

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0014-AIR-E **TCEQ ID:** RN100219310 **CASE NO.:** 35157

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

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Valero Refining Houston Refinery, 9701 Manchester Street, Houston, Harris County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two pending enforcement actions regarding this facility location, Docket Nos. 2007-1960-AIR-E and 2007-1226-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 12, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Chip Gross, Director of Environmental Health and Safety, Valero Refining-Texas, L.P., 9701 Manchester Street, Houston, Texas 77012 Ms. Karen S. Miller, Vice President & General Manager, Valero Refining-Texas, L.P., 9701 Manchester Street, Houston, Texas 77012 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 20, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 28, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions during a November 26, 2007 emissions event (Incident No. 100464). Specifically, during the November 26, 2007 emissions event the following unauthorized emissions were released from Flare 30FL6 over a period of 20 minutes: 933.95 pounds ("lbs") of sulfur dioxide, 46.01 lbs of volatile organic compounds, 5.5 lbs of carbon monoxide, and 1.20 lbs of nitrogen oxides. Since the emissions event was avoidable and not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 71281, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to submit the final record for the November 26, 2007 emissions event (Incident No. 100464) within 14 days after the end of the emissions event. Specifically, the final record for the emissions event was not submitted until December 11, 2007 [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,270</p> <p>Total Deferred: \$2,054 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,108</p> <p>Total Paid to General Revenue: \$4,108</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>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent the recurrence of emissions events due to the same cause as the November 26, 2007 emissions event (Incident No. 100464); and</p> <p>ii. Implement measures designed to ensure that emissions events are properly reported.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

Additional ID No(s): HG0130C

Attachment A
Docket Number: 2008-0014-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.

Payable Penalty Amount: Eight Thousand Two Hundred Sixteen Dollars (\$8,216)

SEP Amount: Four Thousand One Hundred Eight Dollars (\$4,108)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	2-Jan-2008	Screening	2-Jan-2008	EPA Due	23-Sep-2008
	PCW	2-Jan-2008				

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

CASE INFORMATION			
Enf./Case ID No.	35157	No. of Violations	2
Docket No.	2008-0014-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,600
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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	295% Enhancement	Subtotals 2, 3, & 7	\$7,670
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Notes: Penalty enhancement due to 10 Notices of Violations ("NOVs") issued for same or similar violations, seven NOVs issued for unrelated violations, six self-reported effluent discharge violations, two agreed orders with a denial of liability, four agreed orders without a denial of liability, one court order with a denial of liability, and one criminal conviction. Penalty reduction due to one Notice of Audit submitted.

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

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

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

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$465	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$11,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,270
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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.

Notes:

Final Penalty Amount	\$10,270
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,270
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DEFERRAL	20% Reduction	Adjustment	-\$2,054
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,216
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Screening Date 2-Jan-2008

Docket No. 2008-0014-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35157

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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)	10	50%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
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)	1	50%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 295%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to 10 Notices of Violations ("NOVs") issued for same or similar violations, seven NOVs issued for unrelated violations, six self-reported effluent discharge violations, two agreed orders with a denial of liability, four agreed orders without a denial of liability, one court order with a denial of liability, and one criminal conviction. Penalty reduction due to one Notice of Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 295%

Screening Date 2-Jan-2008 **Docket No.** 2008-0014-AIR-E **PCW**
Respondent Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*
Case ID No. 35157 *PCW Revision November 6, 2007*
Reg. Ent. Reference No. RN100219310
Media [Statute] Air
Enf. Coordinator Rebecca Johnson

Violation Number
Rule Cite(s) Air Permit No. 71281, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions during a November 26, 2007 emissions event (Incident No. 100464). Specifically, during the November 26, 2007 emissions event the following unauthorized emissions were released from Flare 30FL6 over a period of 20 minutes: 933.95 pounds ("lbs") of sulfur dioxide, 46.01 lbs of volatile organic compounds, 5.5 lbs of carbon monoxide, and 1.20 lbs of nitrogen oxides. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health and the environment have been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health and environmental receptors as a result of the violation.				
					Adjustment <input type="text" value="\$7,500"/>

Violation Events

Number of Violation Events Number of violation days
 mark only one with an x
 daily
 monthly
 quarterly
 semiannual
 annual
 single event
Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$435"/>	Violation Final Penalty Total <input type="text" value="\$9,875"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,875"/>	

