

Executive Summary – Enforcement Matter – Case No. 48158
Diamond Shamrock Refining Company, L.P.
RN100210517
Docket No. 2014-0120-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 16, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,751

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$11,376

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$11,375

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc.

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 48158
Diamond Shamrock Refining Company, L.P.
RN100210517
Docket No. 2014-0120-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 14, 2013 through October 23, 2013

Date(s) of NOE(s): December 18, 2013

Violation Information

1. Failed to continuously monitor the pilot flame for the Hydrocracker Unit ("HCU") Flare [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(f)(2), New Source Review ("NSR") Permit Nos. 9708 and PSDTX861M3, Special Conditions ("SC") No. 13B, and Federal Operating Permit ("FOP") No. O1555, Special Terms and Conditions ("STC") No. 16].

2. Failed to limit the maximum hydrogen sulfide concentration in the fuel gas to 230 milligrams per dry standard cubic meter (162 parts per million) on a three-hour average for the combustion sources [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 60.104(a)(1), NSR Permit Nos. 9708 and PSDTX861M3, SC No. 1, and FOP No. O1555, STC No. 16].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On August 31, 2013, upgraded the alarm system to ensure continuous monitoring of the HCU Flare pilot flame; and
- b. On October 7, 2013, modified maintenance procedures for the flare line entry to ensure compliance with the hydrogen sulfide concentration limits for the fuel gas.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment 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

Executive Summary – Enforcement Matter – Case No. 48158
Diamond Shamrock Refining Company, L.P.
RN100210517
Docket No. 2014-0120-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Lauren K. Bird, Vice President & General Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086
Shelly Williamson, Environmental Manager, Diamond Shamrock Refining Company, L.P., 6701 Farm-to-Market Road 119, Sunray, Texas 79086

Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0120-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diamond Shamrock Refining Company, L.P.
Penalty Amount:	Twenty-Two Thousand Seven Hundred Fifty-One Dollars (\$22,751)
SEP Offset Amount:	Eleven Thousand Three Hundred Seventy-Five Dollars (\$11,375)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Tire Collection Events and Cleanup of Abandoned Tire Sites</i>
Location of SEP:	Moore County - Canadian River Basin, Ogallala Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset 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 Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Tire Collection Events and Cleanup of Abandoned Tire Sites* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with local city and county government officials and private entities (“Partner Entities”) to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling (“Collection Events”), or to clean sites where tires have been disposed of illegally (“Site Cleanups”).

Texas RC&D shall ensure that collected tires, debris, and waste are properly transported to and disposed at an authorized disposal site, and if a licensed hauler is needed for tires or other regulated waste collected from sites, Texas RC&D shall ensure that only properly licensed haulers are used for transport and disposal of tires and regulated wastes. The

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

SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide an environmental benefit by providing communities with a free and convenient means for safe and proper disposal of tires and by reducing the dangers and health threats associated with illegally dumped tires.

The health risks associated with illegal dumping are significant. Areas used for illegal tire dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by abandoned tires. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Tire dump sites which contain scrap tires pose an ideal breeding ground for mosquitoes, which can breed 100 times faster in the warm, stagnant water standing in scrap tire casings. Severe illnesses, including West Nile Virus, have been attributed to disease-carrying mosquitoes. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of air, surface water, ground water, and soil. In addition, neighborhoods have been evacuated and property damage has been significant due to tire dump sites that caught fire. Illegal tire dumping can also impact drainage of runoff, making areas more susceptible to flooding when wastes block waterways. Open burning at tire dump sites can cause forest fires and erosion as fires burn away trees and undergrowth. Tire dumping has a negative impact on trees and wildlife, and runoff from tire dumpsites may contain chemicals that can contaminate wells and surface water used for drinking.

c. Minimum Expenditure

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

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

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 Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Ken Awtrey, Executive Director
P.O. Box 635067
Nacogdoches, Texas 75963-5067

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

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

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

5. Publicity

Any public statements concerning this SEP and/or project, 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 Offset Amount identified in this Attachment A and in the attached 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	6-Jan-2014	Screening	22-Jan-2014	EPA Due	
	PCW	26-Feb-2014				

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.	48158	No. of Violations	2
Docket No.	2014-0120-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$13,000**

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** **\$13,000**

Notes: Enhancement for two NOVs with same or similar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for four Notices of Intent to conduct an audit and three Disclosures of Violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$3,249**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$141**
 Approx. Cost of Compliance **\$3,500**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$22,751**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$22,751**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$22,751**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$22,751**

Screening Date 22-Jan-2014

Docket No. 2014-0120-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48158

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

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	0	0%
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>)	3	-6%

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) 210%

>> 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 same or similar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for four Notices of Intent to conduct an audit and three Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 210%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 22-Jan-2014

Docket No. 2014-0120-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48158

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") § 60.18(f)(2), New Source Review ("NSR") Permit Nos. 9708 and PSDTX861M3, Special Conditions ("SC") No. 13B, and Federal Operating Permit ("FOP") No. O1555, Special Terms and Conditions ("STC") No. 16

Violation Description Failed to continuously monitor the pilot flame for the Hydrocracker Unit ("HCU") Flare, Emission Point No. FL-4. Specifically, on June 20, 2013, the pilot flame monitoring system did not detect a pilot flame or the monitoring data was missing.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (7.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

Table for Good Faith Efforts: Reduction (25.0%), Before NOV, NOV to EDRP/Settlement Offer, Extraordinary, Ordinary (marked with x), N/A.

\$437

Notes The Respondent completed corrective actions on August 31, 2013, before the December 18, 2013 NOE.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$3,063

This violation Final Assessed Penalty (adjusted for limits) \$3,063

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 48158
Reg. Ent. Reference No. RN100210517
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	20-Jun-2013	31-Aug-2013	0.20	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to upgrade the alarm system to ensure continuous monitoring of the HCU Flare pilot flame. The Date Required is the day the pilot flame monitoring system was off-line and the Final Date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$15

Screening Date 22-Jan-2014

Docket No. 2014-0120-AIR-E

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Policy Revision 3 (September 2011)

Case ID No. 48158

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210517

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 60.104(a)(1), NSR Permit Nos. 9708 and PSDTX861M3, SC No. 1, and FOP No. O1555, STC No. 16

Violation Description

Failed to limit the maximum hydrogen sulfide ("H2S") concentration in the fuel gas to 230 milligrams per dry standard cubic meter (162 parts per million) on a three-hour average for the combustion sources. Specifically, there were eight days between July 2, 2012 and April 16, 2013 that the H2S concentration limit was exceeded for a total of 34 three-hour averages.

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 this violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

8 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three quarterly events are recommended for the quarters in which exceedances occurred.

Good Faith Efforts to Comply

25.0% Reduction

\$2,812

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

Notes

The Respondent completed corrective actions on October 7, 2013, before the December 18, 2013 NOE.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$127

Violation Final Penalty Total \$19,688

This violation Final Assessed Penalty (adjusted for limits) \$19,688

Economic Benefit Worksheet

Respondent Diamond Shamrock Refining Company, L.P.
Case ID No. 48158
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
<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)	\$2,000	2-Jul-2012	7-Oct-2013	1.27	\$127	n/a	\$127

