

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2006-0738-AIR-E TCEQ ID NO.: RN102584026 CASE NOS.: 29721, 29314 AND 29087
RESPONDENT NAME: THE PREMCOR REFINING GROUP INC.**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1801 Gulfway Drive, Port Arthur, Jefferson County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 25, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Robert R. Mosley, Litigation Division, MC 175, (512) 239-0627
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Section II, MC 219, (512) 239-5363

TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondents: Mr. James S. Gillingham, Vice-President Regional Refinery Operations, The Premcor Refining Group Inc., 1801 Gulfway Drive, Port Arthur, Texas 77642 and Mr. Parker Wilson, Valero Energy Corporation, P.O. Box 696000, San Antonio, Texas 78269

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: January 27, 2006, February 27, 2006 through March 10, 2006, May 15, 2006 and May 12, 2006</p> <p>Dates of NOV/NOEs Relating to this Case: March 28, 2006, April 28, 2006, May 30, 2006 and July 14, 2006 (NOEs)</p> <p>Background Facts:</p> <p>A signed Agreed Order was received on April 9, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>1. Failed to prevent unauthorized emissions during an emissions event that occurred on October 28, 2005. Because this emissions event was avoidable, the Respondent failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5A, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and (c)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b)]</p> <p>2. Failed to prevent unauthorized emissions during an emissions event that occurred on May 1, 2006. Because this emissions event was avoidable, the Respondent failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5A, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and (c)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$43,437</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$21,718</p> <p>Total Paid to General Revenue: \$21,719</p> <p>The Respondent has paid \$21,719 of the administrative penalty. The remaining amount of \$21,718 of the administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Absence of management practices designed to ensure compliance.</p>	<p>Ordering Provisions</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 15 days, move the high level alarm switch (16LSH-2228) on the D-1620 Product Stripper Reflux Drum to a lower location to prevent a significant carryover of the hydrocarbon liquid from occurring before reaching the alarm set points.</p> <p>2. Within 30 days:</p> <p>a. Develop and implement training and maintenance plans, and improvements to design, operation, or other procedures at the Plant, in order to address the emissions events that occurred on October 24, 2005, October 28, 2005, November 19-20, 2005, and May 1, 2006, and to prevent the reoccurrence of same or similar incidents; and</p> <p>b. Implement improvements to the record keeping system, in order to address the late report that occurred on December 23, 2005, and to prevent the recurrence of same or similar incidents.</p> <p>3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 1 and 2.</p> <p>4. The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to comply with permitted emissions limits during an emissions event that occurred on October 24, 2005. Because this emissions event was avoidable, the Respondent failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5A, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4. Failed to comply with permitted emissions limits and burned fuel gas exceeding a maximum allowable 160 ppm sulfur content during an emissions event that occurred on November 19, 2005 and November 20, 2005. Because this emissions event was avoidable, the Respondent failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition Nos. 5A and 1A(1), 30 TEX. ADMIN. CODE §§ 101.20(2) and (3) and 116.715(a) and (c)(7), 40 CODE OF FEDERAL REGULATIONS § 60.104(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to timely report an emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

Attachment A
Docket Number: 2006-0738-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.

Amount of Penalty: Forty-three thousand four hundred and thirty-seven dollars
(\$43,437)

Amount of Offset for the SEP: Twenty-one thousand seven hundred and eighteen dollars
(\$21,718)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission

Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ"), agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ, specifically, the *Southeast Texas Regional Planning Commission* ("SETRPC") *West Port Arthur Home Energy Efficiency Program*. The SETRPC will use the funds to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating the homes and appliances, as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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. All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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 shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution with a copy of the Agreed Order, to:

Bob Dickinson
Director, Transportation and Environmental Resources
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

In the event of incomplete performance of the SEP, 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.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES	Assigned	05-Jun-2006	Screening	12-Jun-2006	EPA Due	06-Feb-2007
	PCW	02-Aug-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	The Premcor Refining Group Inc.		
Reg. Ent. Ref. No.	RN102584026		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	29721	No. of Violations	2
Docket No.	2006-0738-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

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

Compliance History	75% Enhancement	Subtotals 2, 3, & 7	\$11,250
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Notes
A 75% enhancement is recommended for having six NOVs for the same or similar violations, five NOVs for non-similar violations, two Agreed Orders with Denial, and for participating in a voluntary pollution reduction program within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes
This case does not meet culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes
The respondent does not meet the good faith effort criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$200	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$26,250
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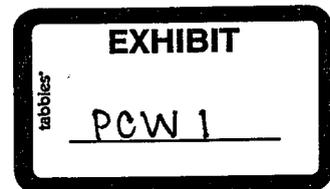
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,750
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral offered on findings order.

PAYABLE PENALTY	\$18,750
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Screening Date	12-Jun-2006	Docket No.	2006-0738-AIR-E	PCW
Respondent	The Premcor Refining Group Inc.		Policy Revision 2 (September 2002)	
Case ID No.	29721	PCW Revision April 25, 2006		
Reg. Ent. Reference No.	RN102584026			
Media [Statute]	Air Quality			
Enf. Coordinator	Samuel Short			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	6	30%
	Other written NOV's	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (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 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 75%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes

A 75% enhancement is recommended for having six NOV's for the same or similar violations, five NOV's for non-similar violations, two Agreed Orders with Denial, and for participating in a voluntary pollution reduction program within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 75%

Screening Date 12-Jun-2006	Docket No. 2006-0738-AIR-E	PCW
Respondent The Premcor Refining Group Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 29721	<i>PCW Revision April 25, 2006</i>	
Reg. Ent. Reference No. RN102584026		
Media [Statute] Air Quality		
Enf. Coordinator Samuel Short		
Violation Number 1		
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.715(a) and (c)(7) and Permit No. 6825A, Special Condition No. 5A	
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)	
Violation Description	The respondent failed to prevent unauthorized emissions during an emission event that occurred on October 28, 2005, that lasted for fourteen hours and twenty-four minutes. Since the emissions event was avoidable, Valero Refining-Texas, L.P. failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222. See attached table no. 1 for the type and quantity of unauthorized emissions.	
Base Penalty		\$10,000

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

	Harm			
	Release	Major	Moderate	Minor
Actual		X		
Potential				
				Percent 50%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent

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

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events	1	Number of violation days	1													
mark only one use a small x	<table style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width: 40px;"></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">X</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	X		Violation Base Penalty	\$5,000
daily																
monthly																
quarterly																
semiannual																
annual																
single event	X															

One single event is recommended based on the May 12, 2006 record review.

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

Estimated EB Amount	\$166	Violation Final Penalty Total	\$8,750
This violation Final Assessed Penalty (adjusted for limits)			\$8,750

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.
Case ID No.: 29721
Reg. Ent. Reference No.: RN102584026
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	28-Oct-2005	03-Jan-2007	1.2	\$8	\$158	\$166
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 The estimated cost to ensure that the level input measurement to the Level Controller LC-1517 on D-1210 Hot High Pressure Separator and the level input measurement to the Level Controller LC-2225 on D-1260 Product Stripper Reflux Drum were working properly on the HCU-942. Date required is the date in which the emissions event began. Final date is the date in which the respondent is projected to come into compliance.

