

**Executive Summary – Enforcement Matter – Case No. 47423
Delek Refining, Ltd.
RN100222512
Docket No. 2013-1534-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Delek Tyler Refinery, 1702 East Commerce Street, Tyler, Smith County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos.: 2013-0918-AIR-E
and 2013-1122-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 22, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,001

Amount Deferred for Expedited Settlement: \$2,800

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$11,201

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 15, 2013

Date(s) of NOE(s): August 9, 2013

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RN100222512
Docket No. 2013-1534-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 1,138.48 pounds ("lbs") of sulfur dioxide ("SO₂"), 12.73 lbs of hydrogen sulfide ("H₂S"), 14.49 lbs of volatile organic compounds ("VOC"), 10.57 lbs of carbon monoxide ("CO"), and 10.32 lbs of nitrogen oxides ("NO_x") during an emissions event (Incident No. 180535) that began on March 16, 2013 and lasted for two hours and 45 minutes. These emissions were released from Delayed Coker Unit Heater (Emission Point Number ("EPN") HTCKR20H1A), Gasoline Hydrotreater ("GHT") Stabilizer Reboiler (EPN GHTH88H103), GHT Splitter Reboiler (EPN GHTH88H101), Platformer Unit Reboiler (EPN HTREF50H4), Vacuum Unit Heater (EPN HTCRU15H1A), Sulfur Recovery Unit ("SRU") 1/2 Tail Gas Incinerator (EPN SRUTGCUINC), Boiler No. 8 (EPN HTBLR0008), Cold Gas Oil Heater (EPN HTCRU15H2), No. 2 Cat Flare (EPN FLRFN0002), No. 2 Platformer Unit Heater (EPN HTREF0123), No. 4 Crude Unit Heater (EPN HTCRU10H1), Diesel Hydrotreater ("DHT") Heater (EPN HTDHT31H36), Boiler No. 10 (EPN HTBLR0010), Boiler No. 9 (EPN HTBLR0009), GHT Reactor Heater (EPN GHTH88H102), and Boiler No. 11 (EPN HTBLR0011). The event was caused by wiring that failed due to heat stress, which resulted in a loss of power to the programmable logic controller for burner management. In response, SRU2 burner and Shell Claus Offgas Treatment unit shut down. This caused an associated upset at the amine unit as well as excess H₂S in the fuel gas, affecting refinery fuel gas combustion devices. Since this emissions event could have been avoided and was inaccurately reported, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1257, Special Terms and Conditions ("STC") No. 15, and New Source Review ("NSR") Permit Nos. 21104, 4028, 4902, 56281, 5955, and 5955A, Special Conditions ("SC") No. 1]

2. Failed to prevent unauthorized emissions. Specifically, Respondent released 1,765.04 lbs of SO₂, 19.82 lbs of H₂S, 31.41 lbs of VOC, 48.47 lbs of CO, and 14.40 lbs of NO_x during an emissions event (Incident No. 181996) that began on April 19, 2013 and lasted for five hours and 27 minutes. These emissions were released from Delayed Coker Unit Heater (EPN HTCKR20H1A), GHT Stabilizer Reboiler (EPN GHTH88H103), GHT Splitter Reboiler (EPN GHTH88H101), No. 2 Platformer Unit Reboiler (EPN HTREF50H4), Vacuum Unit Heater (EPN HTCRU15H1A), SRU1/2 Tail Gas Incinerator (EPN SRUTGCUINC), Boiler No. 8 (EPN HTBLR0008), Cold Gas Oil Heater (EPN HTCRU15H2), No. 2 Cat Flare (EPN FLRFN0002), No. 2 Platformer Unit Heater (EPN HTREF0123), No. 4 Crude Unit Heater (EPN HTCRU10H1), DHT Heater (EPN HTDHT31H36), Boiler No. 10 (EPN HTBLR0010), Boiler No. 9 (EPN HTBLR0009), GHT Reactor Heater (EPN GHTH88H102), Boiler No. 11 (EPN HTBLR0011), No. 1 Boiler Flare (EPN FLRFN0001), and No. 3 Crude Flare (EPN FLRFN0003). The event occurred when a faulty gauge on the accumulator allowed excess water vapor to remain in the sour water stripper gas treated by the SRU2 furnace. As this gas cooled in line to the SRU2 furnace, water condensed and slugged the burner,

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which resulted in tripping the unit. This caused an associated upset at the amine unit as well as excess H₂S in the fuel gas, affecting refinery fuel gas combustion devices. Since this emissions event was inaccurately reported, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1257, STC No. 15, and NSR Permit Nos. 21104, 4028, 4902, 56281, 5955, and 5955A, SC No. 1].

