

Executive Summary – Enforcement Matter – Case No. 41611
Diamond Shamrock Refining Company, L.P.
RN100210517
Docket No. 2011-0710-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero McKee Refinery, 6701 Farm-to-Market Road 119, Moore County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2010-0909-MLM-E and 2010-1410-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 14, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$145,211

Amount Deferred for Expedited Settlement: \$29,042

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$58,085

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$58,084

Name of SEP: Texas PTA – Texas PTA Clean School Buses

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RN100210517
Docket No. 2011-0710-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 7, 2022

Date(s) of NOE(s): April 22, 2011

Violation Information

1. Failed to submit notification to the TCEQ within 15 working days after the start of construction of the Boiler 19 modification project, emission point number ("EPN") B-11. Specifically, construction began on June 14, 2010 and the notification was required to be submitted by July 5, 2010, but was never submitted [30 TEX. ADMIN. CODE §§ 116.615(4) and 122.143(4), Federal Operating Permit ("FOP") No. 01555, General Terms and Conditions and Special Terms and Conditions 14, Standard Permit Registration No. 92528, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to maintain a record of a December 5, 2010 inspection that was conducted to demonstrate compliance with the operation, maintenance, and monitoring plan of the Fluid Catalytic Cracking Unit [30 TEX. ADMIN. CODE §§ 101.20(2) and 113.780, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1576(e), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to limit sulfur dioxide ("SO₂") emissions to 4 pounds per ton of sulfuric acid production from the Acid Plant, EPN V-29. Specifically, on August 31, 2010, 139.11 pounds of SO₂ emissions were released [30 TEX. ADMIN. CODE § 101.20(1), 40 CFR § 60.82(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to determine if an emissions event is reportable within 24 hours after discovery of the event. Specifically, in a deviation report submitted on July 28, 2010, visible emissions were reported to have been observed from the lime silo and ash silo collection systems on January 23, February 1, February 9, and February 12, 2010, but no documentation was provided to demonstrate whether the events were reportable or recordable because a Method 9 observation was not conducted to make the determinations [30 TEX. ADMIN. CODE § 101.201(a)(1)(A), FOP No. 01555, Special Terms and Conditions 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to obtain authorization from the TCEQ prior to modification of Boiler 19, EPN B-11. Specifically, construction began on June 14, 2010, but the project was not approved under Standard Permit Registration No. 92528 until June 30, 2010 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].

6. Failed to obtain authorization from the TCEQ prior to installation of the Soda Ash Silo and Water Treater Lime Silo Baghouses, EPNs V-13 and V-14. Specifically, construction began September 22, 2010, but the project was not approved under

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Standard Permit Registration No. 94198 until December 28, 2010 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].

7. Failed to obtain authorization from the TCEQ prior to installation of a Flare Gas Recovery System installation, EPN F-FGR. Specifically, construction began November 3, 2010, but the application was not approved under Standard Permit Registration No. 94205 until February 10, 2011 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

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

- a. Obtained authorization for modification of Boiler 19 from the TCEQ on June 30, 2010;
- b. Obtained authorization for installation of the Soda Ash Silo and Water Treater Lime Silo Baghouses from the TCEQ on December 28, 2010; and
- c. Obtained authorization for installation of a Flare Gas Recovery System on February 10, 2011.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and procedures to ensure that start of construction notifications are submitted within 15 working days after the start of construction;
 - ii. Implement measures and procedures to ensure that SO₂ emissions are kept below the maximum ratio limits;
 - iii. Implement measures and procedures to ensure that personnel observing visible emissions evaluate opacity concentrations to determine, within 24 hours after discovery of the event, if the event is reportable or recordable; and
 - iv. Implement measures and procedures designed to ensure that authorization is obtained prior to commencing construction.

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b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division,
Enforcement Team 5, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: G.M. Corcoran, Vice President & General Manager, Diamond Shamrock
Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013
Shelly Williamson, Environmental Manager, Diamond Shamrock Refining Company,
L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086-2013
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0710-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Diamond Shamrock Refining Company, L.P.

Penalty Amount: One Hundred Sixteen Thousand One Hundred Sixty-Nine Dollars (\$116,169)

SEP Offset Amount: Fifty-Eight Thousand Eighty-Four Dollars (\$58,084)

Type of SEP: Pre-approved

Third-Party Recipient: Texas PTA – *Texas PTA Clean School Buses*

Location of SEP: Texas Air Quality Control Region 211 – Amarillo – Lubbock

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

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

2. Performance Schedule

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

Director of Finance
Texas PTA
408 W. 11th Street
Austin, Texas 78701

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Jun-2011	Screening	13-Jun-2011	EPA Due	N/A
	PCW	16-Jun-2011				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	41611	No. of Violations	7
Docket No.	2011-0710-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$37,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	286.0% Enhancement	Subtotals 2, 3, & 7	\$107,536
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Notes: Enhancement for 14 NOVs with same/similar violations, five NOVs with dissimilar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for four Notice of Audit letters submitted.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$393
 Approx. Cost of Compliance: \$9,575
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$145,136
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.1%	Adjustment	\$75
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for recovery of avoided costs for Violations 1 and 2.

