611646)  
155 02/15/2008 (612688)  
156 01/31/2008 (616381)

157 01/31/2008 (616393)  
158 01/31/2008 (616398)  
159 01/31/2008 (616610)  
160 01/31/2008 (616613)  
161 01/31/2008 (616618)  
162 02/14/2008 (617189)  
163 02/14/2008 (617318)  
164 02/14/2008 (617342)  
165 02/14/2008 (617437)  
166 02/08/2008 (617496)  
167 02/08/2008 (617501)  
168 02/08/2008 (617507)  
169 02/13/2008 (617998)  
170 02/13/2008 (618031)  
171 02/20/2008 (618387)  
172 02/20/2008 (618391)  
173 02/20/2008 (618394)  
174 02/20/2008 (618400)  
175 02/20/2008 (618402)  
176 03/18/2008 (618803)  
177 12/17/2007 (630167)

178 12/17/2007 (630168)  
179 01/03/2008 (630169)  
180 03/13/2008 (638732)  
181 04/15/2008 (641006)  
182 04/17/2008 (653264)  
183 06/17/2008 (683001)  
184 06/17/2008 (683012)  
185 07/02/2008 (684662)  
186 05/30/2008 (695546)  
187 05/30/2008 (695547)  
188 05/30/2008 (695548)  
189 05/30/2008 (695549)  
190 07/01/2008 (695550)  
191 07/15/2008 (695551)  
192 09/15/2008 (700539)  
193 09/18/2008 (700737)  
194 09/11/2008 (700819)  
195 09/15/2008 (702765)  
196 09/12/2008 (702770)  
197 10/08/2008 (704830)  
198 10/17/2008 (705769)  
199 10/17/2008 (705775)

200 10/17/2008 (705781)  
201 10/17/2008 (705787)  
202 11/21/2008 (708521)  
203 11/21/2008 (708548)  
204 11/21/2008 (708603)  
205 12/15/2008 (710174)  
206 10/09/2008 (717085)  
207 10/09/2008 (717086)  
208 11/10/2008 (717087)  
209 12/17/2008 (721045)  
210 12/18/2008 (721139)  
211 12/22/2008 (721734)  
212 12/22/2008 (721770)  
213 12/22/2008 (721805)  
214 12/22/2008 (721850)  
215 12/22/2008 (721917)  
216 01/12/2009 (722626)  
217 02/19/2009 (722773)  
218 01/12/2009 (722797)  
219 01/12/2009 (723376)  
220 05/08/2009 (724295)

221 01/28/2009 (724669)  
222 01/29/2009 (724743)  
223 01/29/2009 (724838)  
224 02/06/2009 (724918)  
225 02/06/2009 (724921)  
226 02/06/2009 (725025)  
227 02/06/2009 (725029)  
228 02/06/2009 (725034)  
229 02/08/2009 (725042)  
230 02/09/2009 (725420)  
231 01/26/2009 (732469)  
232 02/19/2009 (735611)  
233 05/09/2009 (744000)  
234 04/29/2009 (744045)  
235 05/20/2009 (744437)  
236 05/12/2009 (745290)  
237 05/18/2009 (745994)  
238 07/16/2009 (749438)  
239 06/22/2009 (749679)  
240 02/02/2009 (755774)  
241 03/03/2009 (755775)

242 04/03/2009 (755776)  
243 12/16/2008 (755777)  
244 12/16/2008 (755778)  
245 04/12/2010 (762506)  
246 07/17/2009 (762606)  
247 07/22/2009 (763145)  
248 07/28/2009 (763639)  
249 08/26/2009 (767290)  
250 08/26/2009 (767350)  
251 09/10/2009 (767651)  
252 09/10/2009 (767652)  
253 09/10/2009 (767668)  
254 05/01/2009 (772784)  
255 06/02/2009 (772785)  
256 09/11/2009 (775945)  
257 10/07/2009 (777362)  
258 10/07/2009 (777368)  
259 11/16/2009 (782609)  
260 11/24/2009 (782887)  
261 11/24/2009 (782917)  
262 12/02/2009 (784081)  
263 12/02/2009 (784101)