3. Failed to include the facility identification numbers of all the facilities that experienced the emissions events in the final reports for Incident Nos. 180535 and 181996 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1257, STC No. 2F].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On March 22, 2013, replaced the failed wire with high temperature wire to prevent a recurrence of emissions events due to the same cause as Incident No. 180535;
- b. By May 17, 2013, performed a thorough steaming of the entire unit to remove accumulated salts to prevent a recurrence of emissions events due to the same cause as Incident No. 181996; and
- c. On June 27, 2013, instructed personnel responsible for submitting emissions event reports to ensure that all applicable facility identification numbers for an emissions event are included in the final report.

Technical Requirements:

N/A

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: Rachel Bekowies, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

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RN100222512
Docket No. 2013-1534-AIR-E

Respondent: Louis LaBella, Vice President and General Manager, Tyler Refinery,
Delek Refining, Ltd., 425 McMurrey Drive, Tyler, Texas 75702
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	12-Aug-2013	Screening	14-Aug-2013	EPA Due	6-May-2014
	PCW	14-Aug-2013				

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

CASE INFORMATION			
Enf./Case ID No.	47423	No. of Violations	3
Docket No.	2013-1534-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Bekowies
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,000
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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	100.0% Enhancement	Subtotals 2, 3, & 7	\$8,000
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Notes Enhancement for two NOV's with similar violations, six NOV's with dissimilar violations, three agreed orders with denial of liability, and one consent decree.

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	\$1,999
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$11
Approx. Cost of Compliance	\$2,400

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,001
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$14,001
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,001
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,800
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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	\$11,201
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Screening Date 14-Aug-2013

Docket No. 2013-1534-AIR-E

PCW

Respondent Delek Refining, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 47423

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100222512

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

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>)	2	10%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	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) 112%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two NOVs with similar violations, six NOVs with dissimilar violations, three agreed orders with denial of liability, and one consent decree.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 112%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 14-Aug-2013

Docket No. 2013-1534-AIR-E

PCW

Respondent Delek Refining, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 47423

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100222512

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1257, Special Terms and Conditions ("STC") No. 15, and New Source Review ("NSR") Permit Nos. 21104, 4028, 4902, 56281, 5955, and 5955A, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,138.48 pounds ("lbs") of sulfur dioxide ("SO2"), 12.73 lbs of hydrogen sulfide ("H2S"), 14.49 lbs of volatile organic compounds ("VOC"), 10.57 lbs of carbon monoxide ("CO"), and 10.32 lbs of nitrogen oxides ("NOx") during an emissions event (Incident No. 180535) that began on March 16, 2013 and lasted for two hours and 45 minutes. These emissions were released from Delayed Coker Unit Heater (Emission Point Number ("EPN") HTCKR20H1A), Gasoline Hydrotreater ("GHT") Stabilizer Reboiler (EPN GHTH88H103), GHT Splitter Reboiler (EPN GHTH88H101), Platformer Unit Reboiler (EPN HTREF50H4), Vacuum Unit Heater (EPN HTRCU15H1A), Sulfur Recovery Unit ("SRU") 1/2 Tail Gas Incinerator (EPN SRUTGCUINC), Boiler No. 8 (EPN HTBLR0008), Cold Gas Oil Heater (EPN HTRCU15H2), No. 2 Cat Flare (EPN FLRFN0002), No. 2 Platformer Unit Heater (EPN HTREF0123), No. 4 Crude Unit Heater (EPN HTRCU10H1), Diesel Hydrotreater ("DHT") Heater (EPN HTDHT31H36), Boiler No. 10 (EPN HTBLR0010), Boiler No. 9 (EPN HTBLR0009), GHT Reactor Heater (EPN GHTH88H102), and Boiler No. 11 (EPN HTBLR0011). The event was caused by wiring that failed due to heat stress, which resulted in a loss of power to the programmable logic controller for burner management. In response, SRU2 burner and Shell Claus Offgas Treatment unit shut down. This caused an associated upset at the amine unit as well as excess H2S in the fuel gas, affecting refinery fuel gas combustion devices. Since this emissions event could have been avoided and was inaccurately reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective actions on March 22, 2013, prior to the August 9, 2013 Notice of Enforcement ("NOE").