Final Penalty Amount	\$145,211
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$145,211
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DEFERRAL	20.0% Reduction	Adjustment	-\$29,042
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$116,169
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Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	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>)	0	0%
	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>)	4	-4%
	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) 286%

>> **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, five NOVs with dissimilar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for four Notice of Audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 286%

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.615(4) and 122.143(4), Federal Operating Permit ("FOP") No. O1555, General Terms and Conditions and Special Terms and Conditions 14, Standard Permit Registration No. 92528, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit notification to the TCEQ within 15 working days after the start of construction of the Boiler 19 modification project, emission point number ("EPN") B-11. Specifically, construction began on June 14, 2010 and the notification was required to be submitted by July 5, 2010, but was never submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

309 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended for the one notification that was not submitted.

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 \$69

Violation Final Penalty Total \$9,655

This violation Final Assessed Penalty (adjusted for limits) \$9,655

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
Req. Ent. Reference No. RN100210517
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	5-Jul-2010	1-Jan-2012	1.49	\$19	n/a	\$19

Notes for DELAYED costs

Estimated expense to implement measures and procedures to ensure that start of construction notifications are submitted within 15 working days after the start of construction. The Date Required is the date the notification was required to be submitted. The Final Date is the date corrective actions are projected to be completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	5-Jul-2010	5-Jul-2010	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated expense to submit the notification. The Date Required and Final Date is 15 days after the start of construction, when notification was required to be submitted.

Approx. Cost of Compliance

\$300

TOTAL

\$69

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2) and 113.780, 40 Code of Federal Regulations ("CFR") § 63.1576(e), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain a record of a December 5, 2010 inspection that was conducted to demonstrate compliance with the operation, maintenance, and monitoring plan of the Fluid Catalytic Cracking Unit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent failed to record one of 365 daily inspections (failed to comply with less than 30% of the rule requirement).

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for the one inspection record that was not maintained.

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$386

This violation Final Assessed Penalty (adjusted for limits) \$386

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$25	5-Dec-2010	5-Dec-2010	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated expense to record an inspection. The Date Required and Final Date is the date the inspection was not recorded.

Approx. Cost of Compliance

\$25

TOTAL

\$25

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 101.20(1), 40 CFR § 60.82(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to limit sulfur dioxide ("SO2") emissions to 4 pounds per ton of sulfuric acid production from the Acid Plant, EPN V-29. Specifically, on August 31, 2010, 139.11 pounds of SO2 emissions were released.

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 contaminants that did not exceed levels 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

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 \$100

Violation Final Penalty Total \$9,655

This violation Final Assessed Penalty (adjusted for limits) \$9,655

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Aug-2010	1-Jan-2012	1.34	\$100	n/a	\$100

Notes for DELAYED costs

Estimated expense to implement measures and procedures to ensure that SO2 emissions are kept below the maximum ratio limits. The Date Required is the date of the exceedance. The Final Date is the date corrective actions are projected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$100

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1)(A), FOP No. O1555, Special Terms and Conditions 2.F., and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to determine if an emissions event is reportable within 24 hours after discovery of the event. Specifically, in a deviation report submitted on July 28, 2010, visible emissions were reported to have been observed from the lime silo and ash silo collection systems on January 23, February 1, February 9, and February 12, 2010, but no documentation was provided to demonstrate whether the events were reportable or recordable because a Method 9 observation was not conducted to make the determinations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 25%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

4

4

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10,000

Four single events are recommended for the four events during which an opacity reading was not conducted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$38,620

This violation Final Assessed Penalty (adjusted for limits) \$38,620

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
Reg. Ent. Reference No. RN100210517
Media Violation No. Air
 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)	\$250	23-Jan-2010	1-Jan-2012	1.94	\$24	n/a	\$24

Notes for DELAYED costs

Estimated expense to implement measures and procedures to ensure that personnel observing visible emissions evaluate opacity concentrations to determine, within 24 hours after discovery of the event, if the event is reportable or recordable. The Date Required is the date of the first event. The Final Date is the date corrective actions are projected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$24

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)

Violation Description

Failed to obtain authorization from the TCEQ prior to modification of Boiler 19, EPN B-11. Specifically, construction began on June 14, 2010, but the project was not approved under Standard Permit Registration No. 92528 until June 30, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 16

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

Violation Base Penalty \$2,500

One monthly event is recommended from the construction start date of June 14, 2010 to the authorization date of June 30, 2010.

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

Estimated EB Amount \$121

Statutory Limit Test

Violation Final Penalty Total \$9,655

This violation Final Assessed Penalty (adjusted for limits) \$9,655

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
Req. Ent. Reference No. RN100210517
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	14-Jun-2010	30-Jun-2010	0.04	\$4	n/a	\$4
Other (as needed)	\$1,500	14-Jun-2010	1-Jan-2012	1.55	\$116	n/a	\$116

Notes for DELAYED costs

Estimated expense to submit a standard permit application and obtain approval (\$2,000) and to implement measures and procedures designed to ensure that authorization is obtained prior to commencing construction (\$1,500). The Date Required is the date construction commenced. The Final Dates are the date authorization was obtained (June 30, 2010) and the date corrective actions are projected to be completed (January 1, 2012).

