

**Executive Summary – Enforcement Matter – Case No. 60048
DIAMOND SHAMROCK REFINING COMPANY, L.P.
RN100542802
Docket No. 2020-1514-IHW-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Three Rivers Refinery, 301 Leroy Street, Three Rivers, Live Oak County

Type of Operation:

Refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 17, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,389

Amount Deferred for Expedited Settlement: \$3,077

Total Paid to General Revenue: \$6,156

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$6,156

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 30, 2020 to July 7, 2020

Date(s) of NOE(s): August 28, 2020

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Violation Information

1. Failed to maintain the cover on all waste management areas ("WMAs") such that the cover promotes drainage, prevents ponding, minimizes surface water infiltration, and minimizes erosion of the cover. Specifically, vegetation was observed growing and cracks in the asphalt were observed to be present on WMA 3, indicating that the cap had not been maintained to minimize surface water infiltration [30 TEX. ADMIN. CODE § 305.125(1) and IHW Permit No. 50100, Permit Provision ("P.P.") VII.G.2-"Facility Post Closure Care"].
2. Failed to provide notice to the Executive Director in writing or using electronic notification software provided by the executive director, of any such changes or additional information to that reported previously within 90 days of the occurrence of the change or of becoming aware of such additional information. Specifically, it was determined that the Notice of Registration ("NOR") indicates NOR 048 does not currently manage hazardous wastes. However, based on the photographs and video provided during the investigation, it was determined that a roll-off container of hazardous wastes was being stored in NOR 048 [30 TEX. ADMIN. CODE § 335.6(c)].
3. Failed to contain paint and paint-related waste in a container, multiple container package unit, tank, transport vehicle, or vessel that is labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes". Specifically, it was determined that two 55-gallon drums of Universal Waste – Paint and Paint-Related Wastes were only labeled with "Universal Waste- Paint and Paint Waste" [30 TEX. ADMIN. CODE § 335.262(c)(2)(F)].
4. Failed to properly complete all inspection logs. Specifically, the "less than 90-day" container storage area ("CSA") inspection logs have a unit description, but do not clearly indicate which NOR unit is represented in the inspection log. Additionally, hazardous wastes was being stored in NOR 048, which was not listed among the CSAs storing hazardous wastes in the NOR. Also, the following weekly CSA inspection records were not provided by the Respondent: NOR 048 and NOR 061 for the months of January 2020 and April 2020; NOR 060 for the weeks of April 14, 2020 and April 25, 2020; NOR 061 for the month of October 2019; and, NOR 048 between the weeks of October 18, 2019 and October 31, 2019 [30 TEX. ADMIN. CODE §§ 335.152(a)(7) and 305.125(1) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 265.15(d) and IHW Permit No. 50100, P.P. III.D- "Facility Management: General Inspection Requirements"].
5. Failed to submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services [30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.53(b)].

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6. Failed to maintain required documentation on site immediately upon waste generation for each waste stream as it pertains to hazardous wastes determinations and waste classifications. Specifically, waste determination documentation for waste codes Texas Waste Code ("TWC") 0160603H, TWC 0250695H, and TWC 0300603H were lacking the initial date of generation. Additionally, there were inconsistencies with the EPA hazardous wastes codes between the NOR, waste determination, and analytical records for the waste codes TWC 0451319H and TWC 0458319H [30 TEX. ADMIN. CODE § 335.513].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Developed and implemented procedures designed to ensure compliance with the Facility's post closure care plan regarding cap maintenance requirements for WMA 3, including but not limited to removing all vegetation and repairing all cracks in the asphalt cap on November 6, 2020;
- b. Submitted documentation on July 17, 2020, indicating that NOR 048 manages the following hazardous wastes: TWC 0160603H, TWC 0340489H, TWC 0380102H, TWC 0424393H, TWC 0451319H, and TWC 0463695H;
- c. Provided photographs on July 17, 2020, demonstrating that the two 55-gallon drums of Universal Waste - Paint and Paint-Related Waste are properly labeled;
- d. Provided procedures that are designed to ensure that all NOR and CSA inspection data is completely and correctly reflected in the CSA inspection logs on August 26, 2020; and
- e. Provided a copy of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services on August 24, 2020.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:

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- a. Immediately, begin properly maintaining records of all hazardous waste activities immediately upon generation of hazardous waste;
- b. Within 30 days, correct all inconsistencies with the EPA hazardous waste codes between the NOR, waste determination, and analytical records for the waste codes TWC 0451319H and TWC 0458319H; and
- c. Within 45 days, submit written certification to demonstrate compliance with a. and b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ken Moller, Enforcement Division, Enforcement Team 7, MC 219, (512) 239-6111; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Armand Bayou Nature Center, Inc., P.O. Box 58828, Houston, Texas 77258

Respondent: Erik Simpson, General Manager and Vice President, DIAMOND SHAMROCK REFINING COMPANY, L.P., One Valero Way, San Antonio, Texas 78249-1616

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	31-Aug-2020			
	PCW	18-Nov-2020	Screening	9-Oct-2020	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	DIAMOND SHAMROCK REFINING COMPANY, L.P.
Reg. Ent. Ref. No.	RN100542802
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60048	No. of Violations	6
Docket No.	2020-1514-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ken Moller
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0% Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes	Enhancement for two final orders containing a denial of liability and one prior NOV with dissimilar violations and reductions for nine letters notifying of an intended audit and four disclosures of violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,361
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$84	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$4,055	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,389
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$15,389
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,389
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,077
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$12,312
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Screening Date 9-Oct-2020

Docket No. 2020-1514-IHW-E

PCW

DIAMOND SHAMROCK REFINING COMPANY, L.P.

