EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0161-AIR-E TCEQ ID: RN100219310 CASE NO.: 32517
RESPONDENT NAME: Valero Refining-Texas, L.P.

ORDER TYPE:

__1660 AGREED ORDER	_X_FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	_X_AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATERQUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Valero Refining Houston Refinery, 9701 Manchester Street, Houston, Harris County

TYPE OF OPERATION: Oil refinery

SMALL BUSINESS: ___Yes _X_No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one pending enforcement action, Docket No. 2006-2218-AIR-E, 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 May 14, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Section III, MC R-12, (713) 422-8938; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896

Respondent: Mr. Clayton Falcon, Environmental Manager, Valero Refining-Texas, L.P., P. O. Box 5038, Houston, Texas 77262
Ms. Karen S. Bowsky, Vice President and General Manager, Valero Refining-Texas, L.P., P.O. Box 5038, Houston, Texas 77262

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __Complaint __Routine __Enforcement Follow-up _X_Records Review **Date of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** January 19, 23, and 29, and February 12, 2007 **Date of NOEs Relating to this Case:** January 31, 2007, February 5, 2007 and February 20, 2007 (NOE) **Background Facts:** These were record reviews that were conducted in response to emissions event notifications. Four significant program violations were observed. **AIR** 1) Failure to prevent unauthorized emissions, to operate the gas flares with a flame present at all times, and to maintain them in good working order. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.221(a) and 116.115(c), Code of Federal Regulations (CFR) § 60.18(c)(2), Air Permit 2501A, Special Condition ("SC") 1 and 10B, and TEX. HEALTH AND SAFETY CODE § 382.085(b)]. 2) Failure to prevent unauthorized emissions. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit 2501A, SC 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b)]. 3) Failure to prevent unauthorized emissions. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit 2501A, SC 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b)].	**Total assessed:** $38,000 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $19,000 **Total Paid to General Revenue:** $19,000 **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 **Findings Order Justification:** This is a Findings Order because the Respondent demonstrated an absence of management practices designed to ensure compliance due to an extensive compliance history of Orders and NOVs for the same or similar violations as those in the current enforcement action.	**Ordering Provisions** The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order: i. Replace the existing fuel pressure regulators for Flares 30FL1 and 30 FL2 with lower-pressure regulators that will help prevent accidental pilot flame outages as occurred on November 29, 2006. Implement procedures and training on the installation of these regulators; ii. Implement procedures and training to help ensure the proper calibration for lube oil pressure switches on the Saturated Gas Compressor ("SGC") to help prevent emissions as occurred on November 30, 2006; iii. Repair the sensing line on the SGC and implement procedures and training to help prevent emissions as occurred on December 16, 2006; and iv. Implement procedures to help ensure that active control wires are identified during control wiring demo projects to prevent the accidental cutting of active wires and help prevent emissions as occurred on January 24, 2007 in the Complex I Regenerator. 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 a.i. through a.iv.

4) Failure to prevent unauthorized emissions. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit 2501A, SC 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b)].		

Attachment A
Docket Number: 2007-0161-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Valero Refining-Texas, L.P.**
Payable Penalty Amount:	**Thirty-Eight Thousand Dollars ($38,000)**
SEP Amount:	**Nineteen Thousand Dollars ($19,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP 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 in Harris County. 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 13088
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)

TCEQ

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

DATES					
Assigned	2-Feb-2007				
PCW	22-Feb-2007	Screening	2-Feb-2007	EPA Due	28-Oct-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100219310		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32517	No. of Violations	4
Docket No.	2007-0161-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	John Barry
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $22,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 220% Enhancement — *Subtotals 2, 3, & 7* $49,500

Notes: The enhancement is due to a conviction, a court order with denial, two administrative orders with denial and one administrative order without denial, nine same-or-similar NOVs, and 15 other NOVs, including eight that were self-reported.

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	$110
Approx. Cost of Compliance	$3,050

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $72,000

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 $72,000

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $38,000

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $38,000

Screening Date	2-Feb-2007	**Docket No.** 2007-0161-AIR-E	**PCW**
Respondent	Valero Refining-Texas, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	32517		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100219310		
Media [Statute]	Air Quality		
Enf. Coordinator	John Barry		

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*)	9	45%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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*)	1	50%
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) 220%

>> 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 enhancement is due to a conviction, a court order with denial, two administrative orders with denial and one administrative order without denial, nine same-or-similar NOVs, and 15 other NOVs, including eight that were self-reported.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 220%

Screening Date	2-Feb-2007	**Docket No.** 2007-0161-AIR-E	**PCW**
Respondent	Valero Refining-Texas, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	32517		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100219310		
Media [Statute]	Air Quality		
Enf. Coordinator	John Barry		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.221(a) and 116.115(c), Code of Fed. Reg. § 60.18(c)(2), Air Permit 2501A, Special Condition ("SC") 1 and 10B, and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions, to operate the flares with a flame present at all times, and to maintain the flares in good working order. On November 29, 2006, approximately 12,760 pounds ("lb") of unauthorized volatile organic compounds ("VOC") were released from Flares 30 FL1 and 30FL2 during a one hour and three minute period because the flares were not operating properly. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations 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 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or the environmental receptors as a result of the violation.