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Delek Refining, Ltd.
Case ID No. 47423
Reg. Ent. Reference No. RN100222512
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$700	16-Mar-2013	22-Mar-2013	0.02	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the failed wire with a high temperature wire to prevent a recurrence of emissions events due to the same cause as Incident No. 180535. The Date Required is the date of the emissions event. The Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$700

TOTAL

\$1

Screening Date 14-Aug-2013

Docket No. 2013-1534-AIR-E

PCW

Respondent Delek Refining, Ltd.

Policy Revision 3 (September 2011)

Case ID No. 47423

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100222512

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1257, STC No. 15, and NSR Permit Nos. 21104, 4028, 4902, 56281, 5955, and 5955A, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,765.04 lbs of SO2, 19.82 lbs of H2S, 31.41 lbs of VOC, 48.47 lbs of CO, and 14.40 lbs of NOx during an emissions event (Incident No. 181996) that began on April 19, 2013 and lasted for five hours and 27 minutes. These emissions were released from Delayed Coker Unit Heater (EPN HTCKR20H1A), GHT Stabilizer Reboiler (EPN GHTH88H103), GHT Splitter Reboiler (EPN GHTH88H101), No. 2 Platformer Unit Reboiler (EPN HTREF50H4), Vacuum Unit Heater (EPN HTRCU15H1A), SRU1/2 Tail Gas Incinerator (EPN SRUTGCUINC), Boiler No. 8 (EPN HTBLR0008), Cold Gas Oil Heater (EPN HTRCU15H2), No. 2 Cat Flare (EPN FLRFN0002), No. 2 Platformer Unit Heater (EPN HTREF0123), No. 4 Crude Unit Heater (EPN HTRCU10H1), DHT Heater (EPN HTDHT31H36), Boiler No. 10 (EPN HTBLR0010), Boiler No. 9 (EPN HTBLR0009), GHT Reactor Heater (EPN GHTH88H102), Boiler No. 11 (EPN HTBLR0011), No. 1 Boiler Flare (EPN FLRFN0001), and No. 3 Crude Flare (EPN FLRFN0003). The event occurred when a faulty gauge on the accumulator allowed excess water vapor to remain in the sour water stripper gas treated by the SRU2 furnace. As this gas cooled in line to the SRU2 furnace, water condensed and slugged the burner, which resulted in tripping the unit. This caused an associated upset at the amine unit as well as excess H2S in the fuel gas, affecting refinery fuel gas combustion devices. Since this emissions event was inaccurately reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective actions by May 17, 2013, prior to the August 9, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Delek Refining, Ltd.
Case ID No. 47423
Reg. Ent. Reference No. RN100222512
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,600	19-Apr-2013	17-May-2013	0.08	\$0	\$8	\$9
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to steam the entire unit to remove accumulated salts to prevent a recurrence of emissions events due to the same cause as Incident No. 181996. The Date Required is the date of the emissions event. The Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,600

TOTAL

\$9

Screening Date 14-Aug-2013
Respondent Delek Refining, Ltd.
Case ID No. 47423
Reg. Ent. Reference No. RN100222512
Media [Statute] Air
Enf. Coordinator Rachel Bekowies

Docket No. 2013-1534-AIR-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(D) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1257, STC No. 2F

Violation Description Failed to include the facility identification numbers of all the facilities that experienced the emissions events in the final reports for Incident Nos. 180535 and 181996.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1.0%

Matrix Notes Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events: 2 91 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended, one for each final report.