264 12/02/2009 (784102)  
265 05/20/2010 (785739)  
266 01/28/2010 (787272)  
267 01/27/2010 (787505)  
268 02/04/2010 (788915)  
269 01/28/2010 (789005)  
270 01/25/2010 (789299)  
271 02/07/2010 (790483)  
272 02/19/2010 (791552)  
273 02/19/2010 (791585)  
274 02/17/2010 (791885)  
275 02/17/2010 (791888)  
276 02/17/2010 (791897)  
277 02/17/2010 (791903)  
278 02/17/2010 (791915)  
279 02/17/2010 (792278)  
280 02/26/2010 (792430)  
281 03/08/2010 (792864)  
282 04/27/2010 (793000)  
283 03/19/2010 (794570)  
284 03/26/2010 (796195)

285 03/26/2010 (796845)  
286 05/28/2010 (802118)  
287 05/12/2010 (802180)  
288 05/26/2010 (803436)  
289 05/26/2010 (803778)  
290 02/05/2010 (818440)  
291 07/20/2009 (818441)  
292 08/04/2009 (818442)  
293 09/04/2009 (818443)  
294 10/09/2009 (818444)  
295 11/05/2009 (818445)  
296 12/08/2009 (818446)  
297 01/14/2010 (818447)  
298 07/01/2010 (826924)  
299 06/16/2010 (826958)  
300 07/01/2010 (828748)  
301 07/08/2010 (829695)  
302 03/10/2010 (835707)  
303 04/07/2010 (835708)  
304 05/10/2010 (835709)  
305 08/04/2010 (841379)

306 07/15/2010 (841516)  
307 08/04/2010 (841553)  
308 09/10/2010 (843202)  
309 09/16/2010 (844380)  
310 08/13/2010 (846068)  
311 06/29/2010 (847755)  
312 09/03/2010 (858405)  
313 09/08/2010 (860043)  
314 09/10/2010 (860199)  
315 09/10/2010 (860209)  
316 09/10/2010 (860214)  
317 09/10/2010 (860217)  
318 09/10/2010 (860221)  
319 09/03/2010 (862157)  
320 10/07/2010 (864554)  
321 09/28/2010 (865485)  
322 10/01/2010 (865561)  
323 10/01/2010 (865610)  
324 09/03/2010 (868755)  
325 11/12/2010 (873439)  
326 11/12/2010 (873512)  
327 11/12/2010 (873532)

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

Date: 05/05/2006 (463490)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure of FCCU to comply with opacity limits of Permit No. 9708/PSD-TX-861M2

Date: 06/23/2006 (480967) CN600124861  
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) CN600124861  
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)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to comply with permitted opacity limit during an excess opacity event that did not meet the affirmative defense criteria

Date: 12/18/2006 (518681)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: failure to comply with permitted opacity limits for FCCU stack during excess opacity event which did not meet affirmative defense criteria

Date: 02/28/2007 (542056) CN600124861  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
MSGP Part III 7 (b) PERMIT  
Description: Failure to conduct Annual Comprehensive Site Compliance Evaluations as permit required.

Date: 04/30/2007 (588605) CN600124861  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/25/2007 (568035)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)  
Description: failure to submit notification of an excess opacity event within 24 hours of  
discovery

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: failure to comply with permitted opacity limits for FCCU stack during excess  
opacity event which did not meet one of the affirmative defense criteria

Date: 08/29/2007 (571885) CN600124861  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: The review of the deviation reports, submitted on January 3, 2007 and July 2,  
2007, indicated that Diamond Shamrock did not provide the required information  
for the non-reportable events at this facility in those deviation reports. The  
company was required to provide the deviation period, the cause, and the  
corrective action taken for each incident.

