EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0468-MLM-E **TCEQ ID:** RN100211663 and RN100238385 **CASE NO.:** 29209

RESPONDENT NAME: Valero Refining-Texas, L.P.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	X MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Valero Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County (Plant A) and Valero Corpus Christi Refinery East Plant, east of Navigation Boulevard and approximately 0.5 miles north of Interstate Highway 37, Corpus Christi, Nueces County (Plant B)

TYPE OF OPERATION: Petroleum refineries

SMALL BUSINESS: ____ Yes __X__ No

OTHER SIGNIFICANT MATTERS: No complaints were received. There are five pending enforcement actions regarding these facility locations, Docket Nos. 2007-0131-AIR-E, 2007-0603-AIR-E, 2007-0068-AIR-E, 2006-1067-AIR-E, and 2006-0012-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 18, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Jessica Rhodes, Enforcement division, Enforcement Team 4, MC 149, (512) 239-2879; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

Respondent: CT Corporation System, Registered Agent, Valero Refining-Texas, L.P., 1021 Main Street, Suite 1150, Houston, Texas 77002
Mr. Adrian Araiza, Manager of Environmental Affairs, Valero Refining-Texas, L.P., P.O. Box 3429, Texas City, Texas 77592
Mr. Dennis Payne, Vice President, Valero Refining-Texas, L.P., P.O. Box 9307, Corpus Christi, Texas 78469

Respondent's Attorney: Mr. Parker Wilson, Senior Counsel, Valero Energy Corporation, P.O. Box 696000, San Antonio, Texas 78269-6000

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigations Relating to this Case:** November 29, 2005, January 25, February 8, June 20, November 29, and December 13, 2006 **Dates of NOEs Relating to this Case:** March 16, March 28, March 30, August 22, and December 22 (NOEs) **Background Facts:** These were routine investigations. Seven violations were documented. **AIR (Plant A)** 1) Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes. Since this emissions event was	**Total Assessed:** $58,525 **Total Deferred:** $11,705 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $23,410 **Total Paid to General Revenue:** $23,410 RN100238385 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No RN100211663 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to undertake the following technical requirements for Plant A: a. Within 30 days after the effective date of this Agreed Order, design and implement improvements to procedures to address the emissions events that occurred on September 20, 2005, October 13, 2005, November 28, 2005, September 25, 2006, and October 14, 2006 and to prevent the reoccurrence of similar incidents; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a. 3) The Order will also require the Respondent to undertake the following technical requirements for Plant B: a. Within 30 days after the effective date of the Agreed Order, submit a written description of the discharge from Tank 109 that occurred on June 1, 2006 to include the exact date and time of the discharge, the amount of slop oil and hazardous wastewater spilled onto the ground, and steps taken or planned to be taken to reduce, eliminate, and prevent the recurrence of similar incidents; and b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. and certify that the cleanup was completed in accordance with 30 TEX. ADMIN. CODE ch. 327. If the cleanup cannot be achieved pursuant to TEX. ADMIN. CODE § 350.2(b)(2), submit an Affected Property Assessment Report, pursuant to § 350.91, to the Executive Director for approval. If any response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350.

avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to prevent unauthorized emissions during a September 25, 2006 emissions event. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides. Since the emissions event was avoidable, Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [Flexible Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222 [Flexible Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(1), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. **WASTE (Plant B)** 6) Failed to prevent the discharge of slop oil and wastewater to the environment. Specifically, the investigator documented that a spill of hazardous wastewater occurred from Tank 109 into the earthen dike surrounding the tank on June 1, 2006, and the contaminated soils in the earthen dike had not been removed and properly disposed [30 TEX. ADMIN. CODE § 335.4 and TEX. WATER CODE § 26.121(a)]. **WATER (Plant B)** 7) Failed to report any noncompliance which may endanger human health, safety, or the environment within 24 hours of becoming aware of the noncompliance. Specifically, Valero did not submit notification of the overflow of slop		

oil and hazardous wastewater from Tank 109 [30 TEX. ADMIN. CODE § 305.125(9) and TCEQ Water Quality Permit No. 00465 Monitoring and Reporting Requirements 7.a.].		

Attachment A
Docket Number: 2006-0468-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Valero Refining-Texas, L.P.**
Payable Penalty Amount:	**Forty-Six Thousand Eight Hundred Twenty Dollars ($46,820)**
SEP Amount:	**Twenty-Three Thousand Four Hundred Ten Dollars ($23,410)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Galveston 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 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 1308
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES					
Assigned	3-Jan-2007				
PCW	29-Jan-2007	Screening	12-Jan-2007	EPA Due	17-Sep-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100238385		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	29209	No. of Violations	1
Docket No.	2006-0468-MLM-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jessica Rhodes
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **164%** Enhancement — *Subtotals 2, 3, & 7* **$8,200**

Notes: Penalty enhancement due to eleven NOVs issued for same or similar violations, seventeen NOVs for unrelated violations, one agreed order with a denial of liability, one agreed order without a denial of liability, and one consent decree with a denial of liability.

Culpability — No — **0%** Enhancement — *Subtotal 4* **$0**

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — **0%** Reduction — *Subtotal 5* **$0**

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

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$253
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$13,200**

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount **$13,200**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$10,000**

DEFERRAL — **20%** Reduction — *Adjustment* **-$2,000**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$8,000**

Screening Date 12-Jan-2007 **Docket No.** 2006-0468-MLM-E **PCW**

Respondent Valero Refining-Texas, L.P.

Case ID No. 29209

Reg. Ent. Reference No. RN100238385

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	11	55%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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	1	25%
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 (*number of judgements or consent decrees meeting criteria*)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 164%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to eleven NOVs issued for same or similar violations, seventeen NOVs for unrelated violations, one agreed order with a denial of liability, one agreed order without a denial of liability, and one consent decree with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 164%

Screening Date	12-Jan-2007	**Docket No.** 2006-0468-MLM-E	**PCW**
Respondent	Valero Refining-Texas, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	29209		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100238385		
Media [Statute]	Air Quality		
Enf. Coordinator	Jessica Rhodes		

Violation Number 1

Rule Cite(s) Air Permit No. 39142, Special Condition No. 1, 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during a September 25, 2006 emissions event. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 pounds (lbs) of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides. Since the emissions event was avoidable, Valero Refining-Texas, L.P. was unable to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment have been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health and the environment.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $253

Statutory Limit Test

Violation Final Penalty Total $13,200

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100238385
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	25-Sep-2006	30-Sep-2007	1.0	$253	n/a	$253

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent an emissions event due to the same cause as the September 25, 2006 emissions event. Date required based on the date of the emissions event. Final date based on the projected compliance date.

Avoided Costs (ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs))							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $253

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision April 25, 2006*

DATES **Assigned** 03-Apr-2006
PCW 29-Jan-2007 **Screening** 25-Apr-2006 **EPA Due** 11-Dec-2006

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.
Reg. Ent. Ref. No.	RN100238385
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	29209	**No. of Violations**	3
Docket No.	2006-0468-MLM-E	**Order Type**	1660
Media Program(s)	Air Quality	**Enf. Coordinator**	Jessica Rhodes
Multi-Media		**EC's Team**	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	**Maximum**	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **158%** Enhancement *Subtotals 2, 3, & 7* $15,800

Notes: Penalty enhancement for 14 NOVs for the same or similar violations, 19 NOVs for unrelated violations, 13 self-reported effluent violations, one Findings Agreed Order and one Consent Decree containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0%** Reduction *Subtotal 5* $0

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

Notes: The Respondent is not yet in compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$583
Approx. Cost of Compliance	$6,000

SUM OF SUBTOTALS 1-7 **Final Subtotal** $25,800

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $25,800

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $25,800

DEFERRAL 20% Reduction **Adjustment** -$5,160

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $20,640

Screening Date 25-Apr-2006 **Docket No.** 2006-0468-MLM-E **PCW**
Respondent Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 29209 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100238385
Media [Statute] Air Quality
Enf. Coordinator Jessica Rhodes

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	14	70%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	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 *(number of judgements or consent decrees meeting criteria)*	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **158%**

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

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement for 14 NOVs for the same or similar violations, 19 NOVs for unrelated violations, 13 self-reported effluent violations, one Findings Agreed Order and one Consent Decree containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **158%**

Screening Date 25-Apr-2006 **Docket No.** 2006-0468-MLM-E **PCW**

Respondent Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*

Case ID No. 29209 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100238385

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Flexible Air Permit No. 39142, Special Condition No. 1

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours. Since this emissions event was avoidable, Valero Refining-Texas, L.P. failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222. See attached Emission Event Table for emission limits and actual emissions.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1 | 3 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $203

Statutory Limit Test

Violation Final Penalty Total $12,900

This violation Final Assessed Penalty (adjusted for limits) $12,900

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100238385
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	20-Sep-2005	30-Sep-2007	2.0	$203	n/a	$203

Notes for DELAYED costs Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause. Date required is the date of the emissions event. Final date is the projected date of compliance.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $2,000

TOTAL $203

Screening Date 25-Apr-2006 **Docket No.** 2006-0468-MLM-E **PCW**

Respondent Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*

Case ID No. 29209 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100238385

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Flexible Air Permit No. 39142, Special Condition No. 1

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes. Since this emissions event was avoidable, Valero Refining-Texas, L.P. failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222. See attached Emission Event Table for emission limits and actual emissions.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $196

Statutory Limit Test

Violation Final Penalty Total $6,450

This violation Final Assessed Penalty (adjusted for limits) $6,450

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100238385
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	13-Oct-2005	30-Sep-2007	2.0	$196	n/a	$196

Notes for DELAYED costs Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause. Date required is the date of the emissions event. Final date is the projected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $2,000

TOTAL $196

Screening Date 25-Apr-2006 **Docket No.** 2006-0468-MLM-E **PCW**

Respondent Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*

Case ID No. 29209 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100238385

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Flexible Air Permit No. 39142, Special Condition No. 1

Secondary Rule Cite(s) Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes. Since this emissions event was avoidable, Valero Refining-Texas, L.P. failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222. See attached Emission Event Table for emission limits and actual emissions.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1 | 2 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $184

Statutory Limit Test

Violation Final Penalty Total $6,450

This violation Final Assessed Penalty (adjusted for limits) $6,450

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100238385
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	28-Nov-2005	30-Sep-2007	1.8	$184	n/a	$184

Notes for DELAYED costs Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause. Date required is the date of the emissions event. Final date is the projected date of compliance.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $2,000

TOTAL $184

Respondent	Valero Refining-Texas, L.P.
ID Number(s)	RN100238385
Docket Number	2006-0468-MLM-E
Enf. Coordinator	Jessica Rhodes

Corresponds to Violation Number: 1

Date of Unauthorized Emissions: September 20, 2005

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EG-18-1403	39142	0.00 lbs/hr	Sulfur Dioxide	55 hours	2516.30 lbs	2516.30 lbs
EG-18-1403	39142	0.00 lbs/hr	1,2,4-Trimethylbenzene	55 hours	4.70 lbs	4.70 lbs
EG-18-1403	39142	0.00 lbs/hr	Ammonia	55 hours	25.60 lbs	25.60 lbs
EG-18-1403	39142	0.00 lbs/hr	Benzene	55 hours	5.60 lbs	5.60 lbs
EG-18-1403	39142	0.00 lbs/hr	Butane	55 hours	6.50 lbs	6.50 lbs
EG-18-1403	39142	0.00 lbs/hr	Crude Oil Heavy	55 hours	860.0 lbs	860.0 lbs
EG-18-1403	39142	0.00 lbs/hr	Cumene	55 hours	0.70 lb	0.70 lb
EG-18-1403	39142	0.00 lbs/hr	Cyclohexane	55 hours	7.0 lbs	7.0 lbs
EG-18-1403	39142	0.00 lbs/hr	Ethylbenzene	55 hours	4.70 lbs	4.70 lbs
EG-18-1403	39142	0.00 lbs/hr	Hexane	55 hours	21.0 lbs	21.0 lbs
EG-18-1403	39142	0.00 lbs/hr	Hydrogen Sulfide	55 hours	183.30 lbs	183.30 lbs
EG-18-1403	39142	0.00 lbs/hr	Isobutane	55 hours	0.90 lb	0.90 lb
EG-18-1403	39142	0.00 lbs/hr	Naphthalene	55 hours	18.70 lbs	18.70 lbs
EG-18-1403	39142	0.00 lbs/hr	PAC	55 hours	2.30 lbs	2.30 lbs
EG-18-1403	39142	0.00 lbs/hr	Propane	55 hours	0.90 lb	0.90 lb

