

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2007-1189-AIR-E TCEQ ID: RN100211663 CASE NO.: 34312**

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

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
<b>CASE TYPE:</b>		
<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
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Valero Corpus Christi Refinery East Plant, 1300 Cantwell Lane, Corpus Christi, Nueces County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions, Docket Nos. 2007-1545-AIR-E and 2007-1813-MLM-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Audra L. Ruble, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3126; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Joe Almaraz, Manager, Environmental Engineering, Valero Refining-Texas, L.P., 1300 Cantwell Lane, Corpus Christi, Texas 78407  Mr. Dennis L. Payne, Regional VP-Refinery Operations, Valero Refining-Texas, L.P., 1300 Cantwell Lane, Corpus Christi, Texas 78407  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> March 22, 2007</p> <p><b>Date of NOE Relating to this Case:</b> June 29, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review for compliance with the air program.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions during an event that occurred on February 22, 2007. Specifically, approximately 4,635 pounds ("lbs") of sulfur dioxide, 160.95 lbs of carbon monoxide, 50.25 lbs of hydrogen sulfide, 22.50 lbs of nitrogen oxides, and 284.05 lbs of volatile organic compounds were released during the 2 hour 25 minute event. The emissions are not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit Nos. PSD-TX-1023M1 and 2937, Special Condition 1].</p>	<p><b>Total Assessed:</b> \$8,800</p> <p><b>Total Deferred:</b> \$1,760  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,520</p> <p><b>Total Paid to General Revenue:</b> \$3,520</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent submitted compliance documentation on April 11, 2007 indicating that corrective measures have been taken, including locking and color coding all valves and implementing procedures which require the operator to obtain permission to open any locked valve on the coke drum.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

Additional ID No(s): NE0043A

**Attachment A**  
**Docket Number: 2007-1189-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Valero Refining-Texas, L.P.  
**Payable Penalty Amount:** Seven Thousand Forty Dollars (\$7,040)  
**SEP Amount:** Three Thousand Five Hundred Twenty Dollars (\$3,520)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas A&M Corpus Christi-AutoCheck Program  
**Location of SEP:** Nueces County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to implement the AutoCheck program. AutoCheck is a remote sensing system that detects polluting vehicles as they drive past the system. Motorists are informed if their vehicles are polluting via a large electronic sign. Once a vehicle is identified, qualified service stations perform repairs on these vehicles. Pre and post emissions tests are performed and tracked, and the service stations are reimbursed for their expenses. The monies shall be used to only pay for the repair vouchers, equipment maintenance, and a program operator. The operator shall only work on the AutoCheck program.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a direct reduction in air emissions from vehicles in the Corpus Christi Urban Air Shed. This direct area includes Nueces county and part of San Patricio County.

C. Minimum Expenditure

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



**2. Performance Schedule**

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

Texas A&M University-Corpus Christi  
Pollution Prevention Partnership  
Attention: Gretchen Arnold  
6300 Ocean Drive, NRC #2200  
Corpus Christi, Texas 78412

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

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



**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision December 8, 2006

DATES	Assigned	2-Jul-2007	Screening	25-Jul-2007	EPA Due	9-May-2008
	PCW	25-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100211663		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34312	No. of Violations	1
Docket No.	2007-1189-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	EnforcementTeam 4
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**  Enhancement *Subtotals 2, 3, & 7*

Notes: The Respondent has received one Findings Order, one Court Order, one 1660 Order, two NOV's for the same or similar violations, and eight NOV's for non-similar violations in the past five years.

**Culpability**   Enhancement *Subtotal 4*

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent submitted compliance documentation on April 11, 2007.

**Total EB Amounts**   Enhancement\* *Subtotal 6*   
*Approx. Cost of Compliance*  \*Capped at the Total EB \$ Amount

**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**  Reduction *Adjustment*

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 25-Jul-2007

Docket No. 2007-1189-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34312

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100211663

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 101%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received one Findings Order, one Court Order, one 1660 Order, two NOVs for the same or similar violations, and eight NOVs for non-similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 101%

Screening Date 25-Jul-2007

Docket No. 2007-1189-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34312

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100211663

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Tex. Health & Safety Code § 382.085(b), and Air Permit Nos. PSD-TX-1023M1 and 2937, Special Condition 1