Respondent

Case ID No. 60048

Reg. Ent. Reference No. RN100542802

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

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

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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>)	9	-9%
	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>)	4	-8%
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) 25%

>> **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 final orders containing a denial of liability and one prior NOV with dissimilar violations and reductions for nine letters notifying of an intended audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 25%

Screening Date 9-Oct-2020 **Docket No.** 2020-1514-IHW-E **PCW**
Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P. *Policy Revision 4 (April 2014)*
Case ID No. 60048 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100542802
Media Industrial and Hazardous Waste
Enf. Coordinator Ken Moller

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Industrial Hazardous Waste ("IHW") Permit No. 50100, Permit Provision ("P.P.") VII.G.2-"Facility Post Closure Care"
Violation Description Failed to maintain the cover on all Waste Management Areas ("WMAs"), as required by the permit, such that the cover promotes drainage, prevents ponding, minimizes surface water infiltration, and minimizes erosion of the cover. Specifically, vegetation was observed growing and cracks in the asphalt were observed to be present on WMA 3, indicating that the cap had not been maintained to minimize surface water infiltration.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual			
	Potential		x	Percent 7.0%

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification				Percent 0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 101 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$175

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance on November 6, 2020, after the August 28, 2020 Notice of Enforcement ("NOE").

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$18 **Violation Final Penalty Total** \$2,013

This violation Final Assessed Penalty (adjusted for limits) \$2,013

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 60048
Reg. Ent. Reference No. RN100542802
Media Violation No. Industrial and Hazardous Waste
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Jun-2020	6-Nov-2020	0.35	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to develop and implement procedures designed to ensure compliance with the Facility's post closure care plan regarding cap maintenance requirements for WMA 3, including but not limited to removing all vegetation and repairing all cracks in the asphalt cap. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$18

Screening Date 9-Oct-2020

Docket No. 2020-1514-IHW-E

PCW

DIAMOND SHAMROCK REFINING COMPANY, L.P.

Respondent

Policy Revision 4 (April 2014)

Case ID No. 60048

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542802

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to provide notice to the Executive Director in writing or using electronic notification software provided by the executive director, of any such changes or additional information to that reported previously within 90 days of the occurrence of the change or of becoming aware of such additional information. Specifically, the Notice of Registration ("NOR") indicates NOR 048 does not currently manage hazardous waste ("HW"). However, based on the photographs and video provided during the investigation, it was determined that a roll-off container of HW was being stored in NOR 048.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

17 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent achieved compliance on July 17, 2020, prior to the August 28, 2020 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,751

This violation Final Assessed Penalty (adjusted for limits) \$3,751

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 60048
Reg. Ent. Reference No. RN100542802
Media Violation No. Industrial and Hazardous Waste
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$50	30-Jun-2020	17-Jul-2020	0.05	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's NOR by submitting documentation indicating NOR 048 manages the following hazardous wastes: Texas Waste Code ("TWC") 0160603H, TWC 0340489H, TWC 0380102H, TWC 0424393H, TWC 0451319H, and TWC 0463695H. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$0

Screening Date 9-Oct-2020

Docket No. 2020-1514-IHW-E

PCW

Respondent

DIAMOND SHAMROCK REFINING COMPANY, L.P.

Policy Revision 4 (April 2014)

Case ID No. 60048

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542802

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.262(c)(2)(F)

Violation Description Failed to contain paint and paint-related waste in a container, multiple container package unit, tank, transport vehicle, or vessel that is labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes." Specifically, it was determined that two 55-gallon drums of Universal Waste - Paint and Paint-Related Wastes were only labeled with "Universal Waste- Paint and Paint Waste".

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

17 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent achieved compliance on July 17, 2020, prior to the August 28, 2020 NOE.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$251

This violation Final Assessed Penalty (adjusted for limits) \$251

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 60048
Reg. Ent. Reference No. RN100542802
Media Violation No. Industrial and Hazardous Waste
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	30-Jun-2020	17-Jul-2020	0.05	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to properly label the two 55-gallon drums of Universal Waste with the words "Universal Waste - Paint and Paint-Related Wastes." The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5

TOTAL \$0

Screening Date 9-Oct-2020

Docket No. 2020-1514-IHW-E

PCW

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.

Policy Revision 4 (April 2014)

Case ID No. 60048

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542802

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 335.152(a)(7) and 305.125(1) and 40 Code of Federal Regulations ("CFR") § 265.15(d) and IHW Permit No. 50100, P.P. III.D- "Facility Management: General Inspection Requirements"

Violation Description Failed to properly complete all inspection logs. Specifically, the "less than 90-day" container storage area ("CSA") inspection logs have a unit description, but do not clearly indicate which NOR unit is represented in the inspection log. Additionally, HW was being stored in NOR 048, which was not listed among the CSAs storing HW in the NOR. Also, the following weekly CSA inspection records were not provided by the Respondent: NOR 048 and NOR 061 for the months of January 2020 and April 2020; NOR 060 for the weeks of April 14, 2020 and April 25, 2020; NOR 061 for the month of October 2019; and, NOR 048 between the weeks of October 18, 2019 and October 31, 2019.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 5 57 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

Five single events are recommended (one single event for each NOR Unit storing HW with incomplete inspection logs).

