

Executive Summary – Enforcement Matter – Case No. 64179
DIAMOND SHAMROCK REFINING COMPANY, L.P.
RN100542802
Docket No. 2023-0782-AIR-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:

Industrial petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 24, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,725

Amount Deferred for Expedited Settlement: \$2,145

Total Paid to General Revenue: \$4,290

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$4,290

Name of SEP: Texas Natural Gas Foundation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 7, 2022 through May 3, 2023

Date(s) of NOE(s): June 7, 2023

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RN100542802
Docket No. 2023-0782-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 598.60 pounds ("lbs") of carbon monoxide, 67.46 lbs of nitrogen oxides, 843.30 lbs of sulfur dioxide, 1,678.70 lbs of volatile organic compounds, and 9.34 lbs of hydrogen sulfide from the Flare 003, Emissions Point No. FL-003, during an emissions event (Incident No. 389577) that occurred on October 24, 2022 and lasted three hours and 27 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(4)(A), 116.115(c), and 122.143(4), New Source Review Permit Nos. 50607, PSDTX331M1, PSDTX804, and PSDTX1017M1, Special Conditions No. 1, Federal Operating Permit No. 03982, General Terms and Conditions and Special Terms and Conditions Nos. 1.A. and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 10, 2023, the Respondent implemented a new Wet Gas Compressor Lube Oil Filter switching procedure with a specific step to vent the lube oil cooler to remove air pockets and conducted training on the new procedure with the Operations personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 389577.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0577; 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: Texas Natural Gas Foundation, 2315 Newfield Lane Austin, Texas 78703

Respondent: Erik Simpson, Vice President and General Manager, DIAMOND SHAMROCK REFINING COMPANY, L.P., 301 Leroy Street, Three Rivers, Texas 78071

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Jun-2023	
	PCW	22-Apr-2024	Screening 13-Jun-2023 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.	64179	No. of Violations	1
Docket No.	2023-0782-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$0	Maximum \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	68.0%	Adjustment	Subtotals 2, 3, & 7	\$5,100
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Notes	Enhancement for one NOV with same/similar violations and four orders containing a denial of liability. Reduction for nine notices of intent to conduct an 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	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$56	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,725
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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	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,725
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,145
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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	\$8,580
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Screening Date

13-Jun-2023

Docket No.

2023-0782-AIR-E

PCW

Respondent

DIAMOND SHAMROCK REFINING COMPANY, L.P.

Case ID No.

64179

Reg. Ent. Reference No.

RN100542802

Media

Air

Enf. Coordinator

Rajesh Acharya

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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)			68%
>> 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 one NOV with same/similar violations and four orders containing a denial of liability. Reduction for nine notices of intent to conduct an audit and four disclosures of violations.		
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)			68%
>> Final Compliance History Adjustment			
Final Adjustment Percentage *capped at 100%			68%

Screening Date	13-Jun-2023	Docket No.	2023-0782-AIR-E	PCW
Respondent	DIAMOND SHAMROCK REFINING COMPANY, L.P.			Policy Revision 5 (January 28, 2021)
Case ID No.	64179			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100542802			
Media	Air			
Enf. Coordinator	Rajesh Acharya			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(4)(A), 116.115(c), and 122.143(4), New Source Review Permit Nos. 50607, PSDTX331M1, PSDTX804, and PSDTX1017M1, Special Conditions No. 1, Federal Operating Permit No. O3982, General Terms and Conditions and Special Terms and Conditions Nos. 1.A. and 11, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 598.60 pounds ("lbs") of carbon monoxide, 67.46 lbs of nitrogen oxides, 843.30 lbs of sulfur dioxide, 1,678.70 lbs of volatile organic compounds, and 9.34 lbs of hydrogen sulfide from the Flare 003, Emissions Point No. FL-003, during an emissions event (Incident No. 389577) that occurred on October 24, 2022 and lasted three hours and 27 minutes.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			
			Percent	30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of this violaiton			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
	Number of Violation Events	1	1	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$7,500
	One monthly 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 completed the corrective measures by March 10, 2023, prior to the Notice of Enforcement dated June 7, 2023.		
		Violation Subtotal	\$5,625	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$56	Violation Final Penalty Total	\$10,725
	This violation Final Assessed Penalty (adjusted for limits)			\$10,725