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

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

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC Chapter 111.111(a)(4),  
30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)  
Description: The review of the deviation report submitted on January 3, 2007 indicated that  
the company failed to conduct initial verification to ensure accuracy and  
completeness of the permit application.

The facility is in violation of the provisions of Chapter 122.132(a).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)  
Description: The facility is in violation of the requirements of 30 TAC Chapter 101 Chapter 101.201(b)(2).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Description: The facility is in violation of the requirements of 30 TAC Chapter 122.143(4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Description: The facility is in violation of the requirements of 30 TAC Chapter 122.143(4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Description: The facility is in violation of the requirements of 30 TAC Chapter 122.143(4).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart Kb 60.115b(b)(2)  
Description: The facility is in violation of 40 CFR Subpart Kb, 60.115b(b)(2).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart H 60.82(a)  
Description: The facility is in violation of 40 CFR Subpart H, 60.82(a).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 61, Subpart FF 61.357(d)(7)  
Description: The facility is in violation of the requirements of 40 CFR 61, 61.357(d)(7).

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

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

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

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

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

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

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart A 60.7(c)  
Description: The facility is in violation of the requirements of 40 CFR 60, 60.7(c).

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

Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 61, Subpart FF 61.346(b)(5)  
 40 CFR Part 63, Subpart CC 63.647(a)  
 Description: The facility is in violation of the provisions of 40 CFR 63.647(a) and 61.346(b)(5).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: The facility failed to comply with the provisions of 30 TAC Chapter 116.715(a) and Texas Health and Safety Code 382.085(b).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 61, Subpart FF 61.354(d)  
 Description: The facility is in violation of the provisions of 40 CFR 61.354(d).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart A 60.7(f)  
 Description: The facility is in violation of the provisions of 40 CFR 60.7(f).

Date: 08/29/2007 (573564) CN600124861  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart CC 63.646(a)  
 Description: The facility is in violation of provisions of 40 CFR 63 Subpart CC, 60. 646(a).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart CC 63.654(h)(1)  
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.654(h)(1).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart UUU 63.1564(a)(3)  
 Description: The facility is in violation of requirements of 40 CFR, 63.1364(a)(3).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart UUU 63.1565(a)(3)  
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1565(a)(3).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart UUU 63.1568(a)(3)  
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(a)(3).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.1568(c)(1).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart LLLLL 63.8684(a)  
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.8684(a).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart LLLLL 63.8688(b)(4)  
 Description: The facility is in violation of the monitoring requirements of 40 CFR 63, 63.8688(b)(4).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 63, Subpart LLLLL 63.8692(d)  
 Description: The facility is in violation of the requirements of 40 CFR 63, 63.8692(d).

Date: 03/18/2008 (618803)  
 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)  
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

Date: 03/11/2010 (794810) CN600124861

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart H 60.82(a)  
5C THSC Chapter 382 382.085(b)  
Description: The provisions of §60.82(a) of Subpart H provide the sulfur dioxide emission limits from the sulfuric acid plants. The SO2 emission from the affected facility is limited to 4 lbs./ton of sulfuric acid (H2SO4) production. This limit was exceeded on 8/2/2007 and 1/25/2008. The facility is in violation of the provisions of §60.82(a) and §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(b)(4)  
5C THSC Chapter 382 382.085(b)  
Description: The facility is in violation of requirements of 40 CFR 60, Subpart J, §60.11(b), §382.085(b), and §60.106(b)(4).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)  
5C THSC Chapter 382 382.085(b)  
Description: The facility is subject to fuel gas monitoring provisions of Subpart J. The facility is conducting a quarterly Hydrogen sulfide concentration monitoring for the vapor combustor (FL-7) for compliance with the provisions of §60.105(a)(3). The review of information indicated that no monitoring was conducted for the fourth quarter 2007. The facility is in violation of provisions of 40 CFR 60, Subpart J, §60.105(a)(3) and §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
5C THSC Chapter 382 382.085(b)  
Description: The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-2(a)(1) and §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-6(a) and §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)  
5C THSC Chapter 382 382.085(b)  
Description: The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-7(a)(2)(i) and §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
5C THSC Chapter 382 382.085(b)  
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart QQQ, §60.692-2(a)(2) and §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(3)  
5C THSC Chapter 382 382.085(b)  
Description: The provisions of §60.692-2(a)(3) state that "Each drain out of active service shall be checked by visual or physical inspection initially and weekly thereafter for indications of low water levels or other problems that could result in VOC emissions." The semi-annual report, submitted on January 29, 2009 indicated that weekly inspections were not conducted on 163 cases for the affected drains. The facility is in violation of the 40 CFR 60 Subpart QQQ, §60.692-2(a)(3) and