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

\$3,500

TOTAL

\$121

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)

Violation Description Failed to obtain authorization from the TCEQ prior to installation of the Soda Ash Silo and Water Treater Lime Silo Baghouses, EPNs V-13 and V-14, respectively. Specifically, construction began September 22, 2010, but the projects were not approved under Standard Permit Registration No. 94198 until December 28, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 97

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

Violation Base Penalty \$10,000

Four monthly events are recommended from the construction start date of September 22, 2010 to the authorization date of December 28, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$38,620

This violation Final Assessed Penalty (adjusted for limits) \$38,620

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
Req. 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	\$2,000	22-Sep-2010	28-Dec-2010	0.27	\$27	n/a	\$27
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to submit a standard permit application and obtain approval. The Economic Benefit to resolve the remainder of this violation has been captured in the Economic Benefit calculated for Violation 5. The Date Required is the date construction commenced. The Final Date is the date authorization was obtained.

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

\$27

Screening Date 13-Jun-2011

Docket No. 2011-0710-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41611

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Trina Grieco

V12 7

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)

Violation Description Failed to obtain authorization from the TCEQ prior to installation of the Flare Gas Recovery System, EPN F-FGR. Specifically, construction began November 3, 2010, but the project was not approved under Standard Permit Registration No. 94205 until February 10, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (25%).

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 99

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

Violation Base Penalty \$10,000

Four monthly events are recommended from the construction start date of November 3, 2010 to the authorization date of February 10, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$38,620

This violation Final Assessed Penalty (adjusted for limits) \$38,620

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 41611
Req. 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	\$2,000	3-Nov-2010	10-Feb-2011	0.27	\$27	n/a	\$27
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to submit a standard permit application and obtain approval. The Economic Benefit to resolve the remainder of this violation has been captured in the Economic Benefit calculated for Violation 5. The Date Required is the date construction commenced. The Final Date is the date authorization was obtained.

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

\$27

Compliance History

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refining Company, L.P.	Classification: AVERAGE	Rating: 5.59
Regulated Entity:	RN100210517	VALERO MCKEE REFINERY	Classification: AVERAGE	Site Rating: 12.08
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		MR0008T
	AIR OPERATING PERMITS	PERMIT		1555
	AIR OPERATING PERMITS	PERMIT		3391
	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	REGISTRATION		94200
	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	REGISTRATION		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		94808
	AIR NEW SOURCE PERMITS	REGISTRATION		94198
	AIR NEW SOURCE PERMITS	REGISTRATION		94205
	AIR NEW SOURCE PERMITS	REGISTRATION		85548
	AIR NEW SOURCE PERMITS	REGISTRATION		95290
	AIR NEW SOURCE PERMITS	REGISTRATION		91312
	AIR NEW SOURCE PERMITS	REGISTRATION		87455
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		MR00088T
	AIR NEW SOURCE PERMITS	REGISTRATION		95571
	AIR NEW SOURCE PERMITS	REGISTRATION		95287
	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 #		30871

	(SWR)	
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 #	30871
	(SWR)	
POLLUTION PREVENTION PLANNING	ID NUMBER	P00176
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	MR0008T

Location: 6701 FM 119, MOORE COUNTY, TX, 79086

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: April 26, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 26, 2006 to April 26, 2011

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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: 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 02/20/2007 (452450)
4 05/04/2006 (463490)
5 05/01/2006 (463546)
6 05/30/2006 (480407)
7 05/31/2006 (480794)
8 06/22/2006 (480967)
9 06/27/2006 (481025)
10 06/30/2006 (481177)
11 07/18/2006 (482533)
12 07/13/2006 (486447)
13 07/13/2006 (486456)
14 09/07/2006 (488389)
15 09/15/2006 (488452)
16 07/26/2006 (488656)
17 07/26/2006 (488930)
18 09/25/2006 (488931)
19 10/06/2006 (488938)
20 07/27/2006 (489065)
21 07/27/2006 (489074)
22 10/12/2006 (489193)
23 05/05/2006 (505768)
24 06/05/2006 (505769)
25 08/29/2006 (510486)
26 08/29/2006 (510494)
27 09/11/2006 (511697)
28 09/11/2006 (511821)
29 09/12/2006 (512020)
30 09/22/2006 (512784)
31 09/22/2006 (513104)
32 10/31/2006 (515056)
33 10/31/2006 (515083)
34 10/31/2006 (515085)
35 10/31/2006 (515088)
36 10/31/2006 (515097)