Notes for DELAYED costs

Estimated cost to modify maintenance procedures for the flare line entry to ensure compliance with the H2S concentration limits in the fuel gas. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$127
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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.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600124861, RN100210517, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600124861, Diamond Shamrock Refining Company, L.P.	Classification:	SATISFACTORY	Rating:	13.37
Regulated Entity:	RN100210517, VALERO MCKEE REFINERY	Classification:	SATISFACTORY	Rating:	20.93
Complexity Points:	45	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	6701 FM 119 SUNRAY, TX 79086-2013, MOORE COUNTY				
TCEQ Region:	REGION 01 - AMARILLO				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER MR0008T	AIR OPERATING PERMITS PERMIT 1555
AIR OPERATING PERMITS PERMIT 3391	AIR OPERATING PERMITS PERMIT 3427
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 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 32958
AIR NEW SOURCE PERMITS REGISTRATION 71692	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX861M2
AIR NEW SOURCE PERMITS REGISTRATION 83688	AIR NEW SOURCE PERMITS PERMIT 92928
AIR NEW SOURCE PERMITS EPA PERMIT HAP63	AIR NEW SOURCE PERMITS REGISTRATION 93411
AIR NEW SOURCE PERMITS REGISTRATION 100128	AIR NEW SOURCE PERMITS REGISTRATION 100135
AIR NEW SOURCE PERMITS REGISTRATION 102689	AIR NEW SOURCE PERMITS REGISTRATION 109637
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX861M3	AIR NEW SOURCE PERMITS REGISTRATION 115679
UNDERGROUND INJECTION CONTROL PERMIT WDW192	UNDERGROUND INJECTION CONTROL PERMIT WDW332
UNDERGROUND INJECTION CONTROL PERMIT WDW225	UNDERGROUND INJECTION CONTROL PERMIT WDW226
UNDERGROUND INJECTION CONTROL PERMIT WDW333	UNDERGROUND INJECTION CONTROL PERMIT WDW020
UNDERGROUND INJECTION CONTROL PERMIT WDW102	STORMWATER PERMIT TXR05P771
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD059685339	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30871
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50229	ON SITE SEWAGE FACILITY PERMIT 1710271
ON SITE SEWAGE FACILITY PERMIT 1710272	ON SITE SEWAGE FACILITY PERMIT 1710285
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30871	WASTEWATER PERMIT TXG670197
AIR EMISSIONS INVENTORY ACCOUNT NUMBER MR0008T	POLLUTION PREVENTION PLANNING ID NUMBER P00176

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 15, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 15, 2009 to January 15, 2014

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

Name: Jessica Schildwachter

Phone: (512) 239-2617

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: 04/05/2009 ADMINORDER 2007-0314-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Minor
 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: Minor
 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.
- 2 Effective Date: 06/01/2009 ADMINORDER 2008-0738-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Minor
 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.
- 3 Effective Date: 08/31/2009 ADMINORDER 2008-0384-AIR-E (1660 Order-Agreed Order With Denial)
 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: Minor

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.

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Effective Date: 10/04/2009 ADMINORDER 2009-0300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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: Minor
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.

5 Effective Date: 11/13/2009 ADMINORDER 2007-1544-AIR-E (1660 Order-Agreed Order With Denial)

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 THSC 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 THSC 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 THSC 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 THSC Chapter 382, SubChapter D 382.085(b)

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

Classification: Minor
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 THSC 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 THSC 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: Minor
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: Minor

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: Minor

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.

6 Effective Date: 08/09/2010 ADMINORDER 2009-0748-AIR-E (Findings Order-Agreed Order Without Denial)

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: Minor

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: Minor

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: Minor

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: Minor
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.

7 Effective Date: 06/20/2011 ADMINORDER 2010-1410-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2 of Permit No. 9708 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2 of Permit No. 9708/P PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to properly report Incident No. 138521.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
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.

Classification: Moderate

Citation: 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.

Classification: Moderate

Citation: 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.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit No. 9708/P PERMIT

Description: Failed to prevent unauthorized emissions.

8 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)

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 at the McKee Plant.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter W 106.512(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O-01555, SC 15 OP

Description: Failed to obtain authorization to operate a 450 horsepower compressor engine in the No. 1 Crude Unit at the McKee Plant. Specifically, Form PI-7 was required to be submitted within ten days after construction began but has not been submitted.

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(3)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O-01555, SC 5B OP

Description: Failed to conduct initial and weekly inspections of inactive drains for indications of low water levels or other problems that could result in VOC emissions (inspections are required initially upon taking the drain out of service and weekly thereafter) at the McKee Plant.

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O-01555, SC 5B OP

Description: Failed to conduct initial and monthly inspections of active drains for indications of low water levels or other problems that could result in VOC emissions (inspections are required initially upon the drain being put into service and monthly thereafter) at the McKee Plant.

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP No. O-01555 OP

Description: Failed to repair 70 drains within 24 hours after determining that low water levels or missing or improperly installed caps and plugs were identified (indicating that pollutants are being released) at the McKee Plant, as reported in the January 1 to June 30, 2009 semi-annual deviation report.

Classification: Minor

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 23D PERMIT

Description: Failed to record the date and time of the audio, visual, and olfactory ("AVO") inspections for leaks in pipes, pumps, valves, and compressors in H₂S, SO₂, and ammonia service at the McKee Plant.

Classification: Minor

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

30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)

5C THSC Chapter 382 382.085(b)

Description: Failed to ensure that the pilot flame monitor is detecting the pilot flame for the Main Flare (EPN FL-1), the Fluid Catalytic Cracking Unit Flare (EPN FL-3), and the Hydrocarbon Unit Flare (EPN FL-4) intermittently between January 16, 2008 and January 12, 2010 at the McKee Plant.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(viii)

5C THSC Chapter 382 382.085(b)

Description: Failed to update the SSMP within 45 days after the April 2, 2009 malfunctions occurred at the Reheat Exchanger in the No. 2 Sulfur Recovery Unit, in order to include detailed procedures for operating and maintaining the source during similar malfunctions as well as a corrective action program at the McKee Plant.

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 No. 9708 PERMIT

Description: Failed to prevent the unauthorized emissions.

- 9 Effective Date: 01/27/2012 ADMINORDER 2011-0710-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter F 116.615(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP No. O1555 OP
FOP O1555, STC 14 OP
Standard Permit 92528 PERMIT
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.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(e)
5C THSC Chapter 382 382.085(b)
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.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart H 60.82(a)
5C THSC Chapter 382 382.085(b)
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.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O1555, STC 2.F. OP
Description: Failed to determine if an emissions event is reportable within 24 hours after discovery of the event.
Classification: Minor
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 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.
Classification: Minor
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 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 Standard Permit Registration No. 94198 until December 28, 2010.
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 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.
- 10 Effective Date: 10/18/2013 ADMINORDER 2013-0368-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
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(f)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SC No. 12 PA
SC No. 14 OP
Description: Failed to conduct pilot flame monitoring on Wastewater Flare (FL-6).

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter W 106.511

5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC No. 15 OP

Description: Failed to obtain permit authorization for a temporary engine.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 26, 2009	(732469)
Item 2	January 28, 2009	(724669)
Item 3	February 02, 2009	(755774)
Item 4	February 06, 2009	(724918)
Item 5	February 08, 2009	(725042)
Item 6	February 09, 2009	(725420)
Item 7	February 19, 2009	(735611)
Item 8	March 03, 2009	(755775)
Item 9	April 03, 2009	(755776)
Item 10	April 29, 2009	(744045)
Item 11	May 01, 2009	(772784)
Item 12	May 12, 2009	(745290)
Item 13	June 02, 2009	(772785)
Item 14	June 22, 2009	(749679)
Item 15	July 17, 2009	(762606)
Item 16	July 20, 2009	(818441)
Item 17	July 22, 2009	(763145)
Item 18	July 28, 2009	(763639)
Item 19	August 04, 2009	(818442)
Item 20	August 26, 2009	(767290)
Item 21	September 04, 2009	(818443)
Item 22	September 10, 2009	(767651)
Item 23	September 11, 2009	(775945)
Item 24	October 07, 2009	(777362)
Item 25	October 09, 2009	(818444)
Item 26	November 05, 2009	(818445)
Item 27	November 16, 2009	(782609)
Item 28	November 24, 2009	(782887)
Item 29	December 02, 2009	(784081)
Item 30	December 08, 2009	(818446)
Item 31	January 14, 2010	(818447)
Item 32	January 25, 2010	(789299)
Item 33	January 27, 2010	(787505)
Item 34	January 28, 2010	(787272)
Item 35	February 04, 2010	(788915)
Item 36	February 05, 2010	(818440)
Item 37	February 07, 2010	(790483)
Item 38	February 17, 2010	(791885)
Item 39	February 19, 2010	(791552)
Item 40	March 10, 2010	(835707)
Item 41	March 26, 2010	(796195)
Item 42	April 07, 2010	(835708)
Item 43	May 10, 2010	(835709)
Item 44	May 12, 2010	(802180)
Item 45	May 26, 2010	(803436)
Item 46	June 16, 2010	(826958)
Item 47	July 01, 2010	(826924)
Item 48	July 08, 2010	(829695)