Adjustment $0

$10,000

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 $10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $64

Statutory Limit Test

Violation Final Penalty Total $32,000

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

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 32517
Reg. Ent. Reference No. RN100219310
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	$1,000	29-Nov-2006	1-Aug-2007	0.7	$2	$45	$47
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)	$500	29-Nov-2006	1-Aug-2007	0.7	$17	n/a	$17
Notes for DELAYED costs	Estimated costs to replace the pressure regulators on the flares and to prevent flare flame-out; the date required was the date of the emissions event; the final dates are the estimated date the proper regulators will be installed and that procedures and training will be implemented for proper flare modification/repairs.						
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: $64

Screening Date	2-Feb-2007	**Docket No.** 2007-0161-AIR-E	**PCW**
Respondent	Valero Refining-Texas, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	32517		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100219310		
Media [Statute]	Air Quality		
Enf. Coordinator	John Barry		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit 2501A, SC 1, and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. On November 30, 2006, approximately 1,579 lb of unauthorized sulfur dioxide ("SO2") were released from Flare 30 FL1 during a four hour and 18 minute period. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations 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 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

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 $17

Statutory Limit Test

Violation Final Penalty Total $8,000

This violation Final Assessed Penalty (adjusted for limits) $8,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 32517
Reg. Ent. Reference No. RN100219310
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$500	30-Nov-2006	1-Aug-2007	0.7	$17	n/a	$17
Notes for DELAYED costs	Estimated costs to recalibrate switch to avoid emissions event recurrences; the date required was the date of the emissions event; the final date is the estimated date the switch will be recalibrated.						
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 $500

TOTAL $17

Screening Date	2-Feb-2007	**Docket No.** 2007-0161-AIR-E	**PCW**
Respondent	Valero Refining-Texas, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	32517		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100219310		
Media [Statute]	Air Quality		
Enf. Coordinator	John Barry		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit 2501A, SC 1, and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. On December 16, 2006, approximately 3,750 lb of unauthorized SO2 were released from Flare 30FL1 during a one hour and 31 minute period. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations 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 or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environmental receptors as a result of the violation.

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 $16

Statutory Limit Test

Violation Final Penalty Total $16,000

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

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 32517
Reg. Ent. Reference No. RN100219310
Media Air Quality
Violation No. 3

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)	$500	16-Dec-2006	1-Aug-2007	0.6	$16	n/a	$16
Notes for DELAYED costs	Estimated costs to repair sensing line leak to avoid emissions event recurrences; the date required was the date of the emissions event; the final date is the estimated date that the line will be repaired.						
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: $500

TOTAL: $16

Screening Date	2-Feb-2007	**Docket No.** 2007-0161-AIR-E	**PCW**
Respondent	Valero Refining-Texas, L.P.		*Policy Revision 2 (September 2002)*
Case ID No.	32517		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100219310		
Media [Statute]	Air Quality		
Enf. Coordinator	John Barry		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit 2501A, SC 1, and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. On January 24, 2007, approximately 3,245 lb of unauthorized SO2 were released from Flares 30FL5 and 30FL2 during a 23 hour period. Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations 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 or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environmental receptors as a result of the violation.

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 $14

Statutory Limit Test

Violation Final Penalty Total $16,000

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

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 32517
Reg. Ent. Reference No. RN100219310
Media Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	$250	24-Jan-2007	1-Aug-2007	0.5	$6	n/a	$6
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$300	24-Jan-2007	1-Aug-2007	0.5	$8	n/a	$8

Notes for DELAYED costs Estimated cost of procedural change and training necessary to prevent the accidental cutting of electrical lines during rewiring project; the date required was the date of the emissions event; the final date is the estimated date that the line will be repaired.

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 $550

TOTAL $14

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 8.47
Regulated Entity:	RN100219310	VALERO REFINING HOUSTON REFINERY	Classification: AVERAGE	Site Rating: 36.81

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0130C
AIR OPERATING PERMITS	PERMIT	1381
AIR OPERATING PERMITS	PERMIT	1381
AIR NEW SOURCE PERMITS	PERMIT	36395
AIR NEW SOURCE PERMITS	PERMIT	36394
AIR NEW SOURCE PERMITS	PERMIT	36392
AIR NEW SOURCE PERMITS	PERMIT	37103
AIR NEW SOURCE PERMITS	PERMIT	37102
AIR NEW SOURCE PERMITS	PERMIT	37101
AIR NEW SOURCE PERMITS	PERMIT	37694
AIR NEW SOURCE PERMITS	PERMIT	38961
AIR NEW SOURCE PERMITS	PERMIT	40306
AIR NEW SOURCE PERMITS	PERMIT	41495
AIR NEW SOURCE PERMITS	PERMIT	42119
AIR NEW SOURCE PERMITS	PERMIT	42999
AIR NEW SOURCE PERMITS	PERMIT	44387
AIR NEW SOURCE PERMITS	PERMIT	45273
AIR NEW SOURCE PERMITS	PERMIT	45869
AIR NEW SOURCE PERMITS	PERMIT	46784
AIR NEW SOURCE PERMITS	PERMIT	47004
AIR NEW SOURCE PERMITS	PERMIT	47166
AIR NEW SOURCE PERMITS	PERMIT	48166
AIR NEW SOURCE PERMITS	PERMIT	50138
AIR NEW SOURCE PERMITS	PERMIT	50232
AIR NEW SOURCE PERMITS	PERMIT	8483A
AIR NEW SOURCE PERMITS	PERMIT	2501A
AIR NEW SOURCE PERMITS	PERMIT	7144A
AIR NEW SOURCE PERMITS	PERMIT	7158A
AIR NEW SOURCE PERMITS	PERMIT	8092A
AIR NEW SOURCE PERMITS	PERMIT	33933
AIR NEW SOURCE PERMITS	PERMIT	34151
AIR NEW SOURCE PERMITS	PERMIT	34119
AIR NEW SOURCE PERMITS	PERMIT	34094
AIR NEW SOURCE PERMITS	PERMIT	33180
AIR NEW SOURCE PERMITS	PERMIT	33383
AIR NEW SOURCE PERMITS	PERMIT	28324
AIR NEW SOURCE PERMITS	PERMIT	19637
AIR NEW SOURCE PERMITS	PERMIT	19294
AIR NEW SOURCE PERMITS	PERMIT	10580A
AIR NEW SOURCE PERMITS	PERMIT	2507A
AIR NEW SOURCE PERMITS	PERMIT	2498A
AIR NEW SOURCE PERMITS	PERMIT	10471A
AIR NEW SOURCE PERMITS	PERMIT	13020A
AIR NEW SOURCE PERMITS	PERMIT	36390
AIR NEW SOURCE PERMITS	PERMIT	35206
AIR NEW SOURCE PERMITS	PERMIT	71919
AIR NEW SOURCE PERMITS	REGISTRATION	55752
AIR NEW SOURCE PERMITS	PERMIT	48982
AIR NEW SOURCE PERMITS	REGISTRATION	75514
AIR NEW SOURCE PERMITS	AFS NUM	0065
AIR NEW SOURCE PERMITS	PERMIT	70289
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0130C
AIR NEW SOURCE PERMITS	PERMIT	71281
AIR NEW SOURCE PERMITS	REGISTRATION	71680
AIR NEW SOURCE PERMITS	PERMIT	54616
AIR NEW SOURCE PERMITS	PERMIT	54513
AIR NEW SOURCE PERMITS	PERMIT	56205
AIR NEW SOURCE PERMITS	PERMIT	50600
AIR NEW SOURCE PERMITS	PERMIT	54510
AIR NEW SOURCE PERMITS	REGISTRATION	73824
AIR NEW SOURCE PERMITS	REGISTRATION	73869
AIR NEW SOURCE PERMITS	REGISTRATION	73902
AIR NEW SOURCE PERMITS	REGISTRATION	74363

