

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-0742-AIR-E **TCEQ ID:** RN102584026 **CASE NO.:** 35830
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: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received January 20, 2008, concerning nuisance opacity. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1043-AIR-E, 2008-0435-AIR-E, and 2007-1455-AIR-E.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has 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 15, 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. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Morris Carter, Director of Health, Safety & Environmental, 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: January 20, 2008</p> <p>Date of Investigation Relating to this Case: January 20 through February 1, 2008, March 25, 2008, March 19, 2008, and November 8, 2007</p> <p>Date of NOV/NOE Relating to this Case: March 29 and May 12, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation and routine investigations.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized visible emissions. Specifically, an emissions event occurred on January 20, 2008 at Emission Point No. F-103FLARE that lasted for 7 hours and 20 minutes, resulting in the aggregate release of 11,425 pounds ("lbs") of volatile organic compounds ("VOCs"), 4,319.7 lbs of carbon monoxide ("CO"), 330.5 lbs of hydrogen sulfide ("H2S"), 598 lbs of nitrogen oxides ("NOx"), 22.1 lbs of particulate matter ("PM"), 30,461.5 lbs of sulfur dioxide ("SO2"), and produced .11 continual minutes of visible emissions. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 111.111(a)(4), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions Nos. 1, 4C, and 5A].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, an emissions event occurred on January 25, 2008 at Flare 22 and at the Wet Gas Scrubber that lasted for 56 minutes, resulting in the aggregate release of 360.2 lbs of VOCs, 397.61 lbs</p>	<p>Total Assessed: \$46,213</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$23,106</p> <p>Total Paid to General Revenue: \$23,107</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 or the environment was exposed to pollutants which exceeded 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. By January 28, 2008, revised reporting procedures to require an initial event report even if emission estimates do not confirm that a reportable quantity will be emitted, to address the late submittal of the initial report for the January 25, 2008 emissions event and to prevent the reoccurrence of same or similar incidents;</p> <p>b. By March 1, 2008, installed an automated burner management system and revised emergency shutdown procedures to include positive verification that heater burners are off during emergency heater shutdown, to address the November 8 through 10, 2007 emissions event and to prevent the reoccurrence of same or similar incidents;</p> <p>c. By March 19, 2008, initiated steam tracing, manually opened pressure controller 2401 on the absorber stripper and cleaned debris from level controller 2400, to address the January 20, 2008 emissions event and to prevent the reoccurrence of same or similar incidents; and</p> <p>d. By July 31, 2008, revised reporting procedures to require a final event report even if a reportable quantity was not emitted, to address the late submittal of the final report for the January 11, 2008 startup emissions event and to prevent the reoccurrence of same or similar incidents.</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>

of CO, 5.89 lbs of H₂S, 110.56 lbs of NO_x, 11.31 lbs of PM, and 605.9 lbs of SO₂. Since this emissions event was not properly reported, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A].

3) Failure to properly report an emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to properly report an emissions event [30 TEX. ADMIN. CODE § 101.211(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to prevent unauthorized emissions. Specifically, an emissions event occurred on January 11, 2008 at SCOT-1 Incinerator that lasted for 6 hours, resulting in the release of 98.40 lbs of CO, 0.30 lbs of H₂S, 6.10 lbs of NO_x, 0.80 lbs of PM, and 898.5 lbs of SO₂. Since this emissions event wasn't properly reported, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A].

6) Failure to prevent unauthorized emissions. Specifically, an emissions event occurred from November 8 through 10, 2007 at the following emission points: E-02-SCOT, F-103B-FLARE, E-19-FLARE, E-01-SCOT, F-18-FLARE, F-6341, E-13-FLARE, and E-20-FLARE that lasted for 46 hours and 27 minutes, resulting in the aggregate release of 60,169.52 lbs of VOCs, 8,273.18 lbs of CO, 702.15 lbs of H₂S, 1,135.99 lbs of NO_x, 255.23 lbs of PM, and 5,987.47 lbs of SO₂. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating

Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A].		
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Additional ID No(s): JE0042B

Attachment A

Docket Number: 2008-0742-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.
Payable Penalty Amount: Forty-Six Thousand Two Hundred Thirteen Dollars (\$46,213)
SEP Amount: Twenty-Three Thousand One Hundred Six Dollars (\$23,106)
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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