Item 49	July 15, 2010	(841516)
Item 50	August 13, 2010	(846068)
Item 51	September 03, 2010	(858405)
Item 52	September 08, 2010	(860043)
Item 53	September 10, 2010	(860199)
Item 54	September 28, 2010	(865485)
Item 55	October 01, 2010	(865561)
Item 56	October 11, 2010	(883181)
Item 57	November 12, 2010	(873439)
Item 58	November 18, 2010	(877560)
Item 59	November 29, 2010	(879343)
Item 60	December 01, 2010	(897961)
Item 61	January 05, 2011	(887276)
Item 62	January 06, 2011	(886617)
Item 63	January 11, 2011	(903858)
Item 64	January 26, 2011	(892668)
Item 65	February 01, 2011	(892282)
Item 66	February 03, 2011	(894563)
Item 67	February 09, 2011	(910752)
Item 68	February 17, 2011	(892103)
Item 69	February 18, 2011	(887629)
Item 70	March 03, 2011	(900358)
Item 71	March 04, 2011	(930068)
Item 72	March 29, 2011	(906266)
Item 73	April 14, 2011	(930069)
Item 74	April 18, 2011	(913145)
Item 75	May 06, 2011	(939711)
Item 76	June 10, 2011	(924447)
Item 77	June 17, 2011	(947130)
Item 78	July 06, 2011	(954384)
Item 79	July 20, 2011	(942002)
Item 80	August 04, 2011	(960965)
Item 81	August 15, 2011	(948922)
Item 82	September 08, 2011	(967061)
Item 83	October 04, 2011	(958207)
Item 84	October 07, 2011	(958861)
Item 85	October 25, 2011	(973025)
Item 86	November 11, 2011	(979153)
Item 87	November 29, 2011	(969700)
Item 88	December 02, 2011	(985998)
Item 89	December 07, 2011	(968969)
Item 90	January 13, 2012	(992352)
Item 91	January 19, 2012	(968829)
Item 92	February 14, 2012	(999656)
Item 93	February 24, 2012	(981691)
Item 94	March 02, 2012	(1005206)
Item 95	March 08, 2012	(990317)
Item 96	March 16, 2012	(994420)
Item 97	March 20, 2012	(994774)
Item 98	April 15, 2012	(1011785)
Item 99	May 08, 2012	(1001887)
Item 100	May 15, 2012	(1018140)
Item 101	June 18, 2012	(1013465)
Item 102	July 09, 2012	(1033235)
Item 103	August 07, 2012	(1039749)
Item 104	August 21, 2012	(1021769)
Item 105	September 05, 2012	(1028771)
Item 106	September 17, 2012	(1048696)
Item 107	October 03, 2012	(1035155)
Item 108	October 09, 2012	(1069278)

Item 109	October 10, 2012	(1027391)
Item 110	November 05, 2012	(1069279)
Item 111	December 06, 2012	(1069280)
Item 112	January 03, 2013	(1082690)
Item 113	January 08, 2013	(1052297)
Item 114	January 10, 2013	(1041051)
Item 115	January 15, 2013	(1051968)
Item 116	February 01, 2013	(1056095)
Item 117	February 07, 2013	(1057111)
Item 118	February 08, 2013	(1057567)
Item 119	February 12, 2013	(1082689)
Item 120	February 27, 2013	(1060233)
Item 121	March 07, 2013	(1073613)
Item 122	March 11, 2013	(1091098)
Item 123	March 21, 2013	(1075409)
Item 124	April 04, 2013	(1097434)
Item 125	April 15, 2013	(1077208)
Item 126	April 25, 2013	(1086352)
Item 127	April 30, 2013	(1086882)
Item 128	May 06, 2013	(1108446)
Item 129	May 15, 2013	(1088581)
Item 130	May 16, 2013	(1092575)
Item 131	May 21, 2013	(1086966)
Item 132	May 24, 2013	(1050197)
Item 133	May 28, 2013	(1088612)
Item 134	June 10, 2013	(1112032)
Item 135	July 18, 2013	(1118971)
Item 136	July 31, 2013	(1104823)
Item 137	August 07, 2013	(1106216)
Item 138	August 13, 2013	(1126730)
Item 139	August 27, 2013	(1115572)
Item 140	September 10, 2013	(1131264)
Item 141	September 27, 2013	(1121975)
Item 142	October 09, 2013	(1137019)
Item 143	November 18, 2013	(1142433)
Item 144	November 19, 2013	(1132693)
Item 145	November 20, 2013	(1132555)

E. Written notices of violations (NOV) (CCEDS 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:	02/08/2013 (1053378)	CN600124861
	Self Report?	NO	Classification: Moderate
	Citation:	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 60.104(a)(2)(i) 5C THSC Chapter 382 382.085(b) SC No. 1 PA SC No. 14 OP	
	Description:	The review of the deviation report, submitted on January 31, 2012 (event No. 1, page 1) indicated that the SO2 emissions in SRU No. 1 exceeded the allowable value of 250 ppm on July 26, 2011 and November 22, 2011. The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2)(i), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.	
	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) SC No. 14 OP SC No. 20 PA	
	Description:	The review of the deviation report, submitted on January 31, 2012 (event No. 3, page 1) indicated that the oxygen concentration in the No. 1 SRU was below 1 percent on November 22, 2011. The facility is in violation of the provisions of 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special	

provision No. 14 of the SOP permit No. O1555.

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)
SC No. 14 OP
SC No. 22 PA

Description: The review of the deviation report, submitted on January 31, 2012 (event No. 4, page 1) indicated that the No. 1 SRU efficiency was not met on November 22, 2011. The facility is in violation of the provisions of 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.

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)
SC No. 14 OP
SC No. 38 PA

Description: The facility is in violation of the provisions of 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.

Self Report? NO Classification: Moderate
Citation: 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 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 PA
SC No. 14 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.

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)
SC No. 12(C) PA
SC No. 14 OP

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

Self Report? NO Classification: Moderate
Citation: 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(f)(2)
5C THSC Chapter 382 382.085(b)
SC No. 12 PA
SC No. 14 OP

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 40 CFR §60.18(f)(2), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

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)
SC No. 14 OP
SC No. 33C PA

Description: The review of the deviation report, submitted on January 31, 2012 (event No. 37, page 11) indicated that the Cylinder Gas Audits (CGA) conducted for these three units were invalid since the calibration gas used had expired. The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 40 CFR Part 60 Appendix F, 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

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)
SC No. 14 OP
SC No. 33(c) PA

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

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)
SC No. 14 OP
SC No. 29 PA

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555 regrading opacity values from the FCCU.

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)
SC No. 13 OP
SC No. 6 PA

Description: The review of the deviation report submitted on July 30, 2012 indicated that weekly cooling water samples were not collected upon startup of the plant for the period February 26, 2012 through March 23, 2012. The facility is in violation of the requirements of the special condition No. 6 of the permit No. 92928, 30 TAC §116.115(c), THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 13 of the SOP No. O3427.

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)
SC No. 13 OP
SC No. 7 PA

Description: The review of the deviation report submitted on July 30, 2012 indicated that no quarterly visible emissions observation was conducted during the first quarter of 2012 (February 26 through March 31, 2012). The facility is in violation of the requirements of the special condition No. 7 of the permit No. 92928, 30 TAC §116.115(c), THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 13 of the SOP No. O3427.

2 Date: 12/18/2013 (1121167) CN600124861

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)
SC No. 16 OP
SC Nos. 2 and 17 PA

Description: The facility is in violation of the provisions of special condition Nos. 2 and 17 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP No. O1555 for failure to comply with the allowable emission limits for several emission sources.

Self Report? NO Classification: Moderate

Citation: 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(c)(2)
5C THSC Chapter 382 382.085(b)
SC No. 13(B) PA
SC No. 16 OP

Description: The facility is in violation of the provisions of special condition No. 13(B) of the permit No. 9708, 30 TAC §116.115(c), 40 CFR §60.18(c)(2), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP No. O1555 by failure to have pilot flame present at all times for some of the affected flares.

