

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1455-AIR-E **TCEQ ID:** RN102584026 **CASE NO.:** 34572

RESPONDENT NAME: The Premcor Refining Group Inc.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Oil refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: One hundred sixteen complaints were received July 28, 2007, concerning an emissions event at the refinery which resulted in 38 people being transported to hospitals as a result of hydrogen sulfide poisoning. There are 3 additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1043-AIR-E, 2008-0742-AIR-E, and 2008-0435-AIR-E.</p> <p>INTERESTED PARTIES: Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 1, 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. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799-; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Morris Carter, Director of Health, Safety, and Environmental Operations, The Premcor Refining Group Inc., P.O.Box 909, Port Arthur, Texas 77641 Mr. J. Greg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., P.O.Box 909, Port Arthur, Texas 77641 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: July 28, 2007</p> <p>Date of Investigation Relating to this Case: July 28, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 31, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation and a record review.</p> <p>AIR</p> <p>1) Failure to properly report an emissions event [Federal Operating Permit ("FOP") O-1498, General Terms and Conditions ("GTC"), 30 TEX. ADMIN. CODE §§ 101.201(a)(2)(F) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to properly operate Tank 283 and Tank 284 [FOP O-1498, GTC, and Special Condition 18A, Air Permit 7600A, Special Condition 1, 30 TEX. ADMIN. CODE §§ 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions [FOP O-1498, GTC, and Special Condition 18A, Air Permits 6825A/PSD-TX-49, Special Condition 5A, and Air Permit 7600A, Special Condition 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.715(a), 116.715(c)(7), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$14,641</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,320</p> <p>Total Paid to General Revenue: \$7,321</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health has been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On August 5, 2007, installed a check valve to prevent hydrogen back-flow from the D-9500 Surge Drum. The installation of the check valve is designed to prevent any future seal breach by this mechanism. In addition, operations personnel completed an assessment of the pipe connections and reviewed operations scenarios that have any potential for hydrogen, natural gas, nitrogen, or air entering a feed, product or slop oil system;</p> <p>b. On December 18, 2007, reviewed the procedures in place for determining whether an emissions event is reportable and conducted training on how to identify a potential release of the reportable quantity for all compounds and mixtures. In addition, a typical default emissions event report has been formulated with approximately 52 chemicals of speciated volatile organic compounds that could be used for initial emissions event reporting; and</p> <p>c. On August 20, 2008, submitted documentation that ambient air monitors have been installed along the Martin L. King Boulevard fence-line to continuously transmit air quality data to a central monitoring and recording station to alert personnel of the compounds emitted to the atmosphere in any emissions event or upset.</p> <p>Ordering Provisions:</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): JE0042B

Attachment A

Docket Number: 2007-1455-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.
Payable Penalty Amount: Fourteen Thousand Six Hundred Forty-One Dollars (\$14,641)
SEP Amount: Seven Thousand Three Hundred Twenty Dollars (\$7,320)
Type of SEP: Pre-approved
Third-Party Recipient: South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson 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 conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

LABORATORY REPORT

DATE

NAME

SECTION

TITLE

INSTRUCTOR

OBJECTIVE

THEORY

PROCEDURE

RESULTS AND DISCUSSION

CONCLUSION

QUESTIONS

ANSWERS TO QUESTIONS

REFERENCES

APPENDICES

ADDITIONAL DATA

NOTES

GRADING

TOTAL

The Premcor Refining Group Inc.
Agreed Order – Attachment A

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:

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

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 June 26, 2007

DATES	Assigned	6-Sep-2007	Screening	6-Sep-2007	EPA Due	2-Jun-2008
	PCW	2-Oct-2008				

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

CASE INFORMATION			
Enf./Case ID No.	34572	No. of Violations	3
Docket No.	2007-1455-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Aaron Houston
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,100
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	121% Enhancement	Subtotals 2, 3, & 7	\$14,641
---------------------------	------------------	--------------------------------	----------

Notes
Penalty enhancement due to 12 NOVs with same or similar violations, three NOVs of an unrelated nature, and three 1660 Agreed Orders. Penalty reduction for participation in a voluntary pollution reduction program.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	-----