Violation Description Failed to prevent unauthorized emissions during an event that occurred on February 22, 2007, as documented during a record review conducted on March 22, 2007. Specifically, approximately 4,635 lbs of sulfur dioxide, 160.95 lbs of carbon monoxide, 50.25 lbs of hydrogen sulfide, 22.50 lbs of nitrogen oxides, and 284.05 lbs of volatile organic compounds were released during the 2 hour 25 minute event. The emissions are not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The emissions event resulted in the release of a significant amount of pollutants which do not exceed levels protective of human health and/or the environment.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$8,800

This violation Final Assessed Penalty (adjusted for limits) \$8,800

## Economic Benefit Worksheet

**Respondent:** Valero Refining-Texas, L.P.  
**Case ID No.:** 34312  
**Reg. Ent. Reference No.:** RN100211663  
**Media:** Air Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	22-Feb-2007	11-Apr-2007	0.1	\$10	n/a	\$10

**Notes for DELAYED costs**

Estimated cost to implement procedures to prevent recurrence. Date required is the date of the event and final date is when compliance was achieved.

### 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**

<b>Approx. Cost of Compliance</b>	\$1,500	<b>TOTAL</b>	\$10
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# Compliance History

Customer/Respondent/Owner-Operator:	CN600127468 Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.23																																																																																																																																																						
Regulated Entity:	RN100211663 VALERO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 13.30																																																																																																																																																						
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 30%;">ACCOUNT NUMBER</td> <td style="width: 20%;">NE0043A</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1231</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>2238</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>2239</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>2250</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1750</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>ACCOUNT NUMBER</td> <td>NE0476L</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1750</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0000465000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0006904000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0006904</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>NE0043A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>1084</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>1085</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>1152</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>2937</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>9344</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>10923</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>11456</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>11652</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13764</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>2180A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>3477</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>3783</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5285A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5487A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5488A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>16859</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>21656</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>21563</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>22390</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>30275</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>41936</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>46768</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>71884</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75588</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4835500018</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>72781</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX1023M1</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX1023</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>78472</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>78481</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>NE0476L</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4835500177</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # 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Name: Audra Ruble Phone: (361) 825-3126

**Site Compliance History Components**

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

**Components (Multimedia) for the Site :**

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

- Effective Date: 11/16/2003 ADMINORDER 2002-1055-AIR-E
  - Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
  - Rqmt Prov: SC 1 PERMIT
  - Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.11 for emissions resulting from an upset event 11/2/01.
- Effective Date: 11/23/2005 COURTORDER
  - Classification: Moderate
  - Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
  - Description: Failure to prevent visible emissions from a gas flare for a duration of less than five minutes in a two hour period during an upset event on 11/2/01
- Classification: Moderate
  - Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
  - Description: Failure to provide notification of reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 21, 2002 and February 7, 2003, within 24 hours of discovery.
- Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
  - Rqmt Prov: TCEQ Permit 6797 PA
  - Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Vacuum Jet Compressor during eleven emissions events.
- Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
  - Rqmt Prov: TCEQ Permit 6797 PA
  - Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Ingersoll Rand (IR) Compressor during an emissions event on June 27, 2002.
- Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)
  - Rqmt Prov: TCEQ Permit 21655 PA
  - Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Sulfur Recovery Unit Incinerator during an emissions event which started on June 20, 2002 and ended on June 24, 2002.
- Classification: Minor
  - Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)[G]
  - Description: Failure to provide rule required information in the notification of a reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 23, 2003, to the commission's regional office within 24 hours of discovery.
- Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
  - Rqmt Prov: General Conditions PA
  - Description: Failure to obtain regulatory authority for, or satisfy all demonstration criteria to exempt from compliance limitations, the emissions (including approximately 3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on September 23, 2003.
- Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
  - Rqmt Prov: 6797 PA
  - Description: Failure to satisfy all demonstration criteria in 30 TAC 101.222(b) and (c) and obtain regulatory authority for the emissions (including approximately 89 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during emissions events and scheduled activities.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

Description: Failure to prevent emissions of hydrogen sulfide from a source or sources operated on a property or multiple sources operated on contiguous properties from exceeding a net ground level concentration of 0.80 parts per million averaged over a 30-minute period.