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

Approx. Cost of Compliance \$2,000

TOTAL \$166

Screening Date	12-Jun-2006	Docket No.	2006-0738-AIR-E	PCW
Respondent	The Premcor Refining Group Inc.		Policy Revision 2 (September 2002)	
Case ID No.	29721	PCW Revision April 25, 2006		
Reg. Ent. Reference No.	RN102584026			
Media [Statute]	Air Quality			
Enf. Coordinator	Samuel Short			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.715(a) and (c)(7) and Permit No. 6825A, Special Condition No. 5A			
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)			
Violation Description	The respondent failed to prevent unauthorized emissions during an emission event that occurred on May 1, 2006, that lasted for one hour and fifty-five minutes. Since the emissions event was avoidable, Valero Refining-Texas, L.P. failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222. See attached table no. 2 for the type and quantity of unauthorized emissions.			
			Base Penalty	\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	X			Percent <input type="text" value="100%"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Matrix Notes	Falsification				Percent <input type="text"/>
Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended based on the May 1, 2006 investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$34"/>	Violation Final Penalty Total <input type="text" value="\$17,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.
Case ID No.: 29721
Reg. Ent. Reference No.: RN102584026
Media [Statute]: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	01-May-2006	03-Jan-2007	0.7	\$34	n/a	\$34
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to train operators on better maintenance practices, to ensure that foreign objects do not lodge in the Pressure Safety Valve. Date required is the date in which the event began. Final date is the date in which the respondent is projected to come into compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$34

Valero Refining-Texas, L.P.
RN102584026, Docket Number 2006-0738-AIR-E
Table no. 1

Incident Number, Unit Name, Emission Point Number, and Duration	Root Cause	Compounds Emitted total pounds ("lbs") and pounds per hour ("lbs/hr")	Permit Number 6825A represented emissions limits. (lbs/hr)
Incident No. 67184 Shell Clause Off-gas Tailgas Treating Unit Incinerator Number 2 ("SCOT II") EPN E-02-SCOT 4 Hours 15 Minutes	The level input measurement to the Level Controller LC-1517 on D-1210 Hot High Pressure Separator and the level input measurement to the Level Controller LC-2225 on D-1260 Product Stripper Reflux Drum were not working properly on the Hydrocracking Unit ("HCU-942") which allowed hydrocarbons to be routed to the Sulfur Recovery Unit complex.	Carbon Monoxide-20.70, 4.87 Hydrogen Sulfide-2.25, 0.53 Nitrogen Oxides-7.53, 1.77 Sulfur Dioxide-1,365.09, 321.20 Particulate Matter-1.01, 0.24 Visible Emissions- Visible emissions did occur	Carbon Monoxide-0.9 Hydrogen Sulfide-1.81 Nitrogen Oxides-1.9 Sulfur Dioxide-36.1 Particulate Matter-0.1 Visible Emissions- No authorization
Incident No. 67187 Shell Clause Off-gas Tailgas Treating Unit Incinerator Number 3 ("SCOT III") EPN E-03-SCOT 14 Hours 24 Minutes	The level input measurement to the Level Controller LC-1517 on D-1210 Hot High Pressure Separator and the level input measurement to the Level Controller LC-2225 on D-1260 Product Stripper Reflux Drum were not working properly on the Hydrocracking Unit ("HCU-942") which allowed hydrocarbons to be routed to the Sulfur Recovery Unit complex.	Carbon Monoxide-153.13, 10.63 Hydrogen Sulfide-0.93, 0.065 Nitrogen Oxides-62.28, 4.33 Sulfur Dioxide-3,883.41, 269.68 Particulate Matter-4.27, 0.30 Visible Emissions- Visible emissions did occur	Carbon Monoxide-19.0 Hydrogen Sulfide-1.81 Nitrogen Oxides-4.67 Sulfur Dioxide-90.08 Particulate Matter-0.56 Visible Emissions- No authorization

Valero Refining-Texas, L.P.
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Table no. 2

Incident Number, Unit Name, Emission Point Number, and Duration	Root Cause	Compounds Emitted total pounds ("lbs") and pounds per hour ("lbs/hr")	Permit Number 6825A represented emissions limits. (lbs/hr)
Incident No. 75171 Delayed Coking Unit ("DCU-843") EPN E-23-FLARE 1 Hours 55 Minutes	The Pressure Safety Valve 847 malfunctioned when a piece of cloth lodge into the safety valve resulting in the lube oil system pressure falling below the compressor system shutdown pressure setting.	Carbon Monoxide-2,628.92, 1,371.61 Nitrogen Oxides-363.98, 189.90 Sulfur Dioxide-82,219.43, 42,897.09 Particulate Matter-267.46, 139.54	Carbon Monoxide-0.7 Nitrogen Oxides-0.1 Sulfur Dioxide-0.1 Particulate Matter-0.0
Incident No. 75172 Delayed Coking Unit ("DCU-843") EPN E-23-FLARE 1 Hours 55 Minutes	The Pressure Safety Valve 847 malfunctioned when a piece of cloth lodge into the safety valve resulting in the lube oil system pressure falling below the compressor system shutdown pressure setting.	Carbon Monoxide-22.29, 11.63 Hydrogen Sulfide-893.40, 466.12 Volatile Organic Compounds-4,039.93, 2,107.79	Carbon Monoxide-0.7 Hydrogen Sulfide-0.0 Volatile Organic Compounds-0.1

Compliance History

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: AVERAGE Rating: 1.54
 Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 1.44

ID Number(s):			
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0042B
	AIR OPERATING PERMITS	PERMIT	1498
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR NEW SOURCE PERMITS	PERMIT	17038
	AIR NEW SOURCE PERMITS	PERMIT	802A
	AIR NEW SOURCE PERMITS	PERMIT	2303A
	AIR NEW SOURCE PERMITS	PERMIT	5491A
	AIR NEW SOURCE PERMITS	PERMIT	6825A
	AIR NEW SOURCE PERMITS	PERMIT	7600A
	AIR NEW SOURCE PERMITS	PERMIT	8369A
	AIR NEW SOURCE PERMITS	PERMIT	8456A
	AIR NEW SOURCE PERMITS	PERMIT	12454A
	AIR NEW SOURCE PERMITS	PERMIT	12553A
	AIR NEW SOURCE PERMITS	PERMIT	13635A
	AIR NEW SOURCE PERMITS	PERMIT	13698A
	AIR NEW SOURCE PERMITS	PERMIT	19404
	AIR NEW SOURCE PERMITS	PERMIT	28778
	AIR NEW SOURCE PERMITS	PERMIT	29335
	AIR NEW SOURCE PERMITS	PERMIT	45737
	AIR NEW SOURCE PERMITS	PERMIT	47885
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0042B
	AIR NEW SOURCE PERMITS	REGISTRATION	75595
	AIR NEW SOURCE PERMITS	REGISTRATION	76069
	AIR NEW SOURCE PERMITS	AFS NUM	4824500004
	AIR NEW SOURCE PERMITS	PERMIT	56546
	AIR NEW SOURCE PERMITS	PERMIT	71744
	AIR NEW SOURCE PERMITS	PERMIT	50836
	AIR NEW SOURCE PERMITS	REGISTRATION	74702
	AIR NEW SOURCE PERMITS	PERMIT	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	81049
	AIR NEW SOURCE PERMITS	REGISTRATION	81668
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008090409
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30004
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50350
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30004

Location: 1801 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 28, 2007

Agency Decision Requiring Compliance History: Enforcement

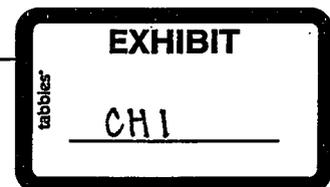
Compliance Period: June 05, 2001 to June 05, 2006

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

Name: N/A Phone: (512) 239-5363

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.

N/A	Effective Date: 03/20/2003	ADMINORDER 2002-0429-AIR-E
	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 notify the regional office no later than 24 hours after the discovery of a reportable upset at the Delayed Coking Unit 843.	
	Classification: Moderate	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
	30 TAC Chapter 116, SubChapter B 116.115(b)[G]	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: GC8 PERMIT	
	Description: Failure to maintain an emission rate below the allowable emission limits.	
	Effective Date: 10/10/2003	ADMINORDER 2003-0053-AIR-E
	Classification: Moderate	
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)	
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
	30 TAC Chapter 116, SubChapter G 116.715(c)(7)	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: General Condition 8 PERMIT	
	Special Condition 5B PERMIT	
	Description: Failure to maintain an emission rate below the allowable emission limits.	