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	-----

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

Notes
The Respondent does not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
--	-----------------	-------------------	-----

Total EB Amounts	\$292	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$9,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,741
-----------------------------	-----------------------	----------

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	\$26,741
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,641
-----------------------------------	-------------------------------	----------

DEFERRAL	0% Reduction	Adjustment	\$0
-----------------	--------------	-------------------	-----

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$14,641
------------------------	----------

Screening Date: 6-Sep-2007

Docket No. 2007-1455-AIR-E

PCW

Respondent: The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 34572

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102584026

Media [Statute]: Air

Enf. Coordinator: Aaron Houston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	12	60%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 121%

>> 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 12 NOVs with same or similar violations, three NOVs of an unrelated nature, and three 1660 Agreed Orders. Penalty reduction for participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 121%

Screening Date 6-Sep-2007	Docket No. 2007-1455-AIR-E	PCW
Respondent The Premcor Refining Group Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34572	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN102584026		
Media [Statute] Air		
Enf. Coordinator Aaron Houston		
Violation Number 1		
Rule Cite(s)	Federal Operating Permit ("FOP") O-1498, General Terms and Conditions ("GTC"), 30 Tex. Admin. Code §§ 101.201(a)(2)(F), 122.143(4), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to properly report an emissions event. Respondent's initial report for a July 18, 2007 emissions event did not identify all constituents which exceeded a reportable quantity ("RQ").	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
				<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>
Matrix Notes	At least 70 percent of the rule is met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$29"/>	Violation Final Penalty Total <input type="text" value="\$221"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$221"/>	

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.

Case ID No.: 34572

Reg. Ent. Reference No.: RN102584026

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)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	29-Jul-2007	18-Dec-2007	0.4	\$29	n/a	\$29

Notes for DELAYED costs

Estimated cost of implementing procedures designed to ensure all constituents which exceeded an RQ are identified and included within the designated reporting period. Date required is date the report was due. Final date is 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

\$1,500

TOTAL

\$29

Screening Date 6-Sep-2007	Docket No. 2007-1455-AIR-E	PCW
Respondent The Premcor Refining Group Inc.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34572		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN102584026		
Media [Statute] Air		
Enf. Coordinator Aaron Houston		
Violation Number	<input type="text" value="2"/>	
Rule Cite(s)	FOP O-1498, GTC, and Special Condition 18A, Air Permit 7600A, Special Condition 1, 30 Tex. Admin Code §§ 116.115(c), 122.143(4), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to properly operate Tank 283 and Tank 284. Tanks were permitted to only store crude oil; however, slop oil was diverted to both tanks in an attempt to mitigate the emissions event which occurred on July 28, 2007.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>		x
				Percent <input type="text" value="10%"/>	

>> 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 could be exposed to insignificant amounts of pollutants which would not exceed levels that are 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 type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	x	

Violation Base Penalty

Two single events are 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 The Premcor Refining Group Inc.
Case ID No. 34572
Reg. Ent. Reference No. RN102584026
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
<small>No commas or \$</small>							

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)	\$5,000	28-Jul-2007	18-Dec-2007	0.4	\$98	n/a	\$98

Notes for DELAYED costs

Estimated cost of implementing permitted emergency response procedures for damage to floating roof tank seals. Date required is date of the emissions event. Final date is 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

\$5,000

TOTAL

\$98

Screening Date 6-Sep-2007 **Docket No.** 2007-1455-AIR-E **PCW**
Respondent The Premcor Refining Group Inc. *Policy Revision 2 (September 2002)*
Case ID No. 34572 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN102584026
Media [Statute] Air
Enf. Coordinator Aaron Houston