Name	Abbreviaion
pounds per hour	lbs/hr
pounds	lbs

Respondent	Valero Refining-Texas, L.P.
ID Number(s)	RN100238385
Docket Number	2006-0468-MLM-E
Enf. Coordinator	Jessica Rhodes

Corresponds to Violation Number: 2

Date of Unauthorized Emissions: October 13, 2005

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EFL-02	39142	0.00 lbs/hr	Carbon Monoxide	2 hours 15 minutes	106.70 lbs	106.70 lbs
EFL-02	39142	0.00 lbs/hr	Nitric Oxide	2 hours 15 minutes	13.30 lbs	13.30 lbs
EFL-02	39142	0.00 lbs/hr	Nitrogen Dioxide	2 hours 15 minutes	1.50 lbs	1.50 lbs
EFL-02	39142	0.00 lbs/hr	Sulfur Dioxide	2 hours 15 minutes	736.20 lbs	736.20 lbs
EFL-03	39142	0.00 lbs/hr	Carbon Monoxide	2 hours 15 minutes	511.30 lbs	511.30 lbs
EFL-03	39142	0.00 lbs/hr	Nitric Oxide	2 hours 15 minutes	63.70 lbs	63.70 lbs
EFL-03	39142	0.00 lbs/hr	Nitrogen Dioxide	2 hours 15 minutes	7.10 lbs	7.10 lbs
EFL-03	39142	0.00 lbs/hr	Sulfur Dioxide	2 hours 15 minutes	1369.80 lbs	1369.80 lbs

Name	Abbreviation
pounds per hour	lbs/hr
pounds	lbs

Respondent	Valero Refining-Texas, L.P.
ID Number(s)	RN100238385
Docket Number	2006-0468-MLM-E
Enf. Coordinator	Jessica Rhodes

Corresponds to Violation Number: 3

Date of Unauthorized Emissions: November 28, 2005

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EFL-02	39142	0.00 lbs/hr	1,3-Butadiene	24 hours 29 minutes	0.20 lb	0.20 lb
EFL-02	39142	0.00 lbs/hr	Butane	24 hours 29 minutes	4.10 lbs	4.10 lbs
EFL-02	39142	0.00 lbs/hr	Butene	24 hours 29 minutes	0.70 lb	0.70 lb
EFL-02	39142	0.00 lbs/hr	Ethylene (gaseous)	24 hours 29 minutes	62.40 lbs	62.40 lbs
EFL-02	39142	0.00 lbs/hr	Hydrogen Sulfide	24 hours 29 minutes	2.20 lbs	2.20 lbs
EFL-02	39142	0.00 lbs/hr	Isobutane	24 hours 29 minutes	1.10 lbs	1.10 lbs
EFL-02	39142	0.00 lbs/hr	Process Fuel Gas	24 hours 29 minutes	79.90 lbs	79.90 lbs
EFL-02	39142	0.00 lbs/hr	Propane, N-	24 hours 29 minutes	5.0 lbs	5.0 lbs
EFL-02	39142	0.00 lbs/hr	Propylene (Propene)	24 hours 29 minutes	13.50 lbs	13.50 lbs
EFL-02	39142	0.00 lbs/hr	Carbon Monoxide	24 hours 29 minutes	1087.20 lbs	1087.20 lbs
EFL-02	39142	0.00 lbs/hr	Nitric Oxide	24 hours 29 minutes	135.50 lbs	135.50 lbs
EFL-02	39142	0.00 lbs/hr	Nitrogen Dioxide	24 hours 29 minutes	15.10 lbs	15.10 lbs
EFL-02	39142	0.00 lbs/hr	Sulfur Dioxide	24 hours 29 minutes	2107.90 lbs	2107.90 lbs
EFL-03	39142	0.00 lbs/hr	1,3-Butadiene	24 hours 29 minutes	0.60 lb	0.60 lb
EFL-03	39142	0.00 lbs/hr	Butane	24 hours 29 minutes	12.80 lbs	12.80 lbs
EFL-03	39142	0.00 lbs/hr	Butene	24 hours 29 minutes	2.20 lbs	2.20 lbs
EFL-03	39142	0.00 lbs/hr	Ethylene (gaseous)	24 hours 29 minutes	196.50 lbs	196.50 lbs
EFL-03	39142	0.00 lbs/hr	Hydrogen Sulfide	24 hours 29 minutes	6.80 lbs	6.80 lbs
EFL-03	39142	0.00 lbs/hr	Isobutane	24 hours 29 minutes	3.40 lbs	3.40 lbs
EFL-03	39142	0.00 lbs/hr	Process Fuel Gas	24 hours 29 minutes	251.70 lbs	251.70 lbs
EFL-03	39142	0.00 lbs/hr	Propane, N-	24 hours 29 minutes	15.70 lbs	15.70 lbs
EFL-03	39142	0.00 lbs/hr	Propylene (Propene)	24 hours 29 minutes	42.70 lbs	42.70 lbs

EFL-03	39142	0.00 lbs/hr	Carbon Monoxide	24 hours 29 minutes	703.60 lbs	703.60 lbs
EFL-03	39142	0.00 lbs/hr	Nitric Oxide	24 hours 29 minutes	87.70 lbs	87.70 lbs
EFL-03	39142	0.00 lbs/hr	Nitrogen Dioxide	24 hours 29 minutes	9.70 lbs	9.70 lbs
EFL-03	39142	0.00 lbs/hr	Sulfur Dioxide	24 hours 29 minutes	1277.90 lbs	1277.90 lbs
EFL-04	39142	0.00 lbs/hr	1,3-Butadiene	24 hours 29 minutes	0.20 lb	0.20 lb
EFL-04	39142	0.00 lbs/hr	Butane	24 hours 29 minutes	4.10 lbs	4.10 lbs
EFL-04	39142	0.00 lbs/hr	Butene	24 hours 29 minutes	0.70 lb	0.70 lb
EFL-04	39142	0.00 lbs/hr	Ethylene (gaseous)	24 hours 29 minutes	62.40 lbs	62.40 lbs
EFL-04	39142	0.00 lbs/hr	Hydrogen Sulfide	24 hours 29 minutes	2.20 lbs	2.20 lbs
EFL-04	39142	0.00 lbs/hr	Isobutane	24 hours 29 minutes	1.10 lbs	1.10 lbs
EFL-04	39142	0.00 lbs/hr	Process Fuel Gas	24 hours 29 minutes	79.90 lbs	79.90 lbs
EFL-04	39142	0.00 lbs/hr	Propane, N-	24 hours 29 minutes	5.0 lbs	5.0 lbs
EFL-04	39142	0.00 lbs/hr	Propylene (Propene)	24 hours 29 minutes	13.50 lbs	13.50 lbs

Name	Abbreviation
pounds per hour	lbs/hr
pounds	lbs

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES					
Assigned	22-Jan-2007				
PCW	20-Feb-2007	Screening	22-Jan-2007	EPA Due	13-Oct-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100238385		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	29209	No. of Violations	1
Docket No.	2006-0468-MLM-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Jessica Rhodes
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 164% Enhancement — *Subtotals 2, 3, & 7* $4,100

Notes: Penalty enhancement due to eleven NOVs issued for same or similar violations, seventeen unrelated violations, one agreed order with denial of liability, one agreed order without denial of liability, and one consent decree with denial of liability.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	$240
Approx. Cost of Compliance	$5,000

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $6,600

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $6,600

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $6,600

DEFERRAL — 20% Reduction — *Adjustment* -$1,320

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $5,280

Screening Date 22-Jan-2007 **Docket No.** 2006-0468-MLM-E **PCW**

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 29209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100238385

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	11	55%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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	1	25%
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 (*number of judgements or consent decrees meeting criteria*)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 164%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to eleven NOVs issued for same or similar violations, seventeen unrelated violations, one agreed order with denial of liability, one agreed order without denial of liability, and one consent decree with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 164%

Screening Date 22-Jan-2007 **Docket No.** 2006-0468-MLM-E **PCW**

Respondent Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*

Case ID No. 29209 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100238385

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(1), 40 CFR § 60.18(c)(2), Permit No. 39142, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions and failure to operate a flare with a flame present. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 pounds (lbs) of ethylene and 1,394.5 lbs of propane. Permit No. 39142 does not authorize any upset emissions. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense as described in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment have been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health and the environment.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $240

Statutory Limit Test

Violation Final Penalty Total $6,600

This violation Final Assessed Penalty (adjusted for limits) $6,600

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100238385
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	14-Oct-2006	30-Sep-2007	1.0	$240	n/a	$240

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent an emissions event due to the same cause as the emssions event that occurred October 14, 2006 through October 15, 2006. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $240

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.23
Regulated Entity:	RN100238385	VALERO REFINING TEXAS CITY REFINERY	Classification: AVERAGE	Site Rating: 3.74

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
AIR OPERATING PERMITS	PERMIT	1253
AIR OPERATING PERMITS	PERMIT	2599
AIR OPERATING PERMITS	PERMIT	2599
WASTEWATER	PERMIT	WQ0000449000
WASTEWATER	PERMIT	TPDES0006009
WASTEWATER	PERMIT	TX0006009
AIR NEW SOURCE PERMITS	PERMIT	39142
AIR NEW SOURCE PERMITS	PERMIT	42395
AIR NEW SOURCE PERMITS	PERMIT	42394
AIR NEW SOURCE PERMITS	PERMIT	48330
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
AIR NEW SOURCE PERMITS	PERMIT	962
AIR NEW SOURCE PERMITS	PERMIT	8352
AIR NEW SOURCE PERMITS	PERMIT	53530
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
AIR NEW SOURCE PERMITS	AFS NUM	0007
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
AIR NEW SOURCE PERMITS	PERMIT	71076
AIR NEW SOURCE PERMITS	REGISTRATION	75644
AIR NEW SOURCE PERMITS	REGISTRATION	75542
AIR NEW SOURCE PERMITS	REGISTRATION	75815
AIR NEW SOURCE PERMITS	REGISTRATION	75695
AIR NEW SOURCE PERMITS	REGISTRATION	76056
AIR NEW SOURCE PERMITS	REGISTRATION	72517
AIR NEW SOURCE PERMITS	PERMIT	72896
AIR NEW SOURCE PERMITS	REGISTRATION	73799
AIR NEW SOURCE PERMITS	REGISTRATION	76530
AIR NEW SOURCE PERMITS	REGISTRATION	76564
AIR NEW SOURCE PERMITS	REGISTRATION	76882
AIR NEW SOURCE PERMITS	REGISTRATION	76940
AIR NEW SOURCE PERMITS	REGISTRATION	76967
AIR NEW SOURCE PERMITS	REGISTRATION	77806
AIR NEW SOURCE PERMITS	REGISTRATION	78298
AIR NEW SOURCE PERMITS	REGISTRATION	78503
AIR NEW SOURCE PERMITS	REGISTRATION	78928
AIR NEW SOURCE PERMITS	REGISTRATION	79850
AIR NEW SOURCE PERMITS	REGISTRATION	79881
AIR NEW SOURCE PERMITS	REGISTRATION	80059
AIR NEW SOURCE PERMITS	REGISTRATION	80132
AIR NEW SOURCE PERMITS	REGISTRATION	80581
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
WASTE WATER GENERAL PERMIT	PERMIT	TXG670007

ID Number(s):

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 03, 2002 to January 03, 2007

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

Name: Jessica Rhodes Phone: 512-239-2879

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? ##

3. If Yes, who is the current owner? N/A

4. If Yes, who was/were the prior owner(s)? N/A

5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/11/2005 ADMINORDER 2002-1217-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Reqs PERMIT
Description: Failure to comply with the WET limit NOEC of 8% effluent specified in the permit.