Good Faith Efforts to Comply

25.0% Reduction

\$125

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

Notes The Respondent completed corrective actions on June 27, 2013, prior to the August 9, 2013 NOE.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$875

This violation Final Assessed Penalty (adjusted for limits) \$875

Economic Benefit Worksheet

Respondent Delek Refining, Ltd.
Case ID No. 47423
Reg. Ent. Reference No. RN100222512
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Mar-2013	27-Jun-2013	0.25	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to instruct personnel responsible for submitting emissions event reports to ensure that all applicable facility identification numbers for an emissions event are included in the final report. The Date Required is the date that the final report for Incident No. 180535 was submitted. The Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN602831232, RN100222512, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN602831232, Delek Refining, Ltd.	Classification:	SATISFACTORY	Rating:	25.93
Regulated Entity:	RN100222512, DELEK TYLER REFINERY	Classification:	SATISFACTORY	Rating:	25.93
Complexity Points:	34	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	1702 EAST COMMERCE STREET TYLER, TEXAS 75702-6303, SMITH COUNTY				
TCEQ Region:	REGION 05 - TYLER				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER SK0022A
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50062

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30872
STORMWATER EPA ID TX0001449
AIR NEW SOURCE PERMITS PERMIT 3903
AIR NEW SOURCE PERMITS PERMIT 4028
AIR NEW SOURCE PERMITS PERMIT 5955
AIR NEW SOURCE PERMITS PERMIT 7488
AIR NEW SOURCE PERMITS REGISTRATION 14200
AIR NEW SOURCE PERMITS ACCOUNT NUMBER SK0022A
AIR NEW SOURCE PERMITS PERMIT 56648
AIR NEW SOURCE PERMITS AFS NUM 4842300001
AIR NEW SOURCE PERMITS PERMIT 80756
AIR NEW SOURCE PERMITS REGISTRATION 84386
AIR NEW SOURCE PERMITS REGISTRATION 92520
AIR NEW SOURCE PERMITS REGISTRATION 95066
AIR NEW SOURCE PERMITS REGISTRATION 96318
AIR NEW SOURCE PERMITS REGISTRATION 109338

UNDERGROUND INJECTION CONTROL PERMIT 5X2600283

POLLUTION PREVENTION PLANNING ID NUMBER P00379

AIR OPERATING PERMITS PERMIT 1257
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD007333800
STORMWATER PERMIT WQ0001590000

AIR NEW SOURCE PERMITS PERMIT 72
AIR NEW SOURCE PERMITS PERMIT 3904
AIR NEW SOURCE PERMITS PERMIT 4902
AIR NEW SOURCE PERMITS PERMIT 5955A
AIR NEW SOURCE PERMITS REGISTRATION 10819
AIR NEW SOURCE PERMITS PERMIT 21104
AIR NEW SOURCE PERMITS PERMIT 56281
AIR NEW SOURCE PERMITS REGISTRATION 89603
AIR NEW SOURCE PERMITS REGISTRATION 75087
AIR NEW SOURCE PERMITS REGISTRATION 82728
AIR NEW SOURCE PERMITS REGISTRATION 83703
AIR NEW SOURCE PERMITS PERMIT 92637
AIR NEW SOURCE PERMITS REGISTRATION 95606
AIR NEW SOURCE PERMITS REGISTRATION 101880
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 30872
AIR EMISSIONS INVENTORY ACCOUNT NUMBER SK0022A

WASTEWATER PERMIT TXG670221

Compliance History Period:	September 01, 2007 to August 31, 2012	Rating Year:	2012	Rating Date:	09/01/2012
Date Compliance History Report Prepared:	August 13, 2013				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 13, 2008 to August 13, 2013				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rachel Bekowies

Phone: (512) 239-2608

Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/18/2009 ADMINORDER 2008-1670-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR Permit No. 5955A S.C. No.1 PA
O-01257 S.T. &C. No. 15 OP
Description: Failure to control carbon monoxide emissions from the Sulfur Recovery Unit 2, Tail Gas Incinerator 2 (EPN SPNTGUINC) below the emission limits listed in the Maximum Allowable Emissions Rate Table attached to TCEQ Air Quality Permit Number 5955A.
- 2 Effective Date: 05/08/2011 ADMINORDER 2010-1547-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 12 PERMIT
Special Condition No. 3 PERMIT
Special Terms and Condition 15 OP
Description: Failure to maintain the continuous monitoring system for the measurement of sulfur dioxide ("SO2") in the gases discharged into the atmosphere from the sulfur recovery unit, sulfur pit, and sulfur loading incinerator stack.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 9 PERMIT
Special Terms and Condition 15 OP
Description: Failure to install an instrument to continuously monitor and record Carbon monoxide ("CO") at the CO boiler by the time indicated in the permit.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 20, 2008	(710451)
Item 2	August 29, 2008	(653966)
Item 3	September 20, 2008	(710452)
Item 4	October 10, 2008	(704685)
Item 5	October 20, 2008	(710453)
Item 6	October 21, 2008	(704933)
Item 7	November 21, 2008	(727289)
Item 8	December 10, 2008	(707304)
Item 9	December 17, 2008	(709992)
Item 10	January 06, 2009	(721656)
Item 11	January 20, 2009	(727290)
Item 12	January 22, 2009	(722847)
Item 13	February 13, 2009	(721643)
Item 14	February 25, 2009	(735622)
Item 15	March 16, 2009	(735819)

