

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-1512-AIR-E **TCEQ ID:** RN100238385 **CASE NO.:** 34641

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

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Valero Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2007-2039-AIR-E, 2007-1413-AIR-E, 2007-1234-AIR-E, and 2007-0603-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Adrian Araiza, Manager of Environmental Affairs, Valero Refining-Texas, L.P., P.O. Box 3429, Texas City, Texas 77592  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 8, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 24, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>AIR</b></p> <p>Failed to prevent unauthorized emissions. Specifically, the following unauthorized emissions were released from the No. 4 Flare Stack during a May 9, 2007 emissions event that lasted one hour and 30 minutes: 1,021.50 pounds ("lbs") of sulfur dioxide, 46.20 lbs of butane, 5.80 lbs of propane, 4.10 lbs of nitric oxide, 2.20 lbs of isobutane, 1.00 lb of ethylene, 0.50 lbs of nitrogen dioxide, 0.30 lbs of propylene, 0.20 lbs of 1-butene, 0.10 lbs of c-2-butene, and 0.10 lbs of trans-2-butene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,600</p> <p><b>Total Deferred:</b> \$1,720  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,440</p> <p><b>Total Paid to General Revenue:</b> \$3,440</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has inspected and conducted function trip tests of the shutdown mechanisms of compressor 13-1801 on August 30, 2007, and made adjustments and replacements to the shutdown mechanisms as determined necessary.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): GB0073P

Attachment A  
Docket Number: 2007-1512-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Six Thousand Eight Hundred Eighty Dollars (\$6,880)</b>
<b>SEP Amount:</b>	<b>Three Thousand Four Hundred Forty Dollars (\$3,440)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Galveston County</b>

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 Galveston 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.



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

B. Environmental Benefit

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

C. Minimum Expenditure

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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



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

**5. Publicity**

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

**6. Clean Texas Program**

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

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

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





# Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	28-Aug-2007	Screening	14-Sep-2007	EPA Due	20-May-2008
	PCW	26-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Valero Refining-Texas, L.P.
Reg. Ent. Ref. No.	RN100238385
Facility/Site Region	R12
Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34641	No. of Violations	1	
Docket No.	2007-1512-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson	
Multi-Media		EC's Team	5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,500</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	254% Enhancement	Subtotals 2, 3, & 7	\$6,350

Notes: Penalty enhancement due to 18 Notices of Violations ("NOVs") issued for same or similar violations, four NOVs issued for unrelated violations, 18 self-reported effluent discharge violations, two Agreed Orders with a denial of liability, two Agreed Orders without a denial of liability, and one Court Order with a denial of liability.

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

Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$250
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary		X	
N/A			
Notes	The respondent completed all corrective actions on August 30, 2007.		

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$217	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$10,000		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,600</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)			
Notes			
	<b>Final Penalty Amount</b>	<b>\$8,600</b>	

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$8,600</b>
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<b>DEFERRAL</b>	20% Reduction	Adjustment	-\$1,720
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		

<b>PAYABLE PENALTY</b>	<b>\$6,880</b>
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Screening Date 14-Sep-2007

Docket No. 2007-1512-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34641

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

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)	18	90%
	Other written NOVs	22	44%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
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) 254%

>> 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 18 Notices of Violations ("NOVs") issued for same or similar violations, four NOVs issued for unrelated violations, 18 self-reported effluent discharge violations, two Agreed Orders with a denial of liability, two Agreed Orders without a denial of liability, and one Court Order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 254%

Screening Date 14-Sep-2007

Docket No. 2007-1512-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34641

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 39142, Special Condition No. 1, 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the following unauthorized emissions were released from the No. 4 Flare Stack during a May 9, 2007 emissions event that lasted one hour and 30 minutes: 1,021.50 pounds ("lbs") of sulfur dioxide, 46.20 lbs of butane, 5.80 lbs of propane, 4.10 lbs of nitric oxide, 2.20 lbs of isobutane, 1.00 lb of ethylene, 0.50 lbs of nitrogen dioxide, 0.30 lbs of propylene, 0.20 lbs of 1-butene, 0.10 lbs of c-2-butene, and 0.10 lbs of trans-2-butene. Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to an insignificant amount of pollutants that did not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$217