DATES	Assigned	7-Apr-2008			
	PCW	24-Apr-2008	Screening	24-Apr-2008	EPA Due

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.	35830	No. of Violations	1	
Docket No.	2008-0742-AIR-E	Order Type	Findings	
Media Program(s)	Air	Enf. Coordinator	Bryan Elliott	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1:	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	208% Enhancement	Subtotals 2, 3, & 7:	\$20,800
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Notes: The penalty was enhanced due to eight NOVs for similar violations, eight NOVs for dissimilar violations, three 1660 style orders, and four findings orders. The penalty was reduced due to three NOAs and the participation in a voluntary pollution reduction program.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5:	\$2,500
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent came into compliance by March 19, 2008.

Total EB Amounts	\$40	0% Enhancement	Subtotal 6:	\$0
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Approx. Cost of Compliance **\$5,000** *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal:	\$28,300
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment:	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$28,300**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty:	\$10,000
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DEFERRAL	0%	Reduction	Adjustment:	\$0
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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	\$10,000
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Screening Date 24-Apr-2008

Docket No. 2008-0742-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 35830

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Bryan Elliott

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)	8	40%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (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)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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) 208%

>> **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

The penalty was enhanced due to eight NOVs for similar violations, eight NOVs for dissimilar violations, three 1660 style orders, and four findings orders. The penalty was reduced due to three NOAs and the participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 208%

Screening Date 24-Apr-2008 **Docket No.** 2008-0742-AIR-E **PCW**
Respondent The Premcor Refining Group Inc. *Policy Revision 2 (September 2002)*
Case ID No. 35830 *PCW Revision March 8, 2008*

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3), 111.111(a)(4), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.18(c)(1), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825/PSD-TX-49, Special Conditions Nos. 1, 4C, and 5A

Violation Description Failed to prevent unauthorized emissions and failed to prevent visible emissions, as documented during an investigation conducted from January 20 through February 1, 2008. Specifically, an emissions event occurred on January 20, 2008 at Emission Point No. F-103FLARE that lasted for 7 hours and 20 minutes, resulting in the aggregate release of 11,425 pounds ("lbs") of volatile organic compounds ("VOC"), 4,319.7 lbs of carbon monoxide ("CO"), 330.5 lbs of hydrogen sulfide ("H2S"), 598 lbs of nitrogen oxides ("NOx"), 22.1 lbs of particulate matter ("PM"), 30,461.5 lbs of sulfur dioxide ("SO2"), and produced 11 continual minutes of visible emissions. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment was exposed to significant amounts of pollutants which did exceed levels protective of human health or environmental receptors as a result of the violation.

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. 35830

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)	\$5,000	20-Jan-2008	19-Mar-2008	0.2	\$40	n/a	\$40

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the date of compliance.

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

\$40



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	7-Apr-2008	Screening	24-Apr-2008	EPA Due	27-Dec-2008
	PCW	24-Apr-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.	35830	No. of Violations	4
Docket No.	2008-0742-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Bryan Elliott
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	229.0% Enhancement	Subtotals 2, 3, & 7	\$57,708
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Notes
The penalty was enhanced due to 15 NOVs for similar violations, one NOV for dissimilar violations, three 1660 style orders, and four findings orders. The penalty was reduced due to three NOAs and the participation in a voluntary pollution reduction program.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$5,895
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$148
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$77,013
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$77,013**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$36,213
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$36,213
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Screening Date 24-Apr-2008

Docket No. 2008-0742-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 35830

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Bryan Elliott

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)	15	75%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (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)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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) 229%

>> **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

The penalty was enhanced due to 15 NOVs for similar violations, one NOV for dissimilar violations, three 1660 style orders, and four findings orders. The penalty was reduced due to three NOAs and the participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 229%

Screening Date 24-Apr-2008 **Docket No.** 2008-0742-AIR-E **PCW**
Respondent The Premcor Refining Group Inc. *Policy Revision 2 (September 2002)*
Case ID No. 35830 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A

Violation Description Failed to prevent unauthorized emissions, as documented during an investigation conducted on March 25, 2008. Specifically, an emissions event occurred on January 25, 2008 at Flare 22 and at the Wet Gas Scrubber that lasted for 56 minutes, resulting in the aggregate release of 360.2 lbs of VOCs, 397.61 lbs of CO, 5.89 lbs of H2S, 110.56 lbs of NOx, 11.31 lbs of PM, and 605.9 lbs of SO2. Since this emissions event was improperly reported, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual	Potential	Potential	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	25%

>> Programmatic Matrix

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

Matrix Notes Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply Reduction **\$625**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)

Notes The Respondent came into compliance by January 28, 2008.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$7,600

This violation Final Assessed Penalty (adjusted for limits) \$7,600

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.