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

N/A

C. Chronic excessive emissions events.

N/A

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

N/A	1	01/16/2002	(IE0000660013001
	2	08/23/2002	(8374)
	3	08/31/2002	(8635)
	4	08/31/2002	(10446)
	5	11/22/2002	(4778)
	6	01/06/2003	(19247)
	7	01/07/2003	(18101)
	8	01/22/2003	(16924)
	9	01/22/2003	(21208)
	10	03/05/2003	(18990)
	11	03/31/2003	(281091)
	12	07/08/2003	(25047)
	13	08/06/2003	(28570)
	14	08/29/2003	(130722)
	15	08/29/2003	(112800)
	16	10/29/2003	(250694)
	17	10/29/2003	(250696)
	18	10/31/2003	(250086)
	19	10/31/2003	(440137)
	20	10/31/2003	(249934)
	21	10/31/2003	(249936)
	22	10/31/2003	(250088)
	23	10/31/2003	(250089)
	24	10/31/2003	(250090)
	25	10/31/2003	(250091)
	26	10/31/2003	(250092)
	27	12/02/2003	(252358)
	28	12/12/2003	(281092)
	29	01/08/2004	(258663)
	30	01/13/2004	(256396)
	31	01/13/2004	(258948)
	32	01/31/2004	(257601)

33	01/31/2004	(258920)
34	02/13/2004	(258485)
35	02/26/2004	(254381)
36	03/24/2004	(263206)
37	05/26/2004	(270679)
38	06/16/2004	(270296)
39	08/11/2004	(278807)
40	08/11/2004	(285340)
41	08/11/2004	(286227)
42	08/17/2004	(270166)
43	08/23/2004	(281670)
44	08/27/2004	(283049)
45	08/31/2004	(282995)
46	08/31/2004	(273536)
47	09/01/2004	(286723)
48	09/23/2004	(271970)
49	10/13/2004	(293066)
50	11/23/2004	(339389)
51	11/23/2004	(339035)
52	11/23/2004	(339038)
53	11/29/2004	(340093)
54	12/08/2004	(337446)
55	12/15/2004	(287796)
56	12/27/2004	(340483)
57	01/31/2005	(344879)
58	02/02/2005	(342308)
59	03/03/2005	(345932)
60	03/24/2005	(346253)
61	04/14/2005	(371246)
62	04/19/2005	(349573)
63	05/06/2005	(276009)
64	05/16/2005	(374794)
65	05/17/2005	(377823)
66	05/17/2005	(377749)
67	05/20/2005	(347935)
68	05/24/2005	(374676)
69	05/31/2005	(393164)
70	05/31/2005	(377794)
71	06/07/2005	(394209)
72	06/07/2005	(392990)
73	06/13/2005	(377488)
74	06/13/2005	(377763)
75	06/13/2005	(377635)
76	06/17/2005	(395060)
77	07/05/2005	(393742)
78	07/05/2005	(380293)
79	07/13/2005	(397179)
80	07/13/2005	(397190)
81	07/26/2005	(400317)
82	08/01/2005	(393808)
83	08/04/2005	(402168)
84	08/04/2005	(401782)
85	08/13/2005	(402114)
86	08/14/2005	(380729)
87	08/16/2005	(396901)
88	08/16/2005	(403310)
89	08/16/2005	(348169)
90	08/16/2005	(402102)
91	08/16/2005	(337449)
92	08/25/2005	(401169)
93	08/31/2005	(401994)
94	08/31/2005	(338345)
95	10/13/2005	(431867)
96	11/03/2005	(434493)
97	11/04/2005	(432099)
98	11/04/2005	(432307)
99	11/04/2005	(418674)
100	11/04/2005	(404608)

101	11/15/2005	(435657)
102	12/02/2005	(418593)
103	01/17/2006	(450983)
104	01/18/2006	(438806)
105	01/19/2006	(439376)
106	02/03/2006	(440029)
107	02/06/2006	(437321)
108	02/21/2006	(455655)
109	02/23/2006	(455193)
110	03/28/2006	(450081)
111	03/31/2006	(455509)
112	04/12/2006	(461051)
113	04/28/2006	(454769)
114	05/03/2006	(464161)
115	05/11/2006	(464702)
116	05/30/2006	(466254)

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

Date: 01/31/2003 (18943)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
Description: FAILURE TO PREVENT AN UNAUTHORIZED DISCHARGE OF SULFUR.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)[G]
Description: Failure to maintain a record of each Satellite Accumulation Area.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]
Description: Failure to update as necessary to assure that there never exists a time period for which a Source Reduction and Waste Minimization (SRWM) Plan is not in effect.
Date: 10/31/2003 (249936)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.
Date: 10/31/2003 (250091)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.
Date: 10/31/2003 (440137)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: PERMIT 6825A/PSD-TX-49, SC 35F
 Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Date: 12/02/2003 (252358)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-02227
 Description: Visible Emissions from Marine Vapor Combustors MC-24 and MC-25 exceeded the 20% opacity limit on October 3, 2003.

Date: 02/13/2004 (258485)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent a nuisance condition within the Port Arthur area.

Date: 08/16/2004 (278807)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.100[G]
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A and PSD-TX-49, SC 1A
 PERMIT 6825A and PSD-TX-49, SC 3A
 PERMIT 6825A and PSD-TX-49, SC 4C

Description: Failure to properly operate Emergency Flare 15 (EPN: F15FLARE) on June 30, 2004.

Date: 08/27/2004 (283049)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A

Description: Failure to properly seal the end of a line containing HAPs/VOCs.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28I PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 28I PERMIT PSD-TX-49, SC 3A		
Description:	Failure to perform the final repair within 15 days for 2 pumps.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28I PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 28I PERMIT PSD-TX-49, SC 3A		
Description:	Failure to perform the final repair within 15 days for 4 leaking connectors.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28J PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 28J PERMIT PSD-TX-49, SC 3A		
Description:	Failure to record the repair methods for several leaking components.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352[G] 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to perform an extraordinary repair within thirty (30) days for a leaking valve.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352[G] 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 28I PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 28I PERMIT PSD-TX-49, SC 3A		
Description:	Failure to repair components on delay of repair before the end of the next process unit shutdown.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 6825A, SC 1A(4) PERMIT 6825A, SC 3A PERMIT PSD-TX-49, SC 1A(4) PERMIT PSD-TX-49, SC 3A		
Description:	Failure to maintain a list of identification numbers for all connectors located within		

the FCC 1241 Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for the valve with Component ID #116023.

Date: 12/09/2004 (337446)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent visible emissions from the Marine Vapor Combustors for 13 minutes. B18

Date: 02/02/2005 (342308)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the State's rule concerning nuisance.

Date: 08/26/2005 (401169)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-2227 General Terms and Conditions

Description: Failure to report all instances of all deviations.

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	04/06/2005
CLEAN TEXAS PROGRAM	PARTNER	04/06/2005

J. Early compliance.
 N/A

Sites Outside of Texas
 N/A

Valero Refining-Texas, L.P.
RN102584026, Docket Number 2006-0738-AIR-E
Table no. 1

