

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1545-AIR-E TCEQ ID: RN100211663 CASE NO.: 34673

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 Corpus Christi Refinery East Plant, 1300 Cantwell Lane, Corpus Christi, Nueces County</p> <p>TYPE OF OPERATION: Petroleum refining company</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 additional pending enforcement actions, Docket Nos. 2007-1813-MLM-E, and 2007-1189-AIR-E, regarding this facility location.</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 February 4, 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: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Joe Amaraz, Director of HSE Services, Valero Refining-Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469 Mr. Dennis Payne, Regional VP – Refinery Operations, Valero Refining-Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469 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 Record Review Relating to this Case: August 27, 2007</p> <p>Date of NOE Relating to this Case: August 28, 2007 (NOE)</p> <p>Background Facts: This was a routine record review for compliance with the air program.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, the Respondent released the following emissions during a maintenance activity involving Tank 102 that began March 6, 2007 and lasted 24 hours (Incident No. 87955). Since the emissions were improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), Permit No. 2937, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit an administratively complete final report within two weeks after the end of the activity. Specifically, the Respondent failed to list all compounds or mixtures of air contaminants involved in the emissions activity, their estimated total quantities, the authorized emissions limits for those contaminants and the preconstruction authorization in the final report for Incident No. 87955 [30 TEX. ADMIN. CODE § 101.211(b)(1)(H) and (b)(1)(I) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,557</p> <p>Total Deferred: \$2,111 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,223</p> <p>Total Paid to General Revenue: \$4,223</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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent submitted documentation dated June 29, 2007 that:</p> <p>a) Documented the additional pollutants released; and</p> <p>b) Implemented procedures designed to ensure that all pollutants are reported on final reports for future emissions events.</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>

Attachment A
Docket Number: 2007-1545-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.
Payable Penalty Amount: Eight Thousand Four Hundred Forty-Six Dollars (\$8,446)
SEP Amount: Four Thousand Two Hundred Twenty-Three Dollars (\$4,223)
Type of SEP: Pre-approved
Third-Party Recipient: Texas A&M Corpus Christi-AutoCheck Program
Location of SEP: Nueces County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	4-Sep-2007	Screening	13-Sep-2007	EPA Due	24-May-2008
	PCW	27-Sep-2007				

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

CASE INFORMATION				
Enf./Case ID No.	34673	No. of Violations	3	
Docket No.	2007-1545-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	John Muennink	
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 \$5,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 132% Enhancement Subtotals 2, 3, & 7 \$6,732

Notes: Enhancement due to three NOVs with same or similar violations, 11 NOVs with unrelated violations (including two self-reported monthly effluent violations), two 1660 Agreed Orders, one Findings Order and one court order or containing 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 25% Reduction Subtotal 5 \$1,275

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed corrective action on June 29, 2007.

0% Enhancement* Subtotal 6 \$0
 Total EB Amounts \$55
 Approx. Cost of Compliance \$3,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$10,557

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

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

Notes:

Final Penalty Amount \$10,557

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,557

DEFERRAL 20% Reduction Adjustment -\$2,111

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 \$8,446

Screening Date	13-Sep-2007	Docket No.	2007-1545-AIR-E	PCW
Respondent	Valero Refining-Texas, L.P.			Policy Revision 2 (September 2002)
Case ID No.	34673			PCW Revision May 25, 2007
Reg. Ent. Reference No.	RN100211663			
Media [Statute]	Air			
Enf. Coordinator	John Muennink			

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)	3	15%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 132%

>> 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 Enhancement due to three NOVs with same or similar violations, 11 NOVs with unrelated violations (including two self-reported monthly effluent violations), two 1660 Agreed Orders, one Findings Order and one court order or containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 132%