Case ID No.: 35830

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
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

EB is included in violation No. 2

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

\$0

TOTAL

\$0

Screening Date 24-Apr-2008		Docket No. 2008-0742-AIR-E		PCW	
Respondent The Premcor Refining Group Inc.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35830		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN102584026					
Media [Statute] Air					
Enf. Coordinator Bryan Elliott					
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1), 101.211(b), and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to properly report an emissions event, as documented during investigations conducted on March 19 and 25, 2008. Specifically, the Respondent submitted the initial report for the January 25, 2008 emissions event, 65 hours after the discovery of the event which was 41 hours late and submitted the final report for the January 11, 2008 startup emissions event, 21 days after the end of the event which was 7 days late.				
Base Penalty				\$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"/>	<input type="text"/>	
				Percent 0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent 1%	
Matrix Notes	Less than 30% of the rule requirement was not met.				
Adjustment				\$9,900	
				\$100	
Violation Events					
Number of Violation Events		2			
		21			
		Number of violation days			
<small>mark only one with an x</small>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
				Violation Base Penalty \$200	
Two single events are recommended based on the two late reports.					
Good Faith Efforts to Comply					
		10.0% Reduction		\$20	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>			
N/A	<input type="text"/>	<small>(mark with x)</small>			
Notes	The Respondent came into compliance by July 31, 2008.				
Violation Subtotal				\$180	
Economic Benefit (EB) for this violation					
		10.0% Reduction		\$20	
Estimated EB Amount		\$70			
Statutory Limit Test				\$638	
Violation Final Penalty Total				\$638	
This violation Final Assessed Penalty (adjusted for limits)				\$638	

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 35830

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$2,500	11-Jan-2008	31-Jul-2008	0.55	\$69	n/a	\$69
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)	\$2,500	25-Jan-2008	28-Jan-2008	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper reporting practices are followed. Date Required is based on the earliest date of non-compliance and Final Date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$5,000

TOTAL

\$70

Screening Date 24-Apr-2008 **Docket No.** 2008-0742-AIR-E **PCW**
Respondent The Premcor Refining Group Inc. *Policy Revision 2 (September 2002)*
Case ID No. 35830 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Condition No. 5A

Violation Description

Failed to prevent unauthorized emissions, as documented during an investigation conducted on March 19, 2008. Specifically, an emissions event occurred on January 11, 2008 at SCOT-1 Incinerator that lasted for 6 hours, resulting in the release of 98.40 lbs of CO, 0.30 lbs of H2S, 6.10 lbs of NOx, 0.80 lbs of PM, and 898.5 lbs of SO2. Since this emissions event wasn't properly reported, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 **Number of violation days** 1

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent came into compliance by July 31, 2008.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0

Violation Final Penalty Total \$7,975

This violation Final Assessed Penalty (adjusted for limits) \$7,975

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 35830

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
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

EB is included in violation No. 2

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

\$0

TOTAL

\$0

Screening Date 24-Apr-2008	Docket No. 2008-0742-AIR-E	PCW
Respondent The Premcor Refining Group Inc.		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35830		<small>PCW Revision June 12, 2008</small>
Reg. Ent. Reference No. RN102584026		
Media [Statute] Air		
Enf. Coordinator Bryan Elliott		
Violation Number 4		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No: 6825A/PSD-TX-49, Special Conditions No. 5A	
Violation Description	Failed to prevent unauthorized emissions, as documented during an investigation conducted on November 8, 2007. Specifically, an emissions event occurred from November 8 through 10, 2007 at the following emission points: E-02-SCOT, F-103B-FLARE, E-19-FLARE, E-01-SCOT, F-18-FLARE, F-6341, E-13-FLARE, and E-20-FLARE that lasted for 46 hours and 27 minutes, resulting in the aggregate release of 60,169.52 lbs of VOCs, 8,273.18 lbs of CO, 702.15 lbs of H2S, 1,135.99 lbs of NOx, 255.23 lbs of PM, and 5,987.47 lbs of SO2. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Release				
	Actual	x			
	Potential				
				Percent 100%	

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification				
					Percent 0%
Matrix Notes	Human health or the environment was exposed to significant amounts of pollutants which did exceed levels protective of human health or environmental receptors as a result of the violation.				
	Adjustment	\$0			

\$10,000

Violation Events

Number of Violation Events	2		2	Number of violation days
<i>mark only one with an x</i>	daily	x		Violation Base Penalty \$20,000
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
Two daily events are recommended.				