Incident Number, Unit Name, Emission Point Number, and Duration	Root Cause	Compounds Emitted total pounds ("lbs") and pounds per hour ("lbs/hr")	Permit Number 6825A represented emissions limits. (lbs/hr)
Incident No. 67184 Shell Clause Off-gas Tailgas Treating Unit Incinerator Number 2 ("SCOT II") EPN E-02-SCOT 4 Hours 15 Minutes	The level input measurement to the Level Controller LC-1517 on D-1210 Hot High Pressure Separator and the level input measurement to the Level Controller LC-2225 on D-1260 Product Stripper Reflux Drum were not working properly on the Hydrocracking Unit ("HCU-942") which allowed hydrocarbons to be routed to the Sulfur Recovery Unit complex.	Carbon Monoxide-20.70, 4.87 Hydrogen Sulfide-2.25, 0.53 Nitrogen Oxides-7.53, 1.77 Sulfur Dioxide-1,365.09, 321.20 Particulate Matter-1.01, 0.24 Visible Emissions- Visible emissions did occur	Carbon Monoxide-0.9 Hydrogen Sulfide-1.81 Nitrogen Oxides-1.9 Sulfur Dioxide-36.1 Particulate Matter-0.1 Visible Emissions- No authorization
Incident No. 67187 Shell Clause Off-gas Tailgas Treating Unit Incinerator Number 3 ("SCOT III") EPN E-03-SCOT 14 Hours 24 Minutes	The level input measurement to the Level Controller LC-1517 on D-1210 Hot High Pressure Separator and the level input measurement to the Level Controller LC-2225 on D-1260 Product Stripper Reflux Drum were not working properly on the Hydrocracking Unit ("HCU-942") which allowed hydrocarbons to be routed to the Sulfur Recovery Unit complex.	Carbon Monoxide-153.13, 10.63 Hydrogen Sulfide-0.93, 0.065 Nitrogen Oxides-62.28, 4.33 Sulfur Dioxide-3,883.41, 269.68 Particulate Matter-4.27, 0.30 Visible Emissions- Visible emissions did occur	Carbon Monoxide-19.0 Hydrogen Sulfide-1.81 Nitrogen Oxides-4.67 Sulfur Dioxide-90.08 Particulate Matter-0.56 Visible Emissions- No authorization

Valero Refining-Texas, L.P.
RN102584026, Docket Number 2006-0738-AIR-E
Table no. 2

Incident Number, Unit Name, Emission Point Number, and Duration	Root Cause	Compounds Emitted total pounds ("lbs") and pounds per hour ("lbs/hr")	Permit Number 6825A represented emissions limits. (lbs/hr)
Incident No. 75171 Delayed Coking Unit ("DCU-843") EPN E-23-FLARE 1 Hours 55 Minutes	The Pressure Safety Valve 847 malfunctioned when a piece of cloth lodge into the safety valve resulting in the lube oil system pressure falling below the compressor system shutdown pressure setting.	Carbon Monoxide-2,628.92, 1,371.61 Nitrogen Oxides-363.98, 189.90 Sulfur Dioxide-82,219.43, 42,897.09 Particulate Matter-267.46, 139.54	Carbon Monoxide-0.7 Nitrogen Oxides-0.1 Sulfur Dioxide-0.1 Particulate Matter-0.0
Incident No. 75172 Delayed Coking Unit ("DCU-843") EPN E-23-FLARE 1 Hours 55 Minutes	The Pressure Safety Valve 847 malfunctioned when a piece of cloth lodge into the safety valve resulting in the lube oil system pressure falling below the compressor system shutdown pressure setting.	Carbon Monoxide-22.29, 11.63 Hydrogen Sulfide-893.40, 466.12 Volatile Organic Compounds-4,039.93, 2,107.79	Carbon Monoxide-0.7 Hydrogen Sulfide-0.0 Volatile Organic Compounds-0.1



Penalty Calculation Worksheet (PCW)
Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned	03-Apr-2006	Screening	13-Apr-2006	EPA Due	06-Feb-2007
	PCW	08-May-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Premcor Refining Group Inc.
Reg. Ent. Ref. No.	RN102584026
Facility/Site Region	10-Beaumont <input checked="" type="checkbox"/>
Major/Minor Source	Major Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	29087	No. of Violations	1
Docket No.	2006-0423-AIR-E	Order Type	Findings <input checked="" type="checkbox"/>
Media Program(s)	Air Quality <input checked="" type="checkbox"/>	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5 <input checked="" type="checkbox"/>
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 80% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

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

Total EB Amounts	<input type="text" value="\$255"/>	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	<input type="text" value="\$5,000"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

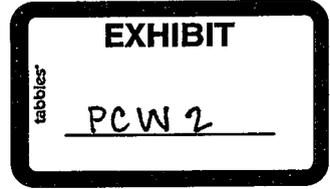
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 0% Reduction **Adjustment**

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

Notes

PAYABLE PENALTY



29087PCW.tb3

Screening Date 13-Apr-2006

Docket No. 2006-0423-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 29087

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

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 (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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	yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Adjustment Percentage (Subtotal 2) **80%**

>> **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 compliance history was enhanced by seven similar NOVs, five non similar NOVs, two 1660-style Administrative Orders, and reduced by participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **80%**

29087PCW.wh3

Screening Date 13-Apr-2006

Docket No. 2006-0423-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 29087

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3) and NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5(a)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits. Specifically, the emissions limit for emissions events under a flexible permit is zero, and during a twenty-eight minute emissions event on October 24, 2005, Flare 103 (EPN F-103FLARE) emitted approximately 600 pounds of sulfur dioxide, 21 pounds of carbon monoxide, 3 pounds of nitrogen oxides, and 2 pounds of particulate matter. Because this emissions event could have been avoided by good maintenance practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense. This violation was documented during an investigation conducted on January 27, 2006.

Base Penalty

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

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of this violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

29087PCW\wb3

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 29087
Reg. Ent. Reference No. RN102584026
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest		Years of Depreciation	
						Overtime Costs	EB Amount		
Delayed Costs									
Equipment				0.0	\$0	\$0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0	\$0	\$0
Land				0.0	\$0	n/a		\$0	\$0
Record Keeping System				0.0	\$0	n/a		\$0	\$0
Training/Sampling				0.0	\$0	n/a		\$0	\$0
Remediation/Disposal				0.0	\$0	n/a		\$0	\$0
Permit Costs				0.0	\$0	n/a		\$0	\$0
Other (as needed)	\$5,000	24-Oct-2005	01-Nov-2006	1.0	\$255	n/a		\$255	\$255

Notes for DELAYED costs: Estimated costs to address the conditions that led to the emissions event. The Date Required is the date of the emissions event, and the Final Date is the date the Respondent is expected to complete all corrective actions.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$5,000** **TOTAL \$255**

Compliance History

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: AVERAGE Rating: 1.54
 Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 1.44

ID Number(s):			
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0042B
	AIR OPERATING PERMITS	PERMIT	1498
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR NEW SOURCE PERMITS	PERMIT	17038
	AIR NEW SOURCE PERMITS	PERMIT	802A
	AIR NEW SOURCE PERMITS	PERMIT	2303A
	AIR NEW SOURCE PERMITS	PERMIT	5491A
	AIR NEW SOURCE PERMITS	PERMIT	6825A
	AIR NEW SOURCE PERMITS	PERMIT	7600A
	AIR NEW SOURCE PERMITS	PERMIT	8369A
	AIR NEW SOURCE PERMITS	PERMIT	8456A
	AIR NEW SOURCE PERMITS	PERMIT	12454A
	AIR NEW SOURCE PERMITS	PERMIT	12553A
	AIR NEW SOURCE PERMITS	PERMIT	13635A
	AIR NEW SOURCE PERMITS	PERMIT	13698A
	AIR NEW SOURCE PERMITS	PERMIT	19404
	AIR NEW SOURCE PERMITS	PERMIT	28778
	AIR NEW SOURCE PERMITS	PERMIT	29335
	AIR NEW SOURCE PERMITS	PERMIT	45737
	AIR NEW SOURCE PERMITS	PERMIT	47885
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0042B
	AIR NEW SOURCE PERMITS	REGISTRATION	75595
	AIR NEW SOURCE PERMITS	REGISTRATION	76069
	AIR NEW SOURCE PERMITS	AFS NUM	4824500004
	AIR NEW SOURCE PERMITS	PERMIT	56546
	AIR NEW SOURCE PERMITS	PERMIT	71744
	AIR NEW SOURCE PERMITS	PERMIT	50836
	AIR NEW SOURCE PERMITS	REGISTRATION	74702
	AIR NEW SOURCE PERMITS	PERMIT	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	81049
	AIR NEW SOURCE PERMITS	REGISTRATION	81668
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008090409
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30004
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50350
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30004

Location: 1801 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 28, 2007

Agency Decision Requiring Compliance History: Enforcement

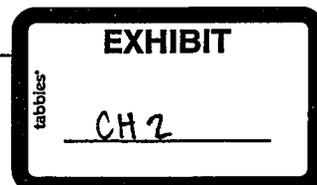
Compliance Period: April 17, 2001 to April 17, 2006

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

Name: Samuel Short Phone: (512) 239-5363

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.