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 35157
Reg. Ent. Reference No. RN100219310
Media Air
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)	\$10,000	26-Nov-2007	10-Jul-2008	0.6	\$21	\$415	\$435
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by a malfunctioning level float on the knockout drum. Date required based on the date of the emissions event. Final date based on the projected compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$435

Screening Date	2-Jan-2008	Docket No.	2008-0014-AIR-E	PCW
Respondent	Valero Refining-Texas, L.P.	Policy Revision 2 (September 2002)		
Case ID No.	35157	PCW Revision November 6, 2007		
Reg. Ent. Reference No.	RN100219310			
Media [Statute]	Air			
Enf. Coordinator	Rebecca Johnson			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 101.201(c) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit the final record for the November 26, 2007 emissions event (Incident No. 100464) within 14 days after the end of the emissions event. Specifically, the final record for the emissions event was not submitted until December 11, 2007.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
Potential				Percent	0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				X		
					Percent	1%

Matrix Notes

Less than 20% of the reporting requirements were not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 1 Number of violation days

	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 \$29	Violation Final Penalty Total \$395
This violation Final Assessed Penalty (adjusted for limits) \$395	

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 35157
Reg. Ent. Reference No. RN100219310
Media Air
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
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)	\$1,000	10-Dec-2007	10-Jul-2008	0.6	\$29	n/a	\$29

Notes for DELAYED costs
 Estimated cost to implement measures designed to ensure that emissions events are properly reported. Date required based on the date the final report was due to be submitted. Final date based on the projected compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,000	TOTAL	\$29
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Compliance History

Customer/Respondent/Owner-Operator:	CN600127468 Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.12
Regulated Entity:	RN100219310 VALERO REFINING HOUSTON REFINERY	Classification: AVERAGE	Site Rating: 33.68
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0130C
	AIR OPERATING PERMITS	PERMIT	1381
	AIR OPERATING PERMITS	PERMIT	2951
	AIR OPERATING PERMITS	PERMIT	1381
	AIR NEW SOURCE PERMITS	PERMIT	36395
	AIR NEW SOURCE PERMITS	PERMIT	36394
	AIR NEW SOURCE PERMITS	PERMIT	36392
	AIR NEW SOURCE PERMITS	PERMIT	37103
	AIR NEW SOURCE PERMITS	PERMIT	37102
	AIR NEW SOURCE PERMITS	PERMIT	37101
	AIR NEW SOURCE PERMITS	PERMIT	38961
	AIR NEW SOURCE PERMITS	PERMIT	40306
	AIR NEW SOURCE PERMITS	PERMIT	41495
	AIR NEW SOURCE PERMITS	PERMIT	42119
	AIR NEW SOURCE PERMITS	PERMIT	42999
	AIR NEW SOURCE PERMITS	PERMIT	44387
	AIR NEW SOURCE PERMITS	PERMIT	45273
	AIR NEW SOURCE PERMITS	PERMIT	45869
	AIR NEW SOURCE PERMITS	PERMIT	46784
	AIR NEW SOURCE PERMITS	PERMIT	47004
	AIR NEW SOURCE PERMITS	PERMIT	47166
	AIR NEW SOURCE PERMITS	PERMIT	48166
	AIR NEW SOURCE PERMITS	PERMIT	50138
	AIR NEW SOURCE PERMITS	PERMIT	50232
	AIR NEW SOURCE PERMITS	PERMIT	8483A
	AIR NEW SOURCE PERMITS	PERMIT	2501A
	AIR NEW SOURCE PERMITS	PERMIT	7144A
	AIR NEW SOURCE PERMITS	PERMIT	7158A
	AIR NEW SOURCE PERMITS	PERMIT	8092A
	AIR NEW SOURCE PERMITS	PERMIT	33933
	AIR NEW SOURCE PERMITS	PERMIT	34151
	AIR NEW SOURCE PERMITS	PERMIT	34119
	AIR NEW SOURCE PERMITS	PERMIT	34094
	AIR NEW SOURCE PERMITS	PERMIT	33180
	AIR NEW SOURCE PERMITS	PERMIT	33383
	AIR NEW SOURCE PERMITS	PERMIT	28324
	AIR NEW SOURCE PERMITS	PERMIT	19637
	AIR NEW SOURCE PERMITS	PERMIT	19294
	AIR NEW SOURCE PERMITS	PERMIT	10580A
	AIR NEW SOURCE PERMITS	PERMIT	2507A
	AIR NEW SOURCE PERMITS	PERMIT	2498A
	AIR NEW SOURCE PERMITS	PERMIT	10471A
	AIR NEW SOURCE PERMITS	PERMIT	13020A
	AIR NEW SOURCE PERMITS	PERMIT	36390
	AIR NEW SOURCE PERMITS	PERMIT	35206
	AIR NEW SOURCE PERMITS	PERMIT	71919
	AIR NEW SOURCE PERMITS	REGISTRATION	55752
	AIR NEW SOURCE PERMITS	PERMIT	48982
	AIR NEW SOURCE PERMITS	REGISTRATION	75514
	AIR NEW SOURCE PERMITS	AFS NUM	4820100065
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0130C
	AIR NEW SOURCE PERMITS	PERMIT	70289
	AIR NEW SOURCE PERMITS	PERMIT	71281
	AIR NEW SOURCE PERMITS	PERMIT	50600
	AIR NEW SOURCE PERMITS	PERMIT	54510
	AIR NEW SOURCE PERMITS	PERMIT	56205
	AIR NEW SOURCE PERMITS	PERMIT	54616
	AIR NEW SOURCE PERMITS	REGISTRATION	71680
	AIR NEW SOURCE PERMITS	PERMIT	54513
	AIR NEW SOURCE PERMITS	REGISTRATION	73824
	AIR NEW SOURCE PERMITS	REGISTRATION	73902
	AIR NEW SOURCE PERMITS	REGISTRATION	73869