Violation Number

Rule Cite(s) FOP O-1498, GTC, and Special Condition 18A, Air Permit 6825A/PSD-TX-49, Special Condition 5A and Air Permit 7600A, Special Condition 1, 30 Tex. Admin Code §§ 101.20(3), 116.115(b)(2)(F), 116.715(a), 116.715(c)(7), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released the following compounds without authorization on July 28, 2007, for 7 hours and 47 minutes: 228 pounds ("lbs") of hydrogen sulfide ("H2S") and 17,611 lbs of volatile organic compounds ("VOCs") were released from Tank 151; 24 lbs of H2S and 1,830.1 lbs of VOCs were released from Tank 283; and 367 lbs of H2S and 28,310 lbs VOCs were released from Tank 284.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Human health or the environment has been exposed to a significant amount of pollutants. Thirty-eight people were transported to various local hospitals via ambulance complaining of nausea, headaches, and vomiting. In total, 116 complaints were logged by the TCEQ concerning this incident.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input checked="" type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty

One daily 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 The Premcor Refining Group Inc.
Case ID No. 34572
Reg. Ent. Reference No. RN102584026
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	\$1,500	28-Jul-2007	20-Aug-2008	1.1	\$5	\$107	\$112
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	28-Jul-2007	20-Aug-2008	1.1	\$53	n/a	\$53

Notes for DELAYED costs

Estimated cost of installing ambient air monitors along the fence-line to continuously transmit air quality data to a central monitoring station to alert personnel of the compounds emitted to the atmosphere in any emissions event or upset. Date required is date of the emissions event. Final date is the date 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

\$2,500

TOTAL

\$165

Compliance History

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: Average Rating: 2.50
 Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: Average Site Rating: 2.10

ID Number(s):	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0042B
	AIR OPERATING PERMITS	PERMIT	1498
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	AIR NEW SOURCE PERMITS	PERMIT	17038
	AIR NEW SOURCE PERMITS	PERMIT	802A
	AIR NEW SOURCE PERMITS	PERMIT	2303A
	AIR NEW SOURCE PERMITS	PERMIT	5491A
	AIR NEW SOURCE PERMITS	PERMIT	6825A
	AIR NEW SOURCE PERMITS	PERMIT	7600A
	AIR NEW SOURCE PERMITS	PERMIT	8369A
	AIR NEW SOURCE PERMITS	PERMIT	8456A
	AIR NEW SOURCE PERMITS	PERMIT	12454A
	AIR NEW SOURCE PERMITS	PERMIT	12553A
	AIR NEW SOURCE PERMITS	PERMIT	13635A
	AIR NEW SOURCE PERMITS	PERMIT	13698A
	AIR NEW SOURCE PERMITS	PERMIT	19404
	AIR NEW SOURCE PERMITS	PERMIT	28778
	AIR NEW SOURCE PERMITS	PERMIT	29335
	AIR NEW SOURCE PERMITS	PERMIT	45737
	AIR NEW SOURCE PERMITS	PERMIT	47885
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0042B
	AIR NEW SOURCE PERMITS	REGISTRATION	75595
	AIR NEW SOURCE PERMITS	REGISTRATION	76069
	AIR NEW SOURCE PERMITS	AFS NUM	4824500004
	AIR NEW SOURCE PERMITS	PERMIT	56546
	AIR NEW SOURCE PERMITS	PERMIT	50836
	AIR NEW SOURCE PERMITS	PERMIT	71744
	AIR NEW SOURCE PERMITS	REGISTRATION	74702
	AIR NEW SOURCE PERMITS	PERMIT	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	81049
	AIR NEW SOURCE PERMITS	REGISTRATION	81668
	AIR NEW SOURCE PERMITS	REGISTRATION	82647
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008090409
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30004
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50350
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30004

Location: 1801 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 06, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 06, 2002 to September 06, 2007

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

Name: Aaron T Houston Phone: 409-899-8784

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: 03/20/2003 ADMINORDER 2002-0429-AIR-E
Classification: Moderate

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Delayed Coking Unit 843.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 10/10/2003 ADMINORDER 2003-0053-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: General Condition 8 PERMIT

Special Condition 5B PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 06/15/2006 ADMINORDER 2005-0585-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

Description: Failure to comply with the final recordkeeping requirements concerning two emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

