

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1341-AIR-E **TCEQ ID:** RN100238385 **CASE NO.:** 36406

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

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Valero Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0603-AIR-E, 2007-1234-AIR-E, 2007-1413-AIR-E, 2008-0615-AIR-E, and 2008-0893-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 29, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Adrian Araiza, Environmental Affairs Manager, Valero Refining-Texas, L.P., 1301 Loop 197 South, Texas City, Texas 77590 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 9, 2008</p> <p>Date of NOV/NOE Relating to this Case: July 21, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 73.61 pounds ("lbs") of volatile organic compounds, 1,378.21 lbs of sulfur dioxide, 31.24 lbs of carbon monoxide, and 4.32 lbs of nitrogen oxides were released when the Respondent failed to maintain the lube oil level in the Compressor C-137 lube oil reservoir, which caused it to trip-off on a low lube oil pressure indication, resulting in an emissions event which began on May 20, 2008, and lasted for 10 hours and 33 minutes (Incident No. 108037). Since the emissions event was avoidable, 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), Air Permit No. 39142, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$9,800</p> <p>Total Deferred: \$1,960 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,920</p> <p>Total Paid to General Revenue: \$3,920</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>The Executive Director recognizes that on June 23, 2008, the Respondent completed the corrective action measures which included washing out and checking the Compressor C-137 lube oil reservoir float system to ensure that it is working properly. In addition, the Respondent also relocated the lube oil tote to a higher location to increase system head pressure and re-piped the lube oil tote to the Compressor C-137 lube oil reservoir.</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): GB0073P

Attachment A
Docket Number: 2008-1341-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.
Payable Penalty Amount: Seven Thousand Eight Hundred Forty Dollars (\$7,840)
SEP Amount: Three Thousand Nine Hundred Twenty Dollars (\$3,920)
Type of SEP: Pre-approved
Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP: Galveston County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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 12, 2008

DATES	Assigned	28-Jul-2008	Screening	30-Jul-2008	EPA Due	
	PCW	14-Aug-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100238385		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36406	No. of Violations	1
Docket No.	2008-1341-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 317.0% Enhancement Subtotals 2, 3, & 7 \$7,925

Notes: Penalty enhancement due to 20 Notices of Violations ("NOVs") issued for the same or similar violations, 19 NOVs issued for unrelated violations of which 15 were self-reported effluent violations, five orders containing a denial of liability, two orders without a denial of liability, and one court order with a denial. Penalty reduction for one Notice of Audit letter submitted.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$625

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$4
 Approx. Cost of Compliance \$951
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$9,800

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount \$9,800

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,800

DEFERRAL 20.0% Reduction Adjustment -\$1,960

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 \$7,840

Screening Date 30-Jul-2008

Docket No. 2008-1341-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 36406

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Nadia Hameed

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)	20	100%
	Other written NOVs	19	38%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 317%

>> 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 20 Notices of Violations ("NOVs") issued for the same or similar violations, 19 NOVs issued for unrelated violations of which 15 were self-reported effluent violations, five orders containing a denial of liability, two orders without a denial of liability, and one court order with a denial. Penalty reduction for one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 317%

Screening Date 30-Jul-2008	Docket No. 2008-1341-AIR-E	PCW												
Respondent Valero Refining-Texas, L.P.		<small>Policy Revision 2 (September 2002)</small>												
Case ID No. 36406		<small>PCW Revision June 12, 2008</small>												
Reg. Ent. Reference No. RN100238385														
Media [Statute] Air														
Enf. Coordinator Nadia Hameed														
Violation Number <input type="text" value="1"/>														
Rule Cite(s)	30 Tex. Admin. Code § 116.715(a), Air Permit No. 39142, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)													
Violation Description	Failed to prevent unauthorized emissions. Specifically, 73.61 pounds ("lbs") of volatile organic compounds, 1,378.21 lbs of sulfur dioxide, 31.24 lbs of carbon monoxide and 4.32 lbs of nitrogen oxides, were released when the Respondent failed to maintain the lube oil level in the Compressor C-137 lube oil reservoir, which caused it to trip-off on a low lube oil pressure indication, resulting in an emissions event which began on May 20, 2008, and lasted for 10 hours and 33 minutes (Incident No. 108037). Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.													
	Base Penalty	<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
Actual	<input type="text"/>	<input checked="" type="checkbox"/>												
Potential	<input type="text"/>	<input type="text"/>												
	Percent	<input type="text" value="25%"/>												
>> Programmatic Matrix														
	Falsification Major Moderate Minor													
	<input type="text"/>	<input type="text"/>												
	Percent	<input type="text" value="0%"/>												
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.													
	Adjustment	<input type="text" value="\$7,500"/>												
		<input type="text" value="\$2,500"/>												
Violation Events														
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/> Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	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 <input type="text" value="\$2,500"/>
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"/>													
	One quarterly event is recommended.													
Good Faith Efforts to Comply														
	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$625"/>												
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>													
Extraordinary	<input type="text"/>													
Ordinary	<input checked="" type="checkbox"/>													
N/A	<input type="text"/> <small>(mark with x)</small>													
Notes	The Respondent completed the corrective actions on June 23, 2008.													
	Violation Subtotal	<input type="text" value="\$1,875"/>												
Economic Benefit (EB) for this violation														
	Statutory Limit Test													
Estimated EB Amount	<input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$9,800"/>												
	This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$9,800"/>												