AIR NEW SOURCE PERMITS	REGISTRATION	76694
AIR NEW SOURCE PERMITS	REGISTRATION	78537
AIR NEW SOURCE PERMITS	REGISTRATION	78574
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD053624193
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30520
WASTEWATER	PERMIT	WQ0000535000
WASTEWATER	PERMIT	TPDES0002976
WASTEWATER	PERMIT	TX0002976
STORMWATER	PERMIT	TXR05K869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30520

ID Number(s):

Location: 9701 MANCHESTER ST, HOUSTON, TX, 77012 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 01, 2002 to February 01, 2007

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

Name: John Barry Phone: (409) 899-8781

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: 11/23/2005 COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]

Rqmt Prov: 2501A PA

Description: Failure to comply with the allowable emission limit (SC1) detected during a reference method stack test performed on March 13, 2002.

Classification: Moderate

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

Rqmt Prov: 19637/PSD-TX-767M2, Special Condition 4 PA

Description: Failure to maintain the refinery-gas sulfur content to below the permit allowable limit of 10 grains per 100 dry standard cubic foot.

Classification: Moderate

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

Rqmt Prov: 2498A, Special Condition 4 PA

Description: Failure to comply with the permitted fuel-gas sulfur content limit of 0.1 grain per dry standard cubic foot as required in TCEQ Permit No. 2498A, Special Condition 4.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206[G]

Description: Failure to comply with the operating restrictions for stationary diesel engines located in the Houston/Galveston ozone nonattaiment area by operating the firewater pumps for testing and maintenance purposes between the restricted hours of 6:00 a.m. and noon.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
Description: Failure to include the date(s) of operation and the total hours of operation for each month and for the most recent 12 consecutive months, in the operating records for the firewater pumps.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Special Condition 2 PERMIT
Description: Failure to maintain the fuel-gas hydrogen sulfide content to below the allowable limit of 0.10

grain per dry standard cubic foot.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: The open-ended valves next to components 42154, 42115, and 4290 had no cap, blind flange, or second valve and the open-ended line between valve 42101 and 4299 was unsealed.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 63, Subpart CC 63.654(h)(1)

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to include in the August 27, 2002 and February 26, 2003 Refinery MACT Periodic Reports for the Startup, Shutdown and Malfunction Plan, all flare pilot light outages.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to include all valves for which there were leaks and the total valves monitored in the periodic report required by 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 63.182(d)(2)(i).

Classification: Moderate

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

Rqmt Prov: Special Condition 4J PERMIT
Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to make records of gas/hydraulic testing on new/reworked piping available upon request to a local air pollution control agency having jurisdiction over the site.

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 Air Permit No. 2501A PA
Description: Failure to comply with the authorized emissions limitations of 74.8 lbs/hr for volatile organic compounds (VOC), 3.7 lbs/hr for oxides of nitrogen (NOx), and 26.8 lbs/hr for carbon monoxide (CO).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)

Description: Failure to install a continuous monitoring system to measure and record sulfur dioxide emissions from a fuel-gas combustion device.

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 Air Permit No. 2507A PA
Description: Failure to comply with the authorized emissions limitations of 1.36 lbs/hr for volatile organic compounds (VOC), 0.26 lbs/hr for oxides of nitrogen (NOx), and 1.34 lbs/hr for carbon monoxide (CO).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(B)
Description: Failure to obtain a permit amendment prior to varying from permit application representations and causing a change in the character of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking

Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the allowable emission limit detected during a reference method stack test.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:18 a.m. was 45.76%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 10:06 a.m. was 46.03%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:00 p.m. was 40.15%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 7:06 p.m. was 63.5%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 8:36 p.m. was 42.7%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic

Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 9:30 p.m. was 53.8%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 11:48 a.m. was 41.3%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 2:30 p.m. was 39.7%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 5:54 p.m. was 38.65%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:00 a.m. was 72.72%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 1:12 p.m. was 100%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent more than 20% opacity of emissions, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 [30 TEX. ADMIN. CODE Chapter 116.5(c)].

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT
Description: Violation of permit special condition.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
Description: Failure to meet the initial reporting requirements involving Valeros Refining - Texas, L.P. (VHR) authorized limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to meet the reporting requirements that Valero Refining-Texas L.P. submit the proper authorized emissions limits in the final record for a facility involved in an emissions event.

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 Air Permit No. 2501A PA

Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A.
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 Air Permit No. 2507A PA
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2507A.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
Description: Failure to meet the initial reporting requirements involving Valeros Refining - Texas, L.P. (VHR) authorized limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to meet the reporting requirements that Valero Refining-Texas L.P. submit the proper authorized emissions limits in the final record for a facility involved in an emissions event.

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 Air Permit No. 2501A PA
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A.