Classification: Moderate

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

Rqmt Prov: SC 1 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC ?101.222(b) and obtain regulatory authority for the emissions (including approximately 6.3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on or about May 5, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding the required limit, as reported on January 21, 2004 in incident 33605.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to notify the TCEQ Corpus Christi Region Office within twenty four hours after the discovery of a reportable emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to satisfy all demonstrations criteria in 30 TAC ?101.222(b) and gain an affirmative defense for the unauthorized emissions that were released during TCEQ incident 37739.

Classification: Moderate

Rqmt Prov: Provision No. 3 PERMIT

Description: Failed to prevent the discharge of floating solids and visible foam in other than trace amounts at Outfall 001.

Effective Date: 12/30/2005

ADMINORDER 2001-1023-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)

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

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred 7/2/00 - 7/7/00.

Classification: Minor

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

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

Description: Fail. maintain complete records regarding upset event that occurred on 9/8/2000.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset events that occurred on 7/2/00 thru 7/7/00.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset that occurred on 9/26/00.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred on 9/26/00.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from 20 upset events at crude & vacuum unit.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

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

Description: Fail. maintain flare observation log for 4 flares for may & june 2000 & for east plt. main flare

for december 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)(2)  
30 TAC Chapter 115, SubChapter B 115.114(b)(3)  
30 TAC Chapter 115, SubChapter B 115.114(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. visually inspect or physically measure secondary seal gaps of vessels numbered 84, 98, 100, 151, 153, 355 & 358 at least once every 12 months during calendar yr. 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.322(5)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. mark applicable pipeline valves & pressure relief valves in gaseous VOC serv. in manner readily obvious to monitoring personnel.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)  
30 TAC Chapter 115, SubChapter D 115.326(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. measure emissions from all affected process drains on yearly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.325(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)

Rqmt Prov: SC 11 & 12 PERMIT  
SC 13F PERMIT  
SC 16F & 16G PERMIT  
SC 1F & 1G PERMIT  
SC 3F & 3G PERMIT  
SC 5 & 6 PERMIT  
SC 5F, 5G & 6 PERMIT  
SC 6 PERMIT  
SC4 PERMIT

Description: Fail. properly conduct test method 21.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.326(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit monitoring program plan which includes list of refinery units & quarter in which they will be monitored copy of log book format & make & model of monitoring equip. to be used.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.327(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit required compliance plan & start up notification before #2 reformer at Quintana plt. was re-started in 1/2001.

Classification: Minor

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

Rqmt Prov: SC13 PERMIT  
SC29E PERMIT

Description: Fail. submit accurate summ.rpt. for SRU#1 for 3rd qurtr. cal. yr. 1999(3Q99)&for SRU#1 &SRU #2 for 2Q00 &fail. to submit CMS EER for 1Q97,2Q97,4Q98 &2Q99 for fuel gas hydrogen sulfide content 3Q00 SRU#1 S02 emissions,3Q97 &1Q00 co-gen.unit NOX emiss.

Classification: Minor

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

Description: Fail. submit rpt. at least semi-annual cert. indicating whether any changes were made in opers. SRU#1 & SRU#2 emission control system when SO2 data wasn't available from CEMS.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Part 60, Subpart NNN 60.665(a)  
40 CFR Part 60, Subpart NNN 60.665(d)

Description: Fail. submit notification indicating method of compliance w/ 40CFR60.662 & fail. provide records of flow rates & semi-annual rpts. as required.

Classification: Minor

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

Rqmt Prov: SC11A PERMIT  
SC13A PERMIT  
SC16A PERMIT  
SC3A PERMIT  
SC4A PERMIT  
SC5A & 6A PERMIT

Description: Fail. provide records of throughput and service and emission control tanks repairs/replacements.

Classification: Moderate

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

Rqmt Prov: SC11F PERMIT  
SC16F PERMIT  
SC4F PERMIT  
SC6F PERMIT  
SCF5 PERMIT

Description: Fail. utilize directed maintenance program to monitor accessible valves.

Classification: Minor

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

Rqmt Prov: SP 8D,8E & 8F PERMIT

Description: Fail. maintain record of semi-annual & yr.-to-date emissions calculations for annual & short-term emissions for vessels.

Classification: Moderate

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

Rqmt Prov: GC1 PERMIT

Description: Fail to produce, upon request, proper records of CO emissions.