Good Faith Efforts to Comply

25.0%

Reduction \$312

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on August 26, 2020, prior to the August 28, 2020 NOE.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,251

This violation Final Assessed Penalty (adjusted for limits) \$1,251

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 60048
Reg. Ent. Reference No. RN100542802
Media Violation No. Industrial and Hazardous Waste 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,000	30-Jun-2020	26-Aug-2020	0.16	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement procedures designed to ensure that all NOR and CSA inspection data is completely and correctly reflected in the CSA inspection logs. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$8

Screening Date 9-Oct-2020

Docket No. 2020-1514-IHW-E

PCW

DIAMOND SHAMROCK REFINING COMPANY, L.P.

Respondent

Policy Revision 4 (April 2014)

Case ID No. 60048

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542802

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.53(b)

Violation Description Failed to submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 55 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on August 24, 2020, prior to the August 28, 2020 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 60048
Reg. Ent. Reference No. RN100542802
Media Violation No. Industrial and Hazardous Waste
 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Jun-2020	24-Aug-2020	0.15	\$8	n/a	\$8

Notes for DELAYED costs

Estimated delayed cost to submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. The date required is the investigation date, and the final date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$8

Screening Date 9-Oct-2020

Docket No. 2020-1514-IHW-E

PCW

DIAMOND SHAMROCK REFINING COMPANY, L.P.

Respondent

Policy Revision 4 (April 2014)

Case ID No. 60048

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100542802

Media Industrial and Hazardous Waste

Enf. Coordinator Ken Moller

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 335.513

Violation Description Failed to maintain required documentation on site immediately upon waste generation for each waste stream as it pertains to HW determinations and waste classifications". Specifically, waste determination documentation for waste codes TWC 0160603H, TWC 0250695H, and TWC 0300603H were lacking the initial date of generation. Additionally, there were inconsistencies with the EPA HW codes between the NOR, waste determination, and analytical records for the waste codes TWC 0451319H and TWC 0458319H.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (1.0%).

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 101

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and Count (X).

Violation Base Penalty \$500

Two single events are recommended (one single event for the wastes lacking their date of generation, and one single event for the two wastes with documentary EPA waste code inconsistencies).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Effort Level (Extraordinary, Ordinary, N/A) and Status (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer).

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 60048
Reg. Ent. Reference No. RN100542802
Media Violation No. Industrial and Hazardous Waste
 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,000	30-Jun-2020	27-Jun-2021	0.99	\$50	n/a	\$50
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly maintain records of all hazardous waste activities immediately upon generation of a hazardous waste, including but not limited to correcting all inconsistencies with the EPA HW codes between the NOR, waste determination, and analytical records for the waste codes TWC 0451319H and TWC 0458319H. The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$50

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN600124861, RN100542802, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600124861, DIAMOND SHAMROCK REFINING COMPANY, L.P.	Classification: SATISFACTORY	Rating: 2.35
Regulated Entity:	RN100542802, Valero Three Rivers Refinery	Classification: HIGH	Rating: 0.00
Complexity Points:	37	Repeat Violator: NO	
CH Group:	02 - Oil and Petroleum Refineries		
Location:	301 Leroy Street, Three Rivers, Live Oak County, Texas		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER LK0009T
AIR OPERATING PERMITS PERMIT 3932
AIR NEW SOURCE PERMITS PERMIT 50607
AIR NEW SOURCE PERMITS PERMIT 2362B
AIR NEW SOURCE PERMITS REGISTRATION 10815
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX331M5
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX331
AIR NEW SOURCE PERMITS REGISTRATION 81730
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1017M1
AIR NEW SOURCE PERMITS REGISTRATION 100472
AIR NEW SOURCE PERMITS REGISTRATION 140450
AIR NEW SOURCE PERMITS REGISTRATION 136496
AIR NEW SOURCE PERMITS REGISTRATION 131541
AIR NEW SOURCE PERMITS REGISTRATION 126031
AIR NEW SOURCE PERMITS REGISTRATION 132203
AIR NEW SOURCE PERMITS REGISTRATION 138281
AIR NEW SOURCE PERMITS REGISTRATION 127676
AIR NEW SOURCE PERMITS REGISTRATION 151199
AIR NEW SOURCE PERMITS PERMIT AMOC166
AIR NEW SOURCE PERMITS REGISTRATION 163052
AIR NEW SOURCE PERMITS REGISTRATION 165072
AIR NEW SOURCE PERMITS REGISTRATION 144284
AIR NEW SOURCE PERMITS REGISTRATION 147561
AIR NEW SOURCE PERMITS REGISTRATION 142893
AIR NEW SOURCE PERMITS REGISTRATION 141931
AIR NEW SOURCE PERMITS REGISTRATION 160749
AIR NEW SOURCE PERMITS REGISTRATION 161556
AIR NEW SOURCE PERMITS REGISTRATION 157689
AIR NEW SOURCE PERMITS REGISTRATION 161455
AIR NEW SOURCE PERMITS REGISTRATION 160531
AIR NEW SOURCE PERMITS REGISTRATION 157287
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31553
UNDERGROUND INJECTION CONTROL PERMIT WDW405
UNDERGROUND INJECTION CONTROL PERMIT PIU31553
WASTEWATER PERMIT WQ0001353000
WASTEWATER PERMIT 2E0000082
POLLUTION PREVENTION PLANNING ID NUMBER P00175
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990709966
TAX RELIEF ID NUMBER 16532