Good Faith Efforts to Comply 25.0% Reduction \$5,000

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary	x		
N/A			(mark with x)
Notes	The Respondent came into compliance by March 1, 2008.		
	Violation Subtotal	\$15,000	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$78
	Violation Final Penalty Total \$60,800
	This violation Final Assessed Penalty (adjusted for limits) \$20,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 35830

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 4

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)	\$5,000	8-Nov-2007	1-Mar-2008	0.31	\$78	n/a	\$78

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the date of compliance.

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

\$5,000

TOTAL

\$78

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	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	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	81049
	AIR NEW SOURCE PERMITS	REGISTRATION	81668
	AIR NEW SOURCE PERMITS	REGISTRATION	83250
	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: April 17, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 17, 2003 to April 17, 2008

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

Name: Bryan Elliott Phone: 239-6162

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: 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.
- Effective Date: 09/21/2007 ADMINORDER 2006-0738-AIR-E
Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
- 5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT
Description: Valero failed to comply with permitted emissions limits during an emissions event that occurred on October 24, 2005.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
- 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: Permit 6825A SC 5A, PSD TX 49 SC 5A PA
Permit 6825A, PSD-TX 49, SC1A(1) PA
- Description: Failed to comply with the permitted emissions limits and burned fuel gas exceeding a maximum allowable 160 ppm sulfur content during an emissions event that occurred on November 19, 2005 and November 20, 2005.
- Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
- 5C THC Chapter 382, SubChapter D 382.085(b)
- Description: failed to timely report an emissions event.

Classification: Moderate

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

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

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

Description: Failed to prevent unauthorized emissions during an emission event that occurred on October 28, 2005

Classification: Moderate

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

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

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

Description: failed to prevent unauthorized emissions during an emissions event that occurred on May 1, 2006.

Effective Date: 12/20/2007

ADMINORDER 2007-0385-AIR-E

Classification: Moderate

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

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.

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 113.780

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)

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

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 1A PERMIT

6825A/PSD-TX-49, Special Condition 3B PERMIT

Description: Failure to maintain the SO2 concentration below the maximum allowable limit.

Classification: Moderate

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

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failed to prevent unauthorized emissions on 2/21/06.

Classification: Moderate

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

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failed to prevent unauthorized emissions on 4/19/06.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failed to prevent unauthorized emissions on 6/29/06.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failed to prevent unauthorized emissions on 7/21/06.

Effective Date: 01/12/2008

ADMINORDER 2007-0149-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

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

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Effective Date: 02/25/2008 ADMINORDER 2007-0956-AIR-E

Classification: Moderate

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

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

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

Rqmt Prov: Permit 6825A PERMIT

Description: Failed to prevent unauthorized emissions as documented during an investigation conducted on March 20, 2007. Specifically, during an emission event on February 1, 2007, over a period of 8 minutes, EPN E-23-FLARE emitted 1,779.85 lbs of SO₂, 93.87 lbs of CO, 19.34 lbs of H₂S. Emissions event resulted when the Hot Maintenance Drop Out (HMDO) drum overhead vapor line was inadvertently isolated downstream of the Diesel Hydrotreater (DHT)-246 off gas tie-in, instead of being isolated upstream.

Classification: Moderate

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

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

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted February 16, 2007 through March 28, 2007. Specifically, during an emission event on January 16, 2007, EPN E-01-SCOT emitted 1,921.66 lbs of SO₂, 63.8 lbs of CO, 0.39 lbs of PM, and 16.47 lbs of H₂S for 2 hours and 53 minutes. EPN E-02-SCOT emitted 168.72 lbs of SO₂ and 10.15 lbs of CO for 2 hours and 5 minutes. EPN E-03-SCOT emitted 4,979.19 lbs of SO₂ and 711.23 lbs of CO for 4 hours and 12 minutes.