Screening Date 13-Sep-2007	Docket No. 2007-1545-AIR-E	PCW
Respondent Valero Refining-Texas, L.P.	Policy Revision 2 (September 2002)	
Case ID No. 34673	PCW Revision May 25, 2007	
Reg. Ent. Reference No. RN100211663		
Media [Statute] Air		
Enf. Coordinator John Muennink		
Violation Number <input type="text" value="1"/>		

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Permit No. 2937, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 63.38 pounds ("lbs") of the Hazardous Air Pollutant ("HAP") benzene, 67.95 lbs of the HAP toluene, 19.5 lbs of the HAP xylene and 6.3 lbs of the HAP ethylenebenzene during a maintenance activity involving Tank 102 that began March 6, 2007 and lasted 24 hours (Incident No. 87955). Since the emissions were improperly 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			Percent <input type="text" value="25%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
 Case ID No. 34673
 Reg. Ent. Reference No. RN100211663
 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)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	7-Mar-2007	29-Jun-2007	0.3	\$23	n/a	\$23
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	7-Mar-2007	29-Jun-2007	0.3	\$4	n/a	\$4

Notes for DELAYED costs

Estimated costs for plant personnel to file an accurate emissions event report and to implement new plant procedures concerning emissions event reporting requirements. Date required is 24 hours after the plant discovered the event. Final date is the date that new reporting procedures were implemented.

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 \$1,750

TOTAL \$27

Screening Date 13-Sep-2007	Docket No. 2007-1545-AIR-E	PCW
Respondent Valero Refining-Texas, L.P.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34673		<small>PCW Revision May 25, 2007</small>
Reg. Ent. Reference No. RN100211663		
Media [Statute] Air		
Enf. Coordinator John Muennink		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Permit No. 2937, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,173.93 lbs of volatile organic compounds during a maintenance activity involving Tank 102 that began March 6, 2007 and lasted 24 hours (Incident No. 87955). Since the emissions were improperly 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 or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
 Case ID No. 34673
 Reg. Ent. Reference No. RN100211663
 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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				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

See Economic Benefit for Violation No. 1.

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 \$0

TOTAL \$0

Screening Date 13-Sep-2007	Docket No. 2007-1545-AIR-E	PCW
Respondent Valero Refining-Texas, L.P.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34673	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN100211663		
Media [Statute] Air		
Enf. Coordinator John Muennink		

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 101.211(b)(1)(H) and (b)(1)(I) and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit an administratively complete final report within two weeks after the end of the activity. Specifically, the Respondent failed to list all compounds or mixtures of air contaminants involved in the emissions activity, their estimated total quantities, the authorized emissions limits for those contaminants and the preconstruction authorization in the final report for Incident No. 87955.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent <input type="text" value="1%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	x	

Matrix Notes
 The Respondent has met at least 70% of the rule requirement.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P.
 Case ID No. 34673
 Reg. Ent. Reference No. RN100211663
 Media Air
 Violation No. 3

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

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 \$0

TOTAL \$0

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

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

Description: Failure to provide notification of reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 21, 2002 and February 7, 2003, within 24 hours of discovery.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 6797 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Vacuum Jet Compressor during eleven emissions events.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 6797 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Ingersoll Rand (IR) Compressor during an emissions event on June 27, 2002.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit 21655 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Sulfur Recovery Unit Incinerator during an emissions event which started on June 20, 2002 and ended on June 24, 2002.

Classification: Minor

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

Description: Failure to provide rule required information in the notification of a reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 23, 2003, to the commission's regional office within 24 hours of discovery.

Classification: Moderate

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

Rqmt Prov: General Conditions PA

Description: Failure to obtain regulatory authority for, or satisfy all demonstration criteria to exempt from compliance limitations, the emissions (including approximately 3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on September 23, 2003.