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 36406
Reg. Ent. Reference No. RN100238385
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$951	20-May-2008	23-Jun-2008	0.09	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost for relocating and re-piping the lube oil tote. Date required based on the date of the emissions event. Final date based on the date the corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$951

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468 Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.12
Regulated Entity:	RN100238385 VALERO REFINING TEXAS CITY REFINERY	Classification: AVERAGE	Site Rating: 5.28

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
	AIR OPERATING PERMITS	PERMIT	1253
	AIR OPERATING PERMITS	PERMIT	2599
	AIR OPERATING PERMITS	PERMIT	2599
	WASTEWATER	PERMIT	TPDES0006009
	WASTEWATER	PERMIT	WQ0000449000
	WASTEWATER	PERMIT	TX0006009
	AIR NEW SOURCE PERMITS	PERMIT	39142
	AIR NEW SOURCE PERMITS	PERMIT	42395
	AIR NEW SOURCE PERMITS	PERMIT	42394
	AIR NEW SOURCE PERMITS	PERMIT	48330
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
	AIR NEW SOURCE PERMITS	PERMIT	962
	AIR NEW SOURCE PERMITS	PERMIT	8352
	AIR NEW SOURCE PERMITS	PERMIT	8617A
	AIR NEW SOURCE PERMITS	PERMIT	53530
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
	AIR NEW SOURCE PERMITS	REGISTRATION	75542
	AIR NEW SOURCE PERMITS	REGISTRATION	75695
	AIR NEW SOURCE PERMITS	AFS NUM	4816700007
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
	AIR NEW SOURCE PERMITS	PERMIT	71076
	AIR NEW SOURCE PERMITS	REGISTRATION	72517
	AIR NEW SOURCE PERMITS	REGISTRATION	73799
	AIR NEW SOURCE PERMITS	REGISTRATION	76530
	AIR NEW SOURCE PERMITS	REGISTRATION	76967
	AIR NEW SOURCE PERMITS	REGISTRATION	77806
	AIR NEW SOURCE PERMITS	REGISTRATION	79850
	AIR NEW SOURCE PERMITS	REGISTRATION	79881
	AIR NEW SOURCE PERMITS	REGISTRATION	80132
	AIR NEW SOURCE PERMITS	REGISTRATION	80059
	AIR NEW SOURCE PERMITS	REGISTRATION	80581
	AIR NEW SOURCE PERMITS	REGISTRATION	81005
	AIR NEW SOURCE PERMITS	REGISTRATION	81523
	AIR NEW SOURCE PERMITS	REGISTRATION	81621
	AIR NEW SOURCE PERMITS	REGISTRATION	81695
	AIR NEW SOURCE PERMITS	REGISTRATION	82055
	AIR NEW SOURCE PERMITS	REGISTRATION	84258
	AIR NEW SOURCE PERMITS	REGISTRATION	83921
	AIR NEW SOURCE PERMITS	REGISTRATION	82462
	AIR NEW SOURCE PERMITS	REGISTRATION	84166
	AIR NEW SOURCE PERMITS	REGISTRATION	84575
	AIR NEW SOURCE PERMITS	REGISTRATION	82434
	AIR NEW SOURCE PERMITS	REGISTRATION	82433
	AIR NEW SOURCE PERMITS	REGISTRATION	84553
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000792937
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670007

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 30, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 30, 2003 to July 30, 2008

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

Name: NHameed Phone: 713-767-3629

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

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

Effective Date: 03/11/2005 ADMINORDER 2002-1217-IWD-E

Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limitations and Monitoring Reqs PERMIT
 Description: Failure to comply with the WET limit NOEC of 8% effluent specified in the permit.