N/A	Effective Date: 03/20/2003	ADMINORDER 2002-0429-AIR-E
	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 notify the regional office no later than 24 hours after the discovery of a reportable upset at the Delayed Coking Unit 843.	
	Classification: Moderate	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
	30 TAC Chapter 116, SubChapter B 116.115(b)[G]	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: GC8 PERMIT	
	Description: Failure to maintain an emission rate below the allowable emission limits.	
	Effective Date: 10/10/2003	ADMINORDER 2003-0053-AIR-E
	Classification: Moderate	
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)	
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
	30 TAC Chapter 116, SubChapter G 116.715(c)(7)	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: General Condition 8 PERMIT	
	Special Condition 5B PERMIT	
	Description: Failure to maintain an emission rate below the allowable emission limits.	

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

N/A

C. Chronic excessive emissions events.

N/A

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

N/A	1	04/19/2001	(138230)
	2	04/27/2001	(138236)
	3	04/27/2001	(138233)
	4	04/27/2001	(138231)
	5	05/25/2001	(138245)
	6	05/25/2001	(138244)
	7	05/25/2001	(138243)
	8	05/25/2001	(138242)
	9	05/25/2001	(138241)
	10	01/16/2002	(IE0000660013001)
	11	08/23/2002	(8374)
	12	08/31/2002	(8635)
	13	08/31/2002	(10446)
	14	11/22/2002	(4778)
	15	01/06/2003	(19247)
	16	01/07/2003	(18101)
	17	01/22/2003	(16924)
	18	01/22/2003	(21208)
	19	03/05/2003	(18990)
	20	03/31/2003	(281091)
	21	07/08/2003	(25047)
	22	08/06/2003	(28570)
	23	08/29/2003	(130722)
	24	08/29/2003	(112800)
	25	10/29/2003	(250694)
	26	10/29/2003	(250696)
	27	10/31/2003	(250086)
	28	10/31/2003	(440137)
	29	10/31/2003	(249934)
	30	10/31/2003	(249936)
	31	10/31/2003	(250088)
	32	10/31/2003	(250089)

33	10/31/2003	(250090)
34	10/31/2003	(250091)
35	10/31/2003	(250092)
36	12/02/2003	(252358)
37	12/12/2003	(281092)
38	01/08/2004	(258663)
39	01/13/2004	(256396)
40	01/13/2004	(258948)
41	01/31/2004	(257601)
42	01/31/2004	(258920)
43	02/13/2004	(258485)
44	02/26/2004	(254381)
45	03/24/2004	(263206)
46	05/26/2004	(270679)
47	06/16/2004	(270296)
48	08/11/2004	(278807)
49	08/11/2004	(285340)
50	08/11/2004	(286227)
51	08/17/2004	(270166)
52	08/23/2004	(281670)
53	08/27/2004	(283049)
54	08/31/2004	(282995)
55	08/31/2004	(273536)
56	09/01/2004	(286723)
57	09/23/2004	(271970)
58	10/13/2004	(293066)
59	11/23/2004	(339389)
60	11/23/2004	(339035)
61	11/23/2004	(339038)
62	11/29/2004	(340093)
63	12/08/2004	(337446)
64	12/15/2004	(287796)
65	12/27/2004	(340483)
66	01/31/2005	(344879)
67	02/02/2005	(342308)
68	03/03/2005	(345932)
69	03/24/2005	(346253)
70	04/14/2005	(371246)
71	04/19/2005	(349573)
72	05/06/2005	(276009)
73	05/16/2005	(374794)
74	05/17/2005	(377823)
75	05/17/2005	(377749)
76	05/20/2005	(347935)
77	05/24/2005	(374676)
78	05/31/2005	(393164)
79	05/31/2005	(377794)
80	06/07/2005	(394209)
81	06/07/2005	(392990)
82	06/13/2005	(377488)
83	06/13/2005	(377763)
84	06/13/2005	(377635)
85	06/17/2005	(395060)
86	07/05/2005	(393742)
87	07/05/2005	(380293)
88	07/13/2005	(397179)
89	07/13/2005	(397190)
90	07/26/2005	(400317)
91	08/01/2005	(393808)
92	08/04/2005	(402168)
93	08/04/2005	(401782)
94	08/13/2005	(402114)
95	08/14/2005	(380729)
96	08/16/2005	(396901)
97	08/16/2005	(403310)
98	08/16/2005	(348169)
99	08/16/2005	(402102)
100	08/16/2005	(337449)

101	08/25/2005	(401169)
102	08/31/2005	(401994)
103	08/31/2005	(338345)
104	10/13/2005	(431867)
105	11/03/2005	(434493)
106	11/04/2005	(432099)
107	11/04/2005	(432307)
108	11/04/2005	(418674)
109	11/04/2005	(404608)
110	11/15/2005	(435657)
111	12/02/2005	(418593)
112	01/17/2006	(450983)
113	01/18/2006	(438806)
114	01/19/2006	(439376)
115	02/03/2006	(440029)
116	02/06/2006	(437321)
117	02/21/2006	(455655)
118	02/23/2006	(455193)
119	03/28/2006	(450081)
120	03/31/2006	(455509)
121	04/12/2006	(461051)

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

Date: 04/24/2001 (138233)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 Description: NUISANCE
 Date: 01/31/2003 (18943)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
 Description: FAILURE TO PREVENT AN UNAUTHORIZED DISCHARGE OF SULFUR.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)[G]
 Description: Failure to maintain a record of each Satellite Accumulation Area.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]
 Description: Failure to update as necessary to assure that there never exists a time period for which a Source Reduction and Waste Minimization (SRWM) Plan is not in effect.
 Date: 10/31/2003 (249936)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.
 Date: 10/31/2003 (250091)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.
 Date: 10/31/2003 (440137)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Date: 12/02/2003 (252358)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-02227
 Description: Visible Emissions from Marine Vapor Combustors MC-24 and MC-25 exceeded the 20% opacity limit on October 3, 2003.

Date: 02/13/2004 (258485)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to prevent a nuisance condition within the Port Arthur area.

Date: 08/16/2004 (278807)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.100[G]
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A and PSD-TX-49, SC 1A
 PERMIT 6825A and PSD-TX-49, SC 3A
 PERMIT 6825A and PSD-TX-49, SC 4C
 Description: Failure to properly operate Emergency Flare 15 (EPN: F15FLARE) on June 30, 2004.

Date: 08/27/2004 (283049)

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

30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to properly seal the end of a line containing HAPs/VOCs.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to perform the final repair within 15 days for 2 pumps.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to perform the final repair within 15 days for 4 leaking connectors.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28J
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28J
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to record the repair methods for several leaking components.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to perform an extraordinary repair within thirty (30) days for a leaking valve.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352[G]
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to repair components on delay of repair before the end of the next process unit shutdown.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to maintain a list of identification numbers for all connectors located within the FCC 1241 Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for the valve with Component ID #116023.

Date: 12/09/2004 (337446)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent visible emissions from the Marine Vapor Combustors for 13 minutes. B18

Date: 02/02/2005 (342308)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the State's rule concerning nuisance.

Date: 08/26/2005 (401169)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-2227 General Terms and Conditions

Description: Failure to report all instances of all deviations.