Violation Final Penalty Total \$8,600

This violation Final Assessed Penalty (adjusted for limits) \$8,600

## Economic Benefit Worksheet

**Respondent:** Valero Refining-Texas, L.P.  
**Case ID No.:** 34641  
**Reg. Ent. Reference No.:** RN100238385  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	9-May-2007	30-Aug-2007	0.3	\$10	\$206	\$217
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 inspect and conduct function trip tests of the shutdown mechanisms of compressor 13-1801. Date required based on the date of the emissions event. Final date based on the date all corrective actions were completed.

### 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**

\$217

# Compliance History

Customer/Respondent/Owner-Operator: CN600127468 Valero Refining-Texas, L.P. Classification: AVERAGE Rating: 6.23  
 Regulated Entity: RN100238385 VALERO REFINING TEXAS CITY Classification: AVERAGE Site Rating: 3.73  
 REFINERY

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
	AIR OPERATING PERMITS	PERMIT	1253
	AIR OPERATING PERMITS	PERMIT	2599
	AIR OPERATING PERMITS	PERMIT	2599
	WASTEWATER	PERMIT	TPDES0006009
	WASTEWATER	PERMIT	WQ0000449000
	WASTEWATER	PERMIT	TX0006009
	AIR NEW SOURCE PERMITS	PERMIT	39142
	AIR NEW SOURCE PERMITS	PERMIT	42395
	AIR NEW SOURCE PERMITS	PERMIT	42394
	AIR NEW SOURCE PERMITS	PERMIT	48330
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
	AIR NEW SOURCE PERMITS	PERMIT	962
	AIR NEW SOURCE PERMITS	PERMIT	8352
	AIR NEW SOURCE PERMITS	PERMIT	8617A
	AIR NEW SOURCE PERMITS	PERMIT	53530
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
	AIR NEW SOURCE PERMITS	AFS NUM	4816700007
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
	AIR NEW SOURCE PERMITS	PERMIT	71076
	AIR NEW SOURCE PERMITS	REGISTRATION	75542
	AIR NEW SOURCE PERMITS	REGISTRATION	75695
	AIR NEW SOURCE PERMITS	REGISTRATION	72517
	AIR NEW SOURCE PERMITS	REGISTRATION	73799
	AIR NEW SOURCE PERMITS	REGISTRATION	76530
	AIR NEW SOURCE PERMITS	REGISTRATION	76967
	AIR NEW SOURCE PERMITS	REGISTRATION	77806
	AIR NEW SOURCE PERMITS	REGISTRATION	79850
	AIR NEW SOURCE PERMITS	REGISTRATION	79881
	AIR NEW SOURCE PERMITS	REGISTRATION	80132
	AIR NEW SOURCE PERMITS	REGISTRATION	80059
	AIR NEW SOURCE PERMITS	REGISTRATION	80581
	AIR NEW SOURCE PERMITS	REGISTRATION	81005
	AIR NEW SOURCE PERMITS	REGISTRATION	81523
	AIR NEW SOURCE PERMITS	REGISTRATION	81621
	AIR NEW SOURCE PERMITS	REGISTRATION	81695
	AIR NEW SOURCE PERMITS	REGISTRATION	82055
	AIR NEW SOURCE PERMITS	REGISTRATION	82462
	AIR NEW SOURCE PERMITS	REGISTRATION	82434
	AIR NEW SOURCE PERMITS	REGISTRATION	82433
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000792937
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670007

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 14, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 28, 2002 to August 28, 2007

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: 03/11/2005**

**ADMINORDER 2002-1217-IWD-E**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Reqs PERMIT  
Description: Failure to comply with the WET limit NOEC of 8% effluent specified in the permit.