Self Report? NO Classification: Moderate

Citation: 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(f)(2)
5C THSC Chapter 382 382.085(b)
SC No. 13(B) PA
SC No. 16 OP

Description: The facility is in violation of the provisions of special condition No. 13(B) of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 40 CFR §60.18(f)(2), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for failure to monitor pilot flame for several flares.

Self Report? NO Classification: Moderate

Citation: 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)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV,

§60.482-6(a)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for documentation of open-ended lines.

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)
 SC No. 13(C) PA
 SC No. 16 OP

Description: The facility is in violation of the provisions of special condition No. 13(C) of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for visible emissions from HCU Flare (FL-4).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(a)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to conduct two consecutive monitoring.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 5C THSC Chapter 382 382.085(b)
 SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to repair the leaking components with the allowable period of 15 days.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart H 60.82(a)
 5C THSC Chapter 382 382.085(b)
 SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart H, §60.82(a), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to comply with SO2 emissions from the Acid Plant.

Self Report? NO Classification: Moderate
 Citation: 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 60.104(a)(2)(i)
 5C THSC Chapter 382 382.085(b)
 SC No. 1 PA
 SC No. 16 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2)(i), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), special condition No. 1 of the permit No. 9708, and special condition No. 16 of the SOP permit No. O1555 for exceeding the SO2 emissions from No. 1 SRU and No. 2 SRU.

Self Report? NO Classification: Moderate
 Citation: 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 60.104(a)(2)(i)
 5C THSC Chapter 382 382.085(b)
 SC No. 16 OP
 SC No. 22 PA

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2)(i), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), special condition No. 1 of the permit No. 9708, and special condition No. 16 of the SOP permit No. O1555 for failure to maintain the minimum oxygen concentrations in the SRUs.

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)
 SC No. 16 OP
 SC No. 22 PA

Description: The facility is in violation of the provisions of special condition No. 22 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for failure to maintain the minimum incinerator temperature of 1260 degrees in No. 2

SRU.
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)
SC No. 16 OP
Description: SC No. 22 PA
The facility is in violation of the provisions of special condition No. 22 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for failure to maintain a minimum incinerator temperature of 1297 degrees in the No. 1 SRU.

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 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart A, §60.18(c)(3)(ii), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 by failure to maintain a minimum heating value for HCU Flare.

Self Report? NO Classification: Moderate
Citation: 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)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(c)(2), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to monitor leaking valves after the repair.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-8(a), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to implement LDAR requirement following discovery of the spills.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.486(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to comply with the recordkeeping requirements of Subpart VV.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.485(b), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to implement the monitoring provisions of Method 21 of Appendix A for fugitive monitoring program.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(c)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-9(c)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to determine the amount of purged emissions for delay of repair determination.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(e)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-9(e), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition

No. 1 of the SOP permit No. O1555 by failure to repair leaking components during the turnarounds.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 5C THSC Chapter 382 382.085(b)

Description: SC No. 1 OP
 The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(2), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 by failure to monitor the leaking components within 5 days of initial repair attempts.

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)
 SC No. 16 OP
 SC No. 42 PA

Description: The facility is in violation of the provisions of special condition No. 42 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 by failure to maintain the required hydrogen sulfide concentration in the fuel.

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)
 SC No. 16 OP
 SC No. 19 PA

Description: The facility is in violation of the provisions of special condition No. 19 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 by failure to include several components in the fugitive monitoring program.

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)
 SC No. 10 OP
 SC No. 4(A) PA

Description: The facility is in violation of the requirements of the special condition No. 4(A) of the permit No. 92928, 30 TAC §116.115(c), THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 10 of the SOP No. O3427 by failure to maintain the allowable NOx emissions for the Reformer furnace.

F. Environmental audits:

Notice of Intent Date: 04/28/2010 (826733)
 Disclosure Date: 08/10/2010
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to amend the NORs for the Spent Catalyst Pit (O21) and the Spent Lime Pit (O46) to remove the Class 1 streams from the list of acceptable waste streams for the units.

Viol. Classification: Major
 Citation: 40 CFR Chapter 302, SubChapter J, PT 302 302.1
 30 TAC Chapter 335, SubChapter A 335.2(a)
 30 TAC Chapter 335, SubChapter A 335.4
 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to permit Waste Management Unit 022 (Asphalt Landfill) as Class 1 waste.

Viol. Classification: Minor
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175(b)(5)

Description: Failure to contain paint waste in a secondary containment as it had overflowed the containment area.

Viol. Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.124
 Rqmt Prov: PERMIT 50229

Description: Failure to retain documentation regarding the required Biannual Soil Core Monitoring Reports and if they had ever been submitted to the TCEQ since post-closure care requirements for Land Treatment Unit No. 1/NOR WMU No. 003 became effective in late 2000.

Viol. Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.124

Description: Failure to retain records documenting that the annual comprehensive site compliance evaluation was

performed or that a compliance evaluation report was generated.

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

No DOV Associated

Notice of Intent Date: 10/18/2011 (969457)

Disclosure Date: 01/27/2012

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)

Description: Failed to incorporate all LDAR components into the LDAR monitoring program. There were 1,061 components identified refinery wide and they were not tagged which resulted in no monitoring of the components within 30 days.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4)

Description: Failure to have tight fitting cover and repairs within 15 calendar days of a junction box north of propane deasphalting unit and liftstations No. 4 and 5.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)

Description: Drain D-27 and D-28 failed the weekly inspection during periodic QQQ inspection and was not corrected within the first 24 hours.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart QQQ 60.690(a)(1)

Description: Failure to include the #2 Sour Water Unit in the QQQ inspection program.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)

Description: Failure to repair 3 drains in the #2 Sour Water Unit with the 24 hour requirement because engineering work is needed.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4)

Description: Failure to inspect drains HDS-3 through HDS-13 in the 1st half 2012 semi-annual inspection caused by outdated inspection forms.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)

Description: Failure to include several Waste Streams in the 2010 TAB Report. Several waste streams and waste stream types were missing from the waste stream inventory. Details included in the description.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

Description: Failure to include Groundwater Recovery Tank 2020, 2023, 2024 which handle hydrocarbon remediation wastes in the inspection and monitoring program. See Description for additional information concerning Sour Water System Components, Crude Unit Sour Water Accumulator, and drain not being repaired within 15 day time period.

Notice of Intent Date: 09/21/2012 (1042725)

Disclosure Date: 01/28/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

Description: Failed to have data Assessment Reports required by Appendix F to 40 CFR 60 were not submitted for applicable continuous emissions monitoring systems.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(10)

Description: Failed to have the oxygen analyzer in the FCCU continuous emissions monitoring system was incorrectly spanned at 0 to 25%

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.427(b)

Description: Failed to have an administrative change that was not completed to the MACT I start-up, shutdown, malfunction plan (SSMP) to reflect a change from the vapor combustion unit (VCU) temperature observed during the previous performance test (811F) to the temperature observed during the previous performance test (1297F).

b. Pursuant to the finding above, the vapor combustion unit temperature dropped below the minimum operating temperature intermittently between 05/12/2011 & 12/12/2012.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to have two openings observed in the roof of the sulfur pit at SRU #1. Deposits around the openings suggested sulfur pit vapors have vented to the atmosphere.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to have 2011 emissions inventory showed 10 emission sources covered by Permit No. 9708 that exceeded their maximum allowable ton per year emission limits. Those sources are as follows:

1. B-10 - Boiler 18
2. B-11 - Boiler 19
3. E-7 - Clark Compressor
4. F-21 - Gas Plant Cooling Tower

5. FL-1 - Main Refinery Flare
6. FL-3 - FCCU Flare
7. FL-4 - HCU Flare
8. H-13 - Gas Oil Fractionator Heater
9. H-26 - No. 2 Vacuum Heater
10. H-36, No. 2 Naphtha
Hydrotreater Charge Heater

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(ii)

Description: Failed to have an open container without emissions controls required by Benzene Waste Operations HESHAP regulations was being used to collect slop oil in the lab.