AIR NEW SOURCE PERMITS	REGISTRATION	74363
AIR NEW SOURCE PERMITS	REGISTRATION	76694
AIR NEW SOURCE PERMITS	REGISTRATION	78537
AIR NEW SOURCE PERMITS	REGISTRATION	78574
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1087
AIR NEW SOURCE PERMITS	PERMIT	80493
AIR NEW SOURCE PERMITS	REGISTRATION	81166
AIR NEW SOURCE PERMITS	REGISTRATION	81526
AIR NEW SOURCE PERMITS	REGISTRATION	81979
AIR NEW SOURCE PERMITS	REGISTRATION	82694
AIR NEW SOURCE PERMITS	REGISTRATION	83597
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD053624193
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30520
WASTEWATER	PERMIT	WQ0000535000
WASTEWATER	PERMIT	TPDES0002976
WASTEWATER	PERMIT	TX0002976
STORMWATER	PERMIT	TXR05K869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30520

Location: 9701 MANCHESTER ST, HOUSTON, TX, 77012 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 02, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 02, 2003 to January 02, 2008

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

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

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

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Description: Failure to submit a notification for a reportable opacity upset that occurred on 7/12/99 at the FCCU catalyst regenerator stack.
 Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(D)
 5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

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

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

Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)

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

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.357(1)

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

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

Classification: Moderate

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

Rqmt Prov: SC 10 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Effective Date: 03/14/2004

ADMINORDER 2003-0519-AIR-E

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 4 PERMIT

Description: Failure to route the refinery acid gas to the Sulfur Recovery Unit before emitting the gas from Flare EPN 30FL5 on December 10, 2002 and February 10, 2003.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

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

Rqmt Prov: 2501A PA

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 2498A, Special Condition 4 PA

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

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206

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

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)

Description: Failure to include the date(s) of operation and the total hours of operation for each month and for the most recent 12 consecutive months, in the operating records for the firewater pumps.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Special Condition 2 PERMIT

Description: Failure to maintain the fuel-gas hydrogen sulfide content to below the allowable limit of 0.10 grain per dry standard cubic foot.

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

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

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

Classification: Moderate

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

40 CFR Part 63, Subpart CC 63.654(h)(1)

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

Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 4J PERMIT

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the authorized emissions limitations of 74.8 lbs/hr for volatile organic compounds (VOC), 3.7 lbs/hr for oxides of nitrogen (NOx), and 26.8 lbs/hr for carbon monoxide (CO).

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the authorized emissions limitations of 1.36 lbs/hr for volatile organic compounds (VOC), 0.26 lbs/hr for oxides of nitrogen (NOx), and 1.34 lbs/hr for carbon monoxide (CO).