Classification: Minor

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

Rqmt Prov: SC8 PERMIT

Description: Failed to include emissions from the CO boiler and the collapse of the roof of storage vessel no. 352 in teh EIU for calendar year 1999.

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

Description: Fail. maintain emissions of CO, VOC & PM at or below allowable emission limits for reactor heater 3-H-3 for calendar yr. 2000.

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Fail. comply w/ required fuel rate limit for reactor heater 3-H-3 from 10/1999 - 6/2000 & 8/2000

Classification: Minor

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

Rqmt Prov: SC8A PERMIT

Description: Fail. properly maintain records of fuel throughput for reactor heater 3-H-3.

Classification: Minor

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

Rqmt Prov: SC7 PERMIT

Description: Fail. report results of annual test runs to confirm accuracy of weekly sampling procedures of SC4 of TNRCC air permit #3784A for 1999 & 2000.

Classification: Moderate

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

Description: Fail. maintain emissions of VOC, NOx & CO at or below allowable emission limits for #2 reformer flare REF2FL1 for calendar yrs. 1999 & 2000 and misrepresentation of these emissions in 1/22/92 permit app..

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

Description: Fail. maintain records of daily avg. fuel gas usage for heater QL-10.

Classification: Moderate

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

Rqmt Prov: GC8 PERMIT

Description: Fail. maintain emissions of CO at or below allowable emission limits for heater QH-125 for calendar yrs. 1999 & 2000.

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

Description: Fail. maintain emissions of VOC at or below allowable emission limits for heater Q10-H-1 for calendar yr. 2000.

Classification: Moderate

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

Rqmt Prov: SC6 PERMIT

Description: Fail. comply w/ required feed rate limit for heater Q10-H-1 for 12/1999.

Classification: Moderate

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

Rqmt Prov: SC4 PERMIT

Description: Fail. comply w/ required hourly firing rate limit for heater 8-H-6 from 1/1 to 5/27, 6/3 to 6/18, 7/3 to 7/6 & 7/21 to 9/9, 1999; and fail. comply w/ required hourly firing rate limit for heaters 8-H-3 & 8-H-5 for 17 hrs. between 1/22 & 4/21, 1999.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC11E PERMIT

Description: Fail. manually switch CEMS monitor between stacks cogen-1 & cogen-2 every 3 months during calendar yrs. 1999 & 2000.

Classification: Moderate

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

Rqmt Prov: SC1 OP

Description: Failure to produce on request records of VOC emission levels for for Coker Heater 7-H-2 for calendar year 1999 and for emission levels of VOCs, PM and CO for calendar year 2000

Classification: Moderate

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

Description: misrepresented the West Plant Flare as an emergency flare instead of a process flare

Classification: Minor

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

Rqmt Prov: SC18 OP

Description: failed to complete all samples required for cooling water VOC leak detection sampling

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/19/2002	(159900)
2	09/17/2002	(159903)
3	10/18/2002	(159906)
4	11/25/2002	(159910)
5	12/17/2002	(159914)
6	01/21/2003	(159918)
7	02/17/2003	(159877)
8	02/20/2003	(246568)