AIR OPERATING PERMITS PERMIT 1450
AIR NEW SOURCE PERMITS AFS NUM 4829700006
AIR NEW SOURCE PERMITS ACCOUNT NUMBER LK0009T
AIR NEW SOURCE PERMITS PERMIT 5139A
AIR NEW SOURCE PERMITS REGISTRATION 164506
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX804
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1017
AIR NEW SOURCE PERMITS REGISTRATION 83511
AIR NEW SOURCE PERMITS REGISTRATION 89852
AIR NEW SOURCE PERMITS REGISTRATION 102297
AIR NEW SOURCE PERMITS REGISTRATION 139888
AIR NEW SOURCE PERMITS REGISTRATION 136732
AIR NEW SOURCE PERMITS REGISTRATION 136598
AIR NEW SOURCE PERMITS REGISTRATION 122326
AIR NEW SOURCE PERMITS REGISTRATION 113021
AIR NEW SOURCE PERMITS REGISTRATION 131589
AIR NEW SOURCE PERMITS REGISTRATION 150326
AIR NEW SOURCE PERMITS REGISTRATION 164042
AIR NEW SOURCE PERMITS REGISTRATION 164041
AIR NEW SOURCE PERMITS REGISTRATION 161773
AIR NEW SOURCE PERMITS REGISTRATION 144574
AIR NEW SOURCE PERMITS REGISTRATION 144042
AIR NEW SOURCE PERMITS PERMIT AMOC43
AIR NEW SOURCE PERMITS REGISTRATION 148966
AIR NEW SOURCE PERMITS REGISTRATION 146136
AIR NEW SOURCE PERMITS REGISTRATION 159952
AIR NEW SOURCE PERMITS REGISTRATION 156231
AIR NEW SOURCE PERMITS REGISTRATION 159341
AIR NEW SOURCE PERMITS REGISTRATION 156232
AIR NEW SOURCE PERMITS REGISTRATION 160228
AIR NEW SOURCE PERMITS REGISTRATION 157690
UNDERGROUND INJECTION CONTROL PERMIT WDW404
UNDERGROUND INJECTION CONTROL PERMIT WDW406
STORMWATER PERMIT TXR05L552
WASTEWATER EPA ID TX0088331
AIR EMISSIONS INVENTORY ACCOUNT NUMBER LK0009T
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50100
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31553

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: May 20, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2016 to May 20, 2021

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

Name: Ken Moller

Phone: (512) 239-6111

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

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

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

- 1 Effective Date: 06/25/2019 ADMINORDER 2018-1288-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTCs OP
Description: Failure to submit an annual permit compliance certification (PCC) no later than 30 days after the end of the certification period.
- 2 Effective Date: 01/19/2021 ADMINORDER 2019-1427-WDW-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)
Description: Failed to install and maintain continuous recording devices in proper operating condition at all times.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 331, SubChapter D 331.63(h)
Rqmt Prov: PERMIT WDW-404 PP.V.C. PERMIT
Description: Failed to maintain pH of injected fluid within specified permit limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 07, 2016	(1353360)	Item 16	February 20, 2017	(1370574)
Item 2	July 20, 2016	(1360334)	Item 17	March 01, 2017	(1394826)
Item 3	August 15, 2016	(1330235)	Item 18	March 13, 2017	(1412321)
Item 4	August 19, 2016	(1366769)	Item 19	April 13, 2017	(1418824)
Item 5	September 02, 2016	(1356381)	Item 20	April 17, 2017	(1403175)
Item 6	September 20, 2016	(1373468)	Item 21	April 19, 2017	(1407463)
Item 7	September 22, 2016	(1358920)	Item 22	May 05, 2017	(1426482)
Item 8	October 14, 2016	(1379642)	Item 23	June 19, 2017	(1432481)
Item 9	October 31, 2016	(1363820)	Item 24	July 10, 2017	(1441038)
Item 10	November 17, 2016	(1385589)	Item 25	August 03, 2017	(1416021)
Item 11	December 09, 2016	(1391720)	Item 26	August 17, 2017	(1444716)
Item 12	January 12, 2017	(1398344)	Item 27	August 30, 2017	(1430469)
Item 13	February 10, 2017	(1364307)	Item 28	September 19, 2017	(1451306)
Item 14	February 16, 2017	(1377228)	Item 29	October 12, 2017	(1457176)
Item 15	February 17, 2017	(1405246)	Item 30	October 26, 2017	(1438843)
			Item 31	November 10, 2017	(1462627)
			Item 32	December 11, 2017	(1429628)