Effective Date: 11/23/2005 COURTORORDER

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 39142, Special Condition No. 1 PA
 Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 39142, Special Condition No. 1 PA
 Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT
 Description: Failed to prevent a leak in a heat exchanger (E-1338).

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
 Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT
 Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
 Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 39142, SC No. 1 PA
 Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
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 Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

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

Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006 ADMINORDER 2006-0549-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 05/11/2007 ADMINORDER 2006-0012-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)

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

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

Effective Date: 08/23/2007 ADMINORDER 2006-1067-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

30 TAC Chapter 116, SubChapter G 116.715(a)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 39142, SC No. 1 PA

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 39142, SC No. 1 PA

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to maintain calibration of a level indicator resulting in unauthorized emissions.

Classification: Minor

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 39142, SC No. 1 PA

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

Rqmt Prov: 39142 SC No. 1 PA

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

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 39142, SC 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 11/19/2007

ADMINORDER 2006-0468-MLM-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes, as documented during a record review conducted on February 8, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes, as documented during a record review conducted on January 25, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours, as documented during an investigation conducted on November 29, 2005. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

Rqmt Prov: 39142 PA

Description: Failed to prevent unauthorized emissions during a September 25, 2006 emissions event, as documented during a record review conducted on November 29, 2006. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event, as documented during a record review conducted on December 13, 2006. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions.

Effective Date: 06/19/2008 ADMINORDER 2007-1512-AIR-E

Classification: Moderate

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

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during a May 9, 2007 emissions event, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 07/03/2008 ADMINORDER 2007-2039-AIR-E

Classification: Major

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

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Boiler 27 [emission point number ("EPN EB-27")], Boiler 28 ("EPN EB-28"), No. 1 Flare Stack ("EPN EFL-01"), No. 2 Flare Stack ("EPN EFL-02"), No. 3 Flare Stack ("EPN EFL-03"), and No. 4 Flare Stack ("EPN EFL-04").

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/06/2003	(143528)
2	08/19/2003	(148080)
3	08/23/2003	(60572)
4	08/25/2003	(143078)
5	08/28/2003	(149898)
6	09/25/2003	(295526)
7	10/16/2003	(152454)
8	10/16/2003	(152211)
9	10/21/2003	(250278)
10	10/23/2003	(295528)
11	11/21/2003	(295529)
12	12/29/2003	(295530)
13	12/29/2003	(295532)
14	02/23/2004	(295513)
15	02/25/2004	(261619)
16	02/27/2004	(263268)
17	02/29/2004	(251270)
18	03/02/2004	(254943)
19	03/10/2004	(261338)
20	03/16/2004	(265447)
21	03/16/2004	(261251)
22	03/19/2004	(295517)
23	04/21/2004	(295518)
24	05/20/2004	(295520)
25	05/21/2004	(268720)
26	05/21/2004	(268709)
27	06/02/2004	(268446)
28	06/11/2004	(270014)
29	06/17/2004	(295522)
30	06/18/2004	(272120)
31	07/02/2004	(272940)
32	07/02/2004	(271086)
33	07/02/2004	(271249)