9	03/19/2003	(159880)
10	04/11/2003	(31132)
11	04/17/2003	(159885)
12	04/18/2003	(33903)
13	04/21/2003	(33898)
14	05/08/2003	(36029)
15	05/20/2003	(159889)
16	06/16/2003	(159893)
17	06/19/2003	(114250)
18	06/25/2003	(36014)
19	07/24/2003	(159897)
20	08/18/2003	(296115)
21	08/28/2003	(29654)
22	09/22/2003	(296117)
23	10/21/2003	(296119)
24	11/21/2003	(296120)
25	12/16/2003	(147906)
26	12/17/2003	(258116)
27	12/22/2003	(296121)
28	01/06/2004	(251552)
29	01/20/2004	(296123)
30	02/17/2004	(332781)
31	02/18/2004	(296104)
32	03/19/2004	(296107)
33	03/26/2004	(265025)
34	03/26/2004	(265011)
35	04/15/2004	(258186)
36	04/22/2004	(296108)
37	05/17/2004	(265353)
38	05/18/2004	(296110)
39	06/07/2004	(274416)
40	06/15/2004	(269771)
41	06/21/2004	(296112)
42	06/22/2004	(270344)
43	06/30/2004	(277545)
44	06/30/2004	(277770)
45	07/20/2004	(352431)
46	08/19/2004	(352432)
47	08/27/2004	(289772)
48	08/31/2004	(267107)
49	09/13/2004	(352433)
50	10/07/2004	(292867)
51	10/21/2004	(352434)
52	10/21/2004	(334534)
53	11/23/2004	(352435)
54	11/30/2004	(342556)
55	11/30/2004	(342509)
56	12/06/2004	(342868)
57	12/22/2004	(381980)
58	12/28/2004	(345193)
59	01/14/2005	(381981)
60	02/10/2005	(342544)
61	02/22/2005	(381978)
62	03/18/2005	(381979)
63	04/11/2005	(350299)
64	04/15/2005	(373717)
65	04/19/2005	(430046)
66	05/23/2005	(430047)
67	06/02/2005	(394325)
68	06/02/2005	(394464)
69	06/21/2005	(430048)
70	06/27/2005	(375543)
71	07/05/2005	(397974)
72	07/09/2005	(397621)
73	07/15/2005	(397268)
74	07/20/2005	(430049)
75	08/19/2005	(440955)
76	08/19/2005	(405862)

77 08/24/2005 (402929)  
 78 08/30/2005 (418769)  
 79 09/19/2005 (440956)  
 80 10/14/2005 (433213)  
 81 10/24/2005 (440957)  
 82 10/25/2005 (432976)  
 83 11/17/2005 (403617)  
 84 11/21/2005 (468638)  
 85 12/21/2005 (468639)  
 86 12/21/2005 (439798)  
 87 01/23/2006 (468640)  
 88 01/28/2006 (453260)  
 89 02/08/2006 (453776)  
 90 02/22/2006 (468635)  
 91 03/20/2006 (468637)  
 92 03/28/2006 (458315)  
 93 04/19/2006 (462919)  
 94 04/24/2006 (498341)  
 95 05/08/2006 (465221)  
 96 05/08/2006 (464657)  
 97 05/23/2006 (498342)  
 98 05/25/2006 (479708)  
 99 06/06/2006 (480816)  
 100 06/19/2006 (465775)  
 101 06/21/2006 (498343)  
 102 07/07/2006 (485108)  
 103 07/10/2006 (462991)  
 104 07/19/2006 (481002)  
 105 07/20/2006 (498344)  
 106 08/18/2006 (520356)  
 107 08/22/2006 (483293)  
 108 08/29/2006 (488424)  
 109 08/29/2006 (509898)  
 110 08/30/2006 (509065)  
 111 09/13/2006 (510965)  
 112 09/19/2006 (520357)  
 113 10/16/2006 (511059)  
 114 10/20/2006 (544689)  
 115 11/16/2006 (544690)  
 116 11/30/2006 (531095)  
 117 12/05/2006 (532536)  
 118 12/06/2006 (532499)  
 119 12/19/2006 (544691)  
 120 12/20/2006 (511278)  
 121 01/08/2007 (533142)  
 122 01/19/2007 (532903)  
 123 01/22/2007 (544692)  
 124 01/26/2007 (537711)  
 125 01/26/2007 (534329)  
 126 02/05/2007 (517485)  
 127 02/08/2007 (538991)  
 128 02/21/2007 (541385)  
 129 02/26/2007 (533896)  
 130 03/16/2007 (553836)  
 131 06/04/2007 (540935)  
 132 06/29/2007 (554747)

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

Date: 02/20/2003 (246568)

Self Report? NO

Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/11/2003 (26414)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)

Description: Valero failed to notify the executive director by electronic notification of nonhazardous industrial solid waste disposal activities.