§382.085(b).  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(4)  
 5C THSC Chapter 382 382.085(b)  
 Description: The provisions of §60.692-2(a)(4) state that "If an owner or operator elects to install a tightly sealed cap or plug over a drain that is out of service, inspections shall be conducted initially and semi-annually to ensure caps or plugs are in place and properly installed. The semi-annual report, submitted on January 29, 2009 indicated that semi-annual inspections were missed on 8 cases for affected units. The facility is in violation of 40 CFR 60 Subpart QQQ, §60.692-2(a)(4) and §382.085(b).

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)  
 5C THSC Chapter 382 382.085(b)  
 Description: The facility is in violation of the provisions of 40 CFR 60 Subpart QQQ, §60.692-2(a)(5) and §382.085(b).

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
 5C THSC Chapter 382 382.085(b)  
 Description: The provisions of §61.354(d) state that "For carbon canisters, the device shall be monitored daily." The review of information provided indicated that daily carbon canister monitoring was not performed on 4/26/2008. The facility is in violation of the provisions of 40 CFR 61 Subpart FF, §61.354(d) and §382.085(b).

Date: 05/20/2010 (785739)  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Description: The review of the deviation report, submitted on July 29, 2009 indicated that the 12-hour rolling average of sulfur dioxide concentrations exceeded the allowable 250 ppm for SRU No. 1 on three (3) occasions on 3/22/2009, 3/25/2009, and 5/17/2009. The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(7)(A)  
 5C THSC Chapter 382 382.085(b)  
 Special condition No. 3(B) OP  
 Description: The visible emissions were observed from the water treatment lime silo opacity collection system and from the water treatment soda ash opacity collection system on 34 occasions. The facility is in violation of the provisions of 30 TAC, §111.111(a)(7)(A), §382.085(b), and special condition No. 3(B) of the Federal Operating Permit No. O-1555.

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart H 60.82(a)  
 5C THSC Chapter 382 382.085(b)  
 Description: This facility is subject to the provisions of the 40 CFR 60 Subpart H. The provisions of §60.82(a) of Subpart H provide the sulfur dioxide emission limits from the sulfuric acid plants. The SO<sub>2</sub> emission from the affected facility is limited to 4 lbs./ton of sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) production. This limit was exceeded on 6/5/2009 and on 12/20/2009 (due to low caustic level which decreased the pH). The facility is in violation of the provisions of 40 CFR 60 Subpart H, §60.82(a) and §382.085(b).

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
 5C THSC Chapter 382 382.085(b)  
 Description: The review of the deviation report, submitted on July 29, 2009 and the deviation report, submitted on January 29, 2010 indicated that the company identified total of 68 open-ended valves were documented during the period January 1 through

December 31, 2009. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-6(a) and §382.085(b).

- Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)  
5C THSC Chapter 382 382.085(b)  
Description: The review of the deviation report, submitted on July 29, 2009 (Event No. 2, page 1 of 16) indicated that a total of 178 valves were not monitored for two quarters during the period January 1 through June 29, 2009. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-7(c)(1)(i) and §382.085(b).
- Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)  
5C THSC Chapter 382 382.085(b)  
Description: The review of the deviation report, submitted on January 29, 2010 indicated that a total of 96 new valves were not monitored within 30 days during the period 5/4/2009 through 9/22/2009. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-7(a)(2)(i) and §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)  
Special condition No. 29(B) PA  
Description: The review of the deviation report, submitted on January 29, 2010 indicated that corrective action was not taken within 24 hours following an indication that the FCCU's continuous emission monitoring system exceeded the allowable calibration drift greater than two times the allowable limits on 11/14/2009 and 11/15/2009. The facility is in violation of the provisions of the special condition No. 29(B) of the permit No. 9708, 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(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Description: The review of the deviation report, submitted on July 29, 2009 indicated that flames were not present in Wastewater Flare (FL-6) on 6/4/2009. The facility is in violation of the provisions of 40 CFR 60 Subpart A, §60.18(c)(2), 40 CFR 63 Subpart A, §63.11(b)(5), and §382.085(b).
- Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.650(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(c)(1)  
5C THSC Chapter 382 382.085(b)  
Description: The review of the deviation report, submitted on January 29, 2010 indicated that VCU temperature data was not available on 10/8/2009 and 12/9/2009 (due to strip chart paper jam and the system running out of ink). The facility is in violation of the provisions of 40 CFR 63 Subpart CC, §63.650(a), 40 CFR 63 Subpart R, §63.428(c)(1), and §382.085(b).
- Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(e)  
5C THSC Chapter 382 382.085(b)  
Description: The review of the deviation report, submitted on July 29, 2009 indicated that although inspections were conducted for several units, including FCCU Flare, SRU No. 1, SRU No. 2, and the HCU Flare, the records demonstrating that the inspections were conducted were not available. The facility is in violation of the provisions of 40 CFR 63 Subpart UUU, §63.1576(e) and §382.085(b).

Date: 05/31/2010 (847755)

CN600124861

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

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

Notice of Intent Date: 04/28/2010 (826733)  
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** § **BEFORE THE**  
**ENFORCEMENT ACTION** §  
**CONCERNING** § **TEXAS COMMISSION ON**  
**DIAMOND SHAMROCK REFINING** §  
**COMPANY, L.P.** § **ENVIRONMENTAL QUALITY**  
**RN100210517**

**AGREED ORDER**  
**DOCKET NO. 2010-1410-AIR-E**

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

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent 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 a record review on July 13, 2010, TCEQ staff documented that the Respondent released 91 pounds ("lbs") of soda ash with 71% opacity from the water treater soda ash silo during an emissions event (Incident No. 138712) that began on April 20, 2010 and lasted 40 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of soda ash into the silo.
4. During a record review on July 14, 2010, TCEQ staff documented that the Respondent:
  - a. Released 53 lbs of lime with 48.3% opacity from the water treater lime silo during an emissions event (Incident No. 138521) that began on April 15, 2010 and lasted 48 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of lime into the silo; and
  - b. Failed to properly report Incident No. 138521. Specifically, the final record did not include the compound descriptive type or estimated total quantities of all compounds released during Incident No. 138521.
5. During a record review on September 9, 2010, TCEQ staff documented that the Respondent released 90 lbs of soda ash with 100% opacity from the water treater soda ash silo during an emissions event (Incident No. 139697) that began on May 12, 2010 and lasted 58 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of soda ash into the silo.
6. During a record review on September 13, 2010, TCEQ staff documented that the Respondent released 141.15 lbs of carbon monoxide, 11.32 lbs of hydrogen sulfide, 1,042.68 lbs of sulfur dioxide, 19.51 lbs of nitrogen oxide, and 252.40 lbs of volatile organic compounds from Flare FL-01 during an emissions event (Incident No. 139452) that began on May 6, 2010 and lasted one hour and 52 minutes, when the Refinery Vapor Recovery Unit experienced a shutdown of the Refinery Light Ends compressor K101 due to a high liquid level in the inter-stage knockout drum.
7. During a record review on September 17, 2010, TCEQ staff documented that the Respondent released 56,320 lbs of butane from the Liquefied Petroleum Gas Rail Loading Rack during an emissions event (Incident No. 140273) that began on May 27, 2010 and lasted two hours and four minutes, when Rail Car No. NATX 400313 was inadvertently moved while positioning additional cars at the loading rack.
8. During a record review on November 5, 2010, TCEQ staff documented that the Respondent released 54 lbs of lime with 70.8% opacity from the water treater lime silo during an emissions event (Incident No. 143437) that began on August 11, 2010 and lasted 41 minutes, when the air pressure from the bulk carrier truck exceeded the bag house design capability during the unloading of lime into the silo.