34	07/02/2004	(272143)
35	07/02/2004	(271833)
36	07/05/2004	(271296)
37	07/16/2004	(272858)
38	07/20/2004	(273783)
39	07/22/2004	(257997)
40	07/26/2004	(352180)
41	07/30/2004	(274385)
42	07/30/2004	(278540)
43	07/30/2004	(274350)
44	08/03/2004	(286886)
45	08/04/2004	(276497)
46	08/06/2004	(258328)
47	08/13/2004	(261714)
48	08/13/2004	(261538)
49	08/16/2004	(282158)
50	08/16/2004	(280377)
51	08/17/2004	(289843)
52	08/17/2004	(258260)
53	08/24/2004	(352181)
54	08/28/2004	(264976)
55	08/31/2004	(268711)
56	08/31/2004	(269258)
57	08/31/2004	(270855)
58	08/31/2004	(271300)
59	09/01/2004	(291403)
60	09/01/2004	(289773)
61	09/15/2004	(334014)
62	09/23/2004	(352182)
63	10/19/2004	(334137)
64	10/22/2004	(352183)
65	10/27/2004	(289067)
66	11/11/2004	(281257)
67	11/12/2004	(281637)
68	11/12/2004	(283676)
69	11/12/2004	(281714)
70	11/12/2004	(281823)
71	11/15/2004	(337390)
72	11/18/2004	(352184)
73	12/10/2004	(285390)
74	12/13/2004	(340262)
75	12/13/2004	(290035)
76	12/14/2004	(281320)
77	12/14/2004	(334546)
78	12/14/2004	(338676)
79	12/14/2004	(334780)
80	12/16/2004	(281398)
81	12/16/2004	(283937)
82	12/17/2004	(338870)
83	12/20/2004	(381870)
84	12/20/2004	(281999)
85	12/23/2004	(339913)
86	12/28/2004	(281856)
87	01/03/2005	(281991)
88	01/04/2005	(282000)
89	01/04/2005	(281998)
90	01/04/2005	(338922)
91	01/06/2005	(346230)
92	01/06/2005	(285581)
93	01/10/2005	(339417)
94	01/10/2005	(339003)
95	01/10/2005	(281993)
96	01/10/2005	(281997)
97	01/12/2005	(339012)
98	01/24/2005	(345619)
99	01/24/2005	(381871)
100	01/31/2005	(285435)
101	02/14/2005	(274930)

102	02/22/2005	(381868)
103	03/22/2005	(381869)
104	03/31/2005	(350576)
105	04/25/2005	(419706)
106	04/26/2005	(343243)
107	04/26/2005	(281994)
108	04/27/2005	(282002)
109	05/02/2005	(350537)
110	05/02/2005	(349631)
111	05/20/2005	(348483)
112	05/23/2005	(419707)
113	05/25/2005	(351133)
114	06/14/2005	(373350)
115	06/14/2005	(378741)
116	06/14/2005	(419708)
117	06/23/2005	(378628)
118	06/27/2005	(397418)
119	06/28/2005	(348790)
120	06/30/2005	(397555)
121	07/07/2005	(399131)
122	07/13/2005	(399194)
123	07/15/2005	(348789)
124	07/22/2005	(440845)
125	07/22/2005	(397707)
126	08/02/2005	(348759)
127	08/03/2005	(403276)
128	08/03/2005	(403101)
129	08/08/2005	(403521)
130	08/08/2005	(403525)
131	08/10/2005	(396623)
132	08/13/2005	(400189)
133	08/13/2005	(397699)
134	08/17/2005	(400929)
135	08/18/2005	(406027)
136	08/19/2005	(396740)
137	08/22/2005	(406017)
138	08/23/2005	(440846)
139	08/24/2005	(400925)
140	08/29/2005	(406800)
141	09/01/2005	(400337)
142	09/23/2005	(440847)
143	10/20/2005	(468457)
144	11/22/2005	(468458)
145	12/06/2005	(438942)
146	12/20/2005	(468459)
147	12/28/2005	(449585)
148	12/29/2005	(439223)
149	12/29/2005	(449459)
150	01/17/2006	(431818)
151	01/24/2006	(468460)
152	01/30/2006	(440131)
153	02/01/2006	(451967)
154	02/15/2006	(439989)
155	02/17/2006	(468454)
156	02/17/2006	(439355)
157	02/21/2006	(455248)
158	03/16/2006	(455002)
159	03/21/2006	(468455)
160	03/29/2006	(453666)
161	03/31/2006	(434168)
162	04/13/2006	(468456)
163	04/26/2006	(457610)
164	04/27/2006	(460539)
165	05/08/2006	(453710)
166	05/11/2006	(461750)
167	05/15/2006	(462815)
168	05/17/2006	(464808)
169	05/18/2006	(498220)