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	11/22/2002	(4778)
2	01/06/2003	(19247)
3	01/07/2003	(18101)
4	01/22/2003	(16924)
5	01/22/2003	(21208)
6	03/05/2003	(18990)
7	03/31/2003	(281091)
8	07/08/2003	(25047)
9	08/06/2003	(28570)
10	08/29/2003	(130722)

11	08/29/2003	(112800)
12	10/29/2003	(250694)
13	10/29/2003	(250696)
14	10/31/2003	(250086)
15	10/31/2003	(440137)
16	10/31/2003	(249934)
17	10/31/2003	(249936)
18	10/31/2003	(250088)
19	10/31/2003	(250089)
20	10/31/2003	(250090)
21	10/31/2003	(250091)
22	10/31/2003	(250092)
23	12/02/2003	(252358)
24	12/12/2003	(281092)
25	01/08/2004	(258663)
26	01/13/2004	(256396)
27	01/13/2004	(258948)
28	01/31/2004	(257601)
29	01/31/2004	(258920)
30	02/13/2004	(258485)
31	02/26/2004	(254381)
32	03/24/2004	(263206)
33	05/26/2004	(270679)
34	06/16/2004	(270296)
35	08/11/2004	(278807)
36	08/11/2004	(285340)
37	08/11/2004	(286227)
38	08/17/2004	(270166)
39	08/23/2004	(281670)
40	08/27/2004	(283049)
41	08/31/2004	(282995)
42	08/31/2004	(273536)
43	09/01/2004	(286723)
44	09/23/2004	(271970)
45	10/13/2004	(293066)
46	11/23/2004	(339389)
47	11/23/2004	(339035)
48	11/23/2004	(339038)
49	11/29/2004	(340093)
50	12/08/2004	(337446)
51	12/15/2004	(287796)
52	12/27/2004	(340483)
53	01/31/2005	(344879)
54	02/02/2005	(342308)
55	03/03/2005	(345932)
56	03/24/2005	(346253)
57	04/14/2005	(371246)
58	04/19/2005	(349573)
59	05/06/2005	(276009)
60	05/16/2005	(374794)
61	05/17/2005	(377823)
62	05/17/2005	(377749)
63	05/20/2005	(347935)
64	05/24/2005	(374676)
65	05/31/2005	(393164)
66	05/31/2005	(377794)
67	06/07/2005	(394209)
68	06/07/2005	(392990)
69	06/13/2005	(377488)
70	06/13/2005	(377763)
71	06/13/2005	(377635)
72	06/17/2005	(395060)
73	07/05/2005	(393742)
74	07/05/2005	(380293)
75	07/13/2005	(397179)
76	07/13/2005	(397190)
77	07/26/2005	(400317)

78	08/01/2005	(393808)
79	08/04/2005	(402168)
80	08/04/2005	(401782)
81	08/13/2005	(402114)
82	08/14/2005	(380729)
83	08/16/2005	(396901)
84	08/16/2005	(403310)
85	08/16/2005	(348169)
86	08/16/2005	(402102)
87	08/16/2005	(337449)
88	08/25/2005	(401169)
89	08/31/2005	(401994)
90	08/31/2005	(338345)
91	10/13/2005	(431867)
92	11/03/2005	(434493)
93	11/04/2005	(432099)
94	11/04/2005	(432307)
95	11/04/2005	(418674)
96	11/04/2005	(404608)
97	11/15/2005	(435657)
98	12/02/2005	(418593)
99	01/17/2006	(450983)
100	01/18/2006	(438806)
101	01/19/2006	(439376)
102	02/03/2006	(440029)
103	02/06/2006	(437321)
104	02/21/2006	(455655)
105	02/23/2006	(455193)
106	03/28/2006	(450081)
107	03/31/2006	(455509)
108	04/12/2006	(461051)
109	04/28/2006	(454769)
110	05/03/2006	(464161)
111	05/11/2006	(464702)
112	05/30/2006	(466254)
113	06/16/2006	(482132)
114	07/14/2006	(464803)
115	07/28/2006	(483694)
116	08/30/2006	(482855)
117	08/31/2006	(454753)
118	08/31/2006	(466054)
119	10/10/2006	(512174)
120	11/06/2006	(515244)
121	11/15/2006	(515161)
122	11/18/2006	(517423)
123	12/19/2006	(512175)
124	12/28/2006	(395082)
125	12/28/2006	(273484)
126	01/04/2007	(533453)
127	01/25/2007	(531842)
128	01/25/2007	(535004)
129	01/25/2007	(512183)
130	01/25/2007	(531282)
131	02/01/2007	(538514)
132	02/02/2007	(538412)
133	02/02/2007	(538987)
134	02/02/2007	(539009)
135	02/14/2007	(537911)
136	03/20/2007	(540167)
137	04/21/2007	(539391)
138	04/21/2007	(541913)
139	04/21/2007	(537071)
140	04/26/2007	(542530)
141	05/14/2007	(558406)
142	05/17/2007	(555595)
143	05/17/2007	(555573)
144	05/17/2007	(558483)