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

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Date: 05/19/2009 (745994) CN600124861
Classification: Moderate

Self Report? NO For Informational Purposes Only
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.

Classification: Moderate

Self Report? NO For Informational Purposes Only
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

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Date: 03/11/2010 (794810) CN600124861
Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

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Date: 05/20/2010 (785739) CN600124861
Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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.

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? YES For Informational Purposes Only
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

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Date: 04/22/2011 (905545) CN600124861
Classification: Moderate

Self Report? NO For Informational Purposes Only
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).
Classification: Moderate

Self Report? NO For Informational Purposes Only
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).
Classification: Moderate

Self Report? NO For Informational Purposes Only
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)
Description: 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.
Classification: Moderate

Self Report? NO For Informational Purposes Only
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.
Classification: Moderate

Self Report? NO For Informational Purposes Only
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).
Classification: Moderate

Self Report? NO For Informational Purposes Only
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).
Classification: Moderate

Self Report? NO For Informational Purposes Only
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.

Classification: Moderate

Self Report? NO For Informational Purposes Only
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.

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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.

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO For Informational Purposes Only
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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(3)(A)

Description: 5C THSC Chapter 382 382.085(b)
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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO For Informational Purposes Only

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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO For Informational Purposes Only

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).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

Description: 5C THSC Chapter 382 382.085(b)
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).
Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

Classification: Minor

Self Report? NO For Informational Purposes Only

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).

8 Date: 06/03/2011 (923736)

CN600124861

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
5C THSC Chapter 382 382.085(b)
FOP O1555, STC 2.F. OP

Description: Failed to determine if an emissions event is reportable within 24 hours after discovery of the event.

9 Date: 12/15/2011 (971194)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to submit notification of an excess opacity event within 24 hours of discovery

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Permit No. 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

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Date: 12/21/2011 (969797) CN600124861
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7928(g)(1)
5C THSC Chapter 382 382.085(b)
SC No. 10 OP

Description: The review of the deviation report, submitted on July 29, 2011 (event No. 29, page 7) indicated that for five (5) carbon canister systems in the remediation projects, the daily breakthrough monitoring was not conducted on May 1, 2011. The facility is in violation of the provisions of §63.7928(g)(1), §382.085(b) and §122.143(4).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)
5C THSC Chapter 382 382.085(b)
General conditions OP

Description: The review of the deviation report, submitted on July 29, 2011 (event No. 25, page 7) 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 facility is in violation of requirements of §60.482-5(a), §63.166(a), §382.085(b), and §122.143(4).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
5C THSC Chapter 382 382.085(b)
general conditions OP

Description: The review of the deviation report, submitted on July 29, 2011 (event No. 23, page 6) indicated that a total of 653 new valves were not monitored within 30 days during the period January 1, 2011 through June 30, 2011. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-7(a)(2)(i), §382.085(b), and §122.143(4).

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)
5C THSC Chapter 382 382.085(b)
general conditions OP

Description: The review of the deviation report, submitted on July 29, 2011 (event No. 24, page 6), indicated that the company identified a total of 9 open-ended lines in several units during the period January 1 through June 23, 2011. The facility is in violation of requirements of 40 CFR 60 Subpart VV, §60.482-6(a), §122.143(4), and §382.085(b).

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 10 PA
SC No. 14 OP

Description: The review of the deviation report, submitted on July 29, 2011 (event Nos. 15, 16, 17, 18, and 19, pages 4 and 5) indicated that the facility experienced exceedance of hourly NOx, CO, SO2, VOC, and Particulate mass emissions rate limits for numerous heaters and boilers during the period January 1 through June 30, 2011. The facility is in violation of the provisions of 30 TAC §116.115(c), §122.143(4), and §382.085(b).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
general conditions OP

Description: The review of the deviation report, submitted on July 29, 2011 (event No. 1, page

1), indicated that the SO2 emissions in SRU No. 1 exceeded the allowable value of 250 ppm on February 5, 2011 and May 22, 2011. The facility is in violation of the provisions of §60.104(a)(2)(i), §122.143(4), and §382.085(b).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 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 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 PA

Description: The review of the deviation report, submitted on July 29, 2011 (events 6 and 7, pages 2 and 3), indicated that hydrogen sulfide concentration limit of 162 ppm was exceeded on January 2, 2011 and March 22, 2011. The facility is in violation of the provisions of §116.115(c), §60.104(a)(1), §122.143(4), and §382.085(b).

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 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(f)(2)
5C THSC Chapter 382 382.085(b)
SC No. 12 PA

Description: The review of the deviation report submitted on July 29, 2011 (event No. 14, page 4) indicated that no flame monitoring was conducted on January 3, January 18, March 8, March 9, March 24, May 30, and June 30, 2011. The Facility is in violation of the provisions of §116.115(c), §60.18(f)(2), §122.143(4), and §382.085(b).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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)
SC No. 14 OP
SC No. 32 PA

Description: The review of the deviation report submitted on July 29, 2011 (event Nos. 30, 31 and 32, pages 7 and 8) indicated that adjustments were not made when the span drifts exceeded two times the amounts specified in Appendix B (within 24 hours) for the fuel gas system on February 1, 2011 and March 17, 2011, for 600# Boiler on April 4, 2011, and for H2S scavenger system on May 27, 2011. The facility is in violation of the provisions of §116.115(c), §382.085(b), and §122.143.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.505(c)
5C THSC Chapter 382 382.085(b)

Description: The investigation revealed that no documentation of the monthly inspections could be provided by the company, as required by the provisions of Subpart XX for the bulk loading terminal. The facility is in violation of the provisions of §60.505(c), §122.143(4), and §382.085(b).

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4)
5C THSC Chapter 382 382.085(b)

Description: The review of the semi-annual reports for the period 2009 through July 2011 indicated that the information regarding all periods during which the pilot flame for the affected flare (Main Refinery Flare, FL-1) were absent, was not included in the reports (Valero provided statements regarding the status of the pilot flame monitoring during the periods of venting to the flare). It should be noted that the affected unit, Iso-Octene was not operating until July 2009. The facility is in violation of t

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.698(b)
5C THSC Chapter 382 382.085(b)
SC No. 5 OP

Description: The facility failed to submit a certification following the startup of the RLE compressors in December 2008, as required by the reporting provisions of

Subpart QQQ. The facility is in violation of the provisions of §60.698(b), §382.085(b), and §122.143(4).

- 11 Date: 06/05/2012 (1008440) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Permit No. 9708/PSD-TX-861M2 PERMIT
Description: failure to comply with permitted opacity limits for FCCU stack vent during excess opacity event which did not meet the affirmative defense criteria
- 12 Date: 08/01/2012 (1016151) CN600124861 Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit notification of an emissions event within 24 hours of discovery
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: failure to comply with permitted opacity limits for FCCU stack during emissions event which did not meet the affirmative defense criteria
Classification: Minor
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit notification of an emissions event within 24 hours of discovery
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: failure to comply with permitted opacity limits for FCCU stack during emissions event which did not meet the affirmative defense criteria
- 13* Date: 02/08/2013 (1053378) CN600124861 Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 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 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC No. 1 PA
SC No. 14 OP
Description: The review of the deviation report, submitted on January 31, 2012 (event No. 1, page 1) indicated that the SO2 emissions in SRU No. 1 exceeded the allowable value of 250 ppm on July 26, 2011 and November 22, 2011. The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2)(i), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.
Classification: Moderate
Self Report? NO For Informational Purposes Only
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)
SC No. 14 OP
SC No. 20 PA
Description: The review of the deviation report, submitted on January 31, 2012 (event No. 3, page 1) indicated that the oxygen concentration in the No. 1 SRU was below 1 percent on November 22, 2011. The facility is in violation of the provisions of 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.
Classification: Moderate
Self Report? NO For Informational Purposes Only
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)
SC No. 14 OP
SC No. 22 PA

Description: The review of the deviation report, submitted on January 31, 2012 (event No. 4, page 1) indicated that the No. 1 SRU efficiency was not met on November 22,

2011. The facility is in violation of the provisions of 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 14 OP
SC No. 38 PA

Description: The facility is in violation of the provisions of 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 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 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 PA
SC No. 14 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 12(C) PA
SC No. 14 OP