Classification: Moderate

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

Rqmt Prov: 6797 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and (c) and obtain regulatory authority for the emissions (including approximately 89 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during emissions events and scheduled activities.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

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

Classification: Moderate

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

Rqmt Prov: SC 1 PA

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

Rqmt Prov: Provision No. 3 PERMIT

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

Effective Date: 12/30/2005

ADMINORDER 2001-1023-AIR-E

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

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

Classification: Minor

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

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

for december 2000.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 115, SubChapter D 115.326(2)(G)

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 11 & 12 PERMIT
SC 13F PERMIT

SC 16F & 16G PERMIT
SC 1F & 1G PERMIT
SC 3F & 3G PERMIT
SC 5 & 6 PERMIT
SC 5F, 5G & 6 PERMIT
SC 6 PERMIT
SC4 PERMIT

Description: Fail. properly conduct test method 21.

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

Rqmt Prov: SC13 PERMIT
SC29E PERMIT

Description: Fail. submit accurate summ. rpt. for SRU#1 for 3rd qtr. cal. yr. 1999(3Q99) & for SRU#1 & SRU #2 for 2Q00 & fail. to submit CMS EER for 1Q97, 2Q97, 4Q98 & 2Q99 for fuel gas hydrogen sulfide content 3Q00 SRU#1 SO2 emissions, 3Q97 & 1Q00 co-gen. unit NOX emiss.

Classification: Minor

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

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

Classification: Minor

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

40 CFR Part 60, Subpart NNN 60.665(d)

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

Classification: Minor

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

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

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

Classification: Moderate

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

Rqmt Prov: SC11F PERMIT
SC16F PERMIT

SC4F PERMIT
SC6F PERMIT
SCF5 PERMIT

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

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

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

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

Classification: Moderate

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

Rqmt Prov: GC1 PERMIT

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

Classification: Minor

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

Rqmt Prov: SC8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

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

Classification: Minor

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

Rqmt Prov: SC8A PERMIT

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

Classification: Minor

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

Rqmt Prov: SC7 PERMIT

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

Classification: Moderate

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

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

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

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

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC4 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC11E PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC1 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: misrepresented the West Plant Flare as an emergency flare instead of a process flare
 Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: SC18 OP
 Description: failed to complete all samples required for cooling water VOC leak detection sampling

Effective Date: 08/23/2007 ADMINORDER 2007-0131-AIR-E
 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: TCEQ 2937 / SC 1 PA
 Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense against penalties for unauthorized emissions that were released from the No. 4 Vacuum Unit during an emissions event (TCEQ STEERS No. 75676) which occurred on or about May 10, 2006.

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. (COEDS Inv. Track. No.)

1	09/17/2002	(159903)
2	10/18/2002	(159906)
3	11/25/2002	(159910)
4	12/17/2002	(159914)
5	01/21/2003	(159918)
6	02/17/2003	(159877)
7	02/20/2003	(246568)
8	03/19/2003	(159880)
9	04/11/2003	(31132)
10	04/17/2003	(159885)
11	04/18/2003	(33903)
12	04/21/2003	(33898)
13	05/08/2003	(36029)
14	05/20/2003	(159889)
15	06/16/2003	(159893)
16	06/19/2003	(114250)
17	06/25/2003	(36014)
18	07/24/2003	(159897)
19	08/18/2003	(296115)
20	08/28/2003	(29654)
21	09/22/2003	(296117)
22	10/21/2003	(296119)
23	11/21/2003	(296120)
24	12/16/2003	(147906)
25	12/17/2003	(258116)
26	12/22/2003	(296121)
27	01/06/2004	(251552)
28	01/20/2004	(296123)
29	02/17/2004	(332781)
30	02/18/2004	(296104)
31	03/19/2004	(296107)
32	03/26/2004	(265025)
33	03/26/2004	(265011)
34	04/15/2004	(258186)
35	04/22/2004	(296108)
36	05/17/2004	(265353)
37	05/19/2004	(296110)
38	06/07/2004	(274416)
39	06/15/2004	(269771)
40	06/21/2004	(296112)
41	06/22/2004	(270344)
42	06/30/2004	(277545)
43	06/30/2004	(277770)
44	07/20/2004	(352431)
45	08/19/2004	(352432)
46	08/27/2004	(289772)
47	08/31/2004	(267107)
48	09/13/2004	(352433)
49	10/07/2004	(292867)
50	10/21/2004	(352434)
51	10/21/2004	(334534)
52	11/23/2004	(352435)
53	11/30/2004	(342556)
54	11/30/2004	(342509)
55	12/06/2004	(342868)
56	12/22/2004	(381980)
57	12/28/2004	(345193)
58	01/14/2005	(381981)
59	02/10/2005	(342544)
60	02/22/2005	(381978)
61	03/18/2005	(381979)
62	04/11/2005	(350299)
63	04/15/2005	(373717)
64	04/19/2005	(430046)
65	05/23/2005	(430047)
66	06/02/2005	(394325)