Date: 03/11/2003 (25137)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)  
 TWC Chapter 26 26.121(a)(1)  
 Description: Failure to prevent the discharge of industrial waste from entering "waters of the state"  
 (ground water).  
 Date: 04/23/2003 (31132)

Self Report? NO Classification: Minor  
 Rqmt Prov: PERMIT WQ0000465-000  
 Description: Failure to maintain a record of calibration activities for the flow meter at Outfall 001.  
 Date: 02/17/2004 (332781)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date: 08/19/2004 (289772)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding  
 the required limit, as reported on January 21, 2004 in incident 33605.  
 Date: 01/31/2006 (468635)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/23/2006 (488424)

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

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

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
 Rqmt Prov: OP FOP O-02250, Special Condition No. 15(A)  
 Description: Failure to conduct visual inspections as required by federal rule.  
 Date: 08/29/2006 (509065)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
 Rqmt Prov: OP O-01231 STC No. 10A  
 Description: Failure to visually inspected initially and quarterly thereafter to ensure that all containers  
 are closed and gasketed properly.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(b)(1)  
 Rqmt Prov: OP O-01231 STC 13  
 Description: The Regulated Entity failed to keep the gauging and sampling devices vapor-tight except  
 during gauging or sampling, citing 30 TAC ? 115.132(b)(1) / FOP No. O-01231 Permit  
 Provision No. 13 for the reporting period covering, 10/11/2005 to 10/17/2005.  
 Date: 08/29/2006 (509898)

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

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
 Rqmt Prov: OP FOP O-02238 Special Term & Condition 10A  
 Description: Failure to conduct visual inspections of vacuum trucks during the third quarter (July 1,  
 2005 through September 30, 2005) as required by applicable federal rule.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VALERO REFINING-TEXAS, L.P.  
RN100211663**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1189-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. Valero owns and operates a petroleum refinery located at 1300 Cantwell Lane in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Valero agree that the Commission has jurisdiction to enter this Agreed Order, and that Valero is subject to the Commission's jurisdiction.
4. Valero received notice of the violations alleged in Section II ("Allegations") on or about July 4, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Valero of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Eight Hundred Dollars (\$8,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Valero has paid Three Thousand Five Hundred Twenty Dollars (\$3,520) of the administrative penalty and One Thousand Seven Hundred Sixty Dollars (\$1,760) is deferred contingent upon



Valero's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Valero fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Valero to pay all or part of the deferred penalty. Three Thousand Five Hundred Twenty Dollars (\$3,520) shall be conditionally offset by Valero's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Valero have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Valero submitted compliance documentation on April 11, 2007 indicating that corrective measures have been taken, including locking and color coding all valves and implementing procedures which require the operator to obtain permission to open any locked valve on the coke drum.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Valero has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Valero is alleged to have failed to prevent unauthorized emissions during an event that occurred on February 22, 2007, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit Nos. PSD-TX-1023M1 and 2937, Special Condition 1, as documented during a record review conducted on March 22, 2007. Specifically, approximately 4,635 pounds ("lbs") of sulfure dioxide, 160.95 lbs of carbon monoxide, 50.25 lbs of hydrogen sulfide, 22.50 lbs of nitrogen oxides, and 284.05 lbs of volatile organic compounds were released during the 2 hour 25 minute event. The emissions are not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

## III. DENIALS

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



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Valero pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Valero's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2007-1189-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Valero shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Five Hundred Twenty Dollars (\$3,520) of the assessed administrative penalty shall be offset with the condition that Valero implement the SEP defined in Attachment A, incorporated herein by reference. Valero's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Valero. Valero is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Valero fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Valero's failure to comply is not a violation of this Agreed Order. Valero shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Valero shall notify the Executive Director within seven days after Valero becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero shall be made in writing to the Executive Director. Extensions are not effective until Valero receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Valero in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.