Economic Benefit Worksheet

Respondent DIAMOND SHAMROCK REFINING COMPANY, L.P.
Case ID No. 64179
Reg. Ent. Reference No. RN100542802
Media Air
Violation No. 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)	\$3,000	24-Oct-2022	10-Mar-2023	0.38	\$56	n/a	\$56

Notes for DELAYED costs

Estimated cost to implement a new Wet Gas Compressor Lube Oil Filter switching procedure with a specific step to vent the lube oil cooler to remove air pockets and conduct training on the new procedure with the Operations personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 389577. The Date Required is the date the emissions event occurred 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 \$3,000

TOTAL \$56



Compliance History Report

Compliance History Report for CN600124861, RN100542802, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600124861, Diamond Shamrock Refining Company, L.P.	Classification:	SATISFACTORY	Rating:	2.28
Regulated Entity:	RN100542802, VALERO THREE RIVERS REFINERY	Classification:	SATISFACTORY	Rating:	3.59
Complexity Points:	37	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	301 Leroy Street in 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 AFS NUM 4829700006
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 168532
AIR NEW SOURCE PERMITS PERMIT AMOC166
AIR NEW SOURCE PERMITS REGISTRATION 163052
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 161455
AIR NEW SOURCE PERMITS REGISTRATION 160531
AIR NEW SOURCE PERMITS REGISTRATION 157690
AIR NEW SOURCE PERMITS REGISTRATION 174579
AIR NEW SOURCE PERMITS REGISTRATION 173675
AIR NEW SOURCE PERMITS REGISTRATION 171614
AIR NEW SOURCE PERMITS REGISTRATION 157689

UNDERGROUND INJECTION CONTROL PERMIT WDW404
UNDERGROUND INJECTION CONTROL PERMIT WDW406

STORMWATER PERMIT TXR05L552

AIR OPERATING PERMITS PERMIT 1450
AIR OPERATING PERMITS PERMIT 3932
AIR NEW SOURCE PERMITS PERMIT 141533
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 151199
AIR NEW SOURCE PERMITS REGISTRATION 164042
AIR NEW SOURCE PERMITS REGISTRATION 164041
AIR NEW SOURCE PERMITS REGISTRATION 161773
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 159341
AIR NEW SOURCE PERMITS REGISTRATION 156232
AIR NEW SOURCE PERMITS REGISTRATION 157287
AIR NEW SOURCE PERMITS REGISTRATION 172803
AIR NEW SOURCE PERMITS REGISTRATION 172312
AIR NEW SOURCE PERMITS REGISTRATION 173677
AIR NEW SOURCE PERMITS REGISTRATION 160228

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 31553
UNDERGROUND INJECTION CONTROL PERMIT WDW405
UNDERGROUND INJECTION CONTROL PERMIT
PIU31553
WASTEWATER PERMIT WQ0001353000

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

WASTEWATER PERMIT 2E0000082

POLLUTION PREVENTION PLANNING ID NUMBER

P00175

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD990709966

TAX RELIEF ID NUMBER 16532

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: February 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 05, 2019 to February 05, 2024

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

Name: Rajesh Acharya

Phone: (512) 239-0577

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. | |
| 3 | Effective Date: 06/17/2022 | ADMINORDER 2020-1514-IHW-E (1660 Order-Agreed Order With Denial) |
| | Classification: Minor | |
| | Citation: 30 TAC Chapter 335, SubChapter A 335.6(c) | |
| | 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, in violation of 30 TEX. ADMIN. CODE § 335.6(c). | |
| | Classification: Minor | |
| | Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F) | |
| | 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", 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". | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: PP II.A.2. Duty to Comply PERMIT | |

PP VII.G.2 Facility Post Closure Care PERMIT

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, 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".