Effective Date: 11/23/2005 COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT
Description: Failed to prevent a leak in a heat exchanger (E-1338).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT
Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006 ADMINORDER 2006-0549-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/28/2002	(5435)
2	05/27/2003	(35847)
3	07/19/2002	(1982)
4	08/23/2002	(158505)
5	01/31/2003	(21539)
6	05/06/2003	(27702)
7	08/31/2002	(7607)
8	06/24/2003	(158506)
9	02/13/2003	(24351)
10	06/21/2002	(2243)
11	06/21/2002	(2455)
12	01/04/2005	(282000)
13	09/23/2002	(158509)
14	05/30/2003	(37806)
15	07/15/2005	(348789)
16	06/19/2003	(36509)
17	09/01/2006	(509756)
18	02/01/2006	(451967)
19	09/01/2006	(488032)
20	08/04/2004	(276497)
21	01/12/2005	(339012)
22	09/28/2006	(509876)
23	07/22/2005	(440845)

24	08/28/2002	(5452)
25	04/26/2005	(343243)
26	07/26/2006	(462901)
27	10/16/2003	(152454)
28	03/02/2004	(254943)
29	03/10/2004	(261338)
30	08/23/2005	(440846)
31	05/27/2003	(34689)
32	05/21/2004	(268720)
33	10/21/2002	(158512)
34	06/21/2002	(2142)
35	11/12/2004	(281637)
36	09/23/2005	(440847)
37	06/23/2005	(378628)
38	09/01/2006	(488541)
39	08/20/2002	(4926)
40	12/14/2004	(281320)
41	07/25/2006	(488179)
42	07/22/2005	(397707)
43	01/10/2005	(339417)
44	07/15/2006	(486391)
45	05/11/2006	(461750)
46	10/04/2002	(13258)
47	04/27/2005	(282002)
48	07/20/2004	(273783)
49	06/30/2006	(483867)
50	02/17/2006	(468454)
51	08/25/2003	(143078)
52	03/16/2004	(265447)
53	08/13/2005	(400189)
54	06/30/2005	(397555)
55	01/31/2005	(285435)
56	11/18/2002	(158516)
57	12/16/2004	(281398)
58	10/11/2006	(514061)
59	12/28/2004	(281856)
60	10/19/2004	(334137)
61	07/16/2004	(272858)
62	07/22/2004	(257997)
63	03/21/2006	(468455)
64	12/13/2004	(340262)
65	04/13/2006	(468456)
66	01/06/2005	(346230)
67	07/02/2004	(272940)
68	12/16/2004	(283937)
69	12/28/2005	(449585)
70	08/17/2004	(289843)
71	08/28/2002	(5429)
72	09/01/2006	(489837)
73	10/20/2005	(468457)
74	08/28/2003	(149898)
75	04/16/2003	(24233)
76	06/18/2004	(272120)
77	11/22/2005	(468458)
78	10/31/2006	(517239)
79	07/26/2004	(352180)
80	12/20/2005	(468459)
81	04/27/2006	(460539)
82	09/01/2006	(489434)
83	07/05/2004	(271296)
84	12/20/2002	(158520)
85	08/24/2004	(352181)
86	02/14/2005	(274930)

87	11/12/2004	(283676)
88	08/03/2004	(286886)
89	01/17/2006	(431818)
90	09/23/2004	(352182)
91	10/23/2006	(512981)
92	01/24/2006	(468460)
93	09/01/2006	(487342)
94	10/22/2004	(352183)
95	08/28/2002	(5447)
96	09/01/2006	(489815)
97	07/19/2006	(483715)
98	01/22/2002	(158523)
99	07/19/2006	(483638)
100	11/18/2004	(352184)
101	08/07/2002	(IE0018603001002
102	08/19/2002	(5341)
103	05/21/2004	(268709)
104	12/29/2005	(439223)
105	05/02/2005	(350537)
106	01/21/2003	(158524)
107	12/23/2004	(339913)
108	09/26/2002	(10851)
109	08/16/2004	(282158)
110	06/27/2005	(397418)
111	07/07/2005	(399131)
112	12/18/2006	(345058)
113	06/19/2003	(36515)
114	05/30/2002	(1857)
115	03/01/2002	(246540)
116	02/24/2003	(6655)
117	06/28/2005	(348790)
118	12/21/2006	(532369)
119	07/30/2004	(274385)
120	08/17/2004	(258260)
121	08/02/2002	(6695)
122	08/13/2004	(261714)
123	05/18/2006	(498220)
124	08/03/2005	(403276)
125	09/01/2006	(466736)
126	07/02/2004	(271086)
127	09/01/2006	(488559)
128	08/18/2005	(406027)
129	08/06/2003	(143528)
130	06/16/2006	(498221)
131	07/17/2006	(479861)
132	09/01/2006	(488176)
133	07/18/2006	(498222)
134	03/31/2006	(434168)
135	01/03/2005	(281991)
136	09/01/2006	(488979)
137	01/10/2005	(339003)
138	09/01/2006	(509730)
139	08/08/2005	(403521)
140	05/25/2005	(351133)
141	06/14/2005	(373350)
142	12/21/2006	(532370)
143	11/11/2004	(281257)
144	06/25/2003	(37826)
145	06/30/2006	(462803)
146	08/31/2004	(268711)
147	07/19/2006	(482178)
148	05/08/2006	(453710)
149	01/10/2005	(281993)

150	08/23/2003	(60572)
151	12/13/2004	(290035)
152	07/30/2004	(278540)
153	09/01/2006	(478491)
154	08/28/2002	(5466)
155	08/24/2005	(400925)
156	05/27/2003	(35995)
157	08/06/2004	(258328)
158	02/22/2005	(381868)
159	04/26/2005	(281994)
160	07/02/2004	(271249)
161	01/16/2003	(17965)
162	11/07/2002	(4910)
163	03/22/2005	(381869)
164	05/20/2005	(348483)
165	09/01/2006	(488624)
166	08/28/2002	(5451)
167	06/24/2002	(2874)
168	11/15/2006	(519473)
169	08/31/2002	(7756)
170	12/14/2004	(334546)
171	08/28/2002	(5456)
172	02/15/2006	(439989)
173	12/20/2004	(381870)
174	09/01/2004	(291403)
175	01/24/2005	(345619)
176	01/24/2005	(381871)
177	09/15/2004	(334014)
178	07/13/2005	(399194)
179	08/19/2005	(396740)
180	09/01/2006	(478556)
181	08/28/2002	(5434)
182	01/10/2005	(281997)
183	11/12/2004	(281714)
184	09/01/2006	(488740)
185	06/25/2003	(35521)
186	09/01/2006	(488134)
187	08/02/2005	(348759)
188	09/01/2004	(289773)
189	02/19/2002	(158481)
190	07/14/2006	(486365)
191	02/23/2004	(295513)
192	10/21/2003	(250278)
193	09/27/2006	(512555)
194	02/18/2003	(158482)
195	07/21/2006	(487892)
196	05/09/2003	(35604)
197	09/01/2006	(490185)
198	02/17/2006	(439355)
199	08/19/2003	(148080)
200	05/28/2003	(34893)
201	10/27/2004	(289067)
202	12/17/2004	(338870)
203	03/19/2004	(295517)
204	06/27/2006	(481343)
205	08/10/2005	(396623)
206	08/31/2004	(269258)
207	04/21/2004	(295518)
208	03/25/2002	(158484)
209	09/01/2006	(488020)
210	07/02/2004	(272143)
211	05/25/2006	(457878)
212	03/24/2003	(158485)

213	08/13/2005	(397699)
214	09/01/2006	(508690)
215	01/04/2005	(281998)
216	05/20/2004	(295520)
217	08/25/2006	(488734)
218	04/26/2006	(457610)
219	08/08/2005	(403525)
220	09/01/2006	(488633)
221	08/01/2002	(6128)
222	06/11/2004	(270014)
223	07/06/2006	(482247)
224	02/26/2002	(136753)
225	02/25/2004	(261619)
226	02/26/2002	(136752)
227	10/16/2003	(152211)
228	09/01/2006	(489467)
229	09/01/2006	(488191)
230	02/26/2002	(136751)
231	06/21/2002	(1453)
232	06/17/2004	(295522)
233	02/26/2002	(136750)
234	03/31/2005	(350576)
235	02/26/2002	(136749)
236	04/22/2002	(158489)
237	02/22/2002	(136748)
238	05/02/2005	(349631)
239	02/22/2002	(136747)
240	04/21/2003	(158490)
241	09/01/2006	(509784)
242	02/12/2002	(136746)
243	05/31/2006	(463733)
244	08/28/2002	(5459)
245	09/01/2006	(466735)
246	02/12/2002	(136745)
247	02/27/2004	(263268)
248	09/25/2003	(295526)
249	02/07/2002	(136744)
250	06/30/2006	(481516)
251	02/07/2002	(136743)
252	08/03/2005	(403101)
253	02/07/2002	(136742)
254	08/24/2002	(4916)
255	10/23/2003	(295528)
256	07/30/2004	(274350)
257	08/13/2004	(261538)
258	02/07/2002	(136741)
259	05/23/2002	(158493)
260	09/01/2006	(478638)
261	12/20/2004	(281999)
262	11/21/2003	(295529)
263	07/21/2006	(487175)
264	01/30/2006	(440131)
265	07/02/2003	(60623)
266	12/29/2003	(295530)
267	05/23/2003	(158494)
268	01/07/2002	(136740)
269	04/16/2003	(24831)
270	08/31/2004	(270855)
271	03/16/2004	(261251)
272	12/29/2003	(295532)
273	05/15/2006	(462815)
274	08/10/2006	(520234)
275	06/28/2002	(2926)

276	09/01/2006	(489863)
277	12/06/2005	(438942)
278	09/18/2006	(520235)
279	07/26/2006	(482594)
280	06/02/2004	(268446)
281	08/29/2005	(406800)
282	07/21/2006	(487390)
283	07/02/2004	(271833)
284	08/22/2005	(406017)
285	05/30/2003	(37838)
286	10/19/2006	(520236)
287	01/04/2005	(338922)
288	06/24/2002	(158497)
289	03/29/2006	(453666)
290	12/14/2004	(338676)
291	08/16/2004	(280377)
292	05/30/2003	(37791)
293	12/29/2005	(449459)
294	06/14/2005	(378741)
295	06/24/2003	(158498)
296	05/27/2003	(34681)
297	04/25/2005	(419706)
298	11/07/2006	(516594)
299	01/06/2005	(285581)
300	09/01/2006	(509713)
301	09/01/2006	(487896)
302	08/31/2004	(271300)
303	05/17/2006	(464808)
304	05/23/2005	(419707)
305	11/13/2006	(518837)
306	06/30/2006	(462898)
307	11/12/2004	(281823)
308	11/21/2006	(519775)
309	06/14/2005	(419708)
310	10/16/2002	(12826)
311	02/21/2006	(455248)
312	12/10/2004	(285390)
313	08/28/2004	(264976)
314	03/16/2006	(455002)
315	09/01/2006	(509158)
316	07/22/2002	(158501)
317	06/21/2002	(2442)
318	09/01/2005	(400337)
319	11/15/2004	(337390)
320	12/14/2004	(334780)
321	07/22/2003	(158502)
322	08/17/2005	(400929)
323	02/29/2004	(251270)
324	07/30/2002	(2222)
325	08/31/2002	(4899)
326	09/01/2006	(489866)

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

Date: 06/30/2003 (158502)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2002 (158512)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/04/2004 (261689)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Valero is in of violation for adversely affecting the normal use and enjoyment of property.

Date: 08/31/2004 (270855)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PA Permit No. 39142 and PSD-TX-822M2, SC #1

Description: Exceeded permit limits.

Date: 08/27/2003 (143078)

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Rqmt Prov: PA 39412, SC 15E

Description: Non clerical air violation

Date: 06/30/2002 (158501)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2004 (257997)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD TX-822M2
PERMIT Flexible Permit #39142 and PSD-TX-822M2

Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a three-hour average basis.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2

Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a one hour average basis.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2

Description: Failure to report a reportable emission event which resulted in the release of H2S and benzene emissions in excess of the reportable quantity.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2

Description: failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.
Failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.

Date: 10/31/2005 (468458)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (468459)

Self Report? YES Classificatio Moderate

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

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (271300)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions.