37	12/28/2006	(515100)
38	10/11/2006	(515781)
39	10/13/2006	(515941)
40	10/13/2006	(515995)
41	10/13/2006	(516008)
42	10/13/2006	(516058)
43	10/31/2006	(517795)
44	11/03/2006	(518264)
45	11/03/2006	(518280)
46	12/18/2006	(518681)
47	11/08/2006	(518742)
48	11/20/2006	(519567)
49	07/17/2006	(528026)
50	08/24/2006	(528027)
51	09/25/2006	(528028)
52	12/11/2006	(532830)
53	12/05/2006	(532888)
54	12/05/2006	(532897)
55	12/05/2006	(532900)
56	12/08/2006	(533121)
57	12/08/2006	(533139)
58	12/08/2006	(533445)
59	12/13/2006	(533581)
60	12/12/2006	(533646)
61	01/29/2007	(533808)
62	01/08/2007	(535677)
63	01/08/2007	(535737)
64	01/08/2007	(535755)
65	05/14/2007	(537450)
66	04/09/2007	(541306)
67	02/28/2007	(542019)
68	02/28/2007	(542056)
69	03/06/2007	(542521)
70	03/06/2007	(542534)
71	03/06/2007	(542543)
72	03/08/2007	(542581)
73	02/11/2007	(551569)
74	10/06/2006	(551570)
75	11/09/2006	(551571)
76	12/05/2006	(551572)
77	01/11/2007	(551573)
78	03/27/2007	(555204)
79	04/10/2007	(555984)
80	04/12/2007	(556468)
81	04/13/2007	(556486)
82	04/12/2007	(556613)
83	04/12/2007	(556625)
84	04/12/2007	(556627)
85	04/12/2007	(556631)
86	04/12/2007	(556634)
87	04/13/2007	(556973)
88	05/22/2007	(558995)

89 07/20/2007 (559001)
90 05/08/2007 (559054)
91 06/18/2007 (559063)
92 05/16/2007 (560245)
93 06/27/2007 (563476)
94 08/29/2007 (564391)
95 07/18/2007 (567991)
96 07/24/2007 (568035)
97 07/26/2007 (568738)
98 07/26/2007 (568758)
99 07/31/2007 (569792)
100 07/31/2007 (569877)
101 08/03/2007 (570758)
102 08/29/2007 (571885)
103 09/10/2007 (572656)
104 09/04/2007 (574211)
105 09/04/2007 (574398)
106 03/09/2007 (588603)
107 04/05/2007 (588604)
108 06/20/2007 (588605)
109 06/20/2007 (588606)
110 07/23/2007 (588607)
111 09/06/2007 (593562)
112 09/06/2007 (593573)
113 09/06/2007 (593586)
114 09/11/2007 (593865)
115 09/27/2007 (596055)
116 10/26/2007 (597573)
117 10/26/2007 (597880)
118 10/29/2007 (597941)
119 11/20/2007 (598333)
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124 11/06/2007 (599558)
125 08/20/2007 (605525)
126 09/21/2007 (605526)
127 10/11/2007 (605527)
128 11/30/2007 (610557)
129 01/09/2008 (611638)
130 12/19/2007 (611641)
131 12/19/2007 (611646)
132 02/15/2008 (612688)
133 01/31/2008 (616381)
134 01/31/2008 (616393)
135 01/31/2008 (616398)
136 01/31/2008 (616610)
137 01/31/2008 (616613)
138 01/31/2008 (616618)
139 02/14/2008 (617189)

140 02/14/2008 (617318)
141 02/14/2008 (617342)
142 02/14/2008 (617437)
143 02/08/2008 (617496)
144 02/08/2008 (617501)
145 02/08/2008 (617507)
146 02/13/2008 (617998)
147 02/13/2008 (618031)
148 02/20/2008 (618387)
149 02/20/2008 (618391)
150 02/20/2008 (618394)
151 02/20/2008 (618400)
152 02/20/2008 (618402)
153 03/18/2008 (618803)
154 12/17/2007 (630167)
155 12/17/2007 (630168)
156 01/03/2008 (630169)
157 03/13/2008 (638732)
158 04/15/2008 (641006)
159 04/17/2008 (653264)
160 06/17/2008 (683001)
161 06/17/2008 (683012)
162 07/02/2008 (684662)
163 05/30/2008 (695546)
164 05/30/2008 (695547)
165 05/30/2008 (695548)
166 05/30/2008 (695549)
167 07/01/2008 (695550)
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169 09/15/2008 (700539)
170 09/18/2008 (700737)
171 09/11/2008 (700819)
172 09/15/2008 (702765)
173 09/12/2008 (702770)
174 10/08/2008 (704830)
175 10/17/2008 (705769)
176 10/17/2008 (705775)
177 10/17/2008 (705781)
178 10/17/2008 (705787)
179 11/21/2008 (708521)
180 11/21/2008 (708548)
181 11/21/2008 (708603)
182 12/15/2008 (710174)
183 10/09/2008 (717085)
184 10/09/2008 (717086)
185 11/10/2008 (717087)
186 12/17/2008 (721045)
187 12/18/2008 (721139)
188 12/22/2008 (721734)
189 12/22/2008 (721770)
190 12/22/2008 (721805)
191 12/22/2008 (721850)