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 Air Permit No. 2507A PA
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2507A.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all acid gas shall be routed to the SRU.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
Description: Failure to report the correct facility in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
Description: Failure to report the correct facility in the final record.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
Description: Failure to report the correct facility in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)[G]
Description: Failure to submit an opacity event notification in a timely manner after an initial maintenance notification's opacity estimate was exceeded.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
Description: Failure to submit an initial notification with the proper authorized emissions limitations.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to indicate the proper authorized limits for the emissions event in the final records submitted to the BAQC.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
Description: Failure to list the correct facility for each pollutant released during this emissions event in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
Description: Failure to list the proper facility in the final record from which each pollutant originated.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(6)
Description: Failure to have the duration for the excess opacity event in the notification. This is a violation of 30 TEX. ADMIN. CODE Chapter 101.201(E)(6).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(7)
Description: Failure to submit the correct opacity estimate in the submittal of an excess opacity event. This is a violation of 30 TEX. ADMIN. CODE Chapter 101.201(E)(7).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A & 2507A PA
Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A. For the FCC flare see additional discussion for emissions, limits, dates, and durations, for each incident.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU. This occurred 5 times for a total duration of 4 hours and 56 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20% averaged over a 6-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)). (Section 4)

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA
Description: Failure to comply with applicable New Source Performance Standards (NSPS). The FCC flare, a fuel-gas combustion device combusted fuel gas with a hydrogen sulfide (H2S) content exceeding 0.10 grain (gr) per dry standard cubic foot (dscf). The H2S content was 27.1 grs/dscf for a duration of 4 hours and 56 minutes.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No, 2501A & 2507A PA
Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing refinery acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA
Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per dry standard cubic foot of hydrogen sulfide at the FCC Flare EPN 30FL5

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas L.P. identify the authorized emissions limits for the facility involved in the emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A and 2507A PA
Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA
Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per dry standard cubic foot of hydrogen sulfide at the FCC Flare EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart CC 63.648(c)
40 CFR Part 63, Subpart H 63.167[G]

Rqmt Prov: 2501A PERMIT
Description: Failure to equip three open-ended valves with a second valve, plug, cap or a blind. Those valves are in organic hazardous air pollutant (HAP) service because they contain or contact a fluid that is

at least 5 percent by weight of total organic HAPs and subject to MACT regulations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart CC 63.648(c)(1)
40 CFR Part 63, Subpart H 63.180(b)[G]

Rqmt Prov: 2501A PERMIT
Description: Failure to perform fugitive monitoring, at the FCC unit, in accordance with 40 CFR 60, Appendix A, Reference Method 21.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.654(d)(1)
40 CFR Part 63, Subpart H 63.182(d)[G]

Rqmt Prov: 2501A PERMIT
Description: Failure to report two leaking pumps as delay of repair components in the MACT Subpart CC semi-annual report dated January 27, 2004.

Classification: Minor

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

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
Description: Failure to meet the initial notification requirements that Valero Refining - Texas L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
Description: Failure to meet the initial notification requirements that Valero Refining - Texas L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
Description: Failure to meet initial notification requirements that Valero Refining - Texas L.P. submit the initial notification as soon as practicable, but not later than 24 hours after the discovery of an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to meet final record requirements that Valero Refining - Texas L.P. submit the final record as soon as practicable, but not later than two weeks after the end of an emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Permit Air Nos. 2501A and 2507A for the Fluid Catalytic Unit Flare. See Additional Discussion for details on emissions, limits and duration for this emissions event.
Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.
Classification: Moderate

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

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per standard cubic foot of hydrogen sulfide at the FCC Flare (EPN 30 FL 5).
Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PERMIT
Description: Failure to comply with the requirements of TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to FCC Flare (EPN 30 FL 5) instead of processing it in the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.
Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to submit authorization (rule or permit number) in the final record of emissions event that occurred on February 23, 2004.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 12, 2004 and lasted for five hours and ten minutes from the MEA Regenerator and the FCC Flare, EPN 30FL5.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 12, 2004.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 19, 2004 and lasted for one hour and 14 minutes from the MEA Regenerator and the FCC Flare and one hour and 28 minutes from the Sour Water Stripper,

EPN 30FL5:
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 19, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to obtain a permit amendment prior to varying from permit application representations and causing a change in the character of emissions.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)
Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(5)
Description: Failure to submit the correct time for an excess opacity event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)
Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.
Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
TCEQ Air Permit No. 2507A PA

Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit Nos. 2501A and 2507A for the Fluidized Catalytic Cracking Unit Flare. See Additional Discussion for details on emissions, limits and duration for this emissions event.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to comply with applicable New Source Performance Standards (NSPS) and TCEQ Air Permit No. 2501A by combusting fuel gas containing 27.1 grains per standard cubic foot of hydrogen sulfide at the FCC flare (EPN 30FL5). See additional discussion for fuel gas hydrogen sulfide limits.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to comply with the requirements of TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to the FCC Flare (EPN 30FL5) instead of processing it in the sulfur recovery unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
Description: Failure to correctly submit the final record by facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to identify the common name of the facility experiencing the emissions event and the common emissions point name in the initial notifications.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to include the common name of the facility experiencing the emissions event and the common emissions point name in the final records.
Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
TCEQ Air Permit No. 2507A PA

Description: The regulated entity failed to comply with the allowable limits of TCEQ Air Permit No. 2501A and 2507A for carbon monoxide, hydrogen sulfide, nitrogen oxides and sulfur dioxide.
Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
TCEQ Air Permit No. 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2507A PA
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing refinery acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of the air contaminants. See additional discussion for emissions, limits, and duration.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
Description: Failure to meet the initial notification by not including a common name for the facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
Description: Failure to meet the final reporting requirements by not including the common name of the facility.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA
Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC No. 2 PA
Description: The regulated entity exceeded the authorized opacity limit of 20 percent by more than the reportable quantity of 15 additional percentage points averaged over a six-minute period at the FCCU regenerator stack.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA
TCEQ Air Permit No. 2507A PA

Description: The regulated entity failed to comply with the allowable limits of TCEQ Air Permit No. 2501A and 2507A for sulfur dioxide and hydrogen sulfide.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to include the common name of the facility experiencing the emissions event and the common name of the emissions point in the initial notifications.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify the common name of the facility which incurred the emissions event in the final record.
Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Special Condition No. 2 PERMIT
Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Special Condtion No. 2 PERMIT
Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Special Condition No. 2 PERMIT
Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits and duration.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 4 E., 6 and 8 PERMIT
Description: Failure to equip an open ended valve in organic Hazardous Air Pollutants (HAP) service with a second valve, plug, cap or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 4E. and 6 PERMIT
Description: Failure to equip an open ended valve in VOC service with a second valve, plug, cap or blind flange.