9. The Respondent received notices of the violations on August 9, September 18, September 22, October 13, and December 8, 2010.
10. The Executive Director recognizes that the Respondent:
  - a. Conducted informal refresher training on June 3, 2010 over procedures to be followed to prevent rail cars from being inadvertently moved while positioning additional cars at the loading rack in order to prevent reoccurrence of emissions due to the same causes as Incident No. 140273;
  - b. Installed and began operating a newly designed bag house on the water treater lime silo on September 18, 2010 in order to prevent reoccurrence of emissions events similar to Incident Nos. 138521 and 143437; and
  - c. Completed refresher training on December 10, 2010 during the Plant's Environmental Department weekly meeting in order to ensure emissions events are properly reported. The refresher training was conducted on the computer with the team observing the correct steps in documenting information.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. As evidenced by Findings of Fact No. 4.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

4. As evidenced by Findings of Fact No. 4.b., the Respondent failed to properly report Incident No. 138521, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
6. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the Respondent failed to provide sufficient information to demonstrate that this emissions event was caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, or that the emissions event could have been foreseen and avoided by good design, operation, and maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
7. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, and the emissions event could have been foreseen and avoided by good operation, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
8. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(A) and 116.715(a), Flexible Permit Nos. 9708 and PSDTX861M2, Special Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was not caused by a sudden breakdown of equipment or process that was beyond the control of the owner or operator, the emissions event could have been foreseen and avoided by good design or operation, and the control equipment was not operated in a manner consistent with good practice for minimizing emissions, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.

10. An administrative penalty in the amount of Sixty Thousand Four Hundred Thirty-Three Dollars (\$60,433) 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. The Respondent has paid the Sixty Thousand Four Hundred Thirty-Three Dollar (\$60,433) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Sixty Thousand Four Hundred Thirty-Three Dollars (\$60,433) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2010-1410-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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures designed to prevent the air pressure from the bulk carrier truck from exceeding the bag house design capability during the unloading of soda ash into the silo, in order to prevent recurrence of emissions due to the same causes as Incident Nos. 138712 and 139697; and
    - ii. Implement measures designed to prevent the Refinery Vapor Recovery Unit from experiencing a shutdown of the Refinery Light Ends compressor K101 due to a high liquid level in the inter-stage knockout drum, in order to prevent recurrence of emissions due to the same causes as Incident No. 139452.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

\_\_\_\_\_  
Date 4/4/2011

I, the undersigned, have read and understand the attached Agreed Order in the matter of Diamond Shamrock Refining Company, L.P. I am authorized to agree to the attached Agreed Order on behalf of Diamond 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 understand that by entering into this Agreed Order, Diamond Shamrock Refining Company, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

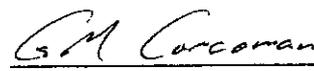
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 9-Feb-2011

  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Diamond Shamrock Refining Company, L.P.

\_\_\_\_\_  
Title VP of GM

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