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 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(f)(2)
5C THSC Chapter 382 382.085(b)
SC No. 12 PA
SC No. 14 OP

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 40 CFR §60.18(f)(2), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 14 OP
SC No. 33C PA

Description: The review of the deviation report, submitted on January 31, 2012 (event No. 37, page 11) indicated that the Cylinder Gas Audits (CGA) conducted for these three units were invalid since the calibration gas used had expired. The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 40 CFR Part 60 Appendix F, 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 14 OP
SC No. 33(c) PA
Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 14 OP
SC No. 29 PA

Description: The facility is in violation of the provisions of 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 14 of the SOP permit No. O1555 regrading opacity values from the FCCU.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 13 OP
SC No. 6 PA

Description: The review of the deviation report submitted on July 30, 2012 indicated that weekly cooling water samples were not collected upon startup of the plant for the period February 26, 2012 through March 23, 2012. The facility is in violation of the requirements of the special condition No. 6 of the permit No. 92928, 30 TAC §116.115(c), THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 13 of the SOP No. O3427.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 13 OP
SC No. 7 PA

Description: The review of the deviation report submitted on July 30, 2012 indicated that no quarterly visible emissions observation was conducted during the first quarter of 2012 (February 26 through March 31, 2012). The facility is in violation of the requirements of the special condition No. 7 of the permit No. 92928, 30 TAC §116.115(c), THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 13 of the SOP No. O3427.

14

Date: 12/18/2013 (1121167) CN600124861

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 16 OP
SC Nos. 2 and 17 PA

Description: The facility is in violation of the provisions of special condition Nos. 2 and 17 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP No. O1555 for failure to comply with the allowable emission limits for several emission sources.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 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(c)(2)
5C THSC Chapter 382 382.085(b)
SC No. 13(B) PA
SC No. 16 OP

Description: The facility is in violation of the provisions of special condition No. 13(B) of the permit No. 9708, 30 TAC §116.115(c), 40 CFR §60.18(c)(2), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP No. O1555 by failure to have pilot flame present at all times for some of the affected flares.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 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(f)(2)
5C THSC Chapter 382 382.085(b)
SC No. 13(B) PA
SC No. 16 OP
Description: The facility is in violation of the provisions of special condition No. 13(B) of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 40 CFR §60.18(f)(2), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for failure to monitor pilot flame for several flares.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 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)
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-6(a)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for documentation of open-ended lines.
Classification: Moderate

Self Report? NO For Informational Purposes Only
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)
SC No. 13(C) PA
SC No. 16 OP
Description: The facility is in violation of the provisions of special condition No. 13(C) of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for visible emissions from HCU Flare (FL-4).
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(a)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to conduct two consecutive monitoring.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to repair the leaking components with the allowable period of 15 days.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart H 60.82(a)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart H, §60.82(a), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to comply with SO2 emissions from the Acid Plant.
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 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 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC No. 1 PA

SC No. 16 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2) (i), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), special condition No. 1 of the permit No. 9708, and special condition No. 16 of the SOP permit No. O1555 for exceeding the SO2 emissions from No. 1 SRU and No. 2 SRU.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 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 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC No. 16 OP
SC No. 22 PA

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart J, §60.104(a)(2) (i), 5C THSC §382.085(b), 30 TAC §122.143(4), 30 TAC §116.115(c), special condition No. 1 of the permit No. 9708, and special condition No. 16 of the SOP permit No. O1555 for failure to maintain the minimum oxygen concentrations in the SRUs.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 16 OP
SC No. 22 PA

Description: The facility is in violation of the provisions of special condition No. 22 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for failure to maintain the minimum incinerator temperature of 1260 degrees in No. 2 SRU.

Classification: Moderate

Self Report? NO For Informational Purposes Only

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)
SC No. 16 OP
SC No. 22 PA

Description: The facility is in violation of the provisions of special condition No. 22 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 for failure to maintain a minimum incinerator temperature of 1297 degrees in the No. 1 SRU.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart A, §60.18(c)(3) (ii), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 by failure to maintain a minimum heating value for HCU Flare.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 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)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(c)(2), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to monitor leaking valves after the repair.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)
5C THSC Chapter 382 382.085(b)

SC No. 1 OP
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-8(a), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to implement LDAR requirement following discovery of the spills.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.486(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to comply with the recordkeeping requirements of Subpart VV.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.485(b), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to implement the monitoring provisions of Method 21 of Appendix A for fugitive monitoring program.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(c)(1)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-9(c)(1), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 for failure to determine the amount of purged emissions for delay of repair determination.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(e)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-9(e), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 by failure to repair leaking components during the turnarounds.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
5C THSC Chapter 382 382.085(b)
SC No. 1 OP

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(2), 5C THSC §382.085(b), 30 TAC §122.143(4), and special condition No. 1 of the SOP permit No. O1555 by failure to monitor the leaking components within 5 days of initial repair attempts.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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)
SC No. 16 OP
SC No. 42 PA

Description: The facility is in violation of the provisions of special condition No. 42 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 by failure to maintain the required hydrogen sulfide concentration in the fuel.

Classification: Moderate

Self Report? NO For Informational Purposes Only
 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)
 SC No. 16 OP
 SC No. 19 PA
 Description: The facility is in violation of the provisions of special condition No. 19 of the permit No. 9708, 30 TAC §116.115(c), 5C THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 16 of the SOP permit No. O1555 by failure to include several components in the fugitive monitoring program.
 Classification: Moderate

Self Report? NO For Informational Purposes Only
 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)
 SC No. 10 OP
 SC No. 4(A) PA
 Description: The facility is in violation of the requirements of the special condition No. 4(A) of the permit No. 92928, 30 TAC §116.115(c), THSC §382.085(b), 30 TAC §122.143(4), and special provision No. 10 of the SOP No. O3427 by failure to maintain the allowable NOx emissions for the Reformer furnace.

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period January 15, 2009 and January 15, 2014

- Item 1* January 26, 2009** (732469) For Informational Purposes Only
- Item 2* January 28, 2009** (724669) For Informational Purposes Only
- Item 3 January 29, 2009** (724743) For Informational Purposes Only
- Item 4* February 02, 2009** (755774) For Informational Purposes Only
- Item 5* February 06, 2009** (724918) For Informational Purposes Only
- Item 6* February 08, 2009** (725042) For Informational Purposes Only
- Item 7* February 09, 2009** (725420) For Informational Purposes Only
- Item 8 February 13, 2009** (725358) For Informational Purposes Only
- Item 9 February 19, 2009** (722773) For Informational Purposes Only
- Item 10* March 03, 2009** (755775) For Informational Purposes Only
- Item 11* April 03, 2009** (755776) For Informational Purposes Only
- Item 12* April 29, 2009** (744045) For Informational Purposes Only
- Item 13* May 01, 2009** (772784) For Informational Purposes Only

Item 14	May 08, 2009**	(724295) For Informational Purposes Only
Item 15	May 09, 2009**	(744000) For Informational Purposes Only
Item 16*	May 12, 2009**	(745290) For Informational Purposes Only
Item 17	May 18, 2009**	(745994) For Informational Purposes Only
Item 18	May 20, 2009**	(744437) For Informational Purposes Only
Item 19*	June 02, 2009**	(772785) For Informational Purposes Only
Item 20*	June 22, 2009**	(749679) For Informational Purposes Only
Item 21	July 16, 2009**	(749438) For Informational Purposes Only
Item 22*	July 17, 2009**	(762606) For Informational Purposes Only
Item 23*	July 20, 2009**	(818441) For Informational Purposes Only
Item 24*	July 22, 2009**	(763145) For Informational Purposes Only
Item 25*	July 28, 2009**	(763639) For Informational Purposes Only
Item 26*	August 04, 2009**	(818442) For Informational Purposes Only
Item 27*	August 26, 2009**	(767290) For Informational Purposes Only
Item 28*	September 04, 2009**	(818443) For Informational Purposes Only
Item 29*	September 10, 2009**	(767651) For Informational Purposes Only
Item 30*	September 11, 2009**	(775945) For Informational Purposes Only
Item 31*	October 07, 2009**	(777362) For Informational Purposes Only
Item 32*	October 09, 2009**	(818444) For Informational Purposes Only
Item 33*	November 05, 2009**	(818445) For Informational Purposes Only
Item 34*	November 16, 2009**	(782609) For Informational Purposes Only