Effective Date: 03/14/2004 ADMINORDER 2003-0519-AIR-E

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to comply with emission limits stated in the Air Permit No. 2501A, the Maximum Allowable Emission Rate Table (MAERT) at EPN 30FL5 on December 10, 2002 and February 10, 2003.

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with emission limits stated in the Air Permit No. 2507A, the MAERT limits at EPN 30FL5 and EPN 46CB6301 on December 10, 2002 and February 10, 2003.

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 4 PERMIT
Description: Failure to route the refinery acid gas to the Sulfur Recovery Unit before emitting the gas from Flare EPN 30FL5 on December 10, 2002 and February 10, 2003.

Effective Date: 08/28/2006 ADMINORDER 2006-0532-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Valero failed to submit a separate report for each facility involved in the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2501A, Special Condition No. 1 PERMIT
No. 2507A, Special Condition No. 1 PERMIT

Description: Failure to prevent an unplanned boiler shutdown resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 101, SubChapter F 101.201(a)(2)[G]

Description: Failure to comply with the emissions event reporting requirements.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No, 2507A Special Condition No. 1 PERMIT
No. 2501A Special Condition No. 1 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failed to submit a notification for facility that experienced a reportable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A, SC6 PERMIT
Description: Failure to comply with TCEQ Air Permit No. 2507A, Special Condition No. 6.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT
Description: Failure to prevent the release of unauthorized emissions during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 2501A, Special Condition 2 PERMIT
Description: Exceeded opacity limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to prevent emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to prevent emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to submit emissions reports in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failed to comply with permitted limits

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter A 7.051[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to prevent nuisance conditions

Effective Date: 07/03/2003 ADMINORDER 2001-0852-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 2 PERMIT
Description: Failure to limit visible emissions to 20% averaged over any six-minute period during soot blowing at the Fluidized Catalytic Cracking Unit's catalyst regenerator stack and vent, EPN 42CB2001 on 7/12/99, 6/15/00, and 1/1/01.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a notification for a reportable opacity upset that occurred on 7/12/99 at the FCCU catalyst regenerator stack.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to equip an external floating roof tank (90FB004) roof drain with a slotted membrane fabric that covers at least 90% of the drain opening.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make a first attempt at repair within 5 calendar days of discovery of leaks for two valves in volatile organic compound service.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to monitor valves in HAP and light liquid service (Combination Crude Unit) at least quarterly or each calendar quarter using Method 21 in 40 CFR 60 Appendix A.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354[G]
30 TAC Chapter 115, SubChapter D 115.356(1)(D)

30 TAC Chapter 115, SubChapter D 115.357(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to record and maintain monitoring dates of components which contact a process fluid containing VOCs having a true vapor pressure equal or less than 0.44 psia at 68 degrees F that are inspected visually rather than with a hydrocarbon analyzer.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 10 PERMIT
Description: Failed to maintain a continuous emissions monitoring system to measure and record in-stack concentration of oxides of nitrogen and sulfer dioxide from the FCCU regenerator stack, EPN 42CB2001 during Sept, Oct, Nov 99 and June, July 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT
Description: Failure to comply with permitted limit established in the MAERT for SO2 at the SRU Tail Gas Incinerator.

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

Conviction Date: 4/18/2005 12:00:00AM Type of Action: COURTORDER

Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.147[G]

Description: Unauthorized discharge of a pollutant.

C. Chronic excessive emissions events.

N/A

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

1 10/25/2002 (9350)
N/A
2 07/18/2003 (155887)
3 07/22/2002 (155886)
4 08/30/2002 (6762)
5 12/27/2002 (17852)
6 11/24/2003 (147980)
7 10/15/2002 (9157)
8 05/30/2003 (37977)
9 02/07/2003 (22590)
10 06/26/2003 (155883)
11 08/26/2003 (149864)
12 04/22/2003 (24982)
13 06/20/2002 (155882)
14 08/04/2003 (119955)
15 08/29/2003 (150288)
16 05/31/2006 (480495)
17 11/11/2004 (291133)
18 07/07/2003 (62086)
19 11/07/2006 (516134)
20 08/19/2003 (143885)
21 03/05/2003 (19917)
22 03/04/2004 (260962)
23 05/18/2004 (294506)
24 12/17/2002 (18292)
25 08/26/2004 (285903)
26 08/29/2003 (150294)
27 11/06/2006 (514699)
28 01/31/2005 (349063)

29 07/25/2006 (488197)
30 12/29/2006 (518678)
31 05/20/2003 (155879)
32 04/24/2006 (497980)
33 07/11/2006 (484212)
34 04/04/2006 (460600)
35 06/14/2004 (294508)
36 07/12/2006 (485707)
37 09/04/2003 (247684)
38 05/21/2002 (155878)
39 08/29/2003 (150286)
40 04/04/2006 (450259)
41 08/29/2003 (150300)