192 12/22/2008 (721917)
193 01/12/2009 (722626)
194 02/19/2009 (722773)
195 01/12/2009 (722797)
196 01/12/2009 (723376)
197 05/08/2009 (724295)
198 01/28/2009 (724669)
199 01/29/2009 (724743)
200 01/29/2009 (724838)
201 02/06/2009 (724918)
202 02/06/2009 (724921)
203 02/06/2009 (725025)
204 02/06/2009 (725029)
205 02/06/2009 (725034)
206 02/08/2009 (725042)
207 02/13/2009 (725358)
208 02/09/2009 (725420)
209 01/26/2009 (732469)
210 02/19/2009 (735611)
211 05/09/2009 (744000)
212 04/29/2009 (744045)
213 05/20/2009 (744437)
214 05/12/2009 (745290)
215 05/18/2009 (745994)
216 07/16/2009 (749438)
217 06/22/2009 (749679)
218 02/02/2009 (755774)
219 03/03/2009 (755775)
220 04/03/2009 (755776)
221 12/16/2008 (755777)
222 12/16/2008 (755778)
223 04/12/2010 (762506)
224 07/17/2009 (762606)
225 07/22/2009 (763145)
226 07/28/2009 (763639)
227 08/26/2009 (767290)
228 08/26/2009 (767350)
229 09/10/2009 (767651)
230 09/10/2009 (767652)
231 09/10/2009 (767668)
232 05/01/2009 (772784)
233 06/02/2009 (772785)
234 09/11/2009 (775945)
235 10/07/2009 (777362)
236 10/07/2009 (777368)
237 11/16/2009 (782609)
238 11/24/2009 (782887)
239 11/24/2009 (782917)
240 11/20/2009 (783205)
241 12/02/2009 (784081)
242 12/02/2009 (784101)

243	12/02/2009	(784102)
244	05/20/2010	(785739)
245	01/28/2010	(787272)
246	01/27/2010	(787505)
247	02/04/2010	(788915)
248	01/28/2010	(789005)
249	01/25/2010	(789299)
250	02/07/2010	(790483)
251	02/19/2010	(791552)
252	02/19/2010	(791585)
253	02/17/2010	(791885)
254	02/17/2010	(791888)
255	02/17/2010	(791897)
256	02/17/2010	(791903)
257	02/17/2010	(791915)
258	02/17/2010	(792278)
259	02/26/2010	(792430)
260	03/08/2010	(792864)
261	04/27/2010	(793000)
262	03/19/2010	(794570)
263	03/26/2010	(796195)
264	03/26/2010	(796845)
265	05/28/2010	(802118)
266	05/12/2010	(802180)
267	05/26/2010	(803436)
268	05/26/2010	(803778)
269	02/05/2010	(818440)
270	07/20/2009	(818441)
271	08/04/2009	(818442)
272	09/04/2009	(818443)
273	10/09/2009	(818444)
274	11/05/2009	(818445)
275	12/08/2009	(818446)
276	01/14/2010	(818447)
277	07/01/2010	(826924)
278	06/16/2010	(826958)
279	07/01/2010	(828748)
280	07/08/2010	(829695)
281	03/10/2010	(835707)
282	04/07/2010	(835708)
283	05/10/2010	(835709)
284	08/04/2010	(841379)
285	07/15/2010	(841516)
286	08/04/2010	(841553)
287	09/10/2010	(843202)
288	09/16/2010	(844380)
289	08/13/2010	(846068)
290	06/29/2010	(847755)
291	09/03/2010	(858405)
292	09/08/2010	(860043)
293	09/10/2010	(860199)
294	09/10/2010	(860209)

295 09/10/2010 (860214)
296 09/10/2010 (860217)
297 09/10/2010 (860221)
298 09/03/2010 (862157)
299 10/07/2010 (864554)
300 09/28/2010 (865485)
301 10/01/2010 (865561)
302 10/01/2010 (865610)
303 09/03/2010 (868755)
304 12/08/2010 (873242)
305 11/12/2010 (873439)
306 11/12/2010 (873512)
307 11/12/2010 (873532)
308 09/03/2010 (875628)
309 11/18/2010 (877560)
310 11/18/2010 (877561)
311 11/18/2010 (877562)
312 11/29/2010 (879343)
313 10/11/2010 (883181)
314 01/06/2011 (886617)
315 01/06/2011 (886980)
316 01/05/2011 (887276)
317 01/05/2011 (887277)
318 02/18/2011 (887629)
319 11/12/2010 (889597)
320 01/11/2011 (890812)
321 02/17/2011 (892103)
322 02/01/2011 (892282)
323 02/01/2011 (892298)
324 02/01/2011 (892303)
325 01/26/2011 (892668)
326 01/26/2011 (892671)
327 02/03/2011 (894563)
328 02/03/2011 (894598)
329 02/03/2011 (894661)
330 02/03/2011 (894662)
331 02/03/2011 (894664)
332 12/01/2010 (897961)
333 03/03/2011 (900358)
334 01/11/2011 (903858)
335 04/22/2011 (905545)
336 03/29/2011 (906266)
337 03/29/2011 (906336)
338 02/09/2011 (910752)
339 04/18/2011 (913145)

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: 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: 02/13/2009 (725358) CN600124861
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to provide a proper well vent on each well.