Date: 12/31/2005 (468460)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (451967)
Self Report? NO Classificatio Moderate
Citation: TWC Chapter 26 26.121(a)(1)
Rqmt Prov: PERMIT No. 00449-000 Page 7, No. 2g
Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT 00449-000 Page 2, No. 1 & Page 2d, no. 1
Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 09/30/2004 (352183)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/01/2002 (246540)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2002 (158524)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (481516)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA 39142, SC No. 1
Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions from flaring.

Date: 04/30/2006 (498220)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (381869)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/10/2004 (285390)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142 and PSD-TX-822M2
Description: Failure to meet demonstration criteria.

Date: 08/28/2004 (264976)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions during an emissions event.

Date: 01/31/2005 (285435)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142, SC No. 1
Description: Failure to meet demonstration criteria.

Date: 12/31/2004 (381871)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/28/2004 (281856)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 9142 and PSD-TX-822M2
Description: Failure to meet demonstration criteria.

Date: 03/02/2004 (254943)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 39142, SC #1
Description: Valero exceeded permitted source emission limits during an avoidable emissions event.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT SC #2(A)
Description: Valero operated Flare #4 with no flame present.

Date: 02/29/2004 (251270)
Self Report? NO Classificatio Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Valero failed to properly report an emissions event.

Date: 08/10/2005 (396623)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142, Special Condition No. 1
Description: Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.

Date: 06/30/2006 (483867)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
Description: RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC

Date: 01/31/2003 (158482)
Self Report? YES Classificatio Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (295520)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2005 (338922)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA 39142, Special Condition No. 1

Description: Failure to meet demonstration criteria.

Date: 08/31/2004 (269258)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA Flexible Permit No. 39142, SC 1

Description: Failure to prevent unauthorized emissions.

Date: 09/29/2006 (509876)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/15/2002 (136740)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: OP PPSC1

Description: FLEX PERMIT CONDITIONS

Date: 07/22/2002 (134150)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failed to meet the limit for one or more permit parameter.

Date: 04/30/2003 (158494)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (295532)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/21/2006 (455248)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA No. 39142

Description: Exceeded permit limits during an avoidable emissons event.

Date: 03/31/2005 (419706)

Self Report? YES Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.23
Regulated Entity:	RN100238385	VALERO REFINING TEXAS CITY REFINERY	Classification: AVERAGE	Site Rating: 0.76

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
AIR OPERATING PERMITS	PERMIT	1253
AIR OPERATING PERMITS	PERMIT	2599
AIR OPERATING PERMITS	PERMIT	2599
WASTEWATER	PERMIT	WQ0000449000
WASTEWATER	PERMIT	TPDES0006009
WASTEWATER	PERMIT	TX0006009
AIR NEW SOURCE PERMITS	PERMIT	39142
AIR NEW SOURCE PERMITS	PERMIT	32025
AIR NEW SOURCE PERMITS	PERMIT	42395
AIR NEW SOURCE PERMITS	PERMIT	42394
AIR NEW SOURCE PERMITS	PERMIT	48330
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
AIR NEW SOURCE PERMITS	PERMIT	962
AIR NEW SOURCE PERMITS	PERMIT	8352
AIR NEW SOURCE PERMITS	PERMIT	53530
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
AIR NEW SOURCE PERMITS	AFS NUM	0007
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
AIR NEW SOURCE PERMITS	PERMIT	71076
AIR NEW SOURCE PERMITS	REGISTRATION	75644
AIR NEW SOURCE PERMITS	REGISTRATION	75542
AIR NEW SOURCE PERMITS	REGISTRATION	75815
AIR NEW SOURCE PERMITS	REGISTRATION	75695
AIR NEW SOURCE PERMITS	REGISTRATION	76056
AIR NEW SOURCE PERMITS	REGISTRATION	72517
AIR NEW SOURCE PERMITS	PERMIT	72896
AIR NEW SOURCE PERMITS	REGISTRATION	73799
AIR NEW SOURCE PERMITS	REGISTRATION	76530
AIR NEW SOURCE PERMITS	REGISTRATION	76564
AIR NEW SOURCE PERMITS	REGISTRATION	76882
AIR NEW SOURCE PERMITS	REGISTRATION	76940
AIR NEW SOURCE PERMITS	REGISTRATION	76967
AIR NEW SOURCE PERMITS	REGISTRATION	77806
AIR NEW SOURCE PERMITS	REGISTRATION	78298
AIR NEW SOURCE PERMITS	REGISTRATION	78503
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
WASTE WATER GENERAL PERMIT	PERMIT	TXG670007

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 25, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 25, 2001 to April 25, 2006

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

Name: Jessica Rhodes Phone: (512)239-2879

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/11/2005 ADMINORDER 2002-1217-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Reqs PERMIT
Description: Failure to comply with the WET limit NOEC of 8% effluent specified in the permit.

Effective Date: 11/23/2005 CONSENT DECREE SA-05-CA-0569-RF

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT
Description: Failed to prevent a leak in a heat exchanger (E-1338).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT
Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/28/2002	(5435)
2	05/27/2003	(35847)
3	07/19/2002	(1982)
4	08/21/2001	(158504)
5	08/23/2002	(158505)
6	01/31/2003	(21539)
7	05/06/2003	(27702)
8	08/31/2002	(7607)
9	06/24/2003	(158506)
10	02/13/2003	(24351)
11	06/21/2002	(2243)
12	06/21/2002	(2455)
13	09/24/2001	(158508)
14	01/04/2005	(282000)
15	09/23/2002	(158509)
16	05/30/2003	(37806)
17	07/15/2005	(348789)
18	06/19/2003	(36509)
19	02/01/2006	(451967)
20	08/04/2004	(276497)
21	10/24/2001	(158511)
22	01/12/2005	(339012)
23	07/22/2005	(440845)
24	08/28/2002	(5452)
25	04/26/2005	(343243)
26	10/16/2003	(152454)
27	03/02/2004	(254943)
28	03/10/2004	(261338)
29	08/23/2005	(440846)
30	05/27/2003	(34689)
31	05/21/2004	(268720)
32	10/21/2002	(158512)
33	06/21/2002	(2142)
34	11/12/2004	(281637)
35	09/23/2005	(440847)
36	06/23/2005	(378628)
37	08/20/2002	(4926)
38	12/14/2004	(281320)
39	07/22/2005	(397707)
40	01/10/2005	(339417)
41	11/26/2001	(158515)
42	10/04/2002	(13258)
43	04/27/2005	(282002)
44	07/20/2004	(273783)
45	08/25/2003	(143078)
46	03/16/2004	(265447)

47	08/13/2005	(400189)
48	06/30/2005	(397555)
49	01/31/2005	(285435)
50	11/18/2002	(158516)
51	12/16/2004	(281398)
52	12/28/2004	(281856)
53	10/19/2004	(334137)
54	07/16/2004	(272858)
55	07/22/2004	(257997)
56	12/13/2004	(340262)
57	01/06/2005	(346230)
58	07/02/2004	(272940)
59	12/16/2004	(283937)
60	12/28/2005	(449585)
61	08/17/2004	(289843)
62	08/28/2002	(5429)
63	08/28/2003	(149898)
64	04/16/2003	(24233)
65	06/18/2004	(272120)
66	07/10/2001	(136720)
67	12/27/2001	(158519)
68	07/09/2001	(136719)
69	07/03/2001	(136718)
70	07/26/2004	(352180)
71	07/03/2001	(136717)
72	07/05/2004	(271296)
73	12/20/2002	(158520)
74	08/24/2004	(352181)
75	06/28/2001	(136716)
76	02/14/2005	(274930)
77	11/12/2004	(283676)
78	06/26/2001	(136715)
79	08/03/2004	(286886)
80	01/17/2006	(431818)
81	09/23/2004	(352182)
82	06/25/2001	(136714)
83	10/22/2004	(352183)
84	06/08/2001	(136713)
85	08/28/2002	(5447)
86	06/05/2001	(136712)
87	05/30/2001	(136711)
88	01/22/2002	(158523)
89	11/18/2004	(352184)
90	08/07/2002	(IE0018603001002)
91	08/19/2002	(5341)
92	05/07/2001	(136710)
93	05/21/2004	(268709)
94	12/29/2005	(439223)
95	05/02/2005	(350537)
96	01/21/2003	(158524)
97	12/23/2004	(339913)
98	09/26/2002	(10851)
99	08/16/2004	(282158)
100	06/27/2005	(397418)
101	07/07/2005	(399131)
102	06/19/2003	(36515)

103	05/30/2002	(1857)
104	03/01/2002	(246540)
105	02/24/2003	(6655)
106	06/28/2005	(348790)
107	07/30/2004	(274385)
108	08/17/2004	(258260)
109	08/02/2002	(6695)
110	08/13/2004	(261714)
111	08/03/2005	(403276)
112	07/02/2004	(271086)
113	08/18/2005	(406027)
114	08/06/2003	(143528)
115	03/31/2006	(434168)
116	01/03/2005	(281991)
117	01/10/2005	(339003)
118	08/08/2005	(403521)
119	05/25/2005	(351133)
120	06/14/2005	(373350)
121	11/11/2004	(281257)
122	06/25/2003	(37826)
123	08/31/2004	(268711)
124	01/10/2005	(281993)
125	08/23/2003	(60572)
126	12/13/2004	(290035)
127	07/30/2004	(278540)
128	08/28/2002	(5466)
129	08/24/2005	(400925)
130	05/27/2003	(35995)
131	08/06/2004	(258328)
132	02/22/2005	(381868)
133	04/26/2005	(281994)
134	07/02/2004	(271249)
135	01/16/2003	(17965)
136	11/07/2002	(4910)
137	03/22/2005	(381869)
138	05/20/2005	(348483)
139	08/28/2002	(5451)
140	06/24/2002	(2874)
141	08/31/2002	(7756)
142	12/14/2004	(334546)
143	08/28/2002	(5456)
144	02/15/2006	(439989)
145	12/20/2004	(381870)
146	09/01/2004	(291403)
147	01/24/2005	(345619)
148	01/24/2005	(381871)
149	09/15/2004	(334014)
150	07/13/2005	(399194)
151	08/19/2005	(396740)
152	08/28/2002	(5434)
153	01/10/2005	(281997)
154	11/12/2004	(281714)
155	06/25/2003	(35521)
156	08/02/2005	(348759)
157	09/01/2004	(289773)
158	02/19/2002	(158481)

159	02/23/2004	(295513)
160	10/21/2003	(250278)
161	02/18/2003	(158482)
162	05/09/2003	(35604)
163	02/17/2006	(439355)
164	08/19/2003	(148080)
165	05/28/2003	(34893)
166	10/27/2004	(289067)
167	12/17/2004	(338870)
168	03/19/2004	(295517)
169	08/10/2005	(396623)
170	08/31/2004	(269258)
171	04/21/2004	(295518)
172	03/25/2002	(158484)
173	07/02/2004	(272143)
174	03/24/2003	(158485)
175	08/13/2005	(397699)
176	01/04/2005	(281998)
177	05/20/2004	(295520)
178	08/08/2005	(403525)
179	08/01/2002	(6128)
180	06/11/2004	(270014)
181	02/26/2002	(136753)
182	02/25/2004	(261619)
183	02/26/2002	(136752)
184	10/16/2003	(152211)
185	02/26/2002	(136751)
186	06/21/2002	(1453)
187	06/17/2004	(295522)
188	02/26/2002	(136750)
189	03/31/2005	(350576)
190	02/26/2002	(136749)
191	04/22/2002	(158489)
192	02/22/2002	(136748)
193	05/02/2005	(349631)
194	02/22/2002	(136747)
195	04/21/2003	(158490)
196	02/12/2002	(136746)
197	08/28/2002	(5459)
198	02/12/2002	(136745)
199	02/27/2004	(263268)
200	09/25/2003	(295526)
201	02/07/2002	(136744)
202	05/22/2001	(158492)
203	02/07/2002	(136743)
204	08/03/2005	(403101)
205	02/07/2002	(136742)
206	08/24/2002	(4916)
207	10/23/2003	(295528)
208	07/30/2004	(274350)
209	08/13/2004	(261538)
210	02/07/2002	(136741)
211	05/23/2002	(158493)
212	12/20/2004	(281999)
213	11/21/2003	(295529)
214	01/30/2006	(440131)