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	04/06/2005
CLEAN TEXAS PROGRAM	PARTNER	04/06/2005

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 25, 2006

DATES	Assigned	01-May-2006	Screening	04-May-2006	EPA Due	09-Mar-2007
	PCW	30-May-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Premcor Refining Group Inc.
Reg. Ent. Ref. No.	RN102584026
Facility/Site Region	10-Beaumont <input checked="" type="checkbox"/> Major/Minor Source Major Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	29314	No. of Violations	2
Docket No.	2006-0507-AIR-E	Order Type	Findings <input checked="" type="checkbox"/>
Media Program(s)	Air Quality <input checked="" type="checkbox"/>	Enf. Coordinator	Jason Kemp
Multi-Media	No	EC's Team	Enforcement Team 5 <input checked="" type="checkbox"/>
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 87% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with a small x)

Notes

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

Total EB Amounts	<input type="text" value="\$2,607"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$50,500"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

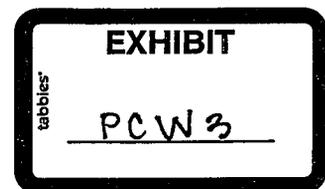
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 0% Reduction **Adjustment**

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

Notes

PAYABLE PENALTY



29314.pcw.wb3

Screening Date 04-May-2006

Docket No. 2006-0507-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 29314

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

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 (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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	YES	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 87%

>> **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 compliance history was enhanced by ten same or similar NOV's, one non similar NOV, and two 1660-style Administrative Orders, and reduced by participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 87%

29314pcw.wb3

Screening Date 04-May-2006

Docket No. 2006-0507-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 29314

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number 1

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), 101.20(2), 101.20(3),
40 Code of Federal Regulations § 60.104(a)(1) and NSR Flexible Air
Permit No. 6825A/PSD-TX-49, Special Condition Nos. 5(a) and 1A(1)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits and burned fuel gas exceeding a maximum allowable 160 parts per million sulfur content. Specifically, the emissions limit for emissions events under a flexible permit is zero, and during a 36.8 hour emissions event on November 19 and 20, 2005, EPNs E-23-FLARE, E-03-SCOT, E-05-FLARE, E-01-SCOT, E-02-SCOT, E-01-843, E-02-843, E-03-843, and E-01-942 emitted approximately 242,403 pounds of sulfur dioxide, 10,030 pounds of carbon monoxide, 3,374 pounds of nitrogen oxides, 5,027 pounds of volatile organic compounds, 16,764 pounds of hydrogen sulfide, and 407 pounds of particulate matter. Because this emissions event could have been avoided by good maintenance practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense. This violation was documented during an investigation conducted February 27 through March 10, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm				
		Major	Moderate	Minor		
OR	Actual	X			Percent	100%
	Potential					

>> Programmatic Matrix

		Major	Moderate	Minor		
Falsification					Percent	

Matrix Notes Human health or the environment was exposed to pollutants which exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

Base Penalty Subtotal \$10,000

Violation Events

Number of Violation Events 2 2 Number of violation days

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

Violation Base Penalty \$20,000

Two daily events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,582

Violation Final Penalty Total \$37,400

This violation Final Assessed Penalty (adjusted for limits) \$20,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 29314
Reg. Ent. Reference No. RN102584026
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
						5.0	15
						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)	\$50,000	19-Nov-2005	01-Dec-2006	1.0	\$2,582	n/a	\$2,582

Notes for DELAYED costs: Estimated costs to address the conditions that led to the emissions event. The Date Required is the date of the emissions event, and the Final Date is the date the Respondent is expected to complete all corrective actions.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$50,000**

TOTAL \$2,582

29314pcw.wb3

Screening Date 04-May-2006

Docket No. 2006-0507-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 29314

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN102584026

Media [Statute] Air Quality

Enf. Coordinator Jason Kemp

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(A) and (B)

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

Violation Description Failed to timely report an emissions event. Specifically, the report was due on December 4, 2005, but wasn't submitted until December 23, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes Failed to submit less than thirty percent of required information.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$187

This violation Final Assessed Penalty (adjusted for limits) \$187

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 29314
Reg. Ent. Reference No. RN102584026
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	04-Dec-2005	01-Dec-2006	1.0	\$25	n/a	\$25
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: To improve record keeping system. The report was due on December 4, 2005, but was not submitted until December 23, 2005.

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 **\$25**

Compliance History

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: AVERAGE Rating: 1.54
 Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 1.44

ID Number(s):			
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0042B
	AIR OPERATING PERMITS	PERMIT	1498
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR NEW SOURCE PERMITS	PERMIT	17038
	AIR NEW SOURCE PERMITS	PERMIT	802A
	AIR NEW SOURCE PERMITS	PERMIT	2303A
	AIR NEW SOURCE PERMITS	PERMIT	5491A
	AIR NEW SOURCE PERMITS	PERMIT	6825A
	AIR NEW SOURCE PERMITS	PERMIT	7600A
	AIR NEW SOURCE PERMITS	PERMIT	8369A
	AIR NEW SOURCE PERMITS	PERMIT	8456A
	AIR NEW SOURCE PERMITS	PERMIT	12454A
	AIR NEW SOURCE PERMITS	PERMIT	12553A
	AIR NEW SOURCE PERMITS	PERMIT	13635A
	AIR NEW SOURCE PERMITS	PERMIT	13698A
	AIR NEW SOURCE PERMITS	PERMIT	19404
	AIR NEW SOURCE PERMITS	PERMIT	28778
	AIR NEW SOURCE PERMITS	PERMIT	29335
	AIR NEW SOURCE PERMITS	PERMIT	45737
	AIR NEW SOURCE PERMITS	PERMIT	47885
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0042B
	AIR NEW SOURCE PERMITS	REGISTRATION	75595
	AIR NEW SOURCE PERMITS	REGISTRATION	76069
	AIR NEW SOURCE PERMITS	AFS NUM	4824500004
	AIR NEW SOURCE PERMITS	PERMIT	56546
	AIR NEW SOURCE PERMITS	PERMIT	71744
	AIR NEW SOURCE PERMITS	PERMIT	50836
	AIR NEW SOURCE PERMITS	REGISTRATION	74702
	AIR NEW SOURCE PERMITS	PERMIT	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	81049
	AIR NEW SOURCE PERMITS	REGISTRATION	81668
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008090409
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30004
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50350
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30004

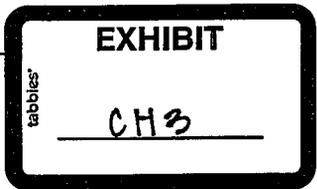
Location: 1801 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: 9/1/2005 Repeat Violator: NO
 TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: June 28, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: May 05, 2001 to May 05, 2006

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

Name: Samuel Short Phone: (512) 239-5363

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.

N/A	Effective Date: 03/20/2003	ADMINORDER 2002-0429-AIR-E
	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 notify the regional office no later than 24 hours after the discovery of a reportable upset at the Delayed Coking Unit 843.	
	Classification: Moderate	
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
	30 TAC Chapter 116, SubChapter B 116.115(b)[G]	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: GC8 PERMIT	
	Description: Failure to maintain an emission rate below the allowable emission limits.	
	Effective Date: 10/10/2003	ADMINORDER 2003-0053-AIR-E
	Classification: Moderate	
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)	
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)	
	30 TAC Chapter 116, SubChapter G 116.715(c)(7)	
	5C THC Chapter 382, SubChapter A 382.085(b)	
	Rqmt Prov: General Condition 8 PERMIT	
	Special Condition 5B PERMIT	
	Description: Failure to maintain an emission rate below the allowable emission limits.	