Classification: Moderate

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 9:30 p.m. was 53.8%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Minor

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Minor

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

Classification: Minor

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Minor

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

Classification: Minor

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

Classification: Minor

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

Classification: Minor

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

Classification: Minor

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

Classification: Minor

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to list the correct facility for each pollutant released during this emissions event in the initial notification.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to list the proper facility in the final record from which each pollutant originated.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(6)

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

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

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

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

Classification: Moderate

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

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

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

additional discussion for emissions, limits, and duration.

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.648(c)

40 CFR Part 63, Subpart H 63.167

Rqmt Prov: 2501A PERMIT

Description: Failure to equip three open-ended valves with a second valve, plug, cap or a blind. Those valves are in organic hazardous air pollutant (HAP) service because they contain or contact a fluid that is at least 5 percent by weight of total organic HAPs and subject to MACT regulations.

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.648(c)(1)

40 CFR Part 63, Subpart H 63.180(b)

Rqmt Prov: 2501A PERMIT

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.654(d)(1)

40 CFR Part 63, Subpart H 63.182(d)

Rqmt Prov: 2501A PERMIT

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

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

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

Classification: Minor

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

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

Description: Failure to meet initial notification requirements that Valero Refining - Texas L.P. submit the initial notification as soon as practicable, but not later than 24 hours after the discovery of an emissions event.

Classification: Minor

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

Description: Failure to meet final record requirements that Valero Refining - Texas L.P. submit the final record as soon as practicable, but not later than two weeks after the end of an emissions event.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT

TCEQ Air Permit No. 2507A PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Classification: Minor

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

Description: Failure to submit authorization (rule or permit number) in the final record of emissions event that occurred on February 23, 2004.

Classification: Modèrate

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

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

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

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

Classification: Moderate

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

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC

Flare, EPN 30FL5.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 12, 2004.

Classification: Moderate

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 19, 2004 and lasted for one hour and 14 minutes from the MEA Regenerator and the FCC Flare and one hour and 28 minutes from the Sour Water Stripper, EPN 30FL5.

Classification: Moderate

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

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

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 19, 2004.

Classification: Moderate

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)

Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(5)

Description: Failure to submit the correct time for an excess opacity event.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)

Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to correctly submit the final record by facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

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

Classification: Moderate

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification by not including a common name for the facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements by not including the common name of the

facility.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A PA

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

Classification: Minor

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

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

Rqmt Prov: SC No. 2 PA

Description: The regulated entity exceeded the authorized opacity limit of 20 percent by more than the reportable quantity of 15 additional percentage points averaged over a six-minute period at the FCCU regenerator stack.

Classification: Moderate

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

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

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 2 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 2 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack

Classification: Moderate

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

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

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

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

Effective Date: 08/28/2006

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Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Description: Failed to submit a notification for facility that experienced a reportable emissions event.

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Classification: Moderate

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

Classification: Moderate

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

Classification: Moderate

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

Classification: Moderate

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

Classification: Moderate

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

Description: Failed to prevent nuisance conditions

Effective Date: 07/13/2007

ADMINORDER 2007-0161-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
No. 2501A, Special Condition 10B PERMIT

Description: Failed to prevent unauthorized emissions, to operate the gas flares with a flame present at all times, and to maintain them in good working order.

Classification: Moderate

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

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007

ADMINORDER 2006-2218-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT

Description: Valero exceeded SO2 permit emission limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions due to operator error.

Classification: Moderate

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

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

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

Classification: Minor

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

Description: Failure to provide additional or more detailed information on the emissions event when requested by the executive director or air pollution agency with jurisdiction, within the time frame established in the request.

Classification: Moderate

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

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

Description: Valero exceeded SO2 permit limits during an avoidable emissions event.

Classification: Minor

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

Description: Valero failed to submit a final emissions event report no later than two weeks after the end of the emissions event.

Classification: Moderate

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

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

Description: Failure to prevent unauthorized emissions through the FCC flare.

Classification: Moderate

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

Rqmt Prov: Permit No. 2507A, Special Condition #6 PERMIT
Description: Failure to route acid gas to the SRU.

Classification: Moderate

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

Rqmt Prov: 2501A PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(b)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 2501A, SC 1 PERMIT

Description: Failure to maintain net SO2 net ground level concentrations below the limit of 0.28 ppmv averaged over any 30-minute period.