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 335, SubChapter F 335.152(a)(7)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)

Rqmt Prov: III.D PERMIT

Description: 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".

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(3)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.53(b)

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, in violation of 30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.53(b).

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R 335.513

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, in violation of 30 TEX. ADMIN. CODE § 335.513.

4 Effective Date: 06/20/2023 ADMINORDER 2021-1287-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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)

Rqmt Prov: FOP No. 01450, GTC and STC No. 20 OP

NSR Nos. 50607, SC No. 7.D PERMIT

NSR Nos. PSDTX1017M1, SC No. 7.D PERMIT

NSR Nos. PSDTX331M1, SC No. 7.D PERMIT

NSR Nos. PSDTX804, SC No. 7.D PERMIT

Description: Failed to calibrate each flare monitoring system at least quarterly in accordance with 40 CFR § 63.671. Specifically, the Respondent did not calibrate the flow monitor in the flare header for the No. 2 West Plant/Deasphalted Oil Treater Flare during the first quarter of calendar year 2020.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 11, 2019	(1563252)
Item 2	March 19, 2019	(1563253)
Item 3	April 11, 2019	(1554607)
Item 4	April 15, 2019	(1573015)
Item 5	April 18, 2019	(1553749)
Item 6	April 23, 2019	(1556138)
Item 7	May 16, 2019	(1585632)
Item 8	June 11, 2019	(1585633)
Item 9	July 17, 2019	(1594373)
Item 10	July 29, 2019	(1581048)
Item 11	August 19, 2019	(1600667)

Item 12	September 06, 2019	(1590527)
Item 13	September 18, 2019	(1607579)
Item 14	October 03, 2019	(1576157)
Item 15	October 15, 2019	(1614451)
Item 16	November 20, 2019	(1620240)

Item 17	December 20, 2019	(1627589)
Item 18	January 14, 2020	(1635220)
Item 19	February 20, 2020	(1631361)
Item 20	March 06, 2020	(1632880)
Item 21	March 07, 2020	(1648349)
Item 22	April 16, 2020	(1654701)
Item 23	May 12, 2020	(1645092)
Item 24	May 15, 2020	(1661267)
Item 25	June 15, 2020	(1667794)
Item 26	June 17, 2020	(1656848)
Item 27	June 18, 2020	(1645849)
Item 28	July 16, 2020	(1674742)
Item 29	August 03, 2020	(1665623)
Item 30	August 19, 2020	(1681512)
Item 31	September 01, 2020	(1671697)
Item 32	September 11, 2020	(1672916)
Item 33	September 18, 2020	(1688090)
Item 34	October 15, 2020	(1694446)
Item 35	November 19, 2020	(1715946)
Item 36	December 04, 2020	(1692494)
Item 37	December 14, 2020	(1715947)
Item 38	January 18, 2021	(1715948)
Item 39	February 12, 2021	(1729019)
Item 40	February 25, 2021	(1752863)
Item 41	March 01, 2021	(1703846)
Item 42	March 10, 2021	(1704450)
Item 43	April 15, 2021	(1729021)
Item 44	May 06, 2021	(1711120)
Item 45	May 14, 2021	(1741812)
Item 46	May 27, 2021	(1707107)
Item 47	June 17, 2021	(1748177)
Item 48	June 23, 2021	(1724181)
Item 49	June 29, 2021	(1709736)
Item 50	August 03, 2021	(1746686)
Item 51	August 17, 2021	(1758271)
Item 52	August 31, 2021	(1760363)
Item 53	September 01, 2021	(1760472)
Item 54	September 20, 2021	(1767544)
Item 55	October 20, 2021	(1778058)
Item 56	November 13, 2021	(1784789)
Item 57	December 06, 2021	(1791821)
Item 58	December 07, 2021	(1772251)
Item 59	January 20, 2022	(1799671)
Item 60	February 18, 2022	(1807506)
Item 61	March 18, 2022	(1814547)
Item 62	March 25, 2022	(1797498)
Item 63	April 19, 2022	(1821115)
Item 64	May 10, 2022	(1812431)
Item 65	May 11, 2022	(1812393)
Item 66	May 13, 2022	(1812747)
Item 67	May 18, 2022	(1829952)
Item 68	June 20, 2022	(1836262)
Item 69	July 20, 2022	(1843448)
Item 70	August 16, 2022	(1849612)
Item 71	August 18, 2022	(1839430)
Item 72	September 15, 2022	(1857379)
Item 73	September 16, 2022	(1839684)
Item 74	October 17, 2022	(1863734)
Item 75	November 17, 2022	(1870642)
Item 76	December 06, 2022	(1861559)