42	05/25/2006	(497981)
43	09/18/2003	(126946)
44	12/05/2003	(255456)
45	08/04/2003	(119954)
46	03/24/2006	(455235)
47	08/15/2003	(143026)
48	05/25/2006	(467406)
49	06/23/2006	(497982)
50	08/25/2003	(146803)
51	08/22/2003	(294511)
52	11/05/2003	(249523)
53	10/18/2004	(336800)
54	05/27/2004	(269564)
55	09/24/2004	(351786)
56	11/04/2004	(293252)
57	08/29/2003	(150290)
58	09/23/2003	(294513)
59	04/21/2003	(155875)
60	10/30/2003	(147976)
61	02/25/2006	(457037)
62	04/09/2003	(246481)
63	04/22/2002	(155874)
64	10/17/2003	(294515)
65	03/31/2003	(25810)
66	07/16/2004	(351787)
67	11/22/2004	(293279)
68	11/11/2004	(290143)
69	10/23/2006	(510591)
70	11/10/2006	(494149)
71	11/13/2003	(294516)
72	08/29/2003	(150287)
73	04/28/2004	(257215)
74	03/23/2004	(258540)
75	10/11/2004	(333468)
76	12/16/2003	(294517)
77	05/28/2004	(264798)
78	03/21/2003	(155870)
79	10/25/2006	(516346)
80	11/12/2004	(334809)
81	12/29/2004	(341784)
82	07/29/2004	(278713)
83	08/01/2005	(394168)
84	09/23/2003	(294518)
85	07/14/2003	(140758)
86	07/20/2006	(487229)
87	12/05/2003	(255457)
88	03/22/2002	(155869)
89	04/12/2004	(257214)
90	01/06/2005	(341788)
91	08/30/2004	(280526)
92	08/26/2004	(278395)
93	07/24/2006	(487951)
94	11/08/2006	(513557)
95	08/19/2004	(351788)
96	02/28/2006	(457238)
97	11/07/2003	(152532)
98	08/31/2004	(285881)
99	04/25/2006	(457910)
100	11/26/2002	(17092)
101	02/21/2003	(155867)
102	04/30/2003	(29974)
103	11/11/2004	(292771)
104	07/17/2006	(467191)
105	07/25/2003	(35349)

106	06/05/2006	(481197)
107	12/05/2003	(255459)
108	06/23/2004	(275361)
109	09/24/2004	(351789)
110	02/25/2002	(155866)
111	08/31/2004	(292423)
112	04/22/2005	(419479)
113	05/13/2005	(419480)
114	12/21/2006	(534112)
115	04/28/2004	(260954)
116	09/23/2004	(351790)
117	08/16/2004	(273862)
118	05/25/2006	(467410)
119	10/25/2004	(351791)
120	10/19/2004	(335816)
121	08/26/2003	(149666)
122	05/25/2005	(374927)
123	12/07/2006	(532001)
124	03/20/2003	(27376)
125	08/29/2003	(150295)
126	09/07/2006	(457421)
127	04/07/2004	(261524)
128	11/23/2004	(351792)
129	01/31/2007	(537333)
130	08/18/2003	(146444)
131	08/30/2005	(406150)
132	02/25/2004	(257948)
133	10/12/2006	(514788)
134	12/05/2003	(255460)
135	11/10/2006	(489514)
136	02/28/2006	(449951)
137	11/15/2002	(16232)
138	05/27/2004	(269566)
139	02/27/2006	(457158)
140	03/18/2005	(347744)
141	08/11/2003	(142966)
142	08/31/2005	(402136)
143	07/11/2006	(484217)
144	01/05/2005	(338615)
145	12/12/2006	(532173)
146	12/04/2006	(531849)
147	12/11/2006	(511248)
148	07/07/2003	(62111)
149	05/27/2004	(269560)
150	07/24/2006	(487838)
151	08/29/2003	(150298)
152	08/21/2006	(519997)
153	04/17/2006	(455285)
154	08/21/2006	(519998)
155	07/07/2004	(272779)
156	08/28/2003	(147452)
157	08/31/2005	(402447)
158	09/19/2006	(519999)
159	12/19/2002	(16306)
160	10/26/2004	(333660)
161	07/11/2006	(485431)
162	10/20/2006	(520000)
163	12/17/2002	(18243)
164	12/30/2004	(341786)
165	08/31/2005	(402449)
166	11/10/2006	(490256)
167	08/19/2005	(449391)
168	05/13/2004	(266477)
169	07/11/2006	(485211)

170	05/25/2006	(467411)
171	04/04/2006	(484501)
172	02/03/2005	(349551)
173	06/14/2004	(270852)
174	05/30/2003	(29605)
175	02/20/2003	(22703)
176	01/16/2003	(155909)
177	08/24/2006	(509977)
178	08/02/2004	(270510)
179	02/20/2003	(23695)
180	08/29/2003	(150291)
181	08/15/2003	(143867)
182	07/07/2003	(61454)
183	04/18/2005	(511002)
184	09/17/2003	(517131)
185	11/17/2004	(336148)
186	06/28/2005	(376330)
187	05/20/2004	(260968)
188	12/17/2002	(18617)
189	12/09/2002	(155905)
190	11/10/2006	(489909)
191	01/24/2007	(537745)
192	01/27/2006	(450186)
193	11/19/2004	(270763)
194	03/06/2006	(440402)
195	01/31/2007	(537702)
196	12/22/2003	(254339)
197	11/04/2004	(517133)
198	05/25/2006	(467413)
199	06/18/2003	(35482)
200	08/19/2003	(143927)
201	06/30/2006	(466897)
202	05/03/2002	(IE0001138007001
203	12/22/2004	(341311)
204	11/20/2003	(281094)
205	02/28/2006	(449830)
206	06/14/2004	(274705)
207	04/04/2006	(455290)
208	02/24/2006	(468110)
209	06/28/2005	(380360)
210	06/23/2005	(440631)
211	05/01/2006	(463424)
212	03/27/2006	(468111)
213	08/16/2004	(273873)
214	07/07/2003	(62089)
215	12/15/2003	(253102)
216	07/25/2005	(440632)
217	08/29/2003	(150297)
218	05/25/2006	(479192)
219	09/01/2005	(440633)
220	11/19/2002	(155900)
221	12/02/2005	(468112)
222	09/28/2005	(440634)
223	11/21/2006	(531593)
224	12/27/2005	(468113)
225	08/25/2003	(146710)
226	04/07/2004	(261175)
227	10/24/2005	(440635)
228	05/17/2006	(462752)
229	09/19/2005	(440636)
230	06/02/2006	(466664)
231	07/07/2003	(62098)
232	04/21/2003	(28674)
233	11/20/2003	(517135)