(783205)

Item 35. November 20, 2009** For Informational Purposes Only
(782887)

Item 36* November 24, 2009** For Informational Purposes Only
(784081)

Item 37* December 02, 2009** For Informational Purposes Only
(818446)

Item 38* December 08, 2009** For Informational Purposes Only
(818447)

Item 39* January 14, 2010** For Informational Purposes Only
(789299)

Item 40* January 25, 2010** For Informational Purposes Only
(787505)

Item 41* January 27, 2010** For Informational Purposes Only
(787272)

Item 42* January 28, 2010** For Informational Purposes Only
(788915)

Item 43* February 04, 2010** For Informational Purposes Only
(818440)

Item 44* February 05, 2010** For Informational Purposes Only
(790483)

Item 45* February 07, 2010** For Informational Purposes Only
(791885)

Item 46* February 17, 2010** For Informational Purposes Only
(791552)

Item 47* February 19, 2010** For Informational Purposes Only
(792430)

Item 48 February 26, 2010** For Informational Purposes Only
(792864)

Item 49 March 08, 2010** For Informational Purposes Only
(835707)

Item 50* March 10, 2010** For Informational Purposes Only
(794570)

Item 51 March 19, 2010** For Informational Purposes Only
(796195)

Item 52* March 26, 2010** For Informational Purposes Only
(835708)

Item 53* April 07, 2010** For Informational Purposes Only
(762506)

Item 54 April 12, 2010** For Informational Purposes Only
(793000)

Item 55 April 27, 2010** For Informational Purposes Only
(835709)

Item 56*	May 10, 2010**	For Informational Purposes Only (802180)
Item 57*	May 12, 2010**	For Informational Purposes Only (785739)
Item 58	May 20, 2010**	For Informational Purposes Only (803436)
Item 59*	May 26, 2010**	For Informational Purposes Only (802118)
Item 60	May 28, 2010**	For Informational Purposes Only (826958)
Item 61*	June 16, 2010**	For Informational Purposes Only (847755)
Item 62	June 29, 2010**	For Informational Purposes Only (826924)
Item 63*	July 01, 2010**	For Informational Purposes Only (829695)
Item 64*	July 08, 2010**	For Informational Purposes Only (841516)
Item 65*	July 15, 2010**	For Informational Purposes Only (841379)
Item 66	August 04, 2010**	For Informational Purposes Only (846068)
Item 67*	August 13, 2010**	For Informational Purposes Only (858405)
Item 68*	September 03, 2010**	For Informational Purposes Only (860043)
Item 69*	September 08, 2010**	For Informational Purposes Only (843202)
Item 70	September 10, 2010**	For Informational Purposes Only (844380)
Item 71	September 16, 2010**	For Informational Purposes Only (865485)
Item 72*	September 28, 2010**	For Informational Purposes Only (865561)
Item 73*	October 01, 2010**	For Informational Purposes Only (864554)
Item 74	October 07, 2010**	For Informational Purposes Only (883181)
Item 75*	October 11, 2010**	For Informational Purposes Only (873439)
Item 76*	November 12, 2010**	For Informational Purposes Only (877560)
Item 77*	November 18, 2010**	For Informational Purposes Only

(879343)
Item 78* November 29, 2010** For Informational Purposes Only

(897961)
Item 79* December 01, 2010** For Informational Purposes Only

(873242)
Item 80 December 08, 2010** For Informational Purposes Only

(887276)
Item 81* January 05, 2011** For Informational Purposes Only

(886617)
Item 82* January 06, 2011** For Informational Purposes Only

(890812)
Item 83 January 11, 2011** For Informational Purposes Only

(892668)
Item 84* January 26, 2011** For Informational Purposes Only

(892282)
Item 85* February 01, 2011** For Informational Purposes Only

(894563)
Item 86* February 03, 2011** For Informational Purposes Only

(910752)
Item 87* February 09, 2011** For Informational Purposes Only

(892103)
Item 88* February 17, 2011** For Informational Purposes Only

(887629)
Item 89* February 18, 2011** For Informational Purposes Only

(900358)
Item 90* March 03, 2011** For Informational Purposes Only

(930068)
Item 91* March 04, 2011** For Informational Purposes Only

(906266)
Item 92* March 29, 2011** For Informational Purposes Only

(930069)
Item 93* April 14, 2011** For Informational Purposes Only

(913145)
Item 94* April 18, 2011** For Informational Purposes Only

(905545)
Item 95 April 22, 2011** For Informational Purposes Only

(939711)
Item 96* May 06, 2011** For Informational Purposes Only

(924271)
Item 97 June 09, 2011** For Informational Purposes Only

(924447)
Item 98* June 10, 2011** For Informational Purposes Only

		(947130)
Item 99*	June 17, 2011**	For Informational Purposes Only
		(936396)
Item 100	June 30, 2011**	For Informational Purposes Only
		(954384)
Item 101*	July 06, 2011**	For Informational Purposes Only
		(942002)
Item 102*	July 20, 2011**	For Informational Purposes Only
		(960965)
Item 103*	August 04, 2011**	For Informational Purposes Only
		(948922)
Item 104*	August 15, 2011**	For Informational Purposes Only
		(949398)
Item 105	August 25, 2011**	For Informational Purposes Only
		(967061)
Item 106*	September 08, 2011**	For Informational Purposes Only
		(958207)
Item 107*	October 04, 2011**	For Informational Purposes Only
		(958861)
Item 108*	October 07, 2011**	For Informational Purposes Only
		(973025)
Item 109*	October 25, 2011**	For Informational Purposes Only
		(979153)
Item 110*	November 11, 2011**	For Informational Purposes Only
		(969700)
Item 111*	November 29, 2011**	For Informational Purposes Only
		(985998)
Item 112*	December 02, 2011**	For Informational Purposes Only
		(968969)
Item 113*	December 07, 2011**	For Informational Purposes Only
		(971194)
Item 114	December 15, 2011**	For Informational Purposes Only
		(969797)
Item 115	December 21, 2011**	For Informational Purposes Only
		(970479)
Item 116	January 12, 2012**	For Informational Purposes Only
		(992352)
Item 117*	January 13, 2012**	For Informational Purposes Only
		(968829)
Item 118*	January 19, 2012**	For Informational Purposes Only
		(999656)
Item 119*	February 14, 2012**	For Informational Purposes Only
		(981691)

Item 120*	February 24, 2012**	For Informational Purposes Only (1005206)
Item 121*	March 02, 2012**	For Informational Purposes Only (990317)
Item 122*	March 08, 2012**	For Informational Purposes Only (994420)
Item 123*	March 16, 2012**	For Informational Purposes Only (994774)
Item 124*	March 20, 2012**	For Informational Purposes Only (1011785)
Item 125*	April 15, 2012**	For Informational Purposes Only (1001887)
Item 126*	May 08, 2012**	For Informational Purposes Only (1018140)
Item 127*	May 15, 2012**	For Informational Purposes Only (1008285)
Item 128	May 30, 2012**	For Informational Purposes Only (1008440)
Item 129	June 04, 2012**	For Informational Purposes Only (1013396)
Item 130	June 13, 2012**	For Informational Purposes Only (1013465)
Item 131*	June 18, 2012**	For Informational Purposes Only (1033235)
Item 132*	July 09, 2012**	For Informational Purposes Only (1016151)
Item 133	July 31, 2012**	For Informational Purposes Only (1039749)
Item 134*	August 07, 2012**	For Informational Purposes Only (1021769)
Item 135*	August 21, 2012**	For Informational Purposes Only (1028727)
Item 136	August 28, 2012**	For Informational Purposes Only (1028771)
Item 137*	September 05, 2012**	For Informational Purposes Only (1048696)
Item 138*	September 17, 2012**	For Informational Purposes Only (1030538)
Item 139	September 19, 2012**	For Informational Purposes Only (1035155)
Item 140*	October 03, 2012**	For Informational Purposes Only (1069278)