Item 77	December 16, 2022	(1876498)
Item 78	January 19, 2023	(1883310)
Item 79	January 25, 2023	(1873603)
Item 80	February 13, 2023	(1874891)
Item 81	February 17, 2023	(1879606)
Item 82	February 20, 2023	(1891126)
Item 83	March 16, 2023	(1899694)
Item 84	April 19, 2023	(1906498)
Item 85	May 16, 2023	(1897253)
Item 86	June 07, 2023	(1904344)
Item 87	June 20, 2023	(1920260)
Item 88	July 28, 2023	(1927227)
Item 89	August 10, 2023	(1896215)
Item 90	August 16, 2023	(1922551)
Item 91	August 17, 2023	(1934189)
Item 92	August 24, 2023	(1924022)
Item 93	September 18, 2023	(1940362)
Item 94	October 16, 2023	(1947168)
Item 95	November 17, 2023	(1952856)
Item 96	December 01, 2023	(1943649)

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: 06/16/2023 (1861402)		
	Self Report? NO	Classification: Minor	
	Citation: 1450 OP		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Description: Failure to report all instances of deviations.		
	Self Report? NO	Classification: Moderate	
	Citation: 1450 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)		
	50607 PERMIT		
	5C THSC Chapter 382 382.085(b)		
	Description: Failure to comply with the maintenance, startup, and shutdown (MSS) lower explosive limit (LEL) requirements.		
	Self Report? NO	Classification: Minor	
	Citation: 1450 OP		
	30 TAC Chapter 106, SubChapter A 106.4		
	30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)		
	30 TAC Chapter 106, SubChapter K 106.262(a)(3)		
	5C THSC Chapter 382 382.085(b)		
	Description: Failure to submit a written notification within ten days of construction commencement of a facility.		
	Self Report? NO	Classification: Minor	
	Citation: 1450 OP		
	30 TAC Chapter 101, SubChapter A 101.20(1)		
	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
	50607 PERMIT		
	5C THSC Chapter 382 382.085(b)		
	Description: Failure to cap or plug open-ended lines (OELs).		
	Self Report? NO	Classification: Minor	
	Citation: 1450 OP		
	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)		
	50607 PERMIT		
	5C THSC Chapter 382 382.085(b)		
	Description: Failure to quarterly monitor a Leak Detection and Repair (LDAR) component on a timely manner.		
	Self Report? NO	Classification: Minor	
	Citation: 1450 OP		

30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to monitor LDAR components within 30 days after installation.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 30 TAC Chapter 116, SubChapter F 116.615(10)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 116, SubChapter F 116.615(9)
 5C THSC Chapter 382 382.085(b)
 83511 PERMIT

Description: Failure to maintain the concentration of CO emissions within the permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 30 TAC Chapter 116, SubChapter F 116.615(10)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 116, SubChapter F 116.615(9)
 5C THSC Chapter 382 382.085(b)
 83511 PERMIT

Description: Failure to maintain the concentration of ammonia (NH₃) emissions within the permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 30 TAC Chapter 116, SubChapter F 116.615(10)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 116, SubChapter F 116.615(9)
 5C THSC Chapter 382 382.085(b)
 83511 PERMIT