Effective Date: 11/09/2007

ADMINORDER 2007-0604-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 50232 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: No. 2501A, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 50232 PERMIT

Description: Failed to prevent unauthorized emissions.

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

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

Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.147

Description: Unauthorized discharge of a pollutant.

C. Chronic excessive emissions events.

N/A

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

1	01/16/2003	(155909)
2	02/07/2003	(22590)
3	02/20/2003	(22703)
4	02/20/2003	(23695)
5	02/21/2003	(155867)
6	03/05/2003	(19917)
7	03/20/2003	(27376)
8	03/21/2003	(155870)
9	03/31/2003	(25810)
10	04/09/2003	(246481)
11	04/21/2003	(155875)
12	04/21/2003	(28674)
13	04/22/2003	(24982)
14	04/30/2003	(29974)
15	05/20/2003	(155879)
16	05/30/2003	(37977)
17	05/30/2003	(29605)
18	06/18/2003	(35482)
19	06/26/2003	(155883)
20	07/03/2003	(35450)
21	07/07/2003	(62086)
22	07/07/2003	(62111)
23	07/07/2003	(61454)
24	07/07/2003	(62089)
25	07/07/2003	(62098)

26	07/14/2003	(140758)
27	07/18/2003	(155887)
28	07/25/2003	(35349)
29	07/25/2003	(114197)
30	07/25/2003	(119402)
31	08/04/2003	(119955)
32	08/04/2003	(119954)
33	08/06/2003	(139366)
34	08/11/2003	(142966)
35	08/15/2003	(143026)
36	08/15/2003	(143867)
37	08/18/2003	(146444)
38	08/19/2003	(143885)
39	08/19/2003	(143927)
40	08/22/2003	(294511)
41	08/25/2003	(146803)
42	08/25/2003	(146710)
43	08/26/2003	(149864)
44	08/26/2003	(149666)
45	08/28/2003	(147452)
46	08/29/2003	(150288)
47	08/29/2003	(150294)
48	08/29/2003	(150286)
49	08/29/2003	(150300)
50	08/29/2003	(150290)
51	08/29/2003	(150287)
52	08/29/2003	(150295)
53	08/29/2003	(150298)
54	08/29/2003	(150291)
55	08/29/2003	(150297)
56	08/29/2003	(150299)
57	09/04/2003	(247684)
58	09/17/2003	(517131)
59	09/18/2003	(126946)
60	09/23/2003	(294513)
61	09/23/2003	(294518)
62	09/24/2003	(248196)
63	10/17/2003	(294515)
64	10/30/2003	(147976)
65	11/05/2003	(249523)
66	11/07/2003	(152532)
67	11/13/2003	(294516)
68	11/20/2003	(281094)
69	11/20/2003	(517135)
70	11/24/2003	(147980)
71	12/05/2003	(255456)
72	12/05/2003	(255457)
73	12/05/2003	(255459)
74	12/05/2003	(255460)
75	12/05/2003	(251452)
76	12/15/2003	(253102)
77	12/16/2003	(294517)
78	12/22/2003	(254339)
79	01/26/2004	(257136)
80	02/12/2004	(257706)
81	02/17/2004	(294501)
82	02/25/2004	(257948)
83	03/04/2004	(260962)
84	03/23/2004	(258540)
85	04/07/2004	(261524)
86	04/07/2004	(261175)
87	04/12/2004	(257214)
88	04/22/2004	(294504)
89	04/28/2004	(257215)
90	04/28/2004	(260954)
91	05/06/2004	(265188)
92	05/13/2004	(266477)