67	06/02/2005	(394464)
68	06/21/2005	(430048)
69	06/27/2005	(375543)
70	07/05/2005	(397974)
71	07/09/2005	(397621)
72	07/15/2005	(397268)
73	07/20/2005	(430049)
74	08/19/2005	(440955)
75	08/19/2005	(405862)
76	08/24/2005	(402929)
77	08/30/2005	(418769)
78	09/19/2005	(440956)
79	10/14/2005	(433213)
80	10/24/2005	(440957)
81	10/25/2005	(432976)
82	11/17/2005	(403617)
83	11/21/2005	(468638)
84	12/21/2005	(468639)
85	12/21/2005	(439798)
86	01/23/2006	(468640)
87	01/28/2006	(453260)
88	02/08/2006	(453776)
89	02/22/2006	(468635)
90	03/20/2006	(468637)
91	03/28/2006	(458315)
92	04/19/2006	(462919)
93	04/24/2006	(498341)
94	05/08/2006	(465221)
95	05/08/2006	(464657)
96	05/23/2006	(498342)
97	05/25/2006	(479708)
98	06/09/2006	(480816)
99	06/19/2006	(465775)
100	06/21/2006	(498343)
101	07/07/2006	(485108)
102	07/10/2006	(462991)
103	07/19/2006	(481002)
104	07/20/2006	(498344)
105	08/18/2006	(520356)
106	08/22/2006	(483293)
107	08/29/2006	(486424)
108	08/29/2006	(509898)
109	08/30/2006	(509065)
110	09/13/2006	(510965)
111	09/19/2006	(520357)
112	10/16/2006	(511059)
113	10/20/2006	(544689)
114	11/16/2006	(544690)
115	11/30/2006	(531095)
116	12/05/2006	(532536)
117	12/06/2006	(532499)
118	12/19/2006	(544691)
119	12/20/2006	(511278)
120	01/08/2007	(533142)
121	01/19/2007	(532903)
122	01/22/2007	(544692)
123	01/26/2007	(537711)
124	01/26/2007	(534329)
125	02/05/2007	(517485)
126	02/09/2007	(538991)
127	02/20/2007	(575585)
128	02/21/2007	(541385)
129	02/26/2007	(533896)
130	03/16/2007	(553836)
131	03/20/2007	(575586)
132	04/23/2007	(575587)
133	05/21/2007	(575588)
134	06/04/2007	(540935)
135	06/22/2007	(575589)
136	06/29/2007	(554747)
137	07/18/2007	(575590)
138	07/27/2007	(564471)
139	08/01/2007	(565791)
140	08/20/2007	(563339)
141	08/21/2007	(562042)
142	08/22/2007	(570744)
143	08/28/2007	(573456)
144	08/29/2007	(573753)
145	08/29/2007	(573754)
146	08/29/2007	(573755)
147	08/30/2007	(570541)
148	08/31/2007	(567701)

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

Date:	02/20/2003	(246568)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date:	03/11/2003	(26414)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.6(a)			
Description:	Valero failed to notify the executive director by electronic notification of nonhazardous industrial solid waste disposal activities.			
Date:	03/11/2003	(25137)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.4(1) TWC Chapter 26 26.121(a)(1)			

Description: Failure to prevent the discharge of industrial waste from entering "waters of the state" (ground water).
Date: 04/23/2003 (31132)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ0000465-000
Description: Failure to maintain a record of calibration activities for the flow meter at Outfall 001.