170	05/25/2006	(457878)
171	05/31/2006	(463733)
172	06/16/2006	(498221)
173	06/27/2006	(481343)
174	06/30/2006	(483867)
175	06/30/2006	(462803)
176	06/30/2006	(481516)
177	06/30/2006	(462898)
178	07/06/2006	(482247)
179	07/14/2006	(486365)
180	07/15/2006	(486391)
181	07/17/2006	(479861)
182	07/18/2006	(498222)
183	07/19/2006	(483715)
184	07/19/2006	(483638)
185	07/19/2006	(482178)
186	07/21/2006	(487892)
187	07/21/2006	(487175)
188	07/21/2006	(487390)
189	07/25/2006	(488179)
190	07/26/2006	(462901)
191	07/26/2006	(482594)
192	08/10/2006	(520234)
193	08/25/2006	(488734)
194	09/01/2006	(509756)
195	09/01/2006	(488032)
196	09/01/2006	(488541)
197	09/01/2006	(489837)
198	09/01/2006	(489434)
199	09/01/2006	(487342)
200	09/01/2006	(489815)
201	09/01/2006	(466736)
202	09/01/2006	(488559)
203	09/01/2006	(488176)
204	09/01/2006	(488979)
205	09/01/2006	(509730)
206	09/01/2006	(478491)
207	09/01/2006	(488624)
208	09/01/2006	(478556)
209	09/01/2006	(488740)
210	09/01/2006	(488134)
211	09/01/2006	(490185)
212	09/01/2006	(488020)
213	09/01/2006	(508690)
214	09/01/2006	(488633)
215	09/01/2006	(489467)
216	09/01/2006	(488191)
217	09/01/2006	(509784)
218	09/01/2006	(466735)
219	09/01/2006	(478638)
220	09/01/2006	(489863)
221	09/01/2006	(509713)
222	09/01/2006	(487896)
223	09/01/2006	(509158)
224	09/01/2006	(489866)
225	09/18/2006	(520235)
226	09/27/2006	(512555)
227	09/28/2006	(509876)
228	10/11/2006	(514061)
229	10/19/2006	(520236)
230	10/23/2006	(512981)
231	10/31/2006	(517239)
232	11/07/2006	(516594)
233	11/13/2006	(518837)
234	11/15/2006	(519473)
235	11/15/2006	(544546)
236	11/21/2006	(519775)
237	12/13/2006	(544547)

238	12/18/2006	(345058)
239	12/21/2006	(532369)
240	12/21/2006	(532370)
241	01/16/2007	(534075)
242	01/19/2007	(532751)
243	01/19/2007	(544548)
244	02/07/2007	(536972)
245	02/09/2007	(534096)
246	02/14/2007	(544545)
247	03/15/2007	(531898)
248	03/15/2007	(575352)
249	03/15/2007	(533196)
250	03/23/2007	(543996)
251	04/02/2007	(539574)
252	04/05/2007	(543902)
253	04/09/2007	(555314)
254	04/09/2007	(543124)
255	04/10/2007	(543795)
256	04/11/2007	(556038)
257	04/11/2007	(556037)
258	04/17/2007	(575353)
259	04/30/2007	(557962)
260	04/30/2007	(556603)
261	04/30/2007	(556624)
262	05/08/2007	(555995)
263	05/10/2007	(559619)
264	05/10/2007	(559617)
265	05/10/2007	(559620)
266	05/11/2007	(558768)
267	05/14/2007	(559618)
268	05/14/2007	(558769)
269	05/14/2007	(555999)
270	05/20/2007	(575354)
271	05/31/2007	(542320)
272	06/01/2007	(561100)
273	06/04/2007	(561098)
274	06/20/2007	(575355)
275	06/22/2007	(561101)
276	07/03/2007	(566302)
277	07/09/2007	(564575)
278	07/11/2007	(431249)
279	07/20/2007	(575356)
280	07/23/2007	(531864)
281	07/31/2007	(564508)
282	08/10/2007	(564206)
283	08/10/2007	(512666)
284	08/10/2007	(564225)
285	08/20/2007	(607555)
286	08/24/2007	(570707)
287	08/24/2007	(570706)
288	09/20/2007	(607556)
289	10/02/2007	(572268)
290	10/05/2007	(595008)
291	10/05/2007	(572254)
292	10/09/2007	(594109)
293	10/10/2007	(595720)
294	10/11/2007	(568182)
295	10/11/2007	(567830)
296	10/11/2007	(568141)
297	10/11/2007	(593936)
298	10/11/2007	(568234)
299	10/12/2007	(572190)
300	10/12/2007	(572204)
301	10/12/2007	(572244)
302	10/15/2007	(593466)
303	10/16/2007	(568501)
304	10/17/2007	(595009)
305	10/19/2007	(607557)