Item 33	December 12, 2017	(1469031)	Item 63	September 06, 2019	(1590527)
Item 34	January 11, 2018	(1475736)	Item 64	September 18, 2019	(1607579)
Item 35	February 01, 2018	(1454190)	Item 65	October 03, 2019	(1576157)
Item 36	February 14, 2018	(1487911)	Item 66	October 15, 2019	(1614451)
Item 37	March 09, 2018	(1491599)	Item 67	November 20, 2019	(1620240)
Item 38	April 06, 2018	(1494848)	Item 68	December 20, 2019	(1627589)
Item 39	April 10, 2018	(1479452)	Item 69	January 14, 2020	(1635220)
Item 40	May 10, 2018	(1501801)	Item 70	February 20, 2020	(1631361)
Item 41	May 15, 2018	(1483710)	Item 71	March 06, 2020	(1632880)
Item 42	June 14, 2018	(1508905)	Item 72	March 07, 2020	(1648349)
Item 43	July 18, 2018	(1515226)	Item 73	April 16, 2020	(1654701)
Item 44	August 03, 2018	(1505013)	Item 74	May 12, 2020	(1645092)
Item 45	August 10, 2018	(1521275)	Item 75	May 15, 2020	(1661267)
Item 46	September 13, 2018	(1528458)	Item 76	June 15, 2020	(1667794)
Item 47	October 12, 2018	(1534796)	Item 77	June 17, 2020	(1656848)
Item 48	October 17, 2018	(1523413)	Item 78	June 18, 2020	(1645849)
Item 49	November 09, 2018	(1542649)	Item 79	July 16, 2020	(1674742)
Item 50	December 13, 2018	(1546392)	Item 80	August 03, 2020	(1665623)
Item 51	January 11, 2019	(1563254)	Item 81	August 19, 2020	(1681512)
Item 52	February 11, 2019	(1563252)	Item 82	September 01, 2020	(1671697)
Item 53	March 19, 2019	(1563253)	Item 83	September 11, 2020	(1672916)
Item 54	April 11, 2019	(1554607)	Item 84	September 18, 2020	(1688090)
Item 55	April 15, 2019	(1573015)	Item 85	October 15, 2020	(1694446)
Item 56	April 18, 2019	(1553749)	Item 86	November 19, 2020	(1715946)
Item 57	April 23, 2019	(1556138)	Item 87	December 04, 2020	(1692494)
Item 58	May 16, 2019	(1585632)	Item 88	December 14, 2020	(1715947)
Item 59	June 11, 2019	(1585633)	Item 89	January 18, 2021	(1715948)
Item 60	July 17, 2019	(1594373)	Item 90	March 01, 2021	(1703846)
Item 61	July 29, 2019	(1581048)	Item 91	March 10, 2021	(1704450)
Item 62	August 19, 2019	(1600667)	Item 92	May 06, 2021	(1711120)

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:	08/31/2020	(1592901)		
	Self Report?	NO		Classification:	Minor
	Citation:	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) 5C THSC Chapter 382 382.085(b) PSDTX331M1, PSDTX804, PSDTX1017M1] SC 51 PERMIT STC 21 OP			
	Description:	Failure to calibrate an instrument within 24 hours of use.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 106, SubChapter K 106.262(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) Paragraph (a)(3) REG STC 21 OP			
	Description:	Failure to provide notification using Form PI-7 within ten days following the installation or modification of facilities to be claimed under Permit-by-Rule (PBR).			
	Self Report?	NO		Classification:	Moderate
	Citation:	[PSDTX331M1, PSDTX804, PSDTX1017M1] SC44 PERMIT 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 60.7(a)(5) 5C THSC Chapter 382 382.085(b) STC 21 OP			
	Description:	Failure to notify the TCEQ regional office 30 days prior to conducting a Relative Accuracy Test Audit (RATA).			
	Self Report?	NO		Classification:	Minor
	Citation:	[PSDTX331M1, PSDTX804, PSDTX1017M1] SC44 PERMIT 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 60.7(a)(5)			

5C THSC Chapter 382 382.085(b)
STC 21 OP

Description: Failure to conduct a quarterly Cylinder Gas Audit (CGA).
Self Report? NO Classification: Moderate
Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.671(a)
5C THSC Chapter 382 382.085(b)
STC 21 OP

Description: Failure to conduct quarterly calibrations and Cylinder Gas Audits (CGAs) of flare heating value analyzers.
Self Report? NO Classification: Moderate
Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC14 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
PSDTX331M1, PSDTX804, PSDTX1017M1] SC13 PERMIT
STC 21 OP

Description: Failure to equip each open-ended valves or line (OEL) with a cap, blind flange, plug, or a second valve.
Self Report? NO Classification: Moderate
Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC13 PERMIT
[PSDTX331M1, PSDTX804, PSDTX1017M1] SC14 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 63, Subpart H 63.168
5C THSC Chapter 382 382.085(b)
STC 21 OP

Description: Failure to conduct quarterly monitoring for Leak Detection and Repair (LDAR).
Self Report? NO Classification: Moderate
Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC10 PERMIT
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 Ja 60.103a(h)
5C THSC Chapter 382 382.085(b)
STC 21 OP

Description: Failure to burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H₂S) in excess of 0.10 gr/dscf (162 ppmv).
Self Report? NO Classification: Moderate
Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC10 PERMIT
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 Ja 60.103a(h)
5C THSC Chapter 382 382.085(b)
STC 21 OP

Description: Failure to burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H₂S) in excess of 0.10 gr/dscf (162 ppmv). Specifically, Valero exceeded the 3-hour rolling average limit of 162 ppmv from January 3 through 7, 2019 for the FCC Flare and HCU Flare (EPNs FL-003 and FL-004), and December 11 through 12, 2018 for the HCU Flare. The cause of these events was EPLT FGRU aerial cooler maintenance activities.
Self Report? NO Classification: Moderate
Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC28 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
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 60.103(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)
5C THSC Chapter 382 382.085(b)
STC 1(A) OP
STC 21 OP

Description: Failure to prevent the discharge of any gases that contain carbon monoxide (CO) in excess of 500 parts per million by volume (ppmv).

Self Report? NO Classification: Moderate

Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC 7 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
5C THSC Chapter 382 382.085(b)
STC 21 OP

Description: Failure to combust gas in a flare with a net heating value of 270 Btu/scf or greater.