Date: 02/17/2004 (332781)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 08/19/2004 (289772)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding the required limit, as reported on January 21, 2004 in incident 33605.
Date: 01/31/2006 (468635)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/23/2006 (488424)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(i)
Description: Failure to maintain records as required by applicable federal rule.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
Description: Failure to conduct required monthly monitoring of six pumps.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
Rqmt Prov: OP FOP O-02250, Special Condition No. 15(A)
Description: Failure to conduct visual inspections as required by federal rule.
Date: 08/29/2006 (509065)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
Rqmt Prov: OP O-01231 STC No. 10A
Description: Failure to visually inspect initially and quarterly thereafter to ensure that all containers are closed and gasketed properly.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.132(b)(1)
Rqmt Prov: OP O-01231 STC 13
Description: The Regulated Entity failed to keep the gauging and sampling devices vapor-tight except during gauging or sampling, citing 30 TAC § 115.132(b)(1) / FOP No. O-01231 Permit Provision No. 13 for the reporting period covering, 10/11/2005 to 10/17/2005.

Date: 08/29/2006 (509898)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Rqmt Prov: OP FOP No. O-02238
Description: Failure to submit a complete deviation report for Title V Federal Operating Permit No. O-02238 for the semi-annual reporting periods of April 19, 2005 through October 18, 2005 and October 19, 2005 through April 18, 2006. Specifically, the deviation reports were inadequate as the probable cause was
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
Rqmt Prov: OP FOP O-02238 Special Term & Condition 10A
Description: Failure to conduct visual inspections of vacuum trucks during the third quarter (July 1, 2005 through September 30, 2005) as required by applicable federal rule.
Date: 05/31/2007 (575589)
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: 08/24/2007 (570744)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20[G]
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
Rqmt Prov: PERMIT Special Condition 24E (2937/PSDTX1023M1)
OP Special Term & Condition 1A (FOP O-2238)
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Rqmt Prov: PERMIT Special Condition 25E (2937/PSDTX1023M1)
OP Special Term & Condition 1A (FOP O-2238)
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.
Date: 08/29/2007 (573456)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.322(2)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Permit No. 2937/PSD-TX-1023, SC 24(I)
Description: Failure to conduct repairs of leaking components no later than 15 calendar days after they were found to be leaking. Specifically, twenty-two valves on the following dates: 6/13/2006, 6/14/2006, 6/17/2006, 6/21/2006, 6/23/2006 and 8/29/2006, and three pumps on the following dates: 6/13/2006, 6/23/2006 and 7/31/2006, were found to be leaking.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(I)
Description: Failure to conduct a primary seal inspection on storage tank TK-326 at the end of its 10 year inspection cycle.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
Description: Failure to conduct an initial repair attempt within a 5-day period after a pump (tag no. E16169) located in the EP South Tank Farm Area was detected as leaking on 9/22/2006. The initial repair attempt was due no later than 09/27/2006 and was not performed until 09/28/2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
Description: Failure to repair a pump within the 15-day period after it was discovered to be leaking on 6/26/2006. The pump, tag no. O10963, was due to be repaired no later than 7/11/2006. The pump was repaired on 7/24/2006.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
Description: Failure to repair a valve within the 15-day period after it was discovered to be leaking on 6/24/2006. The valve, tag no. O10834, was due to be repaired no later than 7/9/2006. The valve was repaired on 7/12/2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.322(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
Description: Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, two open-ended lines located in the South Tank Farm and identified as tag nos.: 17702 and 17713 were not equipped with a cap, blind flange, plug or a second valve as required. The OELs were discovered on 8/30/2006 and 9/13/2006, respectively.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.325(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
Description: Failure to perform equipment calibration and monitoring of components according to test Method 21. Specifically, cylinder standards of 500 parts per million (ppm), 1,000 ppm, 2,000 ppm and 10,000 ppm were passed documented shelf life.
Date: 08/30/2007 (570541)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)
Rqmt Prov: OP O-01750
Description: Failure to comply with EPA standards, any applicable NESHAPS promulgated by the EPA pursuant to the Federal Clean Air Act, §112, as amended;