Description: Failure to maintain the concentration of NO_x emissions within the permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 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)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the firebox hourly average temperature of 1,200 °F.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 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)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the quench water scrubber pressure within permitted the limits.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 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)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to prevent the discharge of any gases that contain CO in excess of 500 parts per million by volume (ppmv).
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 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)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the VOC MAER limit.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the CO MAER limit.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the MAER limit.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain minimum flare combustion zone net heating value of 270 British thermal units per standard cubic foot (Btu/scf).
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to operate flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

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: 1450 OP
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to burn in any fuel gas combustion device any fuel gas that contains H2S in excess of 0.10 gr/dscf (162 ppmv).
 Self Report? NO Classification: Moderate
 Citation: 1450 OP
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)(ii)
 50607 PERMIT
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the rolling 12-hour sulfur dioxide (SO2) emissions within the permitted limits.

F. Environmental audits:

Notice of Intent Date: 06/18/2019 (1579821)

Disclosure Date: 10/30/2019

Viol. Moderate

Classification:

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. Moderate

Classification:

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. Moderate

Classification:

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. Moderate

Classification:

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. Moderate

Classification:

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. Minor

Classification:

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. Moderate

Classification:

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. Minor

Classification:

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. Moderate

Classification:

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. Moderate

Classification:

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.

Disclosure Date: 04/29/2021

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

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

Rqmt Prov: PERMIT SC 13.F

Description: Failure to include one fugitive component in the LDAR program.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report deviations during the 4/1/2020 to 10/1/2020 reporting period.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to ensure the seal configuration on the Wastewater Tank 8 roof is correctly represented in the NSR.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)

Description: Failure to ensure the 2020 annual calibration is performed on the temperature and pilot flame measurement device associated with the Wastewater Tank 8.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)

Rqmt Prov: PERMIT SC 28

Description: Failure to calibrate in 2019 or 2020 the monitoring device used to determine the coke burn rate on the FCCU.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to prevent a leak on a benzene railcar vapor collection hose detected with the infrared camera.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)

Description: Failure to submit the Wastewater Tank 6 seal inspection results within 30 days.

Disclosure Date: 08/31/2021

Viol. Moderate

Classification:

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)

Description: Failure to include some discrete waste streams in the Total Annual Benzene Report.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(A)

Description: Failure to ensure inspection and monitoring are consistently performed on certain BWON-applicable units.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(A)

Description: Failure to ensure NSR 50607 permit representations reflect as-built designs for multiple floating roof tanks.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 6

Description: Failure to prevent the West Loading Rack Sump PVRV from intermittently venting during vacuum truck offloading in to the sump.

Viol. Moderate

Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT SC 55(A) and (C)(3)
 Description: Failure to ensure vacuum truck activities are performed with adequate exhaust control.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.110
 Description: Failure to prevent a leaking benzene rail car loading liquid hose outside of loading activities.

Notice of Intent Date: 07/09/2021 (1747300)
 Disclosure Date: 10/27/2021
 Viol. Moderate
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Rqmt Prov: PERMIT SC 13 E, F, & G
 Description: Failure to properly identify the monitoring service for 91 valves in the LDAR program.
 Viol. Moderate
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Rqmt Prov: PERMIT SCs 13 E, F, & G
 Description: Failure to monitor and include 512 valves and 7 pump in the LDAR program.
 Viol. Moderate
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Rqmt Prov: PERMIT SCs 13E, F & G
 Description: Failure to correctly identify the monitoring status for 51 valves for the South Merox.
 Disclosure Date: 05/23/2022
 Viol. Moderate
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Rqmt Prov: PERMIT SC 13 E, F, & G
 Description: Failure to properly identify the monitoring service for 91 valves in the LDAR program.
 Viol. Moderate
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Rqmt Prov: PERMIT SCs 13 E, F, & G
 Description: Failure to monitor and include 512 valves and 7 pump in the LDAR program.
 Viol. Moderate
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Rqmt Prov: PERMIT SCs 13E, F & G
 Description: Failure to correctly identify the monitoring status for 51 valves for the South Merox.
 Viol. Minor
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 40 CFR Part 60, Subpart VV 60.482-4
 40 CFR Part 60, Subpart VV 60.482-7
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592
 Rqmt Prov: PERMIT SCs 13E, 13F, 13G, 14E, 14F, & 14G
 Description: Failure to monitoring LDAR components upon returning to VOC service.
 Viol. Minor
 Classification:
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 40 CFR Part 60, Subpart VV 60.482-7
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
 Rqmt Prov: PERMIT SC 13E and 13F
 Description: Failure to monitor fugitive components in the WWTP that were left out of the LDAR program.

