

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1824-PST-E **TCEQ ID:** RN101793750 **CASE NO.:** 31481
RESPONDENT NAME: Valero Refining-Texas, L.P.

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Valero Refining, adjacent to the refinery at 967 Cantwell Lane, Corpus Christi, Nueces County

TYPE OF OPERATION: Property with underground storage tanks ("USTs")

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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 March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-0577; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Kara Vick, Corpus Christi Regional Office, MC R-14, (361) 825-3100

Respondent: Mr. Joe Almaraz, Environmental Engineering Manager, Valero Refining-Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

Mr. Dennis Payne, Vice President Regional Refinery Operations, Valero Refining-Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 10, 2006</p> <p>Date of NOE Relating to this Case: October 9, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Four violations were documented.</p> <p>WASTE</p> <p>1) Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2) Failed to provide proper corrosion protection for the UST system [30 TEX. ADMIN. CODE § 334.49(a)(1) and TEX. WATER CODE § 26.3475(d)].</p> <p>3) Failed to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>4) Failed to register with the Commission, on authorized Commission forms, a UST in existence on or after September 1, 1987 and provide written notice of the change in ownership of the Facility [30 TEX. ADMIN. CODE § 334.7(a)(1) and 334.7(d)(1)(A)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,000</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Valero Refining submitted the required completed registration for the Facility on August 23, 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"> i. Install and implement a release detection method for all USTs at the Facility; ii. Install and implement a corrosion protection method; and iii. Demonstrate Financial Assurance for all USTs at the Facility; or iv. Permanently remove the UST system from service. <p>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 Nos. 2.a.i. through 2.a.iii. or 2.a.iv.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	16-Oct-2006		
	PCW	13-Dec-2006	Screening	18-Oct-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Valero Refining-Texas, L.P.
Reg. Ent. Ref. No.	RN101793750
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31481	No. of Violations	4
Docket No.	2006-1824-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Rajesh Acharya
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment due to compliance history.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	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 criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,218	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$12,150	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$10,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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DEFERRAL	20% Reduction	Adjustment	-\$2,000
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,000
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Screening Date	18-Oct-2006	Docket No.	2006-1824-PST-E	PCW
Respondent	Valero Refining-Texas, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	31481			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101793750			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Rajesh Acharya			

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	0	0%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

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

Screening Date	18-Oct-2006	Docket No.	2006-1824-PST-E	PCW
Respondent	Valero Refining-Texas, L.P.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	31481	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101793750			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Rajesh Acharya			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A)			
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(c)(1)			
Violation Description	Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).			
Base Penalty				\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="25%"/>
	Potential	X			

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					Percent <input type="text"/>

Matrix Notes

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	

Violation Base Penalty

One quarterly event is recommended from the investigation date of August 10, 2006 to the screening date of October 18, 2006.

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$56"/>	Violation Final Penalty Total	<input type="text" value="\$2,500"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$2,500"/>	

Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P.
 Case ID No: 31481
 Reg. Ent. Reference No: RN101793750
 Media [Statute]: Petroleum Storage Tank
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,500	10-Aug-2006	10-May-2007	0.7	\$56	n/a	\$56

Notes for DELAYED costs

Estimated cost to provide release detection for the UST system. Date Required is the date of investigation. Final Date is the estimated 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 \$1,500

TOTAL \$56

Screening Date	18-Oct-2006	Docket No.	2006-1824-PST-E	PCW
Respondent	Valero Refining-Texas, L.P.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	31481	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101793750			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Rajesh Acharya			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.49(a)(1)			
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(d)			
Violation Description	Failed to provide proper corrosion protection for the UST system.			
Base Penalty				\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="25%"/>
	Potential	X			

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty

One quarterly event is recommended from the investigation date of August 10, 2006 to the screening date of October 18, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$431"/>	Violation Final Penalty Total <input type="text" value="\$2,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,500"/>	

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
 Case ID No. 31481
 Reg. Ent. Reference No. RN101793750
 Media [Statute] Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$8,000	10-Aug-2006	18-May-2007	0.8	\$21	\$411	\$431
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide corrosion protection for the UST system. Date Required is the investigation date. Final Date is the estimated 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 \$8,000

TOTAL \$431

Screening Date	18-Oct-2006	Docket No.	2006-1824-PST-E	PCW
Respondent	Valero Refining-Texas, L.P.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	31481	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101793750			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Rajesh Acharya			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 37.815(a) and (b)			
Secondary Rule Cite(s)				
Violation Description	Failure to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.			
Base Penalty	\$10,000			

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

OR	Harm				Percent <input type="text"/>
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	100% of the rule requirement was not met.				