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

N/A

C. Chronic excessive emissions events.

N/A

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

N/A	1	05/25/2001	(138245)
	2	05/25/2001	(138244)
	3	05/25/2001	(138243)
	4	05/25/2001	(138242)
	5	05/25/2001	(138241)
	6	01/16/2002	(IE0000660013001)
	7	08/23/2002	(8374)
	8	08/31/2002	(8635)
	9	08/31/2002	(10446)
	10	11/22/2002	(4778)
	11	01/06/2003	(19247)
	12	01/07/2003	(18101)
	13	01/22/2003	(16924)
	14	01/22/2003	(21208)
	15	03/05/2003	(18990)
	16	03/31/2003	(281091)
	17	07/08/2003	(25047)
	18	08/06/2003	(28570)
	19	08/29/2003	(130722)
	20	08/29/2003	(112800)
	21	10/29/2003	(250694)
	22	10/29/2003	(250696)
	23	10/31/2003	(250086)
	24	10/31/2003	(440137)
	25	10/31/2003	(249934)
	26	10/31/2003	(249936)
	27	10/31/2003	(250088)
	28	10/31/2003	(250089)
	29	10/31/2003	(250090)
	30	10/31/2003	(250091)
	31	10/31/2003	(250092)
	32	12/02/2003	(252358)

33	12/12/2003	(281092)
34	01/08/2004	(258663)
35	01/13/2004	(256396)
36	01/13/2004	(258948)
37	01/31/2004	(257601)
38	01/31/2004	(258920)
39	02/13/2004	(258485)
40	02/26/2004	(254381)
41	03/24/2004	(263206)
42	05/26/2004	(270679)
43	06/16/2004	(270296)
44	08/11/2004	(278807)
45	08/11/2004	(285340)
46	08/11/2004	(286227)
47	08/17/2004	(270166)
48	08/23/2004	(281670)
49	08/27/2004	(283049)
50	08/31/2004	(282995)
51	08/31/2004	(273536)
52	09/01/2004	(286723)
53	09/23/2004	(271970)
54	10/13/2004	(293066)
55	11/23/2004	(339389)
56	11/23/2004	(339035)
57	11/23/2004	(339038)
58	11/29/2004	(340093)
59	12/08/2004	(337446)
60	12/15/2004	(287796)
61	12/27/2004	(340483)
62	01/31/2005	(344879)
63	02/02/2005	(342308)
64	03/03/2005	(345932)
65	03/24/2005	(346253)
66	04/14/2005	(371246)
67	04/19/2005	(349573)
68	05/06/2005	(276009)
69	05/16/2005	(374794)
70	05/17/2005	(377823)
71	05/17/2005	(377749)
72	05/20/2005	(347935)
73	05/24/2005	(374676)
74	05/31/2005	(393164)
75	05/31/2005	(377794)
76	06/07/2005	(394209)
77	06/07/2005	(392990)
78	06/13/2005	(377488)
79	06/13/2005	(377763)
80	06/13/2005	(377635)
81	06/17/2005	(395060)
82	07/05/2005	(393742)
83	07/05/2005	(380293)
84	07/13/2005	(397179)
85	07/13/2005	(397190)
86	07/26/2005	(400317)
87	08/01/2005	(393808)
88	08/04/2005	(402168)
89	08/04/2005	(401782)
90	08/13/2005	(402114)
91	08/14/2005	(380729)
92	08/16/2005	(396901)
93	08/16/2005	(403310)
94	08/16/2005	(348169)
95	08/16/2005	(402102)
96	08/16/2005	(337449)
97	08/25/2005	(401169)
98	08/31/2005	(401994)
99	08/31/2005	(338345)
100	10/13/2005	(431867)

101	11/03/2005	(434493)
102	11/04/2005	(432099)
103	11/04/2005	(432307)
104	11/04/2005	(418674)
105	11/04/2005	(404608)
106	11/15/2005	(435657)
107	12/02/2005	(418593)
108	01/17/2006	(450983)
109	01/18/2006	(438806)
110	01/19/2006	(439376)
111	02/03/2006	(440029)
112	02/06/2006	(437321)
113	02/21/2006	(455655)
114	02/23/2006	(455193)
115	03/28/2006	(450081)
116	03/31/2006	(455509)
117	04/12/2006	(461051)
118	04/28/2006	(454769)
119	05/03/2006	(464161)

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

Date: 01/31/2003 (18943)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]

Description: FAILURE TO PREVENT AN UNAUTHORIZED DISCHARGE OF SULFUR.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)[G]

Description: Failure to maintain a record of each Satellite Accumulation Area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]

Description: Failure to update as necessary to assure that there never exists a time period for which a Source Reduction and Waste Minimization (SRWM) Plan is not in effect.

Date: 10/31/2003 (249936)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Date: 10/31/2003 (250091)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Date: 10/31/2003 (440137)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F

Description: Failure to forward two copies of the final sampling report within 60 days after the sampling.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 35F
 Description: Failure to forward two copies of the final sampling report within 60 days after the sampling event.

Date: 12/02/2003 (252358)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: OP O-02227
 Description: Visible Emissions from Marine Vapor Combustors MC-24 and MC-25 exceeded the 20% opacity limit on October 3, 2003.

Date: 02/13/2004 (258485)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to prevent a nuisance condition within the Port Arthur area.

Date: 08/16/2004 (278807)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.100[G]
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A and PSD-TX-49, SC 1A
 PERMIT 6825A and PSD-TX-49, SC 3A
 PERMIT 6825A and PSD-TX-49, SC 4C
 Description: Failure to properly operate Emergency Flare 15 (EPN: F15FLARE) on June 30, 2004.

Date: 08/27/2004 (283049)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A

PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to properly seal the end of a line containing HAPs/VOCs.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for 2 pumps.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for 4 leaking connectors.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28J
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28J
 PERMIT PSD-TX-49, SC 3A

Description: Failure to record the repair methods for several leaking components.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352[G]
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform an extraordinary repair within thirty (30) days for a leaking valve.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352[G]
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A

Description: Failure to repair components on delay of repair before the end of the next process unit shutdown.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A

PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A
 Description: Failure to maintain a list of identification numbers for all connectors located within the FCC 1241 Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for the valve with Component ID #116023.

Date: 12/09/2004 (337446)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent visible emissions from the Marine Vapor Combustors for 13 minutes. B18

Date: 02/02/2005 (342308)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the State's rule concerning nuisance.

Date: 08/26/2005 (401169)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-2227 General Terms and Conditions

Description: Failure to report all instances of all deviations.

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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	04/06/2005
CLEAN TEXAS PROGRAM	PARTNER	04/06/2005

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE PREMCO REFINING
GROUP INC.,
RN102584026

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0738-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Premcor Refining Group Inc. ("Premcor") under the authority of TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and 40 CODE OF FEDERAL REGULATIONS ch. 60. The Executive Director of the TCEQ, represented by the Litigation Division, and Premcor, presented this agreement to the Commission.

Premcor 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, Premcor agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Premcor.