93	05/18/2004	(294506)
94	05/20/2004	(260968)
95	05/27/2004	(269564)
96	05/27/2004	(269566)
97	05/27/2004	(269560)
98	05/28/2004	(264798)
99	06/14/2004	(294508)
100	06/14/2004	(270852)
101	06/14/2004	(274705)
102	06/21/2004	(294503)
103	06/23/2004	(275361)
104	07/07/2004	(272779)
105	07/16/2004	(351787)
106	07/29/2004	(278713)
107	08/02/2004	(270510)
108	08/16/2004	(273862)
109	08/16/2004	(273873)
110	08/19/2004	(351788)
111	08/26/2004	(285903)
112	08/26/2004	(278395)
113	08/30/2004	(280526)
114	08/31/2004	(285881)
115	08/31/2004	(292423)
116	08/31/2004	(286662)
117	08/31/2004	(289712)
118	09/23/2004	(351790)
119	09/24/2004	(351786)
120	09/24/2004	(351789)
121	10/11/2004	(333468)
122	10/15/2004	(285900)
123	10/18/2004	(336800)
124	10/19/2004	(335816)
125	10/19/2004	(335907)
126	10/25/2004	(351791)
127	10/26/2004	(333660)
128	11/04/2004	(293252)
129	11/04/2004	(517133)
130	11/11/2004	(291133)
131	11/11/2004	(290143)
132	11/11/2004	(292771)
133	11/12/2004	(334809)
134	11/17/2004	(336148)
135	11/19/2004	(270763)
136	11/22/2004	(293279)
137	11/23/2004	(351792)
138	12/22/2004	(341311)
139	12/22/2004	(293301)
140	12/28/2004	(381683)
141	12/29/2004	(341784)
142	12/30/2004	(341786)
143	01/05/2005	(338615)
144	01/06/2005	(341788)
145	01/10/2005	(342683)
146	01/31/2005	(349063)
147	02/03/2005	(349551)
148	03/18/2005	(347744)
149	03/22/2005	(381682)
150	03/28/2005	(381681)
151	04/08/2005	(350433)
152	04/18/2005	(511002)
153	04/22/2005	(419479)
154	04/26/2005	(378333)
155	05/13/2005	(419480)
156	05/25/2005	(374927)
157	06/23/2005	(440631)
158	06/28/2005	(376330)
159	06/28/2005	(380360)

160	07/25/2005	(440632)
161	07/28/2005	(380007)
162	08/01/2005	(394168)
163	08/19/2005	(449391)
164	08/24/2005	(405569)
165	08/30/2005	(406150)
166	08/30/2005	(398453)
167	08/31/2005	(402136)
168	08/31/2005	(402447)
169	08/31/2005	(402449)
170	09/01/2005	(440633)
171	09/19/2005	(440636)
172	09/28/2005	(440634)
173	10/24/2005	(440635)
174	12/02/2005	(468112)
175	12/27/2005	(468113)
176	01/10/2006	(449982)
177	01/27/2006	(450186)
178	01/27/2006	(468114)
179	02/24/2006	(468110)
180	02/25/2006	(457037)
181	02/27/2006	(457158)
182	02/28/2006	(457238)
183	02/28/2006	(449951)
184	02/28/2006	(449830)
185	03/06/2006	(440402)
186	03/17/2006	(456074)
187	03/24/2006	(455235)
188	03/27/2006	(468111)
189	04/04/2006	(460600)
190	04/04/2006	(450259)
191	04/04/2006	(484501)
192	04/04/2006	(455290)
193	04/17/2006	(455285)
194	04/24/2006	(497980)
195	04/25/2006	(457910)
196	05/01/2006	(463424)
197	05/17/2006	(462752)
198	05/17/2006	(462534)
199	05/25/2006	(497981)
200	05/25/2006	(467406)
201	05/25/2006	(467410)
202	05/25/2006	(467411)
203	05/25/2006	(467413)
204	05/25/2006	(479192)
205	05/30/2006	(480185)
206	05/31/2006	(480495)
207	06/02/2006	(466664)
208	06/02/2006	(449745)
209	06/05/2006	(481197)
210	06/13/2006	(457562)
211	06/20/2006	(481339)
212	06/23/2006	(497982)
213	06/30/2006	(466897)
214	07/11/2006	(484212)
215	07/11/2006	(484217)
216	07/11/2006	(485431)
217	07/11/2006	(485211)
218	07/11/2006	(484218)
219	07/12/2006	(485707)
220	07/17/2006	(467191)
221	07/20/2006	(487229)
222	07/24/2006	(487951)
223	07/24/2006	(487838)
224	07/25/2006	(488197)
225	08/21/2006	(519997)
226	08/21/2006	(519998)