Item 16	March 19, 2009	(750012)
Item 17	March 25, 2009	(735579)
Item 18	April 02, 2009	(740025)
Item 19	April 09, 2009	(710057)
Item 20	April 20, 2009	(750013)
Item 21	May 14, 2009	(768178)
Item 22	May 27, 2009	(745532)
Item 23	July 09, 2009	(760888)
Item 24	July 14, 2009	(760635)
Item 25	July 22, 2009	(761065)
Item 26	July 23, 2009	(804091)
Item 27	August 06, 2009	(762119)
Item 28	August 17, 2009	(804092)
Item 29	September 18, 2009	(804093)
Item 30	September 28, 2009	(776612)
Item 31	October 05, 2009	(761090)
Item 32	October 20, 2009	(804094)
Item 33	November 20, 2009	(804095)
Item 34	December 15, 2009	(804096)
Item 35	January 20, 2010	(804097)
Item 36	February 19, 2010	(804090)
Item 37	February 23, 2010	(792449)
Item 38	February 24, 2010	(792373)
Item 39	March 19, 2010	(830651)
Item 40	March 31, 2010	(796561)
Item 41	April 22, 2010	(830652)
Item 42	May 03, 2010	(830653)
Item 43	May 27, 2010	(824819)
Item 44	May 28, 2010	(824886)
Item 45	June 09, 2010	(824790)
Item 46	July 19, 2010	(860789)
Item 47	August 20, 2010	(866753)
Item 48	September 16, 2010	(873825)
Item 49	September 30, 2010	(864906)
Item 50	October 04, 2010	(864922)
Item 51	October 18, 2010	(881430)
Item 52	November 17, 2010	(878089)
Item 53	November 18, 2010	(878175)
Item 54	November 19, 2010	(887960)
Item 55	December 08, 2010	(865062)
Item 56	December 17, 2010	(896154)
Item 57	January 06, 2011	(924608)
Item 58	January 20, 2011	(737840)
Item 59	January 26, 2011	(887848)
Item 60	January 31, 2011	(892385)
Item 61	February 02, 2011	(894276)
Item 62	February 08, 2011	(894352)
Item 63	February 28, 2011	(899205)
Item 64	March 10, 2011	(901177)
Item 65	April 12, 2011	(924607)
Item 66	April 25, 2011	(913007)
Item 67	May 24, 2011	(921446)
Item 68	June 17, 2011	(945260)
Item 69	June 30, 2011	(934015)
Item 70	July 06, 2011	(952546)
Item 71	July 25, 2011	(923014)
Item 72	August 08, 2011	(959227)
Item 73	August 17, 2011	(944779)
Item 74	September 07, 2011	(965230)
Item 75	October 17, 2011	(971300)