306 11/15/2007 (619522)
 307 11/16/2007 (568445)
 308 11/19/2007 (598398)
 309 11/19/2007 (595089)
 310 11/19/2007 (597629)
 311 11/19/2007 (571858)
 312 11/19/2007 (597934)
 313 11/27/2007 (571671)
 314 12/05/2007 (609936)
 315 12/17/2007 (619523)
 316 12/21/2007 (600245)
 317 01/18/2008 (619524)
 318 01/30/2008 (613666)
 319 02/20/2008 (672044)
 320 03/03/2008 (637489)
 321 03/14/2008 (672045)
 322 03/25/2008 (616898)
 323 04/18/2008 (672046)
 324 04/25/2008 (636923)
 325 05/15/2008 (637714)
 326 05/23/2008 (638602)
 327 06/06/2008 (682334)
 328 07/07/2008 (657176)
 329 07/08/2008 (670867)
 330 07/21/2008 (684727)
 331 07/21/2008 (682766)
 332 07/30/2008 (687563)

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

Date: 08/27/2003 (143078)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 Rqmt Prov: PA 39412, SC 15E
 Description: Non clerical air violation
 Date: 12/31/2003 (295532)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (251270)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
 Description: Valero failed to properly report an emissions event.
 Date: 03/02/2004 (254943)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 39142, SC #1
 Description: Valero exceeded permitted source emission limits during an avoidable emissions event.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT SC #2(A)
 Description: Valero operated Flare #4 with no flame present.
 Date: 03/04/2004 (261689)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 Description: Valero is in of violation for adversely affecting the normal use and enjoyment of property.
 Date: 04/30/2004 (295520)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/26/2004 (257997)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD TX-822M2
 PERMIT Flexible Permit #39142 and PSD-TX-822M2
 Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a
 three-hour average basis.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
 Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a one
 hour average basis.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
 Description: Failure to report a reportable emission event which resulted in the release of H2S
 and benzene emissions in excess of the reportable quantity.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
 Description: failure to maintain the SRU thermal reactor with sour water overhead gas flow
 at a flame temperature of 2000 degrees F or greater.
 Failure to maintain the SRU thermal reactor with sour water overhead gas flow at
 a flame temperature of 2000 degrees F or greater.
 Date: 08/28/2004 (264976)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Flexible Permit No. 39142, SC 1
 Description: Failure to prevent unauthorized emissions during an emissions event.
 Date: 08/31/2004 (270855)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PA Permit No. 39142 and PSD-TX-822M2, SC #1
 Description: Exceeded permit limits.
 Date: 08/31/2004 (271300)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Flexible Permit No. 39142, SC 1
 Description: Failure to prevent unauthorized emissions.
 Date: 08/31/2004 (269258)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Flexible Permit No. 39142, SC 1
 Description: Failure to prevent unauthorized emissions.
 Date: 09/30/2004 (352183)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/10/2004 (285390)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA 39142 and PSD-TX-822M2
 Description: Failure to meet demonstration criteria.
 Date: 12/28/2004 (281856)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA 9142 and PSD-TX-822M2		
Description:	Failure to meet demonstration criteria.		
Date:	12/31/2004 (381871)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/06/2005 (338922)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(c)(7) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA 39142, Special Condition No. 1		
Description:	Failure to meet demonstration criteria.		
Date:	01/31/2005 (285435)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA 39142, SC No. 1		
Description:	Failure to meet demonstration criteria.		
Date:	02/28/2005 (381869)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2005 (419706)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/10/2005 (396623)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA 39142, Special Condition No. 1		
Description:	Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.		
Date:	10/31/2005 (468458)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2005 (468459)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2005 (468460)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006 (451967)		
Self Report?	NO	Classification:	Moderate
Citation:	TWC Chapter 26 26.121(a)(1)		
Rqmt Prov:	PERMIT No. 00449-000 Page 7, No. 2g		
Description:	Failure to prevent unauthorized discharges of solids and oil into waters of the State.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT 00449-000 Page 2, No. 1 & Page 2d, no. 1		
Description:	Failure to maintain compliance with the self-monitored, permitted effluent limits for		

Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 02/21/2006 (455248)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA No. 39142

Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/30/2006 (498220)

Self Report? YES Classification: Moderate

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

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

Date: 06/30/2006 (481516)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 39142, SC No. 1

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

Date: 06/30/2006 (483867)

Self Report? NO Classification: Moderate

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

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

Date: 09/29/2006 (509876)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/31/2007 (544545)

Self Report? YES Classification: Moderate

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

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

Date: 03/31/2007 (575353)

Self Report? YES Classification: Moderate

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

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

Date: 04/04/2007 (539574)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/10/2007 (543996)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 39142, SC No. 1

Description: Exceeded permit limits during an avoidable emissions event.