234	12/07/2006	(533208)
235	01/10/2006	(449982)
236	10/21/2002	(155896)
237	06/20/2006	(481339)
238	09/24/2003	(248196)
239	08/31/2004	(286662)
240	01/27/2006	(468114)
241	04/08/2005	(350433)
242	06/02/2006	(449745)
243	08/31/2004	(289712)
244	10/15/2004	(285900)
245	05/30/2006	(480185)
246	05/06/2004	(265188)
247	10/19/2004	(335907)
248	12/05/2003	(251452)
249	03/17/2006	(456074)
250	07/25/2003	(114197)
251	09/20/2002	(155893)
252	01/26/2004	(257136)
253	04/26/2005	(378333)
254	07/03/2003	(35450)
255	08/29/2003	(150299)
256	08/06/2003	(139366)
257	08/30/2005	(398453)
258	05/17/2006	(462534)
259	08/24/2005	(405569)
260	02/17/2004	(294501)
261	02/12/2004	(257706)
262	07/28/2005	(380007)
263	01/10/2005	(342683)
264	11/21/2002	(16529)
265	08/23/2002	(155890)
266	09/01/2006	(497507)
267	03/28/2005	(381681)
268	07/11/2006	(484218)
269	11/10/2006	(497338)
270	06/21/2004	(294503)
271	03/22/2005	(381682)
272	04/22/2004	(294504)
273	12/28/2004	(381683)
274	12/22/2004	(293301)
275	06/13/2006	(457562)
276	07/25/2003	(119402)

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

Date 12/17/2002 (18617)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(8)

Description: Failure to include the authorized opacity limit in a notification of an excess opacity event.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA TCEQ Air Permit No. 2501A

Description: Failure to maintain opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) regenerator stack within the authorized limit of 20%, averaged over a six-minute period.

Date 05/19/2004 (260968)

Self Report? NO Classification Moderate

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

Description: Failure to keep the allowed opacity of emissions from the Sulfur Recovery Unit Incinerator Stack (Emissions Point Number 46CB6301) from exceeding 20 percent averaged over a six-minute period. The opacity that exceeded the limit was 45% over a duration of 3 hours.

Date 04/09/2003 (246481)

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 05/31/2006 (497982)

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 08/31/2005 (402449)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition No. 2
Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Date 04/09/2004 (261524)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA TCEQ Air Permit No. 2501A, SC 5
Description: During the investigation conducted on January 27, 2004, it was determined that Valero Refining - Texas, L.P. failed to monitor monthly cooling tower water for Volatile Organic Compounds (VOC) with an approved air stripping system or equivalent for Cooling Tower Nos. 3 and 10 in April 2002 and September 2003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
Description: During the investigation conducted on January 27, 2004, it was determined that Valero failed to maintain records that contained sufficient information to demonstrate compliance with all applicable PBR conditions for Cooling Tower No. 3 for 30 TEX. ADMIN. CODE § 106.261(3), (4), (7), & (8), September 4, 2000.

Date 02/28/2002 (155869)

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 (294518)

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 02/24/2004 (257948)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Failure to list all individual pollutants of emissions event dated October 9, 2003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to list the estimated total quantities for those compounds or mixtures involved in the emissions event dated October 9, 2003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)
Description: Failure to enter the final record (pollutants, amounts, updated cause and authorizations) of emissions event dated October 9, 2003 electronically.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(B)
Description: Failure to adhere to the permit representations. 100 lbs of carbon black particles were emitted to the atmosphere during this emissions event without obtaining a permit amendment when there was a change in the character of the emissions.

Date 06/14/2004 (270852)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(8)(A)
Description: Failure to submit PI-7 Form required by 30 TAC 106.261in a timely basis.

Date 10/16/2002 (9157)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
Description: Failure to initially notify the City of Houston, Bureau of Air Quality Control of a reportable upset within 24 hours after the discovery of the upset.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA TNRCC Air Permit No. 2501A
Description: Exceeded the 20% opacity limit, averaged over six-minute periods.

Date 10/12/2006 (514788)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 2501A, Special Condition 1
Description: Failure to prevent unauthorized emissions.

Date 07/31/2006 (519998)
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 08/31/2006 (519999)
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 08/19/2005 (449391)
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
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
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 03/31/2004 (261175)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)[G]
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
Description: The RE failed to close the solvent cleaner cover when parts were not being handled.

Date 08/31/2005 (402447)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition No. 2
Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Date 06/21/2006 (509977)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Self-reporting Requirements
Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date 01/10/2006 (449982)

Self Report? NO Classification Moderate

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

Description: Failure to prevent the unauthorized discharge of wastewater. Unauthorized discharges (UD) occurred on 12/15/05 from the aeration basin, temporary pump for the ditch leading to outfall 008, and cooling tower #3. In addition, two UDs were reported from cooling tower #10.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.4

Description: Failure to monitor for Carbonaceous Biochemical Oxygen Demand (CBOD) as required by the permit issued on August 25, 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)

Description: Failure to complete the Discharge Monitoring Reports (DMR) correctly. Several effluent values and the frequency of analsysis were reported incorrectly on the DMRs in February 2005, March 2005, May 2005, June 2005, July 2005, August 2005, and September 2005. See attached Table 1.

Self Report? NO Classification Minor

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

Description: Failure to calculate loading values correctly.