Self Report? NO Classification: Moderate

Citation: [PSDTX331M1, PSDTX804, PSDTX1017M1] SC 2 PERMIT
[PSDTX331M1, PSDTX804, PSDTX1017M1] SC 4 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
5C THSC Chapter 382 382.085(b)
STC 1(A) OP
STC 21 OP

Description: Failure to prevent the discharge of any gases that contain sulfur dioxide (SO₂) in excess of 250 ppmv.

F. Environmental audits:

Notice of Intent Date: 10/06/2016 (1369959)

No DOV Associated

Notice of Intent Date: 10/06/2016 (1370262)

Disclosure Date: 04/26/2017

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)

Description: Failure to ensure that the bypass lines on the carbon canister system have flow indicators and/or a secure method to prevent a bypass. The carbon canister system had bypass lines that potentially could be used to divert the vent stream from the control device.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 18

Description: Failure to ensure there is a tight seal with the loading arm is connected during sulfur loading. Specifically the #1 SRU truck loading arm was observed in use without a tight seal when connected to a truck during sulfur loading.

Viol. Classification: Moderate

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

Description: Failure to ensure that the LEU sump (junction box) is covered to maintain a tight seal around the edge.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(5)(iii)

Description: Failure to ensure that slit fabric covers 90% of the tank opening. Specifically, the inspection report stated that the slit fabric did not cover 90% of the opening, yet the tank passed.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC Nos. 57 and 49

Description: Failure to ensure that the Carbon Adsorption System for the vacuum truck emission control is consistently monitored for Tank305 maintenance activities. Specifically, the MSS permit required sampling downstream of the first canister, and at time sampling was conducted after the second canister. Additionally, instrument calibration was overdue given permit condition requiring calibration within 24 hours of use.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT G 68.195(b)

Description: Failure to ensure that the Risk Management Plan is updated to reflect current personnel. Specifically the RMP listed a recently retired employee as one of the two emergency contact personnel and was not updated timely.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT A 68.12(b)(4)

Description: Failure to maintain the required certifications for the Flare Systems East, Vacuum and BTX units listed in the Risk Management Plan as Program Level 1 areas.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.124

Rqmt Prov: PERMIT Condition No. 10

Description: Failure to ensure that periodic reports are signed and submitted to the stage agency by individuals that have signature authority by the refinery.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to ensure that containers of waste being stored on the Waste Plant bundle pad are stored in compliance with RCRA waste rules. Specifically, waste was not fully characterized, waste storage did not fully meet RCRA requirements relating to 90-day storage; and containers were not being consistently stored in accordance with RCRA container standards.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.2(b)(3)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to ensure that waste at the West and East Plant Bundle plants is properly stored. Specifically, the pads were being used to store waste in piles that was potentially contaminated based on visual observations and with no apparent on-going work being performed associated with the piles.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20

Description: Failure to use the correct codes for container type, total quantity and units of weight or volume on Uniform Hazardous Waste Manifest during 2014 through 2016.

Notice of Intent Date: 01/05/2017 (1388505)

No DOV Associated

Notice of Intent Date: 06/27/2017 (1424134)