Item 76	October 21, 2011	(962766)
Item 77	November 14, 2011	(964597)
Item 78	November 15, 2011	(977457)
Item 79	December 14, 2011	(970143)
Item 80	December 15, 2011	(984228)
Item 81	January 20, 2012	(990522)
Item 82	January 27, 2012	(982167)
Item 83	February 17, 2012	(997890)
Item 84	March 13, 2012	(990137)
Item 85	March 22, 2012	(994175)
Item 86	April 18, 2012	(1009970)
Item 87	May 02, 2012	(1002182)
Item 88	May 07, 2012	(1002104)
Item 89	May 18, 2012	(1016367)
Item 90	May 24, 2012	(996844)
Item 91	June 26, 2012	(1014265)
Item 92	June 28, 2012	(1015293)
Item 93	July 16, 2012	(1031489)
Item 94	July 25, 2012	(1019577)
Item 95	August 07, 2012	(1037861)
Item 96	August 13, 2012	(1014320)
Item 97	September 04, 2012	(1027679)
Item 98	September 21, 2012	(1030907)
Item 99	November 01, 2012	(1041152)
Item 100	December 14, 2012	(1060622)
Item 101	December 18, 2012	(1050685)
Item 102	February 20, 2013	(1055650)
Item 103	February 26, 2013	(1058706)
Item 104	March 22, 2013	(1060407)
Item 105	April 09, 2013	(1095621)
Item 106	May 14, 2013	(1106547)
Item 107	June 18, 2013	(1110224)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 08/31/2012 (1060619) CN602831232
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 09/30/2012 (1060620) CN602831232
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 10/31/2012 (1060621) CN602831232
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 12/31/2012 (1078811) CN602831232
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 01/31/2013 (1078810) CN602831232
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: 30 TAC Chapter 305, SubChapter F 305.125(1)
Failure to meet the limit for one or more permit parameter

6 Date: 02/28/2013 (1089228) CN602831232
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

7 Date: 05/15/2013 (1059931) CN602831232
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 12(A) PERMIT
Special Terms and Condition 15 OP

Description: Failure to monitor one pump in the Platformer Unit, tag # 3807.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 12(B) PERMIT
Special Terms and Condition 15 OP

Description: Failure to monitor all valves as required by the facility permit.
Self Report? NO Classification: Moderate

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

Description: Failure to maintain the total sulfur recovered below 35 long tons per day for three days during the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1.A OP

Description: Failure to submit the external floating roof inspection notification 30 days in advance of the inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1.A OP

Description: Failure to empty Tank No. 4 within 45 days of a failed tank inspection during the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)
5C THSC Chapter 382 382.085(b)
Special Condition No. 10B PERMIT
Special Terms and Condition 1.A OP

Description: Failure to operate a flare with a flame present at all times.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 11(E) PERMIT
Special Terms and Condition 15 OP

Description: Failure to equip all open ended line with a cap, blind flange, plug, or a second

Self Report?	NO	Classification:	Moderate
Citation:	valve. 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(4) 5C THSC Chapter 382 382.085(b) Special Terms and Condition 1.A OP		
Description:	Failure to remove Tank No. 3 out of service prior to the expiration of the repair extension during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii) 5C THSC Chapter 382 382.085(b) Special Terms and Condition 1.A OP		
Description:	Failure to conduct the 10 year Internal Floating Roof inspection within the required timeframe during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition No. 10 PERMIT Special Terms and Condition 15 OP		
Description:	Failure to meet the required operating percentage of 95% (5% downtime requirement) for the SRU CEMS on a 12 month rolling average during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a) 5C THSC Chapter 382 382.085(b) Special Condition No. 11(I) PERMIT Special Terms and Condition 15 OP		
Description:	Failure to repair two (2) valves in the Coker Unit during the next unit shutdown as required by permit during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a) 5C THSC Chapter 382 382.085(b) Special Condition No. 11(I) PERMIT Special Terms and Condition 15 OP		
Description:	Failure to repair two (2) valves in the Alky Unit during the next unit shutdown as required by permit during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2) 5C THSC Chapter 382 382.085(b) Special Condition No. 11(F) PERMIT Special Terms and Condition 15 OP		
Description:	Failure to re-monitor one (1) valve during the certification period, as documented during an on-site inspection and records review conducted on August 29 thru August 30, 2012.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2) 5C THSC Chapter 382 382.085(b) Special Terms and Condition 1.A OP		
Description:	Failure to maintain the three percent (3%) Difficult to Monitor designation for three (3) units during the certification period.		
Self Report?	NO	Classification:	Moderate
Citation:	1257 Special Terms and Condition 15 OP 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition No. 11(F) PERMIT Special Condition No. 12(D) PERMIT		

Description: Failure to monitor all components as required by permit.
Self Report? NO Classification: Moderate

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

Description: Failure to measure the Lower Explosive Limit (LEL) of MSS as per TCEQ New Source Review (NSR) Permit No. 80756 (4)(C) emissions during the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 6(E) PERMIT
Special Terms and Condition 15 OP