145 05/17/2007 (554503)
 146 05/17/2007 (554971)
 147 05/31/2007 (561603)
 148 06/01/2007 (558971)
 149 06/13/2007 (557367)
 150 06/20/2007 (561471)
 151 07/06/2007 (563007)
 152 07/26/2007 (559734)
 153 07/26/2007 (567176)
 154 08/22/2007 (571648)
 155 08/28/2007 (568208)
 156 08/28/2007 (567639)
 157 08/31/2007 (574001)
 158 08/31/2007 (570927)

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

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

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

Self Report? NO Classification Moderate

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

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

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

Self Report? NO Classification Moderate

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

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

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

Self Report? NO Classification Moderate

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

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

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

Self Report? NO Classification Moderate

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

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

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

Date: 12/02/2003 (252358)

Self Report? NO Classification Minor

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

Rqmt Prov: OP O-02227

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

Date: 02/13/2004 (258485)

Self Report? NO Classification Moderate

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

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

Date: 08/16/2004 (278807)

Self Report? NO Classification Moderate

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

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

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

Date: 08/27/2004 (283049)

Self Report? NO Classification Moderate

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

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

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

Self Report? NO Classification Moderate

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

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 6825A, SC 1A(4)
PERMIT 6825A, SC 3A
PERMIT PSD-TX-49, SC 1A(4)
PERMIT PSD-TX-49, SC 3A
Description: Failure to perform the final repair within 15 days for the valve with Component ID #116023.

Date: 12/09/2004 (337446)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent visible emissions from the Marine Vapor Combustors for 13 minutes. B18

Date: 02/02/2005 (342308)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with the State's rule concerning nuisance.

Date: 08/26/2005 (401169)

Self Report? NO Classification Moderate

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

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

Description: Failure to report all instances of all deviations.

Date: 08/31/2006 (482855)

Self Report? NO Classification Minor

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 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02228 Special Condition 13H

Description: Failure to maintain proper documentation as listed in the Semiannual Deviation Report for FOP O-02228 dated May 25, 2005 to November 25, 2005 and November 26, 2005 to May 25, 2006.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Flex Permit 6825A/PSD-TX-49 SC 37C

OP O-02229, Special Condition 15

Description: Failure to maintain proper documentation of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Flex Permit 6825A/PSD-TX-49, SC 24A
OP O-02229, Special Condition 15

Description: Failure to maintain Incinerator Firebox Temperature as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(g)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02229, Special Condition 1D

Description: Failure to submit a semiannual report in a timely manner.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for 2 pumps.
 Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A

Description: Failure to perform the final repair within 15 days for 4 leaking connectors.
 Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28J
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28J
 PERMIT PSD-TX-49, SC 3A

Description: Failure to record the repair methods for several leaking components.
 Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352[G]
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform an extraordinary repair within thirty (30) days for a leaking valve.
 Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT 6825A, SC 1A(4)
 PERMIT 6825A, SC 28I
 PERMIT 6825A, SC 3A
 PERMIT PSD-TX-49, SC 1A(4)
 PERMIT PSD-TX-49, SC 28I
 PERMIT PSD-TX-49, SC 3A

Description: Failure to repair components on delay of repair before the end of the next process unit shutdown.
 Self Report? NO Classification Moderate

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

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

Description: Failure to maintain a list of identification numbers for all connectors located within the FCC 1241 Unit.
 Self Report? NO Classification Moderate

Description: Failure to maintain a 250 ppm SO2 emission limit at the sulfur recovery plant as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.