Date: 06/04/2007 (561098)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 39142, SC No. 1

Description: Failure to exercise good maintenance practices.

Date: 06/30/2007 (575356)

Self Report? YES Classification: Moderate

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

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

Date: 07/31/2007 (607555)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2007 (619522)
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/16/2008 (567857)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP Title V O-01253; SC 1.A.
 Description: failed to submit written notification of the performance test for Boiler B-26 within 15 days after the testing was conducted on December 13, 2005
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP Title V O-01253, SC 1A
 Description: failed to submit written notification of the continuous emissions monitoring system (CEMS) relative accuracy test audit (RATA) within 15 days after the testing was conducted
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP Title V O-01253; SC 1.A.
 Description: failed to maintain records of hours of operation for Engines DE-07, DE-08, DE-24, and DE-27
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP Title V O-01253; SC 1.A.
 Description: failed to maintain records of each time the engine is operated for testing and maintenance for Engines
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP Title V O-01253; SC 1.A.
 Description: failed to meet the CO emission limit of 3.0 g/hp-hr for Engines
 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 Title V O-01253; SC 21.
 Description: failed to conduct monthly opacity observations for Stacks
 Self Report? NO Classification: Minor

Citation: 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 NSR 39142; SC 13.D.
 OP Title V O-01253; SC 22.
 Description: failed to retain records of the vent stream flows to flares
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP Title V O-01253; SC 1.A.
 Description: failed to install O2 CEMS for H-13-1421 by the deadline of March 31, 2005
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(e)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	OP Title V O-01253; SC 1.A.		
	failed to install CO CEMS for H-13-1421 by the deadline of March 31, 2005 as specified in 30 TAC 117.9020(2)(A)(i)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP Title V O-01253; SC 1.A. & 10.F.		
Description:	failed to continuously monitor CO and NOx emissions from Heater H-13-1480 on December 12, 2005		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(3)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP Title V O-01253; SC 1.A.		
Description:	failed to have valid hourly average data of SO2 emissions		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.781(b)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP Title V O-01253; SC 1.A.		
Description:	failed to properly perform fugitive monitoring of components in highly-reactive volatile organic compound (HRVOC) in September 2005		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(1)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1A		
Description:	failed to maintain the firing rate limits, which were established as a surrogate parameter to the CO emission limit of 400 ppmvd, for Boilers B-7 and B-11		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1.M.(j)		
Description:	failed to meet the hourly firing rate limits for boilers and heaters		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 16.D.		
Description:	failed to notify the Administrator in writing of the intention to conduct performance tests for Boilers B-27 and B-28		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(f)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1.A.		
Description:	failed to follow the operating restrictions between 6 a.m. and noon for engines		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter G 117.8040(b)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1.A.		
Description:	failed to conduct quarterly sampling for NOx and CO emissions from Engines DE-27 and DE-34		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.340(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1.A.		
Description:	failed to install a totalizing fuel flow meter on Engine DE-27		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2)		

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 GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT NSR Permit 39142, SC 16.H.
 OP Title V Permit O-01253, SC 1.A.
 OP Title V Permit O-01253, SC 22.

Description: failed to repair eight valves and one flange within 15 calendar days
 Self Report? NO Classification: Minor

Citation: 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)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT NSR Permit 39142, SC 16.E.
 OP Title V Permit O-01253, SC 1.A.
 OP Title V Permit O-01253, SC 22.

Description: failed to equip eleven open-ended lines with a plug, a cap, or a second valve.
 Self Report? NO Classification: Minor

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

Rqmt Prov: OP Title V Permit O-01253, SC 1.A.

Description: failed to conduct monthly visual or physical inspections on 28 process drains
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(c)(6)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Title V Permit O-01253, SC 1.A.

Description: failed to conduct monthly monitoring on three pumps in light liquid service
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Title V Permit O-01253, SC 1.A.

Description: failed to take manual samples for flares
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(c)(1)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Title V Permit O-01253, SC 1.A.