Description: Failure to document the complete tank records of MSS events as per TCEQ New Source Review (NSR) Permit No. 80756 Special Condition No. 6(E) during the certification period and beyond.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 8(A) PERMIT
Special Terms and Condition 15 OP

Description: Failure to adhere to TCEQ New Source Review (NSR) Permit No. 80756 Special Condition No. 8(A) which states that vacuum pumps and blowers shall not be operated on trucks containing or vacuuming liquids with VOC partial pressure greater than .50 psi at 95 F without the vacuum/blower exhaust being routed to a control device or a controlled recovery system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 9(D) PERMIT
Special Terms and Condition 15 OP

Description: Failure to maintain an emissions record which includes calculated emissions of VOC from all frac tanks during the previous calendar month and the past consecutive 12 month period.

8 Date: 08/09/2013 (1102665) CN602831232

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
General Terms and Conditions OP
Special Condition 3 PERMIT
Special Terms and Conditions 15 OP
Special Terms and Conditions 2 OP

Description: Failure to maintain an opacity rate below the allowable opacity limit for Incident 181931. B19 (g)(1) MOD (2)(G)

F. Environmental audits:

N/A

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: DELEK REFINING

Reg Entity Add: 425 MCMURREY DRIVE

Reg Entity City: TYLER

Reg Entity No: RN100222512

Customer Name: August A. Hartung

Customer No: CN602831232

EPA Case No: 06-2010-4520

Order Issue Date (yyyymmdd): 20100928

Case Result: Final Order With Penalty

Statute: CWA

Sect of Statute: 311B

Classification: Moderate

Program: Spills

Citation: 40 CFR

Violation Type: Oil Spill Violation Under
CWA/OPA

Cite Sect: 311b

Cite Part: 22

Enforcement Action: Administrative Penalty Order

Reg Entity Name: DELEK TYLER REFINERY

Reg Entity Add: 1702 E. COMMERCE ST.

Reg Entity City: TYLER

Reg Entity No: RN100222512

Customer Name: La Gloria

Customer No: CN602831232

EPA Case No: 06-2004-3311

Order Issue Date (yyyymmdd): 20090923

Case Result: Final Order with Penalty

Statute: CAA

Sect of Statute: 112

Classification: Minor

Program: National Emission Stand

Citation: 40 CFR

Violation Type: National Emmission
Standards

Cite Sect: Subpart VV

Cite Part: 60

Enforcement Action: Concent Decree/Court Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DELEK REFINING, LTD.
RN100222512**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2013-1534-AIR-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Delek Refining, Ltd. ("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 together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 1702 East Commerce Street in Tyler, Smith County, Texas (the "Site").
2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director 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 August 14, 2013.
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 Fourteen Thousand One Dollars (\$14,001) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Two Hundred One Dollars (\$11,201) of the administrative penalty and Two Thousand Eight Hundred Dollars

- (\$2,800) 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.
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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:
 - a. On March 22, 2013, replaced the failed wire with high temperature wire to prevent a recurrence of emissions events due to the same cause as Incident No. 180535;
 - b. By May 17, 2013, performed a thorough steaming of the entire unit to remove accumulated salts to prevent a recurrence of emissions events due to the same cause as Incident No. 181996; and
 - c. On June 27, 2013, instructed personnel responsible for submitting emissions event reports to ensure that all applicable facility identification numbers for an emissions event are included in the final report.
 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 Site, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01257, Special Terms and Conditions ("STC") No. 15, and New Source Review ("NSR") Permit Nos. 21104, 4028, 4902, 56281, 5955, and 5955A, Special Conditions ("SC") No. 1, as documented during a record review conducted on