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1545-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Valero owns and operates a petroleum refining company at 1300 Cantwell Lane in Corpus Christi, Nueces County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Valero agree that the Commission has jurisdiction to enter this Agreed Order, and that Valero is subject to the Commission's jurisdiction.
4. Valero received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Valero of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Five Hundred Fifty-Seven Dollars (\$10,557) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Valero has paid Four Thousand Two Hundred Twenty-Three Dollars (\$4,223) of the administrative penalty. Four Thousand Two Hundred Twenty-Three Dollars (\$4,223) shall be

conditionally offset by Valero's completion of a Supplemental Environmental Project ("SEP") and Two Thousand One Hundred Eleven Dollars (\$2,111) is deferred contingent upon Valero's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Valero fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Valero to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Valero have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Valero submitted documentation dated June 29, 2007 that:
 - a. Documented the additional pollutants released; and
 - b. Implemented procedures designed to ensure that all pollutants are reported on final reports for future emissions events.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Valero has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Valero is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 2937, Special Condition No. 1. Specifically, Valero released the following emissions during a maintenance activity involving Tank 102 that began March 6, 2007 and lasted 24 hours (Incident No. 87955), as documented during a record review conducted on August 27, 2007. Since the emissions were improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
 - a. 63.38 pounds ("lbs") of the Hazardous Air Pollutant ("HAP") benzene, 67.95 lbs of the HAP toluene, 19.5 lbs of the HAP xylene and 6.3 lbs of the HAP ethylenebenzene; and
 - b. 2,173.93 lbs of volatile organic compounds.

2. Failed to submit an administratively complete final report within two weeks after the end of the activity, in violation of 30 TEX. ADMIN. CODE § 101.211(b)(1)(H) and (b)(1)(I) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, Valero failed to list all compounds or mixtures of air contaminants involved in the emissions activity, their estimated total quantities, the authorized emissions limits for those contaminants and the preconstruction authorization in the final report for Incident No. 87955, as documented during a record review conducted on August 27, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Valero pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Valero's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2007-1545-AIR-E" to:

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

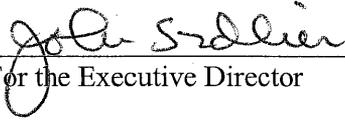
2. Valero shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Two Hundred Twenty-Three Dollars (\$4,223) of the assessed administrative penalty shall be offset with the condition that Valero implement the SEP defined in Attachment A, incorporated herein by reference. Valero's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Valero. Valero is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Valero fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Valero's failure to comply is not a violation of this Agreed Order. Valero shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Valero shall notify the Executive Director within seven days after Valero becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero shall be made in writing to the Executive Director. Extensions are not effective until Valero receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Valero in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Valero, or three days after the date on which the Commission mails notice of the Order to Valero, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/6/2008
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

12/03/07
Date

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

Regional VP - Refinery Operations
Title

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

Attachment A
Docket Number: 2007-1545-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.
Payable Penalty Amount: Eight Thousand Four Hundred Forty-Six Dollars (\$8,446)
SEP Amount: Four Thousand Two Hundred Twenty-Three Dollars (\$4,223)
Type of SEP: Pre-approved
Third-Party Recipient: Texas A&M Corpus Christi-AutoCheck Program
Location of SEP: Nueces County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