Description: failed to continuously monitor the Fluidized Catalytic Cracking Unit (FCCU) Coke
 Burn Rate
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT NSR Permit 39142, SC 67
 OP Title V Permit O-01253, SC 22

Description: failed to keep records of the opacity of emissions from the fluid catalytic cracking
 unit (FCCU) scrubber stack G-001 on May 14, 2006
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Title V Permit O-01253, SC 1A

Description: failed to maintain a gauge/sample hatch on Tank T-321 sealed completely
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)(2)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP Title V Permit O-01253, SC 1A

Description:) failed to use the span value of 500 ppm for nitrogen oxides on the North Cogen
 (B-15/T-252) continuous emission monitoring system

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1A		
Description:	failed to keep records required by Table 21 for catalytic reforming unit		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1A		
Description:	failed to continuously monitor H2S content in the plant fuel gas system		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.726(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1A		
Description:	failed to develop, implement, and follow a written quality assurance plan for monitoring requirements relating to HRVOV vent gas control for flares		
Self Report?	NO	Classification:	Minor
Citation:	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 QQQ 60.695(a)(1) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 39142, SC 79 OP Title V Permit O-01253, SC 1A OP Title V Permit O-01253, SC 22		
Description:	failed to continuously measure and record the exhaust gas temperature of the South Plant Tail Gas Incinerator G-193 for one hour		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1569(c)(1) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1A		
Description:	failed to demonstrate continuous compliance with the work practice standards		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 39142, SC 79 OP Title V Permit O-01253, SC 22		
Description:	failed to keep records of the flame temperature of sulfur recovery unit (SRU) thermal reactors		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 39142, SC 79 OP Title V Permit O-01253, SC 22		
Description:	failed to keep records of the Sulfur Pit Sweep data		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 39142, SC 34 OP Title V Permit O-01253, SC 22		
Description:	failed to maintain the pH of the FCCU caustic scrubbing solution between 8.0 and 9.0		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP Title V Permit O-01253, SC 1A		
Description:	failed to include excess emissions details for the GOHT SRU/TGU and the South Plant SRU/TGU in the submittal dated April 28, 2006		
Self Report?	NO	Classification:	Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP Title V Permit O-01253, SC 1A
 Description: failed to maintain the continuous parameter monitoring system for the GOHT Tail Gas Incinerator
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP Title V Permit O-01253, SC 1A
 Description: failed to provide notification of start of construction for Reformate Tank T-569 within 30 days following the start of the construction
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT NSR Permit 39142, SC 48
 OP Title V Permit O-01253, SC 1A
 OP Title V Permit O-01253, SC 22
 Description: failed to maintain Scrubbing Liquid pH Data or Scrubbing Liquid to Gas Flow Ratio Data for VC-50
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP Title V Permit O-01253, General Terms
 Description: failed to report all instances of deviations in the deviation reports
 Date: 07/09/2008 (670867)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failure to identify the permit number in the Final Report.

F. Environmental audits.

Notice of Intent Date: 06/02/2008 (684099)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1341-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refinery at 1301 Loop 197 South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 26, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Eight Hundred Dollars (\$9,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Twenty Dollars (\$3,920) of the administrative penalty and One Thousand Nine Hundred Sixty Dollars (\$1,960) is deferred

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Three Thousand Nine Hundred Twenty Dollars (\$3,920) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on June 23, 2008, the Respondent completed the corrective action measures which included washing out and checking the Compressor C-137 lube oil reservoir float system to ensure that it is working properly. In addition, the Respondent also relocated the lube oil tote to a higher location to increase system head pressure and re-piped the lube oil tote to the Compressor C-137 lube oil reservoir.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Permit No. 39142, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 9, 2008. Specifically, 73.61 pounds ("lbs") of volatile organic compounds, 1,378.21 lbs of sulfur dioxide, 31.24 lbs of carbon monoxide and 4.32 lbs of nitrogen oxides, were released when the Respondent failed to maintain the lube oil level in the Compressor C-137 lube oil reservoir, which caused it to trip-off on a low lube oil pressure indication, resulting in an emissions event which began on May 20, 2008, and lasted for 10 hours and 33 minutes (Incident No. 108037). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2008-1341-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Nine Hundred Twenty Dollars (\$3,920) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

12/15/2008
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

10/16/08
Date

Adrian Araiza

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

Manager, Environmental Affairs.

Title

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

Attachment A
Docket Number: 2008-1341-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.
Payable Penalty Amount: Seven Thousand Eight Hundred Forty Dollars (\$7,840)
SEP Amount: Three Thousand Nine Hundred Twenty Dollars (\$3,920)
Type of SEP: Pre-approved
Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP: Galveston County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