July 15, 2013. Specifically, the Respondent released 1,138.48 pounds ("lbs") of sulfur dioxide ("SO₂"), 12.73 lbs of hydrogen sulfide ("H₂S"), 14.49 lbs of volatile organic compounds ("VOC"), 10.57 lbs of carbon monoxide ("CO"), and 10.32 lbs of nitrogen oxides ("NO_x") during an emissions event (Incident No. 180535) that began on March 16, 2013 and lasted for two hours and 45 minutes. These emissions were released from Delayed Coker Unit Heater (Emission Point Number ("EPN") HTCKR20H1A), Gasoline Hydrotreater ("GHT") Stabilizer Reboiler (EPN GHTH88H103), GHT Splitter Reboiler (EPN GHTH88H101), Platformer Unit Reboiler (EPN HTREF50H4), Vacuum Unit Heater (EPN HTCRU15H1A), Sulfur Recovery Unit ("SRU") 1/2 Tail Gas Incinerator (EPN SRUTGCUINC), Boiler No. 8 (EPN HTBLR0008), Cold Gas Oil Heater (EPN HTCRU15H2), No. 2 Cat Flare (EPN FLRFN0002), No. 2 Platformer Unit Heater (EPN HTREF0123), No. 4 Crude Unit Heater (EPN HTCRU10H1), Diesel Hydrotreater ("DHT") Heater (EPN HTDHT31H36), Boiler No. 10 (EPN HTBLR0010), Boiler No. 9 (EPN HTBLR0009), GHT Reactor Heater (EPN GHTH88H102), and Boiler No. 11 (EPN HTBLR0011). The event was caused by wiring that failed due to heat stress, which resulted in a loss of power to the programmable logic controller for burner management. In response, SRU2 burner and Shell Claus Offgas Treatment unit shut down. This caused an associated upset at the amine unit as well as excess H₂S in the fuel gas, affecting refinery fuel gas combustion devices. Since this emissions event could have been avoided and was inaccurately reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01257, STC No. 15, and NSR Permit Nos. 21104, 4028, 4902, 56281, 5955, and 5955A, SC No. 1, as documented during a record review conducted on July 15, 2013. Specifically, the Respondent released 1,765.04 lbs of SO₂, 19.82 lbs of H₂S, 31.41 lbs of VOC, 48.47 lbs of CO, and 14.40 lbs of NO_x during an emissions event (Incident No. 181996) that began on April 19, 2013 and lasted for five hours and 27 minutes. These emissions were released from Delayed Coker Unit Heater (EPN HTCKR20H1A), GHT Stabilizer Reboiler (EPN GHTH88H103), GHT Splitter Reboiler (EPN GHTH88H101), No. 2 Platformer Unit Reboiler (EPN HTREF50H4), Vacuum Unit Heater (EPN HTCRU15H1A), SRU1/2 Tail Gas Incinerator (EPN SRUTGCUINC), Boiler No. 8 (EPN HTBLR0008), Cold Gas Oil Heater (EPN HTCRU15H2), No. 2 Cat Flare (EPN FLRFN0002), No. 2 Platformer Unit Heater (EPN HTREF0123), No. 4 Crude Unit Heater (EPN HTCRU10H1), DHT Heater (EPN HTDHT31H36), Boiler No. 10 (EPN HTBLR0010), Boiler No. 9 (EPN HTBLR0009), GHT Reactor Heater (EPN GHTH88H102), Boiler No. 11 (EPN HTBLR0011), No. 1 Boiler Flare (EPN FLRFN0001), and No. 3 Crude Flare (EPN FLRFN0003). The event occurred when a faulty gauge on the accumulator allowed excess water vapor to remain in the sour water stripper gas treated by the SRU2 furnace. As this gas cooled in line to the SRU2 furnace, water condensed and slugged the burner, which resulted in tripping the unit. This caused an associated upset at the amine unit as well as excess H₂S in the fuel gas, affecting refinery fuel gas combustion devices. Since this emissions event was inaccurately reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to include the facility identification numbers of all the facilities that experienced the emissions events in the final reports for Incident Nos. 180535 and 181996, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D) and 122.143(4), TEX. HEALTH &

SAFETY CODE § 382.085(b), and FOP No. O1257, STC No. 2F, as documented during a record review conducted on July 15, 2013.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Delek Refining, Ltd., Docket No. 2013-1534-AIR-E" to:

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

2. 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 Site operations referenced in this Agreed Order.
3. 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.
4. 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.

5. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Juan Miller for Ramiro Garcia, Jr.
For the Executive Director

1.9.14
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.

Louis LaBella
Signature

10/10/13
Date

Louis LaBella
Name (Printed or typed)
Authorized Representative of
Delek Refining, Ltd.

VP, GM Tylon Refining
Title

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