**Effective Date: 11/23/2005**

**COURTORDER**

Classification: Moderate

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

Rqmt Prov: 39142, Special Condition No. 1 PA  
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142, Special Condition No. 1 PA  
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT  
Description: Failed to prevent a leak in a heat exchanger (E-1338 ).

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT  
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT  
Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT  
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA  
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT  
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT  
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event.

**Effective Date: 10/19/2006**

**ADMINORDER 2006-0549-IWD-E**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

**Effective Date: 05/11/2007**

**ADMINORDER 2006-0012-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to install continuous emissions monitoring systems ("CEMS") on boilers B-07 and B-11 by March 31, 2005.

**Effective Date: 08/23/2007**

**ADMINORDER 2006-1067-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31  
30 TAC Chapter 116, SubChapter G 116.715(a)  
  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit No. 39142, SC1 PERMIT

Description: As evidenced by Findings of Fact No. 12, Valero failed to prevent unauthorized emissions that exceeded the fence line H2S concentration limit during an emissions event that started on October 4, 2004.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent an overpressure condition resulting in unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA  
Description: Failure to maintain calibration of a level indicator resulting in unauthorized emissions.

Classification: Minor

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

Description: Failure to submit final report no later than two weeks after end of emissions event.

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 39142 SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a tank overflow resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to provide preconstruction authorization number on final report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/28/2002	(5435)
2	08/28/2002	(5452)
3	08/28/2002	(5429)
4	08/28/2002	(5447)
5	08/28/2002	(5466)
6	08/28/2002	(5451)
7	08/28/2002	(5456)

8	08/28/2002	(5434)
9	08/28/2002	(5459)
10	08/31/2002	(7607)
11	08/31/2002	(7756)
12	08/31/2002	(4899)
13	09/23/2002	(158509)
14	09/26/2002	(10851)
15	10/04/2002	(13258)
16	10/16/2002	(12826)
17	10/21/2002	(158512)
18	11/07/2002	(4910)
19	11/18/2002	(158516)
20	12/20/2002	(158520)
21	01/16/2003	(17965)
22	01/21/2003	(158524)
23	01/31/2003	(21539)
24	02/13/2003	(24351)
25	02/18/2003	(158482)
26	02/24/2003	(6655)
27	03/24/2003	(158485)
28	04/16/2003	(24233)
29	04/16/2003	(24831)
30	04/21/2003	(158490)
31	05/06/2003	(27702)
32	05/09/2003	(35604)
33	05/23/2003	(158494)
34	05/27/2003	(35847)
35	05/27/2003	(34689)
36	05/27/2003	(35995)
37	05/27/2003	(34681)
38	05/28/2003	(34893)
39	05/30/2003	(37806)
40	05/30/2003	(37838)
41	05/30/2003	(37791)
42	06/19/2003	(36509)
43	06/19/2003	(36515)
44	06/24/2003	(158506)
45	06/24/2003	(158498)
46	06/25/2003	(37826)
47	06/25/2003	(35521)
48	07/02/2003	(60623)
49	07/22/2003	(158502)
50	08/06/2003	(143528)
51	08/19/2003	(148080)
52	08/23/2003	(60572)
53	08/25/2003	(143078)
54	08/28/2003	(149898)
55	09/25/2003	(295526)
56	10/16/2003	(152454)
57	10/16/2003	(152211)
58	10/21/2003	(250278)
59	10/23/2003	(295528)
60	11/21/2003	(295529)
61	12/29/2003	(295530)
62	12/29/2003	(295532)
63	02/23/2004	(295513)
64	02/25/2004	(261619)
65	02/27/2004	(263268)
66	02/29/2004	(251270)
67	03/02/2004	(254943)
68	03/10/2004	(261338)
69	03/16/2004	(265447)
70	03/16/2004	(261251)
71	03/19/2004	(295517)
72	04/21/2004	(295518)
73	05/20/2004	(295520)