Date 12/31/2005 (468114)

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 08/31/2002 (155893)

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 09/07/2006 (457421)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP # O-01381, Special Condition #19
OP FOP # O-01381, Special Condition #1A
PA NSR Permit 2501A, Special Condition 4E
PA NSR Permit 48982, Special Condition 6E

Description: Failure to cap open-ended valves or lines.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition 3B.iv.1

Description: Failure to perform visible observations on stationary source engines 50GG1925 and 50GG1926.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(e)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #1A

Description: Failure to submit the required semi-annual report for gas fired engines per 30 TAC 117.219(e).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #19
OP FOP# O-01381, Special Condition #1A
PA NSR Permit #2501A, Special Condition 10C

Description: Failure to limit visible emissions to a rate of less than 5 minutes over 2 consecutive hours.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #19
OP FOP# O-01381, Special Condition #1A
PA NSR Permit #2498A, Special Condition #I

Description: Failure to repair leaking components within 15 days.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01831, Special Condition #19
PA NSR #19637, Special Condition #12A & 12B

Description: Failure to continuously monitor for NOx and CO during the 2nd quarter of 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #11B

Description: Failure to operate 15 existing junction boxes with tight seals during the second quarter of 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #11B

Description: Failure to repair NSPS Subpart QQQ equipment within 15 days.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart DDDDD 63.7505(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #1A

Description: Failure to develop a Startup, Shutdown and Malfunction Plan (SSMP) for boilers.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #19
PA NSR Permit #19637, SC #6

Description: Failure to meet the NSR Permit 10 ppmvd ammonia limit for Package Boiler #1.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #1.j.(i)

Description: Failure to establish the monitoring and testing parameters of 30 TAC Chapter 115.725(a)(2) by the compliance deadline of December 31, 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #1.j.ii

Description: Failure to establish the written quality assurance plan of 30 TAC Chapter 115.726(a)(1) by the compliance date of December 31, 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #1A

Description: Failure to repair API Separator seal gaps within 15 days.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #19
OP FOP# O-01381, Special Condition #1A
PA NSR Permit 2501A, Special Condition #4E
PA NSR Permit 48982, Special Condition #6E

Description: Failure to cap open-ended valves or lines in HAP service.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP# O-01381, Special Condition # 19
OP FOP# O-01381, Special Condition #1A
PA NSR Permit 2501A, Special Condition #4E
PA NSR Permit 48982, Special Condition #6E

Description: Failure to cap open-ended valves and lines in HRVOC service.

Date 07/31/2002 (155890)
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 10/26/2004 (333660)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)
Description: Failure to submit to the EPA administrator, a semi-annual report containing the all the information specified in paragraphs (d)(2), (d)(3), and (d)(4) of 40 CFR § 63.182.

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.	§	
RN100219310	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0161-AIR-E

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

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

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

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

I. FINDINGS OF FACT

1. Valero owns and operates an oil refinery at 9701 Manchester Street in Houston, Harris County, Texas (the "Plant").

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

3. During an investigation on January 19, 2007, TCEQ staff documented that on November 29, 2006, approximately 12,760 pounds ("lb") of unauthorized volatile organic compounds ("VOC") were released from Flares 30 FL1 and 30FL2 during a one hour and three minute period. During the event these flares did not did not operate with a flame present at all times and were not maintained in good working order.

4. During an investigation on January 23, 2007, TCEQ staff determined that on November 30, 2006, approximately 1,579 lb of unauthorized sulfur dioxide ("SO_2") were released from Flare 30FL1 during a four hour and 18 minute period.

5. During an investigation on January 29, 2007, TCEQ staff determined that on December 16, 2006, 3,750 lb of unauthorized SO_2 were released from Flare 30FL1 during a one hour and 31 minute period.

6. During an investigation on February 12, 2007, TCEQ staff determined that on January 24, 2007, approximately 3,245 lb of unauthorized SO_2 were released from Flares 30FL5 and 30FL2 during a 23 hour period.

7. Valero received notices of the violations on February 1, 6, and 21, 2007.

II. CONCLUSIONS OF LAW

1. Valero is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions, to operate the gas flares with a flame present at all times, and to maintain them in good working order, in violation of 30 TEX. ADMIN. CODE §§ 101.221(a) and 116.115(c), CODE OF FED. REG. § 60.18(c)(2), Air Permit 2501A, Special Condition ("SC") 1 and 10B, and TEX. HEALTH AND SAFETY CODE § 382.085(b). Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. As evidenced by Findings of Fact No. 4, Valero failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit 2501A, SC 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b). Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. As evidenced by Findings of Fact No. 5, Valero failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit 2501A, SC 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b). Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

5. As evidenced by Findings of Fact No. 6, Valero failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit 2501A, SC 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b). Since the emissions event was deemed avoidable, Valero failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Valero for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of Thirty-Eight Thousand Dollars ($38,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Valero has paid Nineteen Thousand Dollars ($19,000) of the administrative penalty. Nineteen Thousand Dollars ($19,000) shall be conditionally offset by Valero's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. Valero is assessed an administrative penalty in the amount of Thirty-Eight Thousand Dollars ($38,000) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Valero's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2007-0161-AIR-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7, Nineteen Thousand Dollars ($19,000) 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. Valero shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

i. Replace the existing fuel pressure regulators for Flares 30FL1 and 30 FL2 with lower-pressure regulators that will help prevent accidental pilot flame outages as occurred on November 29, 2006. Implement procedures and training on the installation of these regulators;

ii. Implement procedures and training to help ensure the proper calibration for lube oil pressure switches on the Saturated Gas Compressor ("SGC") to help prevent emissions as occurred on November 30, 2006;

iii. Repair the sensing line on the SGC and implement procedures and training to help prevent emissions as occurred on December 16, 2006; and

iv. Implement procedures to help ensure that active control wires are identified during control wiring demo projects to prevent the accidental cutting of active wires and help prevent emissions as occurred on January 24, 2007 in the Complex I Regenerator.

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. 3.a.i. through 3.a.iv. 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 Quality Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. 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 operations referenced in this Agreed Order.

5. 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.

6. 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.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Valero if the Executive Director determines that Valero has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. 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.

10. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 5/11/07
For the Executive Director Date

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

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

I also understand that 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.

Karen S. Bowsky 3-7-07
Signature Date

KAREN S. BOWSKY VICE PRESIDENT AND GENERAL MANAGER
Name (Printed or typed) Title
Authorized Representative of
Valero Refining-Texas, L.P.

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: 2007-0161-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Valero Refining-Texas, L.P.**
Payable Penalty Amount:	**Thirty-Eight Thousand Dollars ($38,000)**
SEP Amount:	**Nineteen Thousand Dollars ($19,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP 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 in Harris County. 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 13088
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.