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 SO₂ emission from the affected facility is limited to 4 lbs./ton of sulfuric acid (H₂SO₄) 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

Date: 04/22/2011 (905545) CN600124861
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter X 106.533(g)(5)(C)(i)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 27, 2011 (Event No. 29, page 4) indicated that for the West Tank Farm remediation project, no daily sampling was conducted for two days following the startup. The facility is in violation of the provisions of 30 TAC §106.533(g)(5)(C)(i) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 27, 2011 (Event No. 30, page 4) indicated that for the West Tank Farm remediation project, no notification was submitted to the TCEQ prior to startup of the remediation project. The facility

is in violation of the provisions of 30 TAC §106.533(j)(1) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: 5C THSC Chapter 382 382.085(b)
The review of the deviation report submitted on July 28, 2010 (event No. 1, page 1) indicated that the oxygen concentration was below 1 percent in No. 1 SRU on January 30, 2010 and on March 14, 2010. The review of the deviation report submitted on January 27, 2011 (event No. 1, page 1) also indicated that the oxygen concentration was below 1 percent in No. 1 SRU on November 16, 2010. The facility is in violation of the provisions of §116.715(a), §382.085(b), and §122.143.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THSC Chapter 382 382.085(b)
Sp. condition No. 4 OP

Description: The provisions of 40 CFR 60, §60.13(e) require the all continuous emission monitoring systems shall be in continuous operation and shall meet the minimum frequency of operation. The facility is in violation of the provisions of 40CFR 60 Subpart A, §60.13(e), §382.085(b), §122.143(4) and the special condition No. 4 of the FOP No. O-01555.

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 July 28, 2010 (Event No. 20, page 6) indicated that a total of 270 new valves were not monitored within 30 days during the period January 1, 2010 through June 30, 2010. 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)

Description: The review of the deviation report, submitted on July 28, 2010 (Event No. 14, page 5) indicated that corrective action was not taken within 24 hours following an indication that the Fuel gas continuous emission monitoring system exceeded the allowable calibration drift greater than two times the allowable limits on January 5, 2010 and April 7, 2010. The facility is in violation of the provisions of the special condition No. 33(C) of the permit No. 9708, §116.715(a) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.711(13)(E)
5C THSC Chapter 382 382.085(b)

Description: The deviation report, submitted on January 27, 2011 (Event Nos. 91, 92, 93, and 94, page 12) indicated that higher than reported flow rates were observed from the facility's three (3) flares (FL-1, FL-3, and FL-4). The flow rates were higher than represented in the permit application. Additionally, additional components counts were not represented in the application for the permit No. 9708. The facility is in violation of the provisions of §116.711(13)(E) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Sp. condition No. 17 OP

Description: The review of the deviation report, submitted on January 27, 2011 (Event No. 5, page 1) indicated that this efficiency was not achieved on October 28, 2010 for No. 2 SRU. The facility is in violation of the provisions of §116.715(a), §382.085(b), and §122.143, and special condition No. 17 of the FOP No. O-01555.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Sp. condition No. 14 OP

Description: The review of the deviation report, submitted on January 27, 2011 (Event No. 6, page 1) indicated that the FCCU opacity exceeded the allowable 15 percent on July 9, 2010. The facility is in violation of the provisions of 30 TAC §116.715(a), §382.085(b), and the special condition No. 14 of the Federal Operating Permit No.

O-1555.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 27, 2011 indicated that the facility experienced exceedance of hourly mass emissions rate limits for: No. 2 Vacuum heater (EPN H-26) for a total of 18 hours, No. 1 reformer (EPN H-46) for a total of 24 hours, No. 18 Boiler (EPN B-10) for a total of 45 hours, and No. 19 Boiler (EPN B-11) for a total of 10 hours. The facility is in violation of the provisions of 30 TAC §116.115(c) 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) by identifying several open-ended valves or lines during the period January 1 through December 31, 2010.

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 information provided in the deviation report, submitted on January 27, 2011 (Event No. 38, page 5) also indicated that a number of valves in No. 1 crude Unit, No. 2 Crude Unit, and No. 1 Reformer were not monitored within 30 days. 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 VV 60.482-2(a)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 27, 2011 (Event No. 23, page 3) indicated that one pump was not monitored within 30 days during the period July 1, 2010 through December 31, 2010. 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 60.482-5(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 27, 2011 (Event No. 25, page 4) indicated that a total of 31 closed-loop samplers were installed that were not functioning properly, as specified in the requirements of Subpart VV. The same non-compliance was also reported for 31 closed loop samplers in the deviation report, which was submitted on July 28, 2010 (Event No. 24, page 6). The facility is in violation of requirements of §60.482-5(a), §63.166(a), and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on January 27, 2011 (Event Nos. 27 and 28, page 4) indicated that construction notifications for the Tanks 5M1 and 5M2 and MSAT unit were not submitted within 30 days of the construction dates. The facility is in violation of the provisions of 40 CFR 60 Subpart A, §60.7(a)(1) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on July 28, 2010 (Event No. 21, page 6) indicated that the first attempt at repair was not made within 5 days for a total of five (5) valves during the period January 30, 2010 through April 30, 2010. The review of the deviation report, submitted on January 27, 2011 (Event No. 37, page 5) also indicated that one valve was not repaired within 5 days. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-7(d)(2) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on July 28, 2010 (Event No. 22, page 6) indicated that the final attempt at repair was not made within 15 days for a pump on February 23, 2010. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-8(c)(1) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the information provided in the deviation report, submitted on July 28, 2010 (Event No. 37, page 8) indicated that the facility failed to include the magnitude of excess emissions in the excess emissions and monitoring system performance reports, as required by the provisions of 40 CFR 60 Subpart A, §60.7(c)(1). The facility is in violation of the provisions of §60.7(c)(1) 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)