Adjustment - \$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty \$4,000

Four single events (one per tank) are recommended based on the investigation date of August 10, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2,730"/>	Violation Final Penalty Total <input type="text" value="\$4,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,000"/>	

Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P.
 Case ID No.: 31481
 Reg. Ent. Reference No.: RN101793750
 Media [Statute]: Petroleum Storage Tank
 Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$2,600	09-Jun-2006	10-Aug-2006	1.0	\$130	\$2,600	\$2,730
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost (\$650 per tank) to provide financial assurance for four petroleum USTs. Date Required is the date of ownership change. Final Date is the investigation date.

Approx. Cost of Compliance \$2,600

TOTAL \$2,730

Screening Date	18-Oct-2006	Docket No.	2006-1824-PST-E	PCW
Respondent	Valero Refining-Texas, L.P.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	31481			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101793750			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Rajesh Acharya			
Violation Number	4			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.7(a)(1) and 334.7(d)(1)(A)			
Secondary Rule Cite(s)				
Violation Description	Failed to register with the Commission, on authorized Commission forms, a UST in existence on or after September 1, 1987. Failed to provide written notice of the change in ownership of the Facility.			
Base Penalty	\$10,000			

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
			X			Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text"/>

Violation Base Penalty

One single event is recommended based on the investigation date of August 10, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$1,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,000"/>	

Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P.
 Case ID No: 31481
 Reg. Ent. Reference No: RN101793750
 Media [Statute]: Petroleum Storage Tank
 Violation No: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$50	09-Jul-2006	23-Aug-2006	0.1	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to submit UST Registration Form. Date Required is the 30 days after the ownership change. Final Date is the 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 \$50

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 9.72
Regulated Entity:	RN101793750	VALERO REFINING	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK	REGISTRATION	60979	
	REGISTRATION SLUDGE	REGISTRATION	22018	
Location:	967 CANTWELL LN, CORPUS CHRISTI, TX, 78407		Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	October 18, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 18, 2001 to October 18, 2006			

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

Name: Rajesh Acharya Phone: (512) 239-0577

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? | <u>Valero Refining-Texas, L.P.</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>DAVIS THOMAS S</u> |
| 5. When did the change(s) in ownership occur? | <u>06/09/2006</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - 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 10/09/2006 (509368)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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

Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives, scope, and the methodology used to achieve the desired outcomes. This document is intended for the project team and stakeholders.

The project aims to develop a robust system that addresses the current challenges faced by the organization. The primary goal is to enhance operational efficiency and reduce costs. The project will be executed in a structured manner, following a well-defined methodology.

The methodology adopted for this project is a combination of agile and waterfall models. This approach allows for flexibility in responding to changes while maintaining a clear structure and timeline. The project will be managed using a combination of tools and techniques to ensure successful delivery.

Project Objectives

The project objectives are as follows:

- 1. To develop a system that meets the functional requirements of the organization.
- 2. To ensure the system is scalable and secure.
- 3. To complete the project within the allocated budget and timeline.

The project will be managed using a combination of tools and techniques to ensure successful delivery. The project team will work closely with stakeholders to ensure the project remains on track and meets the organization's needs.

The project will be executed in a structured manner, following a well-defined methodology. The project team will work closely with stakeholders to ensure the project remains on track and meets the organization's needs.

The project will be managed using a combination of tools and techniques to ensure successful delivery. The project team will work closely with stakeholders to ensure the project remains on track and meets the organization's needs.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VALERO REFINING-TEXAS, L.P.
RN101793750**

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

AGREED ORDER DOCKET NO. 2006-1824-PST-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 Refining") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Valero Refining appear before the Commission and together stipulate that:

1. Valero Refining owns a property with underground storage tanks ("USTs") adjacent to the refinery at 967 Cantwell Lane in Corpus Christi, Nueces County, Texas (the "Facility").
2. Valero Refining's four USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and Valero Refining agree that the Commission has jurisdiction to enter this Agreed Order, and that Valero Refining is subject to the Commission's jurisdiction.
4. Valero Refining received notice of the violations alleged in Section II ("Allegations") on or about October 14, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Valero Refining of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Valero Refining has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand Dollars (\$2,000) is deferred contingent upon Valero Refining'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 Refining fails to timely and satisfactorily comply with all

- requirements of this Agreed Order, the Executive Director may require Valero Refining to pay all or part of the deferred penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and Valero Refining have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that Valero Refining submitted the required completed registration for the Facility on August 23, 2006.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Valero Refining has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, Valero Refining is alleged to have:

1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on August 10, 2006.
2. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(1) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on August 10, 2006.
3. Failed to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b), as documented during an investigation conducted on August 10, 2006.
4. Failed to register with the Commission, on authorized Commission forms, a UST in existence on or after September 1, 1987 and provide written notice of the change in ownership of the Facility, in

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document focuses on the interpretation and analysis of the collected data. It discusses the various statistical tools and techniques used to identify trends and patterns in the data.