Notice of Intent Date: 07/29/2021 (1756200)
 No DOV Associated

Notice of Intent Date: 09/09/2022 (1847080)
 No DOV Associated

Notice of Intent Date: 02/24/2023 (1887679)

No DOV Associated

Notice of Intent Date: 03/24/2023 (1895697)

Disclosure Date: 07/26/2023

Viol. Minor

Classification:

Citation: 40 CFR Part 60, Subpart VV 60.482-2

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)

40 CFR Part 63, Subpart H 63.168

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

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

Description: Failure to include identified components in the LDAR databased and monitoring program.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to report deviations during the reporting period from 10/1/2022 to 3/31/2023.

Notice of Intent Date: 10/27/2023 (1938610)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

AGREED ORDER DOCKET NO. 2023-0782-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding DIAMOND SHAMROCK REFINING COMPANY, L.P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 301 Leroy Street in Three Rivers, Live Oak County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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. 382 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 \$10,725 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$4,290 of the penalty and \$2,145 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, \$4,290 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 by March 10, 2023, the Respondent implemented a new Wet Gas Compressor Lube Oil Filter switching procedure with a specific step to vent the lube oil cooler to remove air pockets and conducted training on the new procedure with the Operations personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 389577.

II. ALLEGATIONS

During a record review for the Plant conducted from December 7, 2022 through May 3, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(4)(A), 116.115(c), and 122.143(4), New Source Review Permit Nos. 50607, PSDTX331M1, PSDTX804, and PSDTX1017M1, Special Conditions No. 1, Federal Operating Permit No. O3982, General Terms and Conditions and Special Terms and Conditions Nos. 1.A. and 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 100 percent opacity and released 598.60 pounds ("lbs") of carbon monoxide, 67.46 lbs of nitrogen oxides, 843.30 lbs of sulfur dioxide, 1,678.70 lbs of volatile organic compounds, and 9.34 lbs of hydrogen sulfide from the Flare 003, Emissions Point No. FL-003, during an emissions event (Incident No. 389577) that occurred on October 24, 2022 and lasted three hours and 27 minutes.

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. 2023-0782-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$4,290 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. All relief not expressly granted in this Order is denied.
4. 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 Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.

8. 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

6/11/2024


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 OAG 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 OAG 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

APRIL 29, 2024

Date

Erik 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:

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

Attachment A
Docket Number: 2023-0782-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	DIAMOND SHAMROCK REFINING COMPANY, L.P.
Payable Penalty Amount:	\$8,580
SEP Offset Amount:	\$4,290
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Natural Gas Foundation
Project Name:	<i>High Emission Vehicle Replacement Project</i>
Location of SEP:	TCEQ Air Quality Control Region 214 – Corpus Christi-Victoria - Preference for Live Oak 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, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the “Project”). The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides (“NOx”) and particulate matter (“PM”), as well as other harmful pollutants such as volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled vehicles. The SEP will be done 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 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 the Respondent 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

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NOx by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NOx by 98%, VOCs by 83%; and PM by 99%.

c. Minimum Expenditure

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

2. Performance Schedule

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

Texas Natural Gas Foundation
Attention: Heather Ball, Executive Director
2315 Newfield Lane
Austin, Texas 78703

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

DIAMOND SHAMROCK REFINING COMPANY, L.P.
Docket No. 2023-0782-AIR-E
Agreed Order - Attachment A

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:

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.