Description: The review of the information provided in the deviation report, submitted on July 28, 2010 (Event No. 36, page 8) indicated that complete written procedures could not be located for each QC program for the affected units. The facility is in violation of the provisions of §116.715(a) 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)

Description: The review of the information provided in the deviation report, submitted on July 28, 2010 (Event No. 35, page 8) indicated that quarterly cylinder gas audits were not performed for the refinery's fuel gas continuous emission monitoring system prior to 2010. The facility is in violation of the provisions of §116.715(a) 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)

Description: The review of the information provided in the deviation report, submitted on July 28, 2010 (Event No. 34, page 7) indicated that mass emissions were calculated and recorded once per hour rather than four times per hour. The facility is in violation of the provisions of §116.715(a) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(3)(A)
5C THSC Chapter 382 382.085(b)

Description: The review of the information provided in the deviation report, submitted on July 28, 2010 (Event No. 33, page 7) indicated that only Subpart J requirements was listed as applicable for the Gasoline vapor combustor unit (EPN FL-7) in the Title V permit application. The facility is in violation of the provisions of 30 TAC §122.132(e)(3)(A) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the information provided in the deviation report, submitted on July 28, 2010 (Event No. 27, page 7) indicated that the refinery did not have signed and dated statements, certifying that two carbon canister systems were designed to operate at the documented performance level. The facility is in violation of the provisions of §61.356(f)(1) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report, submitted on July 28, 2010 (Event No. 28, page 7) indicated that the company did not include in the annual TAB reports instances of detectable emissions that were identified during monitoring events. The facility is in violation of provisions of §61.357(d)(8) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)
5C THSC Chapter 382 382.085(b)

Description: The facility is subject to the requirements of the provisions of 40 CFR 61 Subpart FF. The provisions of §61.346(a)(2) require the company to conduct quarterly inspections of affected drain systems by visual inspections. The review of the deviation report, submitted on July 28, 2010 indicated that the facility has not performed quarterly inspections for the conveyance lines from the centrifuge operation. The facility is in violation of the provisions of §61.346(a)(2) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(c)(1)
5C THSC Chapter 382 382.085(b)

Description: The facility is subject to the provisions of 30 TAC Chapter 122. The provisions of §122.165(c)(1) specify the provisions for a responsible official. The review of the deviation report, submitted on July 28, 2010 (Event No. 31, page 7) indicated that a deviation report was signed by the Director of Environmental/Safety Affairs instead of the responsible official. The facility is in violation of the provisions of §122.165(c)(1) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THSC Chapter 382 382.085(b)

Description: The facility is subject to the provisions of 40 CFR 60 Subpart QQQ. The provisions of §60.698(b)(1) require the company to submit to the TCEQ a certification stating that all required inspections have been conducted. The review of the deviation report, submitted on July 28, 2010 (Event No. 32, page 7) indicated that the Subpart QQQ semi-annual report for the first half of 2009 did not include this statement. The facility is in violation of the provisions of §60.698(b)(1) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the information in the deviation report, submitted on January 27, 2011 (Event No. 32, page 5) indicated that several components were identified as leaking in the GDU Unit but were not repaired, as required by the provisions of Subpart VV. The facility is in violation of the provisions of §60.482-8(a)(1) and §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
5C THSC Chapter 382 382.085(b)

Description: The review of the information in the deviation report, submitted on January 27, 2011 (Event No. 40, page 5) indicated that some of the difficult to monitor percentages were greater than 3 percent following the refinery re-tagging. The facility is in violation of the provisions of §60.482-7(h)(2) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
5C THSC Chapter 382 382.085(b)

Description: The review of the information provided in the deviation report, submitted on January 27, 2011 (Event No.34, page 5) indicated that on March 3, 2009, the instrument failed and one of two valves which had been monitored by the instrument was not re-monitored. The facility is in violation of the provisions of §60.485(b)(1) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THSC Chapter 382 382.085(b)

Description: The facility is subject to the provisions of 40 CFR 60 Subpart VV. The provisions of §60.482-7(d)(1) require the company to repair the company within 15 days following discovery of the leak. The review of the information in the deviation report, submitted on January 27, 2011 (Event No. 35, page 5) indicated that a leaking valve was not repaired within 15 days. The facility is in violation of the provisions of §60.482-7(d)(1) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)
5C THSC Chapter 382 382.085(b)

Description: The review of the information in the deviation report, submitted on January 27, 2011 (Event No. 36, page 5) indicated that a valve in Southlake Pump station was put on delay of repair list. Further review indicated that the valve could be safely isolated without affecting any processes. The facility is in violation of the provisions of §60.482-9(a) and §382.085(b).

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(c)(2)
5C THSC Chapter 382 382.085(b)

Description: The facility is subject to the provisions of 40 CFR Subpart VV. The provisions of §60.485(c)(2) state that Method 21 should be used to determine the background level. The review of the information provided in the deviation report, submitted on January 27, 2011 (Event No. 39, page 5) indicated that elevated background readings masked two potential leaking components in the PP Treater Unit. The facility is in violation of the provisions of §60.485(c)(2) and §382.085(b).