Self Report? NO Classification Minor

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

Rqmt Prov: OP O-02229, Special Condition 3

Description: Failure to conduct a daily notation in the flare operation log as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2004 to January 15, 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, Special Condition 20C
OP O-02229, Special Condition 15

Description: Failure to properly operate the H2S degasser for FOP O-02229 dated January 16, 2005 to July 16, 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 64, SubChapter C, PT 64 64.7(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, Special Condition 37C
OP O-02229, Special Condition 14A
OP O-02229, Special Condition 15

Description: Failure to complete a 15 minute cycle of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.

Self Report? NO Classification Minor

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

Rqmt Prov: OP O-02229, Special Condition 1E

Description: Failure to record bypass valve position at least once per hour as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)[G]
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 60.482-9[G]
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, Special Condition 28I
OP O-02229, Special Condition 15

Description: Failure to place on a shutdown list within 15 days of documenting a leak as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2005 to January 16, 2006.

Date: 04/20/2007 (540167)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a final record as required by subsection 30 TAC 101.211(c) to the commission office for the region in which the regulated entity is located and to appropriate local air pollution agencies with jurisdiction no later than two weeks after the end of the scheduled activity.

Date: 06/14/2007 (557367)

Self Report? NO Classification Minor

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

Rqmt Prov: OP O-02229, SC 1A

Description: Failure to record the time of day in the flare log.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 4B
 OP O-02229, SC 15
 OP O-02229, SC 1A

Description: Failure to continuously monitor the flare.
 Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825/PSD-TX-49, SC 24A
 OP O-02229, SC 15
 OP O-02229, SC 1A

Description: Failure to record incinerator temperature.
 Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 20C
 OP O-02229, SC 15
 OP O-02229, SC 1A

Description: Failure to properly degas liquid sulfur.
 Self Report? NO Classification Moderate

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

Rqmt Prov: OP O-02229, General Conditions

Description: Failure to report a deviation.
 Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 61, Subpart FF 61.356(f)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02227, SC 1A

Description: Failure to maintain records for a control device.
 Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 3A and 28E
 OP O-02229, SC 15

Description: Failure to seal an open line.
 Date: 08/29/2007 (567639)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02229, General Terms and Conditions
 OP O-02229, Special Condition 2F

Description: Failure to properly report an emissions event.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

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

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
THE PREMCOR REFINING GROUP INC.	§	
RN102584026	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1455-AIR-E

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

Premcor understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Premcor agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Premcor.

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

I. FINDINGS OF FACT

1. Premcor owns and operates an oil refinery at 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH & SAFETY CODE § 382.003(12).
3. On August 21, 2007, TCEQ staff determined that Premcor failed to properly report an emissions event. Premcor's initial report for a July 28, 2007 emissions event did not identify all constituents which exceeded a reportable quantity ("RQ").