Item 141*	October 09, 2012**	For Informational Purposes Only (1027391)
Item 142*	October 10, 2012**	For Informational Purposes Only (1069279)
Item 143*	November 05, 2012**	For Informational Purposes Only (1069280)
Item 144*	December 06, 2012**	For Informational Purposes Only (1082690)
Item 145*	January 03, 2013**	For Informational Purposes Only (1052297)
Item 146*	January 08, 2013**	For Informational Purposes Only (1041051)
Item 147*	January 10, 2013**	For Informational Purposes Only (1051968)
Item 148*	January 15, 2013**	For Informational Purposes Only (1055648)
Item 149	January 28, 2013**	For Informational Purposes Only (1056095)
Item 150*	February 01, 2013**	For Informational Purposes Only (1057111)
Item 151*	February 07, 2013**	For Informational Purposes Only (1053378)
Item 152	February 08, 2013**	For Informational Purposes Only (1082689)
Item 153*	February 12, 2013**	For Informational Purposes Only (1060233)
Item 154*	February 27, 2013**	For Informational Purposes Only (1073613)
Item 155*	March 07, 2013**	For Informational Purposes Only (1091098)
Item 156*	March 11, 2013**	For Informational Purposes Only (1075409)
Item 157*	March 21, 2013**	For Informational Purposes Only (1097434)
Item 158*	April 04, 2013**	For Informational Purposes Only (1077208)
Item 159*	April 15, 2013**	For Informational Purposes Only (1086352)
Item 160*	April 25, 2013**	For Informational Purposes Only (1086882)
Item 161*	April 30, 2013**	For Informational Purposes Only (1108446)
Item 162*	May 06, 2013**	For Informational Purposes Only

		(1088581)	
Item 163*	May 15, 2013**		For Informational Purposes Only
		(1092575)	
Item 164*	May 16, 2013**		For Informational Purposes Only
		(1086966)	
Item 165*	May 21, 2013**		For Informational Purposes Only
		(1050197)	
Item 166*	May 24, 2013**		For Informational Purposes Only
		(1088612)	
Item 167*	May 28, 2013**		For Informational Purposes Only
		(1112032)	
Item 168*	June 10, 2013**		For Informational Purposes Only
		(1118971)	
Item 169*	July 18, 2013**		For Informational Purposes Only
		(1104823)	
Item 170*	July 31, 2013**		For Informational Purposes Only
		(1106216)	
Item 171*	August 07, 2013**		For Informational Purposes Only
		(1126730)	
Item 172*	August 13, 2013**		For Informational Purposes Only
		(1115572)	
Item 173*	August 27, 2013**		For Informational Purposes Only
		(1113967)	
Item 174	August 28, 2013**		For Informational Purposes Only
		(1131264)	
Item 175*	September 10, 2013		For Informational Purposes Only
		(1121975)	
Item 176*	September 27, 2013		For Informational Purposes Only
		(1137019)	
Item 177*	October 09, 2013		For Informational Purposes Only
		(1142433)	
Item 178*	November 18, 2013		For Informational Purposes Only
		(1132693)	
Item 179*	November 19, 2013		For Informational Purposes Only
		(1132555)	
Item 180*	November 20, 2013		For Informational Purposes Only
		(1121167)	
Item 181	December 18, 2013		For Informational Purposes Only
		(1139608)	
Item 182	December 31, 2013		For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
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§
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§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-0120-AIR-E**

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 6701 Farm-to-Market Road 119 in Sunray, Moore County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted from October 14, 2013 through October 23, 2013, TCEQ staff documented that on June 20, 2013, the pilot flame monitoring system for the Hydrocracker Unit ("HCU") Flare, Emission Point No. FL-4, did not detect a pilot flame or the monitoring data was missing.
4. During an investigation conducted from October 14, 2013 through October 23, 2013, TCEQ staff documented that there were eight days between July 2, 2012 and April 16, 2013 that the hydrogen sulfide ("H₂S") concentration limit was exceeded for a total of 34 three-hour averages.
5. The Respondent received notice of the violations on December 19, 2013.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 31, 2013, upgraded the alarm system to ensure continuous monitoring of the HCU Flare pilot flame; and
 - b. On October 7, 2013, modified maintenance procedures for the flare line entry to ensure compliance with the H₂S concentration limits for the fuel gas.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to continuously monitor the pilot flame for the HCU Flare, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(f)(2), New Source Review ("NSR") Permit Nos. 9708 and PSDTX861M3, Special Conditions ("SC") No. 13B, and Federal Operating Permit ("FOP") No. O1555, Special Terms and Conditions ("STC") No. 16.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to limit the maximum H₂S concentration in the fuel gas to 230 milligrams per dry standard cubic meter (162 parts per million) on a three-hour average for the combustion sources, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 60.104(a)(1), NSR Permit Nos. 9708 and PSDTX861M3, SC No. 1, and FOP No. O1555, STC No. 16.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Twenty-Two Thousand Seven Hundred Fifty-One Dollars (\$22,751) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Eleven Thousand Three Hundred Seventy-Six Dollars (\$11,376) of the administrative penalty. Eleven Thousand Three Hundred Seventy-Five Dollars (\$11,375) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Two Thousand Seven Hundred Fifty-One Dollars (\$22,751) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2014-0120-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Eleven Thousand Three Hundred Seventy-Five Dollars (\$11,375) 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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God,

war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Mearns

For the Executive Director

8/26/14

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Diamond Shamrock Refining Company, L.P. I am authorized to agree to the attached Agreed Order on behalf of Diamond Shamrock Refining Company, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

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

Lauren K. Bird

Signature

22 July 2014

Date

Lauren K. Bird

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

Vice President & General Manager

Title

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

Attachment A
Docket Number: 2014-0120-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Diamond Shamrock Refining Company, L.P.
Penalty Amount:	Twenty-Two Thousand Seven Hundred Fifty-One Dollars (\$22,751)
SEP Offset Amount:	Eleven Thousand Three Hundred Seventy-Five Dollars (\$11,375)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Tire Collection Events and Cleanup of Abandoned Tire Sites</i>
Location of SEP:	Moore County - Canadian River Basin, Ogallala Aquifer

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset 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 Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Tire Collection Events and Cleanup of Abandoned Tire Sites* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with local city and county government officials and private entities (“Partner Entities”) to conduct tire collection events where residents will be able to drop off tires for proper disposal or recycling (“Collection Events”), or to clean sites where tires have been disposed of illegally (“Site Cleanups”).

Texas RC&D shall ensure that collected tires, debris, and waste are properly transported to and disposed at an authorized disposal site, and if a licensed hauler is needed for tires or other regulated waste collected from sites, Texas RC&D shall ensure that only properly licensed haulers are used for transport and disposal of tires and regulated wastes. The

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

SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide an environmental benefit by providing communities with a free and convenient means for safe and proper disposal of tires and by reducing the dangers and health threats associated with illegally dumped tires.

The health risks associated with illegal dumping are significant. Areas used for illegal tire dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by abandoned tires. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Tire dump sites which contain scrap tires pose an ideal breeding ground for mosquitoes, which can breed 100 times faster in the warm, stagnant water standing in scrap tire casings. Severe illnesses, including West Nile Virus, have been attributed to disease-carrying mosquitoes. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of air, surface water, ground water, and soil. In addition, neighborhoods have been evacuated and property damage has been significant due to tire dump sites that caught fire. Illegal tire dumping can also impact drainage of runoff, making areas more susceptible to flooding when wastes block waterways. Open burning at tire dump sites can cause forest fires and erosion as fires burn away trees and undergrowth. Tire dumping has a negative impact on trees and wildlife, and runoff from tire dumpsites may contain chemicals that can contaminate wells and surface water used for drinking.

c. Minimum Expenditure

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

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

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 Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Ken Awtrey, Executive Director
P.O. Box 635067
Nacogdoches, Texas 75963-5067

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

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

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

5. Publicity

Any public statements concerning this SEP and/or project, 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 Offset Amount identified in this Attachment A and in the attached 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.