74	05/21/2004	(268720)
75	05/21/2004	(268709)
76	06/02/2004	(268446)
77	06/11/2004	(270014)
78	06/17/2004	(295522)
79	06/18/2004	(272120)
80	07/02/2004	(272940)
81	07/02/2004	(271086)
82	07/02/2004	(271249)
83	07/02/2004	(272143)
84	07/02/2004	(271833)
85	07/05/2004	(271296)
86	07/16/2004	(272858)
87	07/20/2004	(273783)
88	07/22/2004	(257997)
89	07/26/2004	(352180)
90	07/30/2004	(274385)
91	07/30/2004	(278540)
92	07/30/2004	(274350)
93	08/03/2004	(286886)
94	08/04/2004	(276497)
95	08/06/2004	(258328)
96	08/13/2004	(261714)
97	08/13/2004	(261538)
98	08/16/2004	(282158)
99	08/16/2004	(280377)
100	08/17/2004	(289843)
101	08/17/2004	(258260)
102	08/24/2004	(352181)
103	08/28/2004	(264976)
104	08/31/2004	(268711)
105	08/31/2004	(269258)
106	08/31/2004	(270855)
107	08/31/2004	(271300)
108	09/01/2004	(291403)
109	09/01/2004	(289773)
110	09/15/2004	(334014)
111	09/23/2004	(352182)
112	10/19/2004	(334137)
113	10/22/2004	(352183)
114	10/27/2004	(289067)
115	11/11/2004	(281257)
116	11/12/2004	(281637)
117	11/12/2004	(283676)
118	11/12/2004	(281714)
119	11/12/2004	(281823)
120	11/15/2004	(337390)
121	11/18/2004	(352184)
122	12/10/2004	(285390)
123	12/13/2004	(340262)
124	12/13/2004	(290035)
125	12/14/2004	(281320)
126	12/14/2004	(334546)
127	12/14/2004	(338676)
128	12/14/2004	(334780)
129	12/16/2004	(281398)
130	12/16/2004	(283937)
131	12/17/2004	(338870)
132	12/20/2004	(381870)
133	12/20/2004	(281999)
134	12/23/2004	(339913)
135	12/28/2004	(281856)
136	01/03/2005	(281991)
137	01/04/2005	(282000)
138	01/04/2005	(281998)
139	01/04/2005	(338922)
140	01/06/2005	(346230)

141	01/06/2005	(285581)
142	01/10/2005	(339417)
143	01/10/2005	(339003)
144	01/10/2005	(281993)
145	01/10/2005	(281997)
146	01/12/2005	(339012)
147	01/24/2005	(345619)
148	01/24/2005	(381871)
149	01/31/2005	(285435)
150	02/14/2005	(274930)
151	02/22/2005	(381868)
152	03/22/2005	(381869)
153	03/31/2005	(350576)
154	04/25/2005	(419706)
155	04/26/2005	(343243)
156	04/26/2005	(281994)
157	04/27/2005	(282002)
158	05/02/2005	(350537)
159	05/02/2005	(349631)
160	05/20/2005	(348483)
161	05/23/2005	(419707)
162	05/25/2005	(351133)
163	06/14/2005	(373350)
164	06/14/2005	(378741)
165	06/14/2005	(419708)
166	06/23/2005	(378628)
167	06/27/2005	(397418)
168	06/28/2005	(348790)
169	06/30/2005	(397555)
170	07/07/2005	(399131)
171	07/13/2005	(399194)
172	07/15/2005	(348789)
173	07/22/2005	(440845)
174	07/22/2005	(397707)
175	08/02/2005	(348759)
176	08/03/2005	(403276)
177	08/03/2005	(403101)
178	08/08/2005	(403521)
179	08/08/2005	(403525)
180	08/10/2005	(396623)
181	08/13/2005	(400189)
182	08/13/2005	(397699)
183	08/17/2005	(400929)
184	08/18/2005	(406027)
185	08/19/2005	(396740)
186	08/22/2005	(406017)
187	08/23/2005	(440846)
188	08/24/2005	(400925)
189	08/29/2005	(406800)
190	09/01/2005	(400337)
191	09/23/2005	(440847)
192	10/20/2005	(468457)
193	11/22/2005	(468458)
194	12/06/2005	(438942)
195	12/20/2005	(468459)
196	12/28/2005	(449585)
197	12/29/2005	(439223)
198	12/29/2005	(449459)
199	01/17/2006	(431818)
200	01/24/2006	(468460)
201	01/30/2006	(440131)
202	02/01/2006	(451967)
203	02/15/2006	(439989)
204	02/17/2006	(468454)
205	02/17/2006	(439355)
206	02/21/2006	(455248)
207	03/16/2006	(455002)