215	07/02/2003	(60623)
216	12/29/2003	(295530)
217	05/23/2003	(158494)
218	01/07/2002	(136740)
219	04/16/2003	(24831)
220	08/31/2004	(270855)
221	12/18/2001	(136739)
222	03/16/2004	(261251)
223	12/17/2001	(136738)
224	12/29/2003	(295532)
225	12/10/2001	(136737)
226	06/28/2002	(2926)
227	12/10/2001	(136736)
228	12/06/2005	(438942)
229	12/10/2001	(136735)
230	06/02/2004	(268446)
231	08/29/2005	(406800)
232	07/02/2004	(271833)
233	06/25/2001	(158496)
234	08/22/2005	(406017)
235	05/30/2003	(37838)
236	12/10/2001	(136734)
237	01/04/2005	(338922)
238	12/07/2001	(136733)
239	06/24/2002	(158497)
240	03/29/2006	(453666)
241	12/14/2004	(338676)
242	12/07/2001	(136732)
243	08/16/2004	(280377)
244	05/30/2003	(37791)
245	12/07/2001	(136731)
246	12/29/2005	(449459)
247	06/14/2005	(378741)
248	06/24/2003	(158498)
249	12/07/2001	(136730)
250	05/27/2003	(34681)
251	04/25/2005	(419706)
252	12/07/2001	(136729)
253	01/06/2005	(285581)
254	11/30/2001	(136728)
255	08/31/2004	(271300)
256	11/06/2001	(136727)
257	07/24/2001	(158500)
258	05/23/2005	(419707)
259	11/05/2001	(136726)
260	11/12/2004	(281823)
261	06/14/2005	(419708)
262	10/16/2002	(12826)
263	02/21/2006	(455248)
264	07/30/2001	(136725)
265	12/10/2004	(285390)
266	08/28/2004	(264976)
267	03/16/2006	(455002)
268	07/25/2001	(136724)
269	07/22/2002	(158501)
270	06/21/2002	(2442)

271 09/01/2005 (400337)
272 07/24/2001 (136723)
273 11/15/2004 (337390)
274 12/14/2004 (334780)
275 07/22/2003 (158502)
276 08/17/2005 (400929)
277 02/29/2004 (251270)
278 07/30/2002 (2222)
279 07/16/2001 (136722)
280 07/12/2001 (136721)
281 08/31/2002 (4899)

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

Date: 06/30/2003 (158502)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2001 (158508)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2002 (158512)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/04/2004 (261689)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
Description: Valero is in of violation for adversely affecting the normal use and enjoyment of property.

Date: 08/31/2004 (270855)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PA IA
Description: Exceeded permit limits.

Date: 08/27/2003 (143078)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
Rqmt Prov: PA IA
Description: Non clerical air violation

Date: 10/31/2001 (158515)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/06/2001 (136720)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FLEXIBLE PERMIT CONDIT

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FAILURE MAINTAIN TEMP

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FAIL MONITOR MONTHLY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: UNAUTHORIZED UPSET REL

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: UNAUTHORIZED EMISSIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FAILED VOLS OUT RFG SY

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: UNAUTHORIZED EMISSIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: EXCEEDED ALLOWABLE EMI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: EXCEEDED ALLOWABLE EMI

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: UNAUTHORIZED EMISSIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: UNAUTHORIZED EMISSIONS

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FLARING AVOIDABLE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FLARE FAILURE SENSOR

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FLARING SENSOR FAILURE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
Description: FLARING SENSOR LEVEL

Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: RELEASE SRU SYSTEMS

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: OP IA

Description: OVERFILLING OF TANK

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: IMPROPER PRESSURE SETT

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)

Description: UNAUTHORIZED EMISSIONS

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: OP IA

Description: EXCESS EMISSIONS SRUS

Date: 07/26/2004 (257997)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: PERMIT IA

Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a three-hour average basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT IA

Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a one hour average basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT IA

Description: Failure to report a reportable emission event which resulted in the release of H2S and benzene emissions in excess of the reportable quantity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT IA

Description: failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.
Failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.

Date: 08/31/2004 (271300)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA IA

Description: Failure to prevent unauthorized emissions.

Date: 01/31/2006 (451967)

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Rqmt Prov: PERMIT IA

Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT IA

Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 09/30/2004 (352183)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/01/2002 (246540)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2002 (158524)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (381869)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/10/2004 (285390)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Failure to meet demonstration criteria.

Date: 08/28/2004 (264976)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Failure to prevent unauthorized emissions during an emissions event.

Date: 01/31/2005 (285435)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Failure to meet demonstration criteria.

Date: 12/31/2004 (381871)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/28/2004 (281856)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA IA
Description: Failure to meet demonstration criteria.

Date: 03/02/2004 (254943)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Valero exceeded permitted source emission limits during an avoidable emissions event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

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

Rqmt Prov: PERMIT IA

Description: Valero operated Flare #4 with no flame present.

Date: 02/29/2004 (251270)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Valero failed to properly report an emissions event.

Date: 08/10/2005 (396623)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA IA

Description: Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.

Date: 01/31/2003 (158482)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (295520)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2005 (338922)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA IA

Description: Failure to meet demonstration criteria.

Date: 08/31/2004 (269258)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA IA

Description: Failure to prevent unauthorized emissions.

Date: 01/15/2002 (136740)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: OP IA

Description: FLEX PERMIT CONDITIONS

Date: 07/22/2002 (134150)

Self Report? NO Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failed to meet the limit for one or more permit parameter.

Date: 04/30/2003 (158494)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (295532)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/21/2006 (455248)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA IA

Description: Exceeded permit limits during an avoidable emissons event.

Date: 03/31/2005 (419706)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	21-Aug-2006				
PCW	05-Feb-2007	Screening	06-Oct-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P. (East Plant)		
Reg. Ent. Ref. No.	RN100211663		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	29209	No. of Violations	2
Docket No.	2006-0468-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Jessica Rhodes
Multi-Media	Industrial and Hazardous Waste	EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 115% Enhancement *Subtotals 2, 3, & 7* $8,625

Notes: The Respondent received an enhancement due to six written NOVs for same or similar type violations, one monthly self-reported effluent violation, five written NOVs for other type violations, one Agreed Order with denial language, one Agreed Order without denial language, and one Court Order with denial language.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

Notes: The Respondent does not meet the good faith effort criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$83
Approx. Cost of Compliance	$1,700

SUM OF SUBTOTALS 1-7 Final Subtotal $16,125

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage*(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $16,125

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $16,125

DEFERRAL 20% Reduction Adjustment -$3,225

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $12,900

Screening Date 06-Oct-2006 **Docket No.** 2006-0468-MLM-E **PCW**
Respondent Valero Refining-Texas, L.P. (December 2002)
Case ID No. 29209 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100211663
Media [Statute] Water Quality
Enf. Coordinator Jessica Rhodes

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	6	30%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	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	1	25%
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 *(number of judgements or consent decrees meeting criteria)*	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **115%**

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes

The Respondent received an enhancement due to six written NOVs for same or similar type violations, one monthly self-reported effluent violation, five written NOVs for other type violations, one Agreed Order with denial language, one Agreed Order without denial language, and one Court Order with denial language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **115%**

PCW
(December 2002)
PCW Revision May 19, 2005

Screening Date 06-Oct-2006 **Docket No.** 2006-0468-MLM-E
Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100211663
Media [Statute] Water Quality
Enf. Coordinator Jessica Rhodes

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.4 and Tex. Water Code § 26.121(a)

Secondary Rule Cite(s)

Violation Description Failure to prevent the discharge of slop oil and wastewater to the environment, as documented during the investigation June 20, 2006. Specifically, the investigator documented that a spill of hazardous wastewater occurred from Tank 109 into the earthen dike surrounding the tank and the soils in the earthen dike had not been remediated.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended from the June 20, 2006 investigation date to the date of screening (October 6, 2006).

Economic Benefit (EB) for this violation

Estimated EB Amount $73

Statutory Limit Test

Violation Final Penalty Total $10,750

This violation Final Assessed Penalty (adjusted for limits) $10,750

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P. (East Plant)
Case ID No. 29209
Reg. Ent. Reference No. RN100211663
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal	$1,500	01-Jun-2006	23-May-2007	1.0	$73	n/a	$73
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs The approximate cost to remediate and dispose of spilled materials located in the earthen dike of Tank 109 from the date required through the date of expected compliance (May 23, 2007.)

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $1,500

TOTAL $73

PCW
(December 2002)
PCW Revision May 19, 2005

Screening Date 06-Oct-2006 **Docket No.** 2006-0468-MLM-E
Respondent Valero Refining-Texas, L.P.
Case ID No. 29209
Reg. Ent. Reference No. RN100211663
Media [Statute] Water Quality
Enf. Coordinator Jessica Rhodes

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and Water Quality Permit No. 00465 Monitoring and Reporting Requirements 7.a.

Secondary Rule Cite(s)

Violation Description Failure to report any noncompliance which may endanger human health, safety, or the environment within 24 hours of becoming aware of the noncompliance, as documented during the investigation conducted June 20, 2006. Specifically, the Respondent did not submit notification of the overflow of slop oil and hazardous wastewater from Tank 109.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $5,375

This violation Final Assessed Penalty (adjusted for limits) $5,375

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P. (East Plant)
Case ID No. 29209
Reg. Ent. Reference No. RN100211663
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	02-Jun-2006	23-May-2007	1.0	$10	n/a	$10
Notes for DELAYED costs	The approximate cost to prepare and submit noncompliance notification from the date required through the date of expected compliance (May 23, 2007).						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $10

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.23
Regulated Entity:	RN100211663	VALERO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Rating: 13.3

ID Numbers(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0043A
AIR OPERATING PERMITS	PERMIT	1231
AIR OPERATING PERMITS	PERMIT	2238
AIR OPERATING PERMITS	PERMIT	2239
AIR OPERATING PERMITS	PERMIT	2240
AIR OPERATING PERMITS	PERMIT	2241
AIR OPERATING PERMITS	PERMIT	2242
AIR OPERATING PERMITS	PERMIT	2243
AIR OPERATING PERMITS	PERMIT	2244
AIR OPERATING PERMITS	PERMIT	2245
AIR OPERATING PERMITS	PERMIT	2246
AIR OPERATING PERMITS	PERMIT	2247
AIR OPERATING PERMITS	PERMIT	2248
AIR OPERATING PERMITS	PERMIT	2249
AIR OPERATING PERMITS	PERMIT	2250
AIR OPERATING PERMITS	PERMIT	2251
AIR OPERATING PERMITS	PERMIT	2252
AIR OPERATING PERMITS	PERMIT	2253
AIR OPERATING PERMITS	PERMIT	2254
AIR OPERATING PERMITS	PERMIT	2255
AIR OPERATING PERMITS	PERMIT	2256
AIR OPERATING PERMITS	PERMIT	2257
AIR OPERATING PERMITS	PERMIT	2258
AIR OPERATING PERMITS	PERMIT	1750
AIR OPERATING PERMITS	PERMIT	1750
WASTEWATER	PERMIT	WQ0000465000
WASTEWATER	PERMIT	TX0006904000
WASTEWATER	PERMIT	TX0006904
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0043A
AIR NEW SOURCE PERMITS	PERMIT	1084
AIR NEW SOURCE PERMITS	PERMIT	1085
AIR NEW SOURCE PERMITS	PERMIT	1152
AIR NEW SOURCE PERMITS	PERMIT	2937
AIR NEW SOURCE PERMITS	PERMIT	9344
AIR NEW SOURCE PERMITS	PERMIT	10923
AIR NEW SOURCE PERMITS	PERMIT	11456
AIR NEW SOURCE PERMITS	PERMIT	11652
AIR NEW SOURCE PERMITS	PERMIT	13764
AIR NEW SOURCE PERMITS	PERMIT	2180A
AIR NEW SOURCE PERMITS	PERMIT	3477
AIR NEW SOURCE PERMITS	PERMIT	3783
AIR NEW SOURCE PERMITS	PERMIT	5285A
AIR NEW SOURCE PERMITS	PERMIT	5487A
AIR NEW SOURCE PERMITS	PERMIT	5488A
AIR NEW SOURCE PERMITS	PERMIT	16859
AIR NEW SOURCE PERMITS	PERMIT	21656
AIR NEW SOURCE PERMITS	PERMIT	21563
AIR NEW SOURCE PERMITS	PERMIT	22390
AIR NEW SOURCE PERMITS	PERMIT	30275
AIR NEW SOURCE PERMITS	PERMIT	41936
AIR NEW SOURCE PERMITS	PERMIT 4	6768
AIR NEW SOURCE PERMITS	REGISTRATION	71884
AIR NEW SOURCE PERMITS	REGISTRATION	75588
AIR NEW SOURCE PERMITS	AFS NUM	0018
AIR NEW SOURCE PERMITS	REGISTRATION	72781
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1023
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1023M1
AIR NEW SOURCE PERMITS	REGISTRATION	78472
AIR NEW SOURCE PERMITS	REGISTRATION	78481
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0476L
AIR NEW SOURCE PERMITS	AFS NUM	0177
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30530
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008132268
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30530
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50261
WASTEWATER LICENSING	LICENSE	WQ0000465000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50261

Location: LOCATED EAST OF NAVIGATION BLVD AND APPX 0.5 MILE NORTH OF INTERSTATE HWY 37 CORPUS CHRISTI NUECES COUNTY

Rating Date: 9/1/2006

Repeat Violator: No

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: October 9, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 9, 2001 to October 9, 2006

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

Name: Jessica Rhodes

Phone: 512-239-2879

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Valero Refining-Texas, L.P.
4. If Yes, who was/were the prior owner(s)? Coastal Refining & Marketinkg, Inc.
   Coastal Refining and Marketing Inc
5. When did the change(s) in ownership occur? 11/08/2004

Components (Mulitmedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/16/2003 ADMINORDER 2002-1055-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC 1 PERMIT
Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.11 for emissions resulting from an upset event 11/2/01.

Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
Description: Failure to prevent visible emissions from a gas flare for a duration of less than five minutes ina two hour period during an upset event on 11/2/01

Effective Date: 11/23/2005 COURTORDER

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)[G]
Description: Fail. meet 24 hr. reporting req. for aupset event (CRMI incident #00-143R) that occurred 7/2/00 - 7/7/00.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred 7/2/00 - 7/7/00.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. maintain complete records regarding upset event that occurred on 9/8/2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset events that occurred on 7/2/00 thru 7/7/00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset that occurred on 9/26/00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred on 9/26/00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred on 10/4/00.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.7(c)[G]
Description: Fail. maintain complete records regarding maintenance event on 2/18/01.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: GC8 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from maintenance event that occurred on 2/18/01.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.10[G]
Description: Fail. include upset emissions from CO boiler & collapse of roof of storage vessel #352 in EIU for calendar yr. 1999.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from 20 upset events at crude & vacuum unit.

Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. maintain flare observation log for 4 flares for may & june 2000 & for east plt. main flare for december 2000.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)(2)
30 TAC Chapter 115, SubChapter B 115.114(b)(3)
30 TAC Chapter 115, SubChapter B 115.114(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. visually inspect or physically measure secondary seal gaps of vessels numbered 84, 98, 100, 151, 153, 355 & 358 at least once every 12 months during calendar yr. 2000.

Classification: Major
Citation: 30 TAC Chapter 115, SubChapter D 115.322(5)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. mark applicable pipeline valves & pressure relief valves in gaseous VOC serv. in manner readily obvious to monitoring personnel.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 115, SubChapter D 115.326(2)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. measure emissions from all affected process drains on yearly basis.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.325(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)
Rqmt Prov: SC 11 & 12 PERMIT
SC 13F PERMIT
SC 16F & 16G PERMIT
SC 1F & 1G PERMIT
SC 3F & 3G PERMIT
SC 5 & 6 PERMIT
SC 5F, 5G & 6 PERMIT
SC 6 PERMIT
SC4 PERMIT
Description: Fail. properly conduct test method 21.

Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.326(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. submit monitoring program plan which includes list of refinery units & quarter in which they will be monitored copy of log book format & make & model of monitoring equip. to be used.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.327(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. submit required compliance plan & start up notification before #2 reformer at Quintana plt. was re-started in 1/2001.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC13 PERMIT
SC29E PERMIT
Description: Fail.submit accurate summ.rpt. for SRU#1 for 3rd qurtr. cal. yr. 1999(3Q99)&for SRU#1 &SRU #2 for 2Q00 &fail. to submit CMS EER for 1Q97,2Q97,4Q98 &2Q99 for fuel gas hydrogen sulfide content 3Q00 SRU#1 S02 emissions,3Q97 &1Q00 co-gen.unit NOX emiss.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. submit rpt. at least semi-annual cert. indicating whether any changes were made in opers. SRU#1 & SRU#2 emission control system when SO2 data wasn't available from CEMS.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart NNN 60.663(b)(2)
Description: Fail. install flow indicator on deisopentainizer column vent stream & TBA stripper column vent stream.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart NNN 60.665(a)
40 CFR Part 60, Subpart NNN 60.665(d)
Description: Fail. submit notification indicating method of compliance w/ 40CFR60.662 & fail. provide records of flow rates & semi-annual rpts. as required.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11A PERMIT
SC13A PERMIT
SC16A PERMIT
SC3A PERMIT
SC4A PERMIT
SC5A & 6A PERMIT
Description: Fail. provide records of throughput and service and emission control tanks repairs/replacements.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11F PERMIT
SC16F PERMIT
SC4F PERMIT
SC6F PERMIT
SCF5 PERMIT
Description: Fail. utilize directed maintenance program to monitor accessible valves.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SP 8D,8E &8F PERMIT
Description: Fail. maintain record of semi-annual & yr.-to-date emissions calculations for annual & short-term emissions for vessels.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
Rqmt Prov: GC8 PERMIT
Description: Fail. maintain VOC emissions at or below allowable emission limits for tanks 323, 324, 350 & 354 for calendar yr. 1999 & fail. maintain emissions at or below allowable emission limits for tanks 323, 324, 350, 354 & 355 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC1 PERMIT
Description: Fail to produce, upon request, proper records of CO emissions.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC4 PERMIT
Description: Fail. properly notify TNRCC of change in serv. on or about 7/1/98 for tanks 334, 335, 351, 357 & 358.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC8 PERMIT
Description: Failed to include emissions from the CO boiler and the collapse of the roof of storage vessel no. 352 in teh EIU for calendar year 1999.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions of CO, VOC & PM at or below allowable emission limits for reactor heater 3-H-3 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC3 PERMIT
Description: Fail. comply w/ required fuel rate limit for reactor heater 3-H-3 from 10/1999 - 6/2000 & 8/2000

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC8A PERMIT
Description: Fail. properly maintain records of fuel throughput for reactor heater 3-H-3.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC7 PERMIT
Description: Fail. report results of annual test runs to confirm accuracy of weekly sampling procedures of SC4 of TNRCC air permit #3784A for 1999 & 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC8 PERMIT
Description: Fail. conduct audio, visual & olfactory checks for leaks at proper frequency.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SP1 PERMIT
Description: Fail. maintain emissions of VOC, NOx & CO at or below allowable emission limits for #2 reformer flare REF2FL1 for calendar yrs. 1999 & 2000 and misrepresentation of these emissions in 1/22/92 permit app..

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC5 PERMIT
Description: Fail. maintain records of daily avg. fuel gas usage for heater QL-10.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Fail. maintain emissions of CO at or below allowable emission limits for heater QH-125 for calendar yrs. 1999 & 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions of VOC at or below allowable emission limits for heater Q10-H-1 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC6 PERMIT
Description: Fail. comply w/ required feed rate limit for heater Q10-H-1 for 12/1999.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
Rqmt Prov: GC8 PERMIT
Description: Fail. maintain emissions of CO at or below allowable emission limits for heaters Q11-H-301 & Q11-H-3002 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions of CO at or below allowable emission limits for heaters 8-H-5 & 8-H-6 for calendar yr. 1999 & fail. maintain emissions of CO at or below allowable limits for heater 8-H-5 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC4 PERMIT
Description: Fail. comply w/ required hourly firing rate limit for heater 8-H-6 from 1/1 to 5/27, 6/3 to 6/18, 7/3 to 7/6 & 7/21 to 9/9, 1999; and fail. comply w/ required hourly firing rate limit for heaters 8-H-3 & 8-H-5 for 17 hrs. between 1/22 & 4/21, 1999.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11E PERMIT
Description: Fail. manually switch CEMS monitor between stacks cogen-1 & cogen-2 every 3 months during calendar yrs. 1999 & 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC10 PERMIT
Description: Fail. maintain SO2 concentration at or below allowable concentration limit for tail gas incinerators SRU1-INCIN & SRU2-INCIN for 1099 & 3Q00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions VOC at or below allowable emission limits for coker heater 7-H-2 for cal. yr. 1999 & fail. maintain emissions VOC,CO&PM of 10 microns or less(PM 10)at or below allowable emission limits for coker heater 7-H-2 for cal.yr. 2000

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Description: Fail. obtain regulatory auth. for west plt. flare (WP-flare) from 4/1997 to present & misrepresentation of this process unit in 9/28/1993 permit app..

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC18 PERMIT
Description: Fail. conduct cooling water VOC leak detection sampling as required.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.664
40 CFR Part 60, Subpart A 60.18
Description: Fail. conduct performance test on east plt. main flare & #2 reformer flare w/in 180 days after initial startup in 1987.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8[G]
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349[G]
40 CFR Part 60, Subpart A 60.18
Description: Fail. conduct performance test on west plan flare, which is in 40CFR part 61, subpart FF serv., w/in 180 days after initial startup.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
Description: Failure to provide notification of reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 21, 2002 and February 7, 2003, within 24 hours of discovery.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Rqmt Prov: TCEQ Permit 6797 PA
Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Vacuum Jet Compressor during eleven emissions events.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Rqmt Prov: TCEQ Permit 6797 PA
Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Ingersoll Rand (IR) Compressor during an emissions event on June 27, 2002.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: TCEQ Permit 21655 PA
Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Sulfur Recovery Unit Incinerator during an emissions event which started on June 20, 2002 and ended on June 24, 2002.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)[G]
Description: Failure to provide rule required information in the notification of a reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 23, 2003, to the commission's regional office within 24 hours of discovery.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
Rqmt Prov: General Conditions PA
Description: Failure to obtain regulatory authority for, or satisfy all demonstration criteria to exempt from compliance limitations, the emissions (including approximately 3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on September 23, 2003.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
Rqmt Prov: 6797 PA
Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and (c) and obtain regulatory authority for the emissions (including approximately 89 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during emissions events and scheduled activities.

Classification: Moderate
Citation: 30 TAC Chapter 112, SubChapter B 112.31
Description: Failure to prevent emissions of hydrogen sulfide from a source or sources operated on a property or multiple sources operated on contiguous properties from exceeding a net ground level concentration of 0.80 parts per million averaged over a 30-minute period.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SC 1 PA
Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and obtain regulatory authority for the emissions (including approximately 6.3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on or about May 5, 2004.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to notify the TCEQ Corpus Christi Region Office within twenty four hours after the discovery of a reportable emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to satisfy all demonstrations criteria in 30 TAC §101.222(b) and gain an affirmative defense for the unauthorized emissions that were released during TCEQ incident 37739.

Effective Date: 12/30/2005 ADMINORDER 2001-1023-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred 7/2/00 - 7/7/00.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. maintain complete records regarding upset event that occurred on 9/8/2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset events that occurred on 7/2/00 thru 7/7/00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset that occurred on 9/26/00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred on 9/26/00.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from 20 upset events at crude & vacuum unit.

Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. maintain flare observation log for 4 flares for may & june 2000 & for east plt. main flare for december 2000.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)(2)
30 TAC Chapter 115, SubChapter B 115.114(b)(3)
30 TAC Chapter 115, SubChapter B 115.114(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. visually inspect or physically measure secondary seal gaps of vessels numbered 84, 98, 100, 151, 153, 355 & 358 at least once every 12 months during calendar yr. 2000.

Classification: Major
Citation: 30 TAC Chapter 115, SubChapter D 115.322(5)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. mark applicable pipeline valves & pressure relief valves in gaseous VOC serv. in manner readily obvious to monitoring personnel.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 115, SubChapter D 115.326(2)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. measure emissions from all affected process drains on yearly basis.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.325(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)
Rqmt Prov: SC 11 & 12 PERMIT
SC 13F PERMIT
SC 16F & 16G PERMIT
SC 1F & 1G PERMIT
SC 3F & 3G PERMIT
SC 5 & 6 PERMIT
SC 5F, 5G & 6 PERMIT
SC 6 PERMIT
SC4 PERMIT
Description: Fail. properly conduct test method 21.

Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.326(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. submit monitoring program plan which includes list of refinery units & quarter in which they will be monitored copy of log book format & make & model of monitoring equip. to be used.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.327(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. submit required compliance plan & start up notification before #2 reformer at Quintana plt. was re-started in 1/2001.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC13 PERMIT
SC29E PERMIT
Description: Fail.submit accurate summ.rpt. for SRU#1 for 3rd qurtr. cal. yr. 1999(3Q99)&for SRU#1 &SRU #2 for 2Q00 &fail. to submit CMS EER for 1Q97,2Q97,4Q98 &2Q99 for fuel gas hydrogen sulfide content 3Q00 SRU#1 S02 emissions,3Q97 &1Q00 co-gen.unit NOX emiss.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Fail. submit rpt. at least semi-annual cert. indicating whether any changes were made in opers. SRU#1 & SRU#2 emission control system when SO2 data wasn't available from CEMS.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11A PERMIT
SC13A PERMIT
SC16A PERMIT
SC3A PERMIT
SC4A PERMIT
SC5A & 6A PERMIT
Description: Fail. provide records of throughput and service and emission control tanks repairs/replacements.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11F PERMIT
SC16F PERMIT
SC4F PERMIT
SC6F PERMIT
SCF5 PERMIT
Description: Fail. utilize directed maintenance program to monitor accessible valves.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SP 8D,8E &8F PERMIT
Description: Fail. maintain record of semi-annual & yr.-to-date emissions calculations for annual & short-term emissions for vessels.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC1 PERMIT
Description: Fail to produce, upon request, proper records of CO emissions.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC8 PERMIT
Description: Failed to include emissions from the CO boiler and the collapse of the roof of storage vessel no. 352 in teh EIU for calendar year 1999.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions of CO, VOC & PM at or below allowable emission limits for reactor heater 3-H-3 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC3 PERMIT
Description: Fail. comply w/ required fuel rate limit for reactor heater 3-H-3 from 10/1999 - 6/2000 & 8/2000

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC8A PERMIT
Description: Fail. properly maintain records of fuel throughput for reactor heater 3-H-3.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC7 PERMIT
Description: Fail. report results of annual test runs to confirm accuracy of weekly sampling procedures of SC4 of TNRCC air permit #3784A for 1999 & 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SP1 PERMIT
Description: Fail. maintain emissions of VOC, NOx & CO at or below allowable emission limits for #2 reformer flare REF2FL1 for calendar yrs. 1999 & 2000 and misrepresentation of these emissions in 1/22/92 permit app..

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC5 PERMIT
Description: Fail. maintain records of daily avg. fuel gas usage for heater QL-10.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Fail. maintain emissions of CO at or below allowable emission limits for heater QH-125 for calendar yrs. 1999 & 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions of VOC at or below allowable emission limits for heater Q10-H-1 for calendar yr. 2000.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC6 PERMIT
Description: Fail. comply w/ required feed rate limit for heater Q10-H-1 for 12/1999.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC4 PERMIT
Description: Fail. comply w/ required hourly firing rate limit for heater 8-H-6 from 1/1 to 5/27, 6/3 to 6/18, 7/3 to 7/6 & 7/21 to 9/9, 1999; and fail. comply w/ required hourly firing rate limit for heaters 8-H-3 & 8-H-5 for 17 hrs. between 1/22 & 4/21, 1999.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11E PERMIT
Description: Fail. manually switch CEMS monitor between stacks cogen-1 & cogen-2 every 3 months during calendar yrs. 1999 & 2000.

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 OP
Description: Failure to produce on request records of VOC emission levels for for Coker Heater 7-H-2 for calendar year 1999 and for emission levels of VOCs, PM and CO for calendar year 2000

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 OP
Description: Failure to produce on request records of VOC emission levels for for Coker Heater 7-H-2 for calendar year 1999 and for emission levels of VOCs, PM and CO for calendar year 2000

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Description: misrepresented the West Plant Flare as an emergency flare instead of a process flare

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC18 OP
Description: failed to complete all samples required for cooling water VOC leak detection sampling

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The dates of investigations.

1	05/20/2003	(159889)
2	05/20/2002	(159888)
3	04/17/2003	(159885)
4	04/23/2002	(159884)
5	07/20/2005	(430049)
6	04/15/2004	(258186)
7	06/30/2004	(277545)
8	04/11/2005	(350299)
9	03/19/2003	(159880)
10	04/21/2003	(33898)
11	12/28/2004	(345193)
12	03/26/2004	(265025)
13	03/21/2002	(159879)
14	08/22/2006	(483293)
15	06/25/2003	(36014)
16	07/07/2006	(485108)
17	02/17/2003	(159877)
18	07/09/2005	(397621)
19	02/18/2004	(296104)
20	02/19/2002	(159876)
21	08/28/2003	(29654)
22	04/11/2003	(31132)
23	03/19/2004	(296107)
24	04/22/2004	(296108)
25	08/29/2006	(488424)
26	10/25/2005	(432976)
27	11/02/2001	(IE0017825001001)
28	05/18/2004	(296110)
29	05/17/2004	(265353)
30	06/21/2004	(296112)
31	05/08/2003	(36029)
32	02/10/2005	(342544)
33	08/19/2005	(440955)
34	08/27/2004	(289772)
35	06/06/2006	(480816)
36	09/19/2005	(440956)
37	08/18/2003	(296115)
38	10/24/2005	(440957)
39	02/17/2004	(332781)
40	09/22/2003	(296117)
41	08/19/2005	(405862)
42	06/07/2004	(274416)
43	10/21/2003	(296119)
44	07/20/2004	(352431)
45	11/30/2004	(342556)
46	08/19/2004	(352432)
47	06/22/2004	(270344)
48	11/21/2003	(296120)
49	09/13/2004	(352433)
50	12/22/2003	(296121)
51	11/30/2004	(342509)
52	10/21/2004	(352434)

53	11/23/2004	(352435)
54	01/20/2004	(296123)
55	10/21/2004	(334534)
56	06/27/2002	(246569)
57	04/18/2003	(33903)
58	06/02/2005	(394325)
59	06/30/2004	(277770)
60	04/15/2005	(373717)
61	02/20/2003	(246568)
62	07/10/2006	(462991)
63	06/19/2006	(465775)
64	12/16/2003	(147906)
65	06/02/2005	(394464)
66	08/29/2006	(509898)
67	10/07/2004	(292867)
68	11/17/2005	(403617)
69	01/21/2003	(159918)
70	06/19/2003	(114250)
71	01/22/2002	(159917)
72	12/17/2002	(159914)
73	12/19/2001	(159913)
74	02/22/2006	(468635)
75	06/27/2005	(375543)
76	03/20/2006	(468637)
77	08/30/2005	(418769)
78	04/24/2006	(498341)
79	11/21/2005	(468638)
80	05/23/2006	(498342)
81	12/21/2005	(468639)
82	06/21/2006	(498343)
83	11/25/2002	(159910)
84	01/23/2006	(468640)
85	11/26/2001	(159909)
86	07/20/2006	(498344)
87	01/06/2004	(251552)
88	06/15/2004	(269771)
89	05/25/2006	(479708)
90	08/31/2004	(267107)
91	10/18/2002	(159906)
92	01/28/2006	(453260)
93	11/01/2001	(159905)
94	09/17/2002	(159903)
95	09/20/2001	(159902)
96	07/15/2005	(397268)
97	05/08/2006	(465221)
98	08/30/2006	(509065)
99	08/19/2002	(159900)
100	12/17/2003	(258116)
101	04/19/2006	(462919)
102	07/19/2006	(481002)
103	07/05/2005	(397974)
104	12/06/2004	(342868)
105	02/22/2005	(381978)
106	07/24/2003	(159897)
107	03/18/2005	(381979)
108	12/21/2005	(439798)
109	07/22/2002	(159896)
110	03/26/2004	(265011)
111	12/22/2004	(381980)
112	01/14/2005	(381981)
113	03/28/2006	(458315)
114	02/08/2006	(453776)
115	10/14/2005	(433213)
116	06/16/2003	(159893)
117	04/19/2005	(430046)
118	06/24/2002	(159892)
119	05/23/2005	(430047)
120	05/08/2006	(464657)
121	08/24/2005	(402929)
122	06/21/2005	(430048)

E. Written notices of violations (NOV).

Date: 08/19/2004	(289772)		
Self Report? NO		Classification:	Major
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)		
Description:	Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding the required limit, as reported on January 21, 2004 in incident 33605.		

Date: 03/11/2003 (26414)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)
Description: Valero failed to notify the executive director by electronic notification of nonhazardous industrial solid waste disposal activities.

Date: 04/23/2003 (31132)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure to maintain a record of calibration activities for the flow meter at Outfall 001.

Date: 03/11/2003 (25137)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)
TWC Chapter 26 26.121(a)(1)
Description: Failure to prevent the discharge of industrial waste from entering "waters of the state" (ground water).

Date: 02/17/2004 (332781)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 06/27/2002 (246569)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Classification: Moderate
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/20/2003 (246568)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/29/2006 (509065)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
Rqmt Prov: OP IA
Description: Failure to visually inspected initially and quarterly thereafter to ensure that all containers are closed and gasketed properly.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.132(b)(1)
Rqmt Prov: OP IA
Description: The Regulated Entity failed to keep the gauging and sampling devices vapor-tight except during gauging or sampling, citing 30 TAC § 115.132(b)(1) / FOP No. O-01231 Permit Provision No. 13 for the reporting period covering, 10/11/2005 to 10/17/2005.

Date: 01/31/2006 (468635)
Self Report? YES: Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/29/2006 (509898)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Rqmt Prov: OP IA
Description: Failure to submit a complete deviation report for Title V Federal Operating Permit No. O-02238 for the semi-annual reporting periods of April 19, 2005 through October 18, 2005 and October 19, 2005 through April 18, 2006. Specifically, the deviation reports were inadequate as the probable cause was

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
Rqmt Prov: OP IA
Description: Failure to conduct visual inspections of vacuum trucks during the third quarter (July 1, 2005 through September 30, 2005) as required by applicable federal rule.

Self Report? NO | Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to maintain the minimum sulfur recovery efficiency at 99.8% for the sulfur recovery unit and tail gas unit combination.

Date: 08/23/2006 (488424)
Self Report? NO | Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(i)
Description: Failure to maintain records as required by applicable federal rule.

Self Report? NO | Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
Description: Failure to conduct required monthly monitoring of six pumps.

Self Report? NO | Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
Rqmt Prov: OP IA
Description: Failure to conduct visual inspections as required by federal rule.

F: Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
VALERO REFINING-TEXAS, L.P.	§	
RN100211663 AND RN100238385	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-0468-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("Valero") under the authority of TEX. HEALTH & SAFETY CODE chs. 382 and 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Valero appear before the Commission and together stipulate that:

1. Valero owns and operates a petroleum refinery at 1301 Loop 197 South in Texas City, Galveston County, Texas ("Plant A").

2. Valero owns and operates a petroleum refinery located east of Navigation Boulevard and approximately 0.5 miles north of Interstate Highway 37, in Corpus Christi, Nueces County, Texas ("Plant B").

3. Plant A consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

4. Plant B involves the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

5. Valero has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.

6. The Commission and Valero agree that the Commission has jurisdiction to enter this Agreed Order, and that Valero is subject to the Commission's jurisdiction.

7. Valero received notices of the violations on or about March 21, 2006, April 3, 2006, April 5, 2006, August 27, 2006, and December 27, 2006.

8. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Valero of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

9. An administrative penalty in the amount of Fifty-Eight Thousand Five Hundred Twenty-Five Dollars ($58,525) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Valero has paid Twenty-Three Thousand Four Hundred Ten Dollars ($23,410) of the administrative penalty and Eleven Thousand Seven Hundred Five Dollars ($11,705) is deferred contingent upon Valero's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Valero fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Valero to pay all or part of the deferred penalty. Twenty Three Thousand Four Hundred Ten Dollars ($23,410) shall be conditionally offset by Valero's completion of a Supplemental Environmental Project ("SEP").