Disclosure Date: 10/26/2017

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to ensure that each open ended valve or line is equipped with a cap, blind flange, plug, closed sampling system or a second valve for the Sour Water Unit: 1131, 9288, 9299.1.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to ensure that each open ended valve or line is equipped with a cap, blind flange, plug, closed sampling system or a second valve for the Light Ends Unit: 7297, 8428, 8381.2, 8585, 7568, 17315.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to ensure that each open ended valve or line is equipped with a cap, blind flange, plug, closed sampling system or a second valve for the #1 Reformer: W6269, W6830, W30269.1, W30270.1, W30280.1R, W30277.1R, W3901, W6947.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines. Specifically, the open ended valves or line were found with a second valve open for the #1 Debut Unit: W7588.4 and W7588.6.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent the following open ended lines in the Fluid Catalytic Cracking Unit: E36509, E36515, E35322, E35323, 1266, 1273, E35611, E36897, E36836, EE37134, E37135, E36720, E36720.1, E37483, E36323, E37275, E37281, E37279, E37280, E36668, E36669, E35908, E35645.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines for the Wastewater Unit: 14673.01H, 14673.01G, 14810R, 14931.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines in the East Plant Flare System: E1028.1, E1368, E1369, E1724, E1611.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent an open ended valve (#5663) in the EP Utilities Area.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines or a line not purged for benzene, toluene, and xylene isomers unit: E1109R, W4787, W4748, W4724.04, W4724.06, H0345, H0007, W4544.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines for the 830 North Rack Unit: T7309, T7476A.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines in the Hydrocracker Unit: 37-2127, 37-1794, 37-3301, 37-3779, 37-2555.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines in the Diesel Hydrotreating Unit: W14726, W32418, W32417, W16278, W32401, W32199, W16211, 303681, W32192.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines in the Deasphalting Oil Treater Unit: W5512 W23014, W5243, W5211, W5211.1.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines in the Hydrocracker Fractionator Unit: 2443, 2676, 2676.1, 3015, 2591, 3294, 3294.1, 2613.2, 2141.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended valve in the Train Rack Area (#H1883).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines/valves in the #1 Sulfur Recovery Unit: 6740, 16264, 5852.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines/valves in the Crude Unit: W36938, W35431, W36597, W38273, W35586.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended line/valve in the ALKY Unit: 25-1190, 31791, 25-1144, 31851, 12375, 12375.1, 32319, 32267, 25-0860.A, 25-1688, 25-1616, 25-1375, 25-1376, 31942, 13164.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended valve in the 2600 South LPG Area (#T1157).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended line/valve in the Process Oil Unit: W9072, W8911, W8326.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines/valves in the Catalytic Reforming Unit: 21-1507, 21-1508, 21-1509, 21-2341, 21-2342, 38-2526, 38-2547, 38-2564, 38-1459.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines/valves in the #2 Hydrodesulfurization Unit: 38-2426, 38-2428, 38-2448, 38-2467, 38-2379, 38-2524, 38-2526, 38-2547, 38-2564, 38-1459.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended valve in the Process Oil Treater Unit (#W2008).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended line/valve in the 820 Lube Oil Tank Farm: T30973, T30967.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent an open ended valve in the EP Flare Gas Recovery System (43018).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to prevent open ended lines/valves in the Merox Unit: 30344, 6345, 6017.2, 6348.
Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent open ended lines/valves in the South Merox Unit: W5512, W23014, W5243, W5211, W5211.1.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent an open ended valve in the 830 West Tank Farm (T3250).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent and open ended line/valve in the Desalter Unit: W4011, W3933, W3934.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent an open ended valve in the 2600 North Tank Farm (T4790).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent and open ended line/valve in the Residual Oil Supercritical Extraction Unit: W9794, W10661.1.
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent an open ended valve in the Benzene, Toluene, and Xylene Tank Farm (H2205).
Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: Failure to prevent an open ended valve in the EP Cooling Tower Unit (9547).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 12.F.
Description: Failure to conduct routine monitoring or four fugitive components that were found in the 830 North Rack Unit which were not in the refinery LDAR database: T7480.4A, T7480.4B, T7480.4C, T7480.4D.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT SC 12.F.
Description: Failure to conduct routine monitoring of one fugitive component found in the Sour Water Stripper Unit that was not in the Refinery LDAR database (9288.8).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)
Description: Failure to conduct routine monitoring of four fugitive components in the Wastewater Unit that were not in the Refinery LDAR database: 14673.01E, 14673.01F, 14673.01G, 14673, 14673.01H.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT SC 12.F.
Description: Failure to conduct routine monitoring of four fugitive components in the Benzene, Toluene, and Xylene Isomer Unit which were not in the Refinery LDAR Database (W4691.01, W4724.04, W4724.05, W4724.06).
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
Rqmt Prov: PERMIT SC 12.F.
Description: Failure to conduct routine monitoring of three fugitive components in the Catalytic Reforming Unit that were not in the Refinery LDAR database (21-1507, 21-1508, 21-1509).

Notice of Intent Date: 06/27/2017 (1424138)
No DOV Associated

Notice of Intent Date: 06/27/2017 (1424173)
No DOV Associated

Notice of Intent Date: 06/18/2019 (1579821)
Disclosure Date: 10/30/2019
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(c)

Description: Failure to prevent intermittent leaks on certain BWON/QQQ control equipment: sumps, and covers. In additional Clarifier Tank No. 9 was missing a latch on the viewing hatch.

Viol. Classification: Moderate

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

Description: Failure to prevent the over reporting of benzene waste quantities in the 2018 TAB based on a conservative calculations for the naphtha slop stream.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart J 60.102

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(h)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(i)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Description: Failure to reference the FCCU particulate matter and opacity compliance determination in the NSPS Subpart J semi-annual report. In addition for CEMS other than opacity, data was maintained but not validated every 15 minutes. CEMS downtime for calibration/span drift checks was not consistently calculated and/or reported on semi-annual reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT MAERT

Description: Failure to comply with the permit allowable limits for several sources as reported on the 2018 Emission Inventory Questionnaire.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT MAERT & SC 5.G.

Description: Failure complete routine emissions monitoring for permit limits. Specifically, the FCCU Regenerator Vent permit limit for Ozone was not monitored on a daily basis to determine compliance with the MAERT, the FCCU Regenerator Vent permit limit for Sulfuric Acid was not monitored on a daily basis to determine compliance with the MAERT, and monthly tank emissions records were not being maintained as required by special conditions.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6610(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(g)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(e)

Description: Failure to maintain some preventative maintenance records for engines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(g)(2)

Description: Failure to ensure the corrosion coupons used at the waste water injection well are exposed to the same flow rates as the flow rates of the injection operation.

Viol. Classification: Minor

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.1(c)(8)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.15(a)(5)(i)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.15(a)(5)(ii)

Description: Failure to ensure that some waste container labels include the correct and complete information (CCR precious metals catalyst, satellite accumulation drums).