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

FINDINGS OF FACT

1. Premcor owns and operates a petroleum refinery located at 1801 Gulfway Drive, Port Arthur, Jefferson 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 May 12, 2006, a TCEQ Beaumont Regional Office investigator documented that Premcor failed to prevent unauthorized emissions during an emissions event that occurred on October 28, 2005. Specifically, hydrocarbons were allowed to be routed to the Sulfur Recovery Unit ("SRU") complex. This resulted in emissions from the Shell Clause Off-gas Treating Unit Incinerator Number II ("SCOT II") (EPN E-02-SCOT) lasting four hours and fifteen minutes. SCOT II released 20.70 pounds of carbon monoxide ("CO"), 2.25 pounds of hydrogen sulfide ("H₂S"), 7.53 pounds of nitrogen oxides ("NO_x"), 1,365.09 pounds of sulfur dioxide ("SO₂"), and 1.01 pounds of particulate matter ("PM"), and visible emissions did occur. In addition, the event resulted in emissions from Shell Clause Off-gas Treating Unit Incinerator Number III ("SCOT III") (EPN E-03-SCOT) lasting fourteen hours and twenty-four minutes. SCOT III released 153.13 pounds of CO, 0.93 pounds of H₂S, 62.28 pounds of NO_x, 3,883.41 pounds of SO₂, and 4.27 pounds of PM, and visible emissions did occur. Because this emissions event was avoidable, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation on May 15, 2006, a TCEQ Beaumont Regional Office investigator documented that Premcor failed to prevent unauthorized emissions during an emissions event that occurred on May 1, 2006 lasting one hour fifty-five minutes. Specifically, Pressure Safety Valve 847 failed resulting in the shutdown of the lube oil compressor system. Flare 23 (EPN-23-FLARE) released 2,628.92 pounds of CO, 363.98 pounds NO_x, 82,219.43 pounds of SO₂, and 267.46 pounds of PM. In addition Delayed Coking Unit ("DCU-843") released 22.29 pounds of CO, 893.4 pounds of H₂S, and 4,309.93 pounds of Volatile Organic Compounds ("VOCs") through Flare 23 (EPN-23-FLARE). Because this emissions event was avoidable, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation on January 27, 2006, a TCEQ Beaumont Regional Office investigator documented that Premcor failed to comply with permitted emissions limits. Specifically, the emissions limit for emissions events under a flexible permit is zero. During a twenty-eight minute emissions event on October 24, 2005, Flare 103 (EPN F-103FLARE) emitted approximately 600 pounds of SO₂, 21 pounds of CO, 3 pounds of NO_x, and 2 pounds of PM. Because this emissions event could have been avoided by good maintenance practices, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. During an investigation that began on February 27, 2006 and continued through March 10, 2006, a TCEQ Beaumont Regional Office investigator documented that Premcor failed to comply with permitted emissions limits and burned fuel gas exceeding a maximum allowable 160 parts per million ("ppm") sulfur content. Specifically, the emissions limit for emissions events under a flexible permit is zero. During a thirty-six hour and forty-eight minute emissions event on November 19, 2005 and November 20, 2005, EPNs E-23-FLARE, E-03-SCOT, E-05-FLARE, E-01-SCOT, E-02-SCOT, E-01-843, E-02-843 E-03-843, and E-01-942 emitted approximately 242,403 pounds of SO₂, 10,030 pounds of CO, 3,374 pounds of NO_x, 5,027 pounds of VOCs, 16,764 pounds of H₂S, and 407 pounds of PM. Because this

emissions event could have been avoided by good maintenance practices, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

7. During an investigation on February 27, 2006, a TCEQ Beaumont Regional Office investigator documented that Premcor failed to timely report an emission event. Specifically, the report was due on December 4, 2005, but was not submitted until December 23, 2005.
8. Premcor received notices of the violations on or about March 28, 2006, April 28, 2006, May 30, 2006, and July 14, 2006.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Premcor is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE § 382.085(b) and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Premcor failed to prevent unauthorized emissions during an emissions event that occurred on October 28, 2005, in violation of NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5A; 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and (c)(7); and TEX. HEALTH & SAFETY CODE § 382.085(b). Because this emissions event was avoidable, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Finding of Fact No. 4, Premcor failed to prevent unauthorized emissions during an emissions event that occurred on May 1, 2006, in violation of NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5A; 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a) and (c)(7); and TEX. HEALTH & SAFETY CODE § 382.085(b). Because this emissions event was avoidable, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. As evidenced by Finding of Fact No. 5, Premcor failed to comply with permitted emissions limits during an emissions event that occurred on October 24, 2005 in violation of NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition No. 5A; 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); and TEX. HEALTH & SAFETY CODE § 382.085(b). Because this emissions event was avoidable, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. As evidenced by Finding of Fact No. 6, Premcor failed to comply with permitted emissions limits and burned fuel gas exceeding a maximum allowable 160 ppm sulfur content during an emissions event that occurred on November 19, 2005 and November 20, 2005, in violation of NSR Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition Nos. 5A and 1A(1); 30 TEX. ADMIN. CODE §§ 101.20(2) and (3) and 116.715(a) and (c)(7); 40 CODE OF FEDERAL REGULATIONS § 60.104(a)(1); and TEX. HEALTH & SAFETY CODE § 382.085(b). Because this

- ✓ emissions event was avoidable, Premcor failed to meet the criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. As evidenced by Finding of Fact No. 7, Premcor failed to timely report an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
 7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Premcor 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.
 8. An administrative penalty in the amount of forty-three thousand four hundred thirty-seven dollars (\$43,437.00) 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. Premcor has paid twenty-one thousand seven hundred nineteen dollars (\$21,719.00) of the administrative penalty. Twenty-one thousand seven hundred eighteen dollars (\$21,718.00) of the assessed administrative penalty shall be offset with the condition that Premcor implement the Supplemental Environmental Project ("SEP") defined in Attachment A, incorporated herein by reference. Premcor's obligation to pay the conditionally offset portion of the administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.

ORDERING PROVISIONS

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

1. Premcor is assessed an administrative penalty in the amount of forty-three thousand four hundred thirty-seven dollars (\$43,437.00) as set forth in Conclusion of Law No. 8 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Premcor'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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: The Premcor Refining Group Inc.; Docket No. 2006-0738-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. Premcor shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. Twenty-one thousand seven hundred eighteen dollars (\$21,718.00) of the assessed administrative penalty shall be offset with the condition that Premcor implement the SEP defined in Attachment A, incorporated herein by reference. Premcor's obligation to pay the conditionally offset portion of the administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. Premcor shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, Premcor shall move the high level alarm switch (16LSH-2228) on the D-1620 Product Stripper Reflux Drum to a lower location to prevent a significant carryover of the hydrocarbon liquid from occurring before reaching the alarm set points;
 - b. Within 30 days after the effective date of this Agreed Order, Premcor shall:
 - i. Develop and implement training and maintenance plans, and improvements to design, operation, or other procedures at the Plant, in order to address the emissions events that occurred on October 24, 2005, October 28, 2005, November 19-20, 2005, and May 1, 2006, and to prevent the reoccurrence of same or similar incidents; and
 - ii. Implement improvements to the record keeping system, in order to address the late report that occurred on December 23, 2005, and to prevent the recurrence of same or similar incidents; and
 - c. Within 45 days after the effective date of this Agreed Order, Premcor shall submit written certification, as described below, and include supporting documentation to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b.;

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:

Heather Ross
Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703

4. The provisions of this Agreed Order shall apply to and be binding upon Premcor. Premcor is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Premcor 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, Premcor's failure to comply is not a violation of this Agreed Order. Premcor has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Premcor shall notify the Executive Director within seven days after Premcor 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 Premcor shall be made in writing to the Executive Director. Extensions are not effective until Premcor 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 Premcor if the

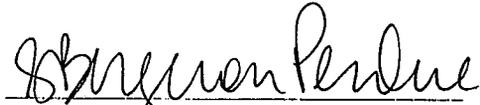
Executive Director determines that Premcor has not complied with one or more of the terms or conditions in this Agreed Order.

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 Premcor 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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Premcor, or three days after the date on which the Commission mails notice of the Order to Premcor, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/31/07

Date

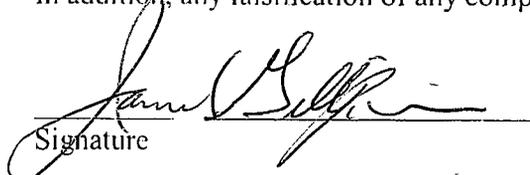
I, the undersigned, have read and understand the attached Agreed Order in the matter of The Premcor Refining Group Inc. I represent that I am authorized to agree to the attached Agreed Order on behalf of The Premcor Refining Group Inc., and do agree to the specified terms and conditions. I further acknowledge 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, The Premcor Refining Group Inc. 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.


Signature

3/16/07
Date

James S. Gillingham
Name (printed or typed)
Authorized Representative
The Premcor Refining Group Inc.

VP Regional Refining Ops
Title

Attachment A
Docket Number: 2006-0738-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.

Amount of Penalty: Forty-three thousand four hundred and thirty-seven dollars
(\$43,437)

Amount of Offset for the SEP: Twenty-one thousand seven hundred and eighteen dollars
(\$21,718)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission

Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ"), agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ, specifically, the *Southeast Texas Regional Planning Commission* ("SETRPC") *West Port Arthur Home Energy Efficiency Program*. The SETRPC will use the funds to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating the homes and appliances, as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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. All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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 shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution with a copy of the Agreed Order, to:

Bob Dickinson
Director, Transportation and Environmental Resources
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

In the event of incomplete performance of the SEP, 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.