208	03/21/2006	(468455)
209	03/29/2006	(453666)
210	03/31/2006	(434168)
211	04/13/2006	(468456)
212	04/26/2006	(457610)
213	04/27/2006	(460539)
214	05/08/2006	(453710)
215	05/11/2006	(461750)
216	05/15/2006	(462815)
217	05/17/2006	(464808)
218	05/18/2006	(498220)
219	05/25/2006	(457878)
220	05/31/2006	(463733)
221	06/16/2006	(498221)
222	06/27/2006	(481343)
223	06/30/2006	(483867)
224	06/30/2006	(462803)
225	06/30/2006	(481516)
226	06/30/2006	(462898)
227	07/06/2006	(482247)
228	07/14/2006	(486365)
229	07/15/2006	(486391)
230	07/17/2006	(479861)
231	07/18/2006	(498222)
232	07/19/2006	(483715)
233	07/19/2006	(483638)
234	07/19/2006	(482178)
235	07/21/2006	(487892)
236	07/21/2006	(487175)
237	07/21/2006	(487390)
238	07/25/2006	(488179)
239	07/26/2006	(462901)
240	07/26/2006	(482594)
241	08/10/2006	(520234)
242	08/25/2006	(488734)
243	09/01/2006	(509756)
244	09/01/2006	(488032)
245	09/01/2006	(488541)
246	09/01/2006	(489837)
247	09/01/2006	(489434)
248	09/01/2006	(487342)
249	09/01/2006	(489815)
250	09/01/2006	(466736)
251	09/01/2006	(488559)
252	09/01/2006	(488176)
253	09/01/2006	(488979)
254	09/01/2006	(509730)
255	09/01/2006	(478491)
256	09/01/2006	(488624)
257	09/01/2006	(478556)
258	09/01/2006	(488740)
259	09/01/2006	(488134)
260	09/01/2006	(490185)
261	09/01/2006	(488020)
262	09/01/2006	(508690)
263	09/01/2006	(488633)
264	09/01/2006	(489467)
265	09/01/2006	(488191)
266	09/01/2006	(509784)
267	09/01/2006	(466735)
268	09/01/2006	(478638)
269	09/01/2006	(489863)
270	09/01/2006	(509713)
271	09/01/2006	(487896)
272	09/01/2006	(509158)
273	09/01/2006	(489866)
274	09/18/2006	(520235)