227	08/24/2006	(509977)
228	09/01/2006	(497507)
229	09/07/2006	(457421)
230	09/19/2006	(519999)
231	10/12/2006	(514788)
232	10/20/2006	(520000)
233	10/23/2006	(510591)
234	10/25/2006	(516346)
235	11/06/2006	(514699)
236	11/07/2006	(516134)
237	11/08/2006	(513557)
238	11/10/2006	(494149)
239	11/10/2006	(489514)
240	11/10/2006	(490256)
241	11/10/2006	(489909)
242	11/10/2006	(497338)
243	11/20/2006	(544242)
244	11/21/2006	(531593)
245	12/04/2006	(531849)
246	12/07/2006	(532001)
247	12/07/2006	(533208)
248	12/11/2006	(511248)
249	12/12/2006	(532173)
250	12/19/2006	(544243)
251	12/21/2006	(534112)
252	12/29/2006	(518678)
253	01/18/2007	(544244)
254	01/24/2007	(537745)
255	01/31/2007	(537333)
256	01/31/2007	(537702)
257	02/05/2007	(538081)
258	02/20/2007	(540176)
259	02/21/2007	(539856)
260	02/27/2007	(512312)
261	03/23/2007	(574871)
262	03/26/2007	(457476)
263	03/27/2007	(554074)
264	04/13/2007	(554910)
265	04/20/2007	(556275)
266	04/20/2007	(574872)
267	05/04/2007	(557971)
268	05/08/2007	(534918)
269	05/15/2007	(542295)
270	05/21/2007	(574873)
271	05/23/2007	(593171)
272	05/24/2007	(558983)
273	06/18/2007	(574874)
274	06/19/2007	(574870)
275	07/19/2007	(574875)
276	07/27/2007	(567340)
277	08/06/2007	(571198)
278	08/21/2007	(607492)
279	08/22/2007	(573220)
280	09/10/2007	(511307)
281	09/10/2007	(511304)
282	10/01/2007	(607493)
283	10/19/2007	(607494)
284	10/25/2007	(595241)
285	11/12/2007	(599655)
286	11/20/2007	(600266)
287	12/04/2007	(610822)
288	12/28/2007	(612910)

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

Date: 04/09/2003 (246481)

Self Report? NO

Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/31/2003 (294518)

Self Report? YES Classification: Moderate

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

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

Date: 02/24/2004 (257948)

Self Report? NO Classification: Minor

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

Description: Failure to list all individual pollutants of emissions event dated October 9, 2003.

Self Report? NO Classification: Minor

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

Description: Failure to list the estimated total quantities for those compounds or mixtures involved in the emissions event dated October 9, 2003.

Self Report? NO Classification: Minor

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

Description: Failure to enter the final record (pollutants, amounts, updated cause and authorizations) of emissions event dated October 9, 2003 electronically.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(B)

Description: Failure to adhere to the permit representations. 100 lbs of carbon black particles were emitted to the atmosphere during this emissions event without obtaining a permit amendment when there was a change in the character of the emissions.

Date: 03/31/2004 (261175)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)

30 TAC Chapter 115, SubChapter E 115.412(1)(A)

Description: The RE failed to close the solvent cleaner cover when parts were not being handled.

Date: 04/09/2004 (261524)

Self Report? NO Classification: Minor

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

Rqmt Prov: PA TCEQ Air Permit No. 2501A, SC 5

Description: During the investigation conducted on January 27, 2004, it was determined that Valero Refining - Texas, L.P. failed to monitor monthly cooling tower water for Volatile Organic Compounds (VOC) with an approved air stripping system or equivalent for Cooling Tower Nos. 3 and 10 in April 2002 and September 2003.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)

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

Date: 05/19/2004 (260968)

Self Report? NO Classification: Moderate

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

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

Date: 06/14/2004 (270852)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(8)(A)

Description: Failure to submit PI-7 Form required by 30 TAC 106.261 in a timely basis.

Date: 10/26/2004 (333660)

Self Report? NO Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)

Description: Failure to submit to the EPA administrator, a semi-annual report containing the all the information specified in paragraphs (d)(2), (d)(3), and (d)(4) of 40 CFR § 63.182.

Date: 08/19/2005 (449391)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2005 (402449)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition No. 2

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

Date: 08/31/2005 (402447)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition No. 2

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

Date: 12/31/2005 (468114)

Self Report? YES Classification: Moderate

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

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

Date: 01/10/2006 (449982)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.4

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failure to calculate loading values correctly.