4. TCEQ staff documented during the emissions event that occurred on July 28, 2007, that Premcor diverted slop oil from Tank 151 to Tanks 283 and 284 in an attempt to mitigate the level of emissions. Tanks 283 and 284 were only permitted to store crude oil.
5. During the investigation which began on July 28, 2007, TCEQ staff documented an emissions event which occurred from 11:13 a.m. through 7:00 p.m. on July 28, 2007. During that event the following unauthorized emissions were released: 228 pounds ("lbs") of hydrogen sulfide ("H₂S") and 17,611 lbs of volatile organic compounds ("VOCs") were released from Tank 151; 24 lbs of H₂S and 1,830.1 lbs of VOCs were released from Tank 283; and 367 lbs of H₂S and 28,310 lbs VOCs were released from Tank 284.
6. Premcor received notice of the violations on September 4, 2007.
7. The Executive Director recognizes that Premcor has implemented the following corrective measures at the Plant:
 - a. On August 5, 2007, installed a check valve to prevent hydrogen back-flow from the D-9500 Surge Drum. The installation of the check valve is designed to prevent any future seal breach by this mechanism. In addition, operations personnel completed an assessment of the pipe connections and reviewed operations scenarios that have any potential for hydrogen, natural gas, nitrogen, or air entering a feed, product or slop oil system;
 - b. On December 18, 2007, reviewed the procedures in place for determining whether an emissions event is reportable and conducted training on how to identify a potential release of the RQ for all compounds and mixtures. In addition, a typical default emissions event report has been formulated with approximately 52 chemicals of speciated VOCs that could be used for initial emissions event reporting; and
 - c. On August 20, 2008, submitted documentation that ambient air monitors have been installed along the Martin L. King Boulevard fence-line to continuously transmit air quality data to a central monitoring and recording station to alert personnel of the compounds emitted to the atmosphere in any emissions event or upset.

II. CONCLUSIONS OF LAW

1. Premcor is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3., Premcor failed to properly report an emissions event, in violation of Federal Operating Permit ("FOP") O-1498, General Terms and Conditions ("GTC"), 30 TEX. ADMIN. CODE §§ 101.201(a)(2)(F) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4., Premcor failed to properly operate Tank 283 and Tank 284, in violation of FOP O-1498, GTC, and Special Condition 18A, Air Permit 7600A, Special

Condition 1, 30 TEX. ADMIN. CODE §§ 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Findings of Fact No. 5., Premcor failed to prevent unauthorized emissions, in violation of FOP O-1498, GTC, and Special Condition 18A, Air Permits 6825A/PSD-TX-49, Special Condition 5A, and 7600A, Special Condition 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.715(a), 116.715(c)(7), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Premcor for violations of the Texas Water Code and the Texas Health & Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Fourteen Thousand Six Hundred Forty-One Dollars (\$14,641) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Premcor has paid Seven Thousand Three Hundred Twenty-One Dollars (\$7,321) of the administrative penalty. Seven Thousand Three Hundred Twenty Dollars (\$7,320) shall be conditionally offset by Premcor's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. Premcor is assessed an administrative penalty in the amount of Fourteen Thousand Six Hundred Forty-One Dollars (\$14,641) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Premcor's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2007-1455-AIR-E to:

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

2. Premcor shall implement and complete a SEP in accordance with the TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Seven Thousand Three Hundred Twenty Dollars (\$7,320) of the assessed administrative penalty shall be offset with the condition that Premcor implement the SEP defined in Attachment A, incorporated herein by reference. Premcor's

obligation to pay the conditionally offset portion of 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 Premcor. Premcor 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 Premcor fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Premcor is not in violation of this Agreed Order. Premcor shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred Premcor shall notify the Executive Director within seven days after Premcor becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 Premcor shall be made in writing to the Executive Director. Extensions are not effective until Premcor receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Premcor if the Executive Director determines that Premcor has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Premcor in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/14/2008

Date

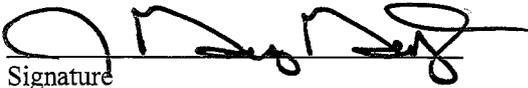
I, the undersigned, have read and understand the attached Agreed Order in the matter of The Premcor Refining Group Inc. I am authorized to agree to the attached Agreed Order on behalf of The Premcor Refining Group Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Premcor Refining Group Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that 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

10/8/08

Date

J. Greg Gentry

Name (Printed or typed)
Authorized Representative of
The Premcor Refining Group Inc.

Vice President & General Manager

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

1914

1915

Attachment A
Docket Number: 2007-1455-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.
Payable Penalty Amount: Fourteen Thousand Six Hundred Forty-One Dollars (\$14,641)
SEP Amount: Seven Thousand Three Hundred Twenty Dollars (\$7,320)
Type of SEP: Pre-approved
Third-Party Recipient: South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson 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 conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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.

The Premcor Refining Group Inc.
Agreed Order – Attachment A

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:

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

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.