275	09/27/2006	(512555)
276	09/28/2006	(509876)
277	10/11/2006	(514061)
278	10/19/2006	(520236)
279	10/23/2006	(512981)
280	10/31/2006	(517239)
281	11/07/2006	(516594)
282	11/13/2006	(518837)
283	11/15/2006	(519473)
284	11/15/2006	(544546)
285	11/21/2006	(519775)
286	12/13/2006	(544547)
287	12/18/2006	(345058)
288	12/21/2006	(532369)
289	12/21/2006	(532370)
290	01/16/2007	(534075)
291	01/19/2007	(532751)
292	01/19/2007	(544548)
293	02/07/2007	(536972)
294	02/09/2007	(534096)
295	02/14/2007	(544545)
296	03/15/2007	(531898)
297	03/15/2007	(575352)
298	03/15/2007	(533196)
299	03/23/2007	(543996)
300	04/02/2007	(539574)
301	04/05/2007	(543902)
302	04/09/2007	(555314)
303	04/09/2007	(543124)
304	04/10/2007	(543795)
305	04/11/2007	(556038)
306	04/11/2007	(556037)
307	04/17/2007	(575353)
308	04/30/2007	(557962)
309	04/30/2007	(556603)
310	04/30/2007	(556624)
311	05/08/2007	(555995)
312	05/10/2007	(559619)
313	05/10/2007	(559617)
314	05/10/2007	(559620)
315	05/11/2007	(558768)
316	05/14/2007	(559618)
317	05/14/2007	(558769)
318	05/14/2007	(555999)
319	05/20/2007	(575354)
320	05/31/2007	(542320)
321	06/01/2007	(561100)
322	06/04/2007	(561098)
323	06/20/2007	(575355)
324	06/22/2007	(561101)
325	07/03/2007	(566302)
326	07/09/2007	(564575)
327	07/11/2007	(431249)
328	07/20/2007	(575356)
329	07/23/2007	(531864)
330	07/31/2007	(564508)
331	08/10/2007	(564206)
332	08/10/2007	(512666)
333	08/10/2007	(564225)
334	08/24/2007	(570707)
335	08/24/2007	(570706)

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

**Date:** 09/30/2002 (158512)

Self Report? YES

Classification: Moderate

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

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

**Date:** 12/31/2002 (158524)

Self Report? YES Classification: Moderate

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

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

**Date:** 01/31/2003 (158482)

Self Report? YES Classification: Moderate

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

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

**Date:** 04/30/2003 (158494)

Self Report? YES Classification: Moderate

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

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

**Date:** 06/30/2003 (158502)

Self Report? YES Classification: Moderate

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

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

**Date:** 08/27/2003 (143078)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Rqmt Prov: PA 39412, SC 15E

Description: Non clerical air violation

**Date:** 12/31/2003 (295532)

Self Report? YES Classification: Moderate

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

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

**Date:** 02/29/2004 (251270)

Self Report? NO Classification: Minor

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

Description: Valero failed to properly report an emissions event.

**Date:** 03/02/2004 (254943)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 39142, SC #1

Description: Valero exceeded permitted source emission limits during an avoidable emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT SC #2(A)

Description: Valero operated Flare #4 with no flame present.

**Date:** 03/04/2004 (261689)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Valero is in of violation for adversely affecting the normal use and enjoyment of property.

**Date:** 04/30/2004 (295520)

Self Report? YES Classification: Moderate

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

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

**Date: 07/26/2004** (257997)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD TX-822M2  
PERMIT Flexible Permit #39142 and PSD-TX-822M2

Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a three-hour average basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2

Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a one hour average basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2

Description: Failure to report a reportable emission event which resulted in the release of H2S and benzene emissions in excess of the reportable quantity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2

Description: failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.  
Failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.

**Date: 08/28/2004** (264976)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Flexible Permit No. 39142, SC 1

Description: Failure to prevent unauthorized emissions during an emissions event.

**Date: 08/31/2004** (270855)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PA Permit No. 39142 and PSD-TX-822M2, SC #1

Description: Exceeded permit limits.

**Date: 08/31/2004** (271300)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Flexible Permit No. 39142, SC 1

Description: Failure to prevent unauthorized emissions.

**Date: 08/31/2004** (269258)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Flexible Permit No. 39142, SC 1

Description: Failure to prevent unauthorized emissions.

**Date: 09/30/2004** (352183)

Self Report? YES Classification: Moderate

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

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

**Date: 12/10/2004** (285390)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 39142 and PSD-TX-822M2

Description: Failure to meet demonstration criteria.