4. The fourth part of the document discusses the importance of communication and reporting. It emphasizes the need for clear and concise communication of the findings and conclusions of the study.

5. The fifth part of the document discusses the importance of ethical considerations in research. It highlights the need for researchers to adhere to ethical standards and to be transparent about any potential conflicts of interest.

6. The sixth part of the document discusses the importance of ongoing evaluation and improvement. It emphasizes the need for researchers to regularly assess the quality of their work and to make adjustments as needed.

7. The seventh part of the document discusses the importance of collaboration and teamwork. It highlights the benefits of working with others and the importance of sharing knowledge and resources.

8. The eighth part of the document discusses the importance of staying up-to-date on the latest research and developments in the field. It emphasizes the need for researchers to be proactive in seeking out new information and to stay current in their knowledge.

9. The ninth part of the document discusses the importance of maintaining a positive attitude and mindset. It highlights the benefits of staying motivated and optimistic, even in the face of challenges and setbacks.

10. The tenth part of the document discusses the importance of being open to feedback and criticism. It emphasizes the need for researchers to be receptive to constructive criticism and to use it as a tool for improvement.

11. The eleventh part of the document discusses the importance of being organized and efficient. It highlights the benefits of using time effectively and of staying on top of tasks and deadlines.

12. The twelfth part of the document discusses the importance of being flexible and adaptable. It emphasizes the need for researchers to be able to adjust to changing circumstances and to be open to new ideas and approaches.

13. The thirteenth part of the document discusses the importance of being persistent and determined. It highlights the benefits of staying focused and committed to a goal, even in the face of obstacles and setbacks.

14. The fourteenth part of the document discusses the importance of being a team player. It emphasizes the need for researchers to be able to work well with others and to contribute to the success of the team.

15. The fifteenth part of the document discusses the importance of being a lifelong learner. It emphasizes the need for researchers to be open to new ideas and to continue to learn and grow throughout their careers.

violation of 30 TEX. ADMIN. CODE § 334.7(a)(1) and 334.7(d)(1)(A), as documented during an investigation conducted on August 10, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Valero Refining pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Valero Refining'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. 2006-1824-PST-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. It is further ordered that Valero Refining shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, either:
 - i. Install and implement a release detection method for all USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - ii. Install and implement a corrosion protection method, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
 - iii. Demonstrate Financial Assurance for all USTs at the Facility, in accordance with 30 TEX. ADMIN. CODE § 37.815; or
 - iv. Permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55.
 - 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 Nos. 2.a.i. through 2.a.iii. or 2.a.iv.

1. The first part of the document is a letter from the author to the reader, explaining the purpose of the study and the methods used.

2. Results

The results of the study are presented in this section, showing the data collected and the analysis performed.

3. Discussion

The discussion section provides an interpretation of the results, comparing them with previous research and discussing the implications of the findings. It also addresses the limitations of the study and suggests directions for future research.

4. Conclusion

The conclusion summarizes the main findings of the study and the overall message of the research.

The author expresses gratitude to the participants and the funding sources that supported the research.

The author's contact information is provided for further inquiries.

The author's name and affiliation are listed at the end of the document.

The document is signed and dated by the author, indicating the completion of the work.

The author's name and affiliation are repeated at the bottom of the page for clarity.

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

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

3. The provisions of this Agreed Order shall apply to and be binding upon Valero Refining. Valero Refining is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Valero Refining 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 Refining's failure to comply is not a violation of this Agreed Order. Valero Refining shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Valero Refining shall notify the Executive Director within seven days after becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero Refining shall be made in writing to the Executive Director. Extensions are not effective until Valero Refining receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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Second line of the main body of handwritten text.

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Fourth line of the main body of handwritten text, appearing as a separate block or signature.

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Sixth line of the main body of handwritten text, appearing as a separate block or signature.

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Ninth line of the main body of handwritten text.

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6. This Agreed Order, issued by the Commission, shall not be admissible against Valero Refining 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Valero Refining, or three days after the date on which the Commission mails notice of the Order to Valero Refining, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the paper discusses the importance of the research and the objectives of the study. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the findings and the conclusions drawn from the study.

The results of the study show that there is a significant relationship between the variables studied. The findings suggest that the variables are interrelated and that the study has provided valuable insights into the phenomenon being investigated.

The study has several limitations and future research is needed to further explore the findings. The conclusions drawn from the study are based on the data collected and the analysis performed.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/24/07


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.



Signature

December 22, 2006

Date

Dennis Payne

Name (Printed or typed)
Authorized Representative of
Valero Refining-Texas, L.P.

VP Regional Refinery Operations

Title

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.

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