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

Notice of Intent Date: 02/18/2011 (912581)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIAMOND SHAMROCK
REFINING COMPANY, L.P.
RN100210517**

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§**

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0710-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refinery at 6701 Farm-to-Market Road 119, Moore County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 27, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Hundred Forty-Five Thousand Two Hundred Eleven Dollars (\$145,211) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations"). The Respondent has paid Fifty-Eight Thousand Eighty-Five Dollars (\$58,085) of the administrative penalty and Twenty-Nine Thousand Forty-Two Dollars (\$29,042) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Fifty-Eight Thousand Eighty-Four Dollars (\$58,084) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Obtained authorization for modification of Boiler 19 from the TCEQ on June 30, 2010;
 - b. Obtained authorization for installation of the Soda Ash Silo and Water Treater Lime Silo Baghouses from the TCEQ on December 28, 2010; and
 - c. Obtained authorization for installation of a Flare Gas Recovery System on February 10, 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit notification to the TCEQ within 15 working days after the start of construction of the Boiler 19 modification project, emission point number ("EPN") B-11, in violation of 30 TEX. ADMIN. CODE §§ 116.615(4) and 122.143(4), Federal Operating Permit ("FOP") No. O1555, General Terms and Conditions and Special Terms and Conditions 14, Standard Permit Registration No. 92528, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 7, 2011. Specifically, construction began on June 14, 2010 and the notification was required to be submitted by July 5, 2010, but was never submitted.
2. Failed to maintain a record of a December 5, 2010 inspection that was conducted to demonstrate compliance with the operation, maintenance, and monitoring plan of the Fluid Catalytic Cracking Unit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.780, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1576(e), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 7, 2011.
3. Failed to limit sulfur dioxide ("SO₂") emissions to 4 pounds per ton of sulfuric acid production from the Acid Plant, EPN V-29, in violation of 30 TEX. ADMIN. CODE § 101.20(1), 40 CFR § 60.82(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 7, 2011. Specifically, on August 31, 2010, 139.11 pounds of SO₂ emissions were released.
4. Failed to determine if an emissions event is reportable within 24 hours after discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A), FOP No. O1555, Special Terms and Conditions 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 7, 2011. Specifically, in a deviation report submitted on July 28, 2010, visible emissions were reported to have been observed from the lime silo and ash silo collection systems on January 23, February 1, February 9, and February 12, 2010, but no documentation was provided to demonstrate whether the events were reportable or recordable because a Method 9 observation was not conducted to make the determinations.
5. Failed to obtain authorization from the TCEQ prior to modification of Boiler 19, EPN B-11, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during a record review conducted on June 7, 2011. Specifically, construction began on June 14, 2010, but the project was not approved under Standard Permit Registration No. 92528 until June 30, 2010.
6. Failed to obtain authorization from the TCEQ prior to installation of the Soda Ash Silo and Water Treater Lime Silo Baghouses, EPNs V-13 and V-14, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during a record review conducted on June 7, 2011. Specifically, construction began September 22, 2010, but the project was not approved under Standard Permit Registration No. 94198 until December 28, 2010.
7. Failed to obtain authorization from the TCEQ prior to installation of a Flare Gas Recovery System installation, EPN F-FGR, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as

documented during a record review conducted on June 7, 2011. Specifically, construction began November 3, 2010, but the application was not approved under Standard Permit Registration No. 94205 until February 10, 2011.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2011-0710-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fifty-Eight Thousand Eighty-Four Dollars (\$58,084) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and procedures to ensure that start of construction notifications are submitted within 15 working days after the start of construction, in accordance with 30 TEX. ADMIN. CODE § 116.615(4);
 - ii. Implement measures and procedures to ensure that SO₂ emissions are kept below the maximum ratio limits, in accordance with 40 CFR § 60.82(a);

- iii. Implement measures and procedures to ensure that personnel observing visible emissions evaluate opacity concentrations to determine, within 24 hours after discovery of the event, if the event is reportable or recordable; in accordance with 30 TEX. ADMIN. CODE § 101.201(a)(1)(A); and
 - iv. Implement measures and procedures designed to ensure that authorization is obtained prior to commencing construction, in accordance with 30 TEX. ADMIN. CODE § 116.617.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent

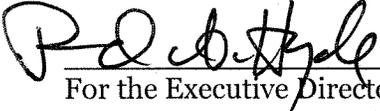
shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/09/11

Date

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

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

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

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



Signature

31-Aug-2011

Date



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

VP & GM

Title

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

Attachment A
Docket Number: 2011-0710-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Diamond Shamrock Refining Company, L.P.
Penalty Amount: One Hundred Sixteen Thousand One Hundred Sixty-Nine Dollars (\$116,169)
SEP Offset Amount: Fifty-Eight Thousand Eighty-Four Dollars (\$58,084)
Type of SEP: Pre-approved
Third-Party Recipient: Texas PTA – *Texas PTA Clean School Buses*
Location of SEP: Texas Air Quality Control Region 211 – Amarillo – Lubbock

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

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

2. Performance Schedule

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

Director of Finance
Texas PTA
408 W. 11th Street
Austin, Texas 78701

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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