**Date:** 12/28/2004 (281856)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PA 9142 and PSD-TX-822M2  
**Description:** Failure to meet demonstration criteria.

**Date:** 12/31/2004 (381871)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 01/06/2005 (338922)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PA 39142, Special Condition No. 1  
**Description:** Failure to meet demonstration criteria.

**Date:** 01/31/2005 (285435)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PA 39142, SC No. 1  
**Description:** Failure to meet demonstration criteria.

**Date:** 02/28/2005 (381869)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 03/31/2005 (419706)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 08/10/2005 (396623)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PA 39142, Special Condition No. 1  
**Description:** Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.

**Date:** 10/31/2005 (468458)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 11/30/2005 (468459)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 12/31/2005 (468460)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 01/31/2006 (451967)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** TWC Chapter 26 26.121(a)(1)  
**Rqmt Prov:** PERMIT No. 00449-000 Page 7, No. 2g

Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 00449-000 Page 2, No. 1 & Page 2d, no. 1

Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

**Date:** 02/21/2006 (455248)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PA No. 39142

Description: Exceeded permit limits during an avoidable emissions event.

**Date:** 04/30/2006 (498220)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G].

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

**Date:** 06/30/2006 (481516)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PA 39142, SC No. 1

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

**Date:** 06/30/2006 (483867)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Description: RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC 117.206(e)(2).

**Date:** 09/29/2006 (509876)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

**Date:** 01/31/2007 (544545)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

**Date:** 03/31/2007 (575353)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

**Date:** 04/04/2007 (539574)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

**Date:** 04/10/2007 (543996)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

**Date:** 06/04/2007 (561098)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT 39142, SC No. 1  
Description: Failure to exercise good maintenance practices.

Date: 06/30/2007 (575356)

Self Report? YES

Classification: Moderate

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

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VALERO REFINING-TEXAS, L.P.  
RN100238385

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-1512-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 1301 Loop 197 South in Texas City, Galveston 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 August 29, 2007.
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 Eight Thousand Six Hundred Dollars (\$8,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Four Hundred Forty Dollars (\$3,440) of the administrative penalty and One Thousand Seven Hundred Twenty Dollars (\$1,720) 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. Three Thousand Four Hundred Forty Dollars (\$3,440) 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 recognizes that the Respondent has inspected and conducted function trip tests of the shutdown mechanisms of compressor 13-1801 on August 30, 2007, and made adjustments and replacements to the shutdown mechanisms as determined necessary.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 8, 2007. Specifically, the following unauthorized emissions were released from the No. 4 Flare Stack during a May 9, 2007 emissions event that lasted one hour and 30 minutes: 1,021.50 pounds ("lbs") of sulfur dioxide, 46.20 lbs of butane, 5.80 lbs of propane, 4.10 lbs of nitric oxide, 2.20 lbs of isobutane, 1.00 lb of ethylene, 0.50 lbs of nitrogen dioxide, 0.30 lbs of propylene, 0.20 lbs of 1-butene, 0.10 lbs of c-2-butene, and 0.10 lbs of trans-2-butene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

## 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. 2007-1512-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, Three Thousand Four Hundred Forty Dollars (\$3,440) 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. 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.
4. 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 has 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. 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.



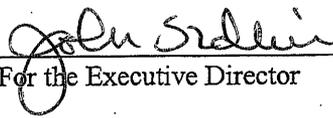
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to 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

3/5/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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

12/25/2007  
\_\_\_\_\_  
Date

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

Manager, Environmental Affairs  
\_\_\_\_\_  
Title

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



Attachment A  
Docket Number: 2007-1512-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Valero Refining-Texas, L.P.

**Payable Penalty Amount:** Six Thousand Eight Hundred Eighty Dollars (\$6,880)

**SEP Amount:** Three Thousand Four Hundred Forty Dollars (\$3,440)

**Type of SEP:** Pre-approved

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

**Location of SEP:** Galveston 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 Galveston 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.