Date: 05/31/2006 (497982)

Self Report? YES Classification: Moderate

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

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

Date: 06/21/2006 (509977)

Self Report? NO Classification: Minor

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

Rqmt.Prov: PERMIT Self-reporting Requirements

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 07/31/2006 (519998)

Self Report? YES Classification: Moderate

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

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

Date: 08/31/2006 (519999)

Self Report? YES Classification: Moderate

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

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

Date: 09/07/2006 (457421)

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Minor

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

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

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

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP# O-01381, Special Condition #19

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #19

OP FOP# O-01381, Special Condition #1A
PA NSR Permit #2498A, Special Condition #1

Description: Failure to repair leaking components within 15 days.

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Minor

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

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: OP FOP #O-01381, Special Condition #11B
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart DDDDD 63.7505(e)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #1A
 Description: Failure to develop a Startup, Shutdown and Malfunction Plan (SSMP) for boilers.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #19
 PA NSR Permit #19637, SC #6
 Description: Failure to meet the NSR Permit 10 ppmvd ammonia limit for Package Boiler #1.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #1.j,(i)
 Description: Failure to establish the monitoring and testing parameters of 30 TAC Chapter
 115.725(a)(2) by the compliance deadline of December 31, 2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-01381, Special Condition #1.j.ii
 Description: Failure to establish the written quality assurance plan of 30 TAC Chapter
 115.726(a)(1) by the compliance date of December 31, 2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP# O-01381, Special Condition #1A
 Description: Failure to repair API Separator seal gaps within 15 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

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

Rqmt Prov: OP FOP# O-01381, Special Condition # 19
 OP FOP# O-01381, Special Condition #1A
 PA NSR Permit 2501A, Special Condition #4E
 PA NSR Permit 48982, Special Condition #6E
 Description: Failure to cap open-ended valves and lines in HRVOC service.
Date: 10/12/2006 (514788)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 2501A, Special Condition 1
 Description: Failure to prevent unauthorized emissions.
Date: 01/31/2007 (574870)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/27/2007 (457476)

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT No. 2501A Special Condition #1

Description: Failure to submit emissions event notification in a timely manner.

Self Report? NO Classification: Minor

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

Description: Failure to report an emissions event in a timely manner.

Date: 05/23/2007 (593171)

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: 11/20/2007 (600266)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Valero failed to submit a CAP in a timely manner.

F. Environmental audits.

Notice of Intent Date: 09/19/2007 (598153)
No DOV Associated

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.
RN100219310

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0014-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. ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 9701 Manchester Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 2, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Two Hundred Seventy Dollars (\$10,270) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand One Hundred Eight Dollars (\$4,108) of the administrative penalty and Two Thousand Fifty-Four Dollars (\$2,054) is deferred

contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Four Thousand One Hundred Eight Dollars (\$4,108) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions during a November 26, 2007 emissions event (Incident No. 100464), in violation of Air Permit No. 71281, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 20, 2007. Specifically, during the November 26, 2007 emissions event the following unauthorized emissions were released from Flare 30FL6 over a period of 20 minutes: 933.95 pounds ("lbs") of sulfur dioxide, 46.01 lbs of volatile organic compounds, 5.5 lbs of carbon monoxide, and 1.20 lbs of nitrogen oxides. Since the emissions event was avoidable and not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
2. Failed to submit the final record for the November 26, 2007 emissions event (Incident No. 100464) within 14 days after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 20, 2007. Specifically, the final record for the emissions event was not submitted until December 11, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2008-0014-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand One Hundred Eight Dollars (\$4,108) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent the recurrence of emissions events due to the same cause as the November 26, 2007 emissions event (Incident No. 100464); and
 - ii. Implement measures designed to ensure that emissions events are properly reported.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the

submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

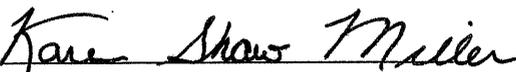
Date 4/16/2008

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

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

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



Signature

Date 2-22-08

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

VICE PRESIDENT & GENERAL
Title MANAGER

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

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Attachment A
Docket Number: 2008-0014-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.

Payable Penalty Amount: Eight Thousand Two Hundred Sixteen Dollars (\$8,216)

SEP Amount: Four Thousand One Hundred Eight Dollars (\$4,108)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

Valero Refining-Texas, L.P.
Agreed Order – Attachment A

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.