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



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

2/20/2008  
Date

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

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

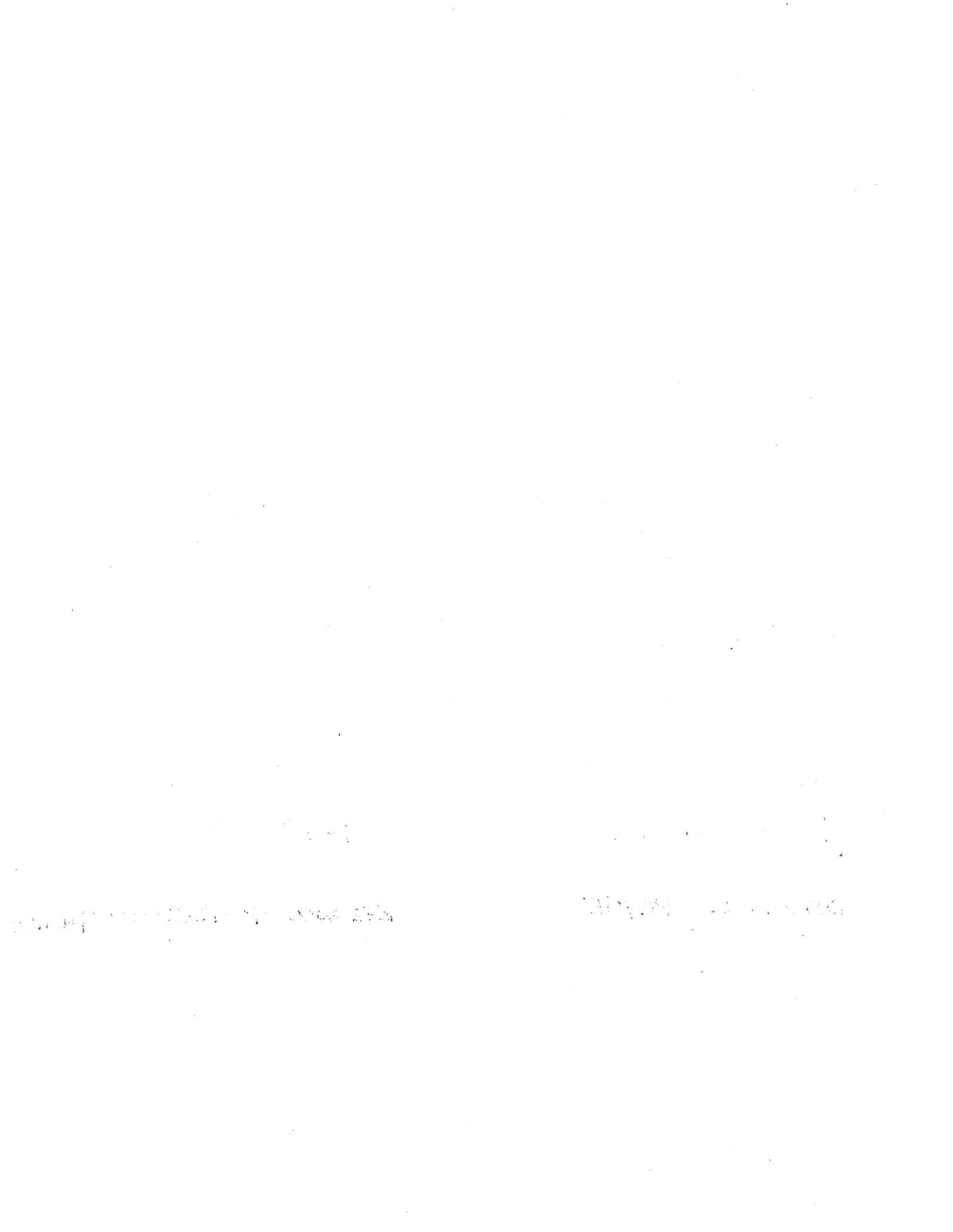
  
Signature

11-13-07  
Date

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

REGIONAL VP - REFINERY OPERATIONS  
Title

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



Attachment A  
Docket Number: 2007-1189-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Valero Refining-Texas, L.P.  
**Payable Penalty Amount:** Seven Thousand Forty Dollars (\$7,040)  
**SEP Amount:** Three Thousand Five Hundred Twenty Dollars (\$3,520)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas A&M Corpus Christi-AutoCheck Program  
**Location of SEP:** Nueces County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to implement the AutoCheck program. AutoCheck is a remote sensing system that detects polluting vehicles as they drive past the system. Motorists are informed if their vehicles are polluting via a large electronic sign. Once a vehicle is identified, qualified service stations perform repairs on these vehicles. Pre and post emissions tests are performed and tracked, and the service stations are reimbursed for their expenses. The monies shall be used to only pay for the repair vouchers, equipment maintenance, and a program operator. The operator shall only work on the AutoCheck program.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a direct reduction in air emissions from vehicles in the Corpus Christi Urban Air Shed. This direct area includes Nueces county and part of San Patricio County.

C. Minimum Expenditure

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



**2. Performance Schedule**

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

Texas A&M University-Corpus Christi  
Pollution Prevention Partnership  
Attention: Gretchen Arnold  
6300 Ocean Drive, NRC #2200  
Corpus Christi, Texas 78412

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

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



**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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