10. 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.

11. The Executive Director of the TCEQ and Valero have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

12. 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 Valero has not complied with one or more of the terms or conditions in this Agreed Order.

13. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

14. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. As owner and operator of Plant A, Valero is alleged to have:

   a. Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 29, 2005. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222. Unauthorized emissions during the emissions event were as follows:

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EG-18-1403	39142	0.00 lbs/hr	Sulfur Dioxide	55 hours	2516.30 lbs	2516.30 lbs
EG-18-1403	39142	0.00 lbs/hr	1,2,4-Trimethylbenzene	55 hours	4.70 lbs	4.70 lbs
EG-18-1403	39142	0.00 lbs/hr	Ammonia	55 hours	25.60 lbs	25.60 lbs
EG-18-1403	39142	0.00 lbs/hr	Benzene	55 hours	5.60 lbs	5.60 lbs
EG-18-1403	39142	0.00 lbs/hr	Butane	55 hours	6.50 lbs	6.50 lbs
EG-18-1403	39142	0.00 lbs/hr	Crude Oil Heavy	55 hours	860.0 lbs	860.0 lbs
EG-18-1403	39142	0.00 lbs/hr	Cumene	55 hours	0.70 lb	0.70 lb
EG-18-1403	39142	0.00 lbs/hr	Cyclohexane	55 hours	7.0 lbs	7.0 lbs
EG-18-1403	39142	0.00 lbs/hr	Ethylbenzene	55 hours	4.70 lbs	4.70 lbs
EG-18-1403	39142	0.00 lbs/hr	Hexane	55 hours	21.0 lbs	21.0 lbs
EG-18-1403	39142	0.00 lbs/hr	Hydrogen Sulfide	55 hours	183.30 lbs	183.30 lbs
EG-18-1403	39142	0.00 lbs/hr	Isobutane	55 hours	0.90 lb	0.90 lb
EG-18-1403	39142	0.00 lbs/hr	Naphthalene	55 hours	18.70 lbs	18.70 lbs
EG-18-1403	39142	0.00 lbs/hr	PAC	55 hours	2.30 lbs	2.30 lbs
EG-18-1403	39142	0.00 lbs/hr	Propane	55 hours	0.90 lb	0.90 lb

b. Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 8, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222. Unauthorized emissions during the emissions event were as follows:

Emission Point Number (EPN)	Permit Number	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EFL-02	39142	0.00 lbs/hr	Carbon Monoxide	2 hours 15 minutes	106.70 lbs	106.70 lbs
EFL-02	39142	0.00 lbs/hr	Nitric Oxide	2 hours 15 minutes	13.30 lbs	13.30 lbs
EFL-02	39142	0.00 lbs/hr	Nitrogen Dioxide	2 hours 15 minutes	1.50 lbs	1.50 lbs
EFL-02	39142	0.00 lbs/hr	Sulfur Dioxide	2 hours 15 minutes	736.20 lbs	736.20 lbs
EFL-03	39142	0.00 lbs/hr	Carbon Monoxide	2 hours 15 minutes	511.30 lbs	511.30 lbs
EFL-03	39142	0.00 lbs/hr	Nitric Oxide	2 hours 15 minutes	63.70 lbs	63.70 lbs
EFL-03	39142	0.00 lbs/hr	Nitrogen Dioxide	2 hours 15 minutes	7.10 lbs	7.10 lbs
EFL-03	39142	0.00 lbs/hr	Sulfur Dioxide	2 hours 15 minutes	1369.80 lbs	1369.80 lbs

c. Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 25, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222. Unauthorized emissions during the emissions event were as follows:

Emission Point Number (EPN)	Permit Numbe r	Permit Limit	Pollutant	Duration	Amount Released	Unauthorized Emissions
EFL-02	39142	0.00 lbs/hr	1,3-Butadiene	24 hours 29 minutes	0.20 lb	0.20 lb
EFL-02	39142	0.00 lbs/hr	Butane	24 hours 29 minutes	4.10 lbs	4.10 lbs
EFL-02	39142	0.00 lbs/hr	Butene	24 hours 29 minutes	0.70 lb	0.70 lb
EFL-02	39142	0.00 lbs/hr	Ethylene (gaseous)	24 hours 29 minutes	62.40 lbs	62.40 lbs
EFL-02	39142	0.00 lbs/hr	Hydrogen Sulfide	24 hours 29 minutes	2.20 lbs	2.20 lbs

EFL-02	39142	0.00 lbs/hr	Isobutane	24 hours 29 minutes	1.10 lbs	1.10 lbs
EFL-02	39142	0.00 lbs/hr	Process Fuel Gas	24 hours 29 minutes	79.90 lbs	79.90 lbs
EFL-02	39142	0.00 lbs/hr	Propane, N-	24 hours 29 minutes	5.0 lbs	5.0 lbs
EFL-02	39142	0.00 lbs/hr	Propylene (Propene)	24 hours 29 minutes	13.50 lbs	13.50 lbs
EFL-02	39142	0.00 lbs/hr	Carbon Monoxide	24 hours 29 minutes	1087.20 lbs	1087.20 lbs
EFL-02	39142	0.00 lbs/hr	Nitric Oxide	24 hours 29 minutes	135.50 lbs	135.50 lbs
EFL-02	39142	0.00 lbs/hr	Nitrogen Dioxide	24 hours 29 minutes	15.10 lbs	15.10 lbs
EFL-02	39142	0.00 lbs/hr	Sulfur Dioxide	24 hours 29 minutes	2107.90 lbs	2107.90 lbs
EFL-03	39142	0.00 lbs/hr	1,3-Butadiene	24 hours 29 minutes	0.60 lb	0.60 lb
EFL-03	39142	0.00 lbs/hr	Butane	24 hours 29 minutes	12.80 lbs	12.80 lbs
EFL-03	39142	0.00 lbs/hr	Butene	24 hours 29 minutes	2.20 lbs	2.20 lbs
EFL-03	39142	0.00 lbs/hr	Ethylene (gaseous)	24 hours 29 minutes	196.50 lbs	196.50 lbs
EFL-03	39142	0.00 lbs/hr	Hydrogen Sulfide	24 hours 29 minutes	6.80 lbs	6.80 lbs
EFL-03	39142	0.00 lbs/hr	Isobutane	24 hours 29 minutes	3.40 lbs	3.40 lbs
EFL-03	39142	0.00 lbs/hr	Process Fuel Gas	24 hours 29 minutes	251.70 lbs	251.70 lbs
EFL-03	39142	0.00 lbs/hr	Propane, N-	24 hours 29 minutes	15.70 lbs	15.70 lbs
EFL-03	39142	0.00 lbs/hr	Propylene (Propene)	24 hours 29 minutes	42.70 lbs	42.70 lbs
EFL-03	39142	0.00 lbs/hr	Carbon Monoxide	24 hours 29 minutes	703.60 lbs	703.60 lbs
EFL-03	39142	0.00 lbs/hr	Nitric Oxide	24 hours 29 minutes	87.70 lbs	87.70 lbs
EFL-03	39142	0.00 lbs/hr	Nitrogen Dioxide	24 hours 29 minutes	9.70 lbs	9.70 lbs
EFL-03	39142	0.00 lbs/hr	Sulfur Dioxide	24 hours 29 minutes	1277.90 lbs	1277.90 lbs

EFL-04	39142	0.00 lbs/hr	1,3-Butadiene	24 hours 29 minutes	0.20 lb	0.20 lb
EFL-04	39142	0.00 lbs/hr	Butane	24 hours 29 minutes	4.10 lbs	4.10 lbs
EFL-04	39142	0.00 lbs/hr	Butene	24 hours 29 minutes	0.70 lb	0.70 lb
EFL-04	39142	0.00 lbs/hr	Ethylene (gaseous)	24 hours 29 minutes	62.40 lbs	62.40 lbs
EFL-04	39142	0.00 lbs/hr	Hydrogen Sulfide	24 hours 29 minutes	2.20 lbs	2.20 lbs
EFL-04	39142	0.00 lbs/hr	Isobutane	24 hours 29 minutes	1.10 lbs	1.10 lbs
EFL-04	39142	0.00 lbs/hr	Process Fuel Gas	24 hours 29 minutes	79.90 lbs	79.90 lbs
EFL-04	39142	0.00 lbs/hr	Propane, N-	24 hours 29 minutes	5.0 lbs	5.0 lbs
EFL-04	39142	0.00 lbs/hr	Propylene (Propene)	24 hours 29 minutes	13.50 lbs	13.50 lbs

d. Failed to prevent unauthorized emissions during a September 25, 2006 emissions event, in violation of Flexible Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 29, 2006. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides. Since the emissions event was avoidable, Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

e. Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event, in violation of Flexible Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(1), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 13, 2006. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222.

2. As owner and operator of Plant B, Valero is alleged to have:

a. Failed to prevent the discharge of slop oil and wastewater to the environment, in violation of 30 TEX. ADMIN. CODE § 335.4 and TEX. WATER CODE § 26.121(a), as documented

during an investigation conducted on June 20, 2006. Specifically, the investigator documented that a spill of hazardous wastewater occurred from Tank 109 into the earthen dike surrounding the tank on June 1, 2006, and the contaminated soils in the earthen dike had not been removed and properly disposed.

b. Failed to report any noncompliance which may endanger human health, safety, or the environment within 24 hours of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TCEQ Water Quality Permit No. 00465 Monitoring and Reporting Requirements 7.a., as documented during an investigation conducted on June 20, 2006. Specifically, Valero did not submit notification of the overflow of slop oil and hazardous wastewater from Tank 109.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Valero pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Valero's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2006-0468-MLM-E" to:

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

2. Valero shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 9, Twenty Three Thousand Four Hundred Ten Dollars ($23,410) of the assessed administrative penalty shall be offset with the condition that Valero implement the SEP defined in Attachment A, incorporated herein by reference. Valero's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that Valero shall undertake the following technical requirements for Plant A:

   a. Within 30 days after the effective date of this Agreed Order, design and implement improvements to procedures to address the emissions events that occurred on September 20, 2005, October 13, 2005, November 28, 2005, September 25, 2006, and October 14, 2006 and to prevent the reoccurrence of similar incidents; and

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. It is further ordered that Valero shall undertake the following technical requirements for Plant B:

a. Within 30 days after the effective date of the Agreed Order, submit a written description of the discharge from Tank 109 that occurred on June 1, 2006 to include the exact date and time of the discharge, the amount of slop oil and hazardous wastewater spilled onto the ground, and steps taken or planned to be taken to reduce, eliminate, and prevent the recurrence of similar incidents; and

b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 4.a. and certify that the cleanup was completed in accordance with 30 TEX. ADMIN. CODE ch. 327. The certification should also contain the certification language described within Ordering Provision No. 3.b. If the cleanup cannot be achieved pursuant to TEX. ADMIN. CODE § 350.2(b)(2), submit an Affected Property Assessment Report, pursuant to § 350.91, to the Executive Director for approval. If any response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350.

The certification should 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:

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

5. The provisions of this Agreed Order shall apply to and be binding upon Valero. Valero is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant A and Plant B operations referenced in this Agreed Order.

6. If Valero fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Valero's failure to comply is not a violation of this Agreed Order. Valero shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Valero shall notify the Executive Director within seven days after Valero 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 Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero shall be made in writing to the Executive Director. Extensions are not effective until Valero receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

8. This Agreed Order, issued by the Commission, shall not be admissible against Valero in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

10. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Valero, or three days after the date on which the Commission mails notice of the Order to Valero, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 10/4/07
For the Executive Director Date

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

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Adrian Araiza 5/10/07
Signature Date

Adrian Araiza Manager, Environmental Affairs
Name (Printed or typed) Title
Authorized Representative of
Valero Refining-Texas, L.P.
For Plant A Allegations

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

Attachment A
Docket Number: 2006-0468-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Valero Refining-Texas, L.P.**
Payable Penalty Amount:	**Forty-Six Thousand Eight Hundred Twenty Dollars ($46,820)**
SEP Amount:	**Twenty-Three Thousand Four Hundred Ten Dollars ($23,410)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Galveston 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 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 1308
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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