Notice of Intent Date: 06/18/2019 (1579831)

No DOV Associated

Notice of Intent Date: 06/29/2020 (1664139)

Disclosure Date: 10/28/2020

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-8

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(2)

Rqmt Prov: PERMIT SC 13I

Description: Failure to regularly monitor fugitive components discovered leaking with an IR camera.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-2
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Part 60, Subpart VV 60.482-8
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
4F TWC Chapter 63, SubChapter A 63.163(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Rqmt Prov: PERMIT SC 13E, 13F, 13G

Description: Failure to include discovered fugitive components in the LDAR monitoring program.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DIAMOND SHAMROCK
REFINING COMPANY, L.P.
RN100542802**

**§
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§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1514-IHW-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DIAMOND SHAMROCK REFINING COMPANY, L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a refinery located at 301 Leroy Street in Three Rivers, Live Oak County, Texas (the "Facility"). The Facility involves or involved the management of industrial and hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,389 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,156 of the penalty and \$3,077 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$6,156 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Developed and implemented procedures designed to ensure compliance with the Facility's post closure care plan regarding cap maintenance requirements for WMA 3, including but not limited to removing all vegetation and repairing all cracks in the asphalt cap on November 6, 2020;
 - b. Submitted documentation on July 17, 2020, indicating that Notice of Registration ("NOR") 048 manages the following hazardous wastes ("HWs"): Texas Waste Code ("TWC") 0160603H, TWC 0340489H, TWC 0380102H, TWC 0424393H, TWC 0451319H, and TWC 0463695H;
 - c. Provided photographs on July 17, 2020, demonstrating that the two 55-gallon drums of Universal Waste - Paint and Paint-Related Waste are properly labeled;
 - d. Provided procedures that are designed to ensure that all NOR and container storage area ("CSA") inspection data is completely and correctly reflected in the CSA inspection logs on August 26, 2020; and

- e. Provided a copy of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services on August 24, 2020.

II. ALLEGATIONS

During a record review conducted from June 30, 2020 to July 7, 2020, an investigator documented that the Respondent:

1. Failed to maintain the cover on all waste management areas ("WMAs"), as required by the permit, such that the cover promotes drainage, prevents ponding, minimizes surface water infiltration, and minimizes erosion of the cover, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and IHW Permit No. 50100, Permit Provision ("P.P.") VII.G.2- "Facility Post Closure Care". Specifically, vegetation was observed growing and cracks in the asphalt were observed to be present on WMA 3, indicating that the cap had not been maintained to minimize surface water infiltration.
2. Failed to provide notice to the Executive Director in writing or using electronic notification software provided by the executive director, of any such changes or additional information to that reported previously within 90 days of the occurrence of the change or of becoming aware of such additional information, in violation of 30 TEX. ADMIN. CODE § 335.6(c). Specifically, it was determined that the NOR indicates NOR 048 does not currently manage HW. However, based on the photographs and video provided during the investigation, it was determined that a roll-off container of HW was being stored in NOR 048.
3. Failed to contain paint and paint-related waste in a container, multiple container package unit, tank, transport vehicle, or vessel that is labeled or marked clearly with the words "Universal Waste - Paint and Paint-Related Wastes", in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(F). Specifically, it was determined that two 55-gallon drums of Universal Waste – Paint and Paint-Related Wastes were only labeled with "Universal Waste- Paint and Paint Waste".
4. Failed to properly complete all inspection logs, in violation of 30 TEX. ADMIN. CODE §§ 335.152(a)(7) and 305.125(1) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 265.15(d) and IHW Permit No. 50100, P.P. III.D- "Facility Management: General Inspection Requirements". Specifically, the "less than 90-day" CSA inspection logs have a unit description, but do not clearly indicate which NOR unit is represented in the inspection log. Additionally, HW was being stored in NOR 048, which was not listed among the CSAs storing HW in the NOR. Also, the following weekly CSA inspection records were not provided by the Respondent: NOR 048 and NOR 061 for the months of January 2020 and April 2020; NOR 060 for the weeks of April 14, 2020 and April 25, 2020; NOR 061 for the month of October 2019; and, NOR 048 between the weeks of October 18, 2019 and October 31, 2019.
5. Failed to submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.53(b).

6. Failed to maintain required documentation on site immediately upon waste generation for each waste stream as it pertains to HW determinations and waste classifications, in violation of 30 TEX. ADMIN. CODE § 335.513. Specifically, waste determination documentation for waste codes TWC 0160603H, TWC 0250695H, and TWC 0300603H were lacking the initial date of generation. Additionally, there were inconsistencies with the EPA HW codes between the NOR, waste determination, and analytical records for the waste codes TWC 0451319H and TWC 0458319H.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: DIAMOND SHAMROCK REFINING COMPANY, L.P., Docket No. 2020-1514-IHW-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 an SEP as set forth in Section I, Paragraph No. 4. The amount of \$6,156 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, begin properly maintaining records of all HW activities immediately upon generation of HW, in accordance with 30 TEX. ADMIN. CODE § 335.513.
 - b. Within 30 days after the effective date of this Order, correct all inconsistencies with the EPA HW codes between the NOR, waste determination, and analytical records for the waste codes TWC 0451319H and TWC 0458319H, in accordance with 30 TEX. ADMIN. CODE § 335.513.

- c. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a and 3.b. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

8. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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 effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

5/2/2022

Date

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

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

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

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



Signature

Mardi 9, 2022

Date

Erik P. Simpson

Name (Printed or typed)
Authorized Representative of
DIAMOND SHAMROCK REFINING COMPANY, L.P.

VP & GENERAL MANAGER

Title

If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2020-1514-IHW-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	DIAMOND SHAMROCK REFINING COMPANY, L.P.
Payable Penalty Amount:	\$12,312
SEP Offset Amount:	\$6,156
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration 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 manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third-Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and

DIAMOND SHAMROCK REFINING COMPANY, L.P.
Agreed Order - Attachment A

plants. The 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 implementing 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 to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

DIAMOND SHAMROCK REFINING COMPANY, L.P.
Agreed Order - Attachment A

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

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 and submittal of the required reporting 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; 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. Recognition

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.