Classification: Moderate

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

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

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted February 16, 2007 through March 28, 2007. Specifically, during an emission event on January 31, 2007, over a period of 1 hour and 30 minutes, EPN FLARE 103 emitted 1,102.77 lbs of SO₂, 58.53 lbs of CO, 11.97 lbs of H₂S, 8.1 lbs of nitrogen oxides ("NO_x"), 3.27 lbs of PM, and 153.09 lbs VOC. The permit does not authorize any upset emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)

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

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted on April 23, 2007. Specifically, during an emission event from March 27, 2007 through March 30, 2007, over a period of 63 hours and 12 minutes, 3 pressure release valves in the Wastewater Treating Unit (EPN F-WWTU-8742) emitted 150.19 lbs of H₂S and 971.41 lbs VOC. Upset emissions from F-WWTU-8742 are not authorized.

Effective Date: 04/14/2008

ADMINORDER 2007-1358-AIR-E

Classification: Moderate

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

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

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failed to maintain compliance below the maximum allowable emission rate limits

Classification: Moderate

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

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

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

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

Description: Failed to prevent unauthorized emissions.

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 07/08/2003 (25047)

2 08/06/2003 (28570)

3 08/29/2003 (130722)

4 08/29/2003 (112800)

5 10/29/2003 (250694)

6 10/29/2003 (250696)

7 10/31/2003 (250086)

8 10/31/2003 (440137)

9 10/31/2003 (249934)

10 10/31/2003 (249936)

11 10/31/2003 (250088)

12 10/31/2003 (250089)

13 10/31/2003 (250090)

14 10/31/2003 (250091)

15 10/31/2003 (250092)

16 12/02/2003 (252358)

17 12/12/2003 (281092)

18	01/08/2004	(258663)
19	01/13/2004	(256396)
20	01/13/2004	(258948)
21	01/31/2004	(257601)
22	01/31/2004	(258920)
23	02/13/2004	(258485)
24	02/26/2004	(254381)
25	03/24/2004	(263206)
26	05/26/2004	(270679)
27	06/16/2004	(270296)
28	08/11/2004	(278807)
29	08/11/2004	(285340)
30	08/11/2004	(286227)
31	08/17/2004	(270166)
32	08/23/2004	(281670)
33	08/27/2004	(283049)
34	08/31/2004	(282995)
35	08/31/2004	(273536)
36	09/01/2004	(286723)
37	09/23/2004	(271970)
38	10/13/2004	(293066)
39	11/23/2004	(339389)
40	11/23/2004	(339035)
41	11/23/2004	(339038)
42	11/29/2004	(340093)
43	12/08/2004	(337446)
44	12/15/2004	(287796)
45	12/27/2004	(340483)
46	01/31/2005	(344879)
47	02/02/2005	(342308)
48	03/03/2005	(345932)
49	03/24/2005	(346253)
50	04/14/2005	(371246)
51	04/19/2005	(349573)
52	05/06/2005	(276009)
53	05/16/2005	(374794)
54	05/17/2005	(377823)
55	05/17/2005	(377749)
56	05/20/2005	(347935)
57	05/24/2005	(374676)
58	05/31/2005	(393164)
59	05/31/2005	(377794)
60	06/07/2005	(394209)
61	06/07/2005	(392990)
62	06/13/2005	(377488)
63	06/13/2005	(377763)
64	06/13/2005	(377635)
65	06/17/2005	(395060)
66	07/05/2005	(393742)
67	07/05/2005	(380293)
68	07/13/2005	(397179)
69	07/13/2005	(397190)
70	07/26/2005	(400317)
71	08/01/2005	(393808)
72	08/04/2005	(402168)
73	08/04/2005	(401782)
74	08/13/2005	(402114)
75	08/14/2005	(380729)
76	08/16/2005	(396901)
77	08/16/2005	(403310)
78	08/16/2005	(348169)
79	08/16/2005	(402102)
80	08/16/2005	(337449)
81	08/25/2005	(401169)
82	08/31/2005	(401994)
83	08/31/2005	(338345)

84	10/13/2005	(431867)
85	11/03/2005	(434493)
86	11/04/2005	(432099)
87	11/04/2005	(432307)
88	11/04/2005	(418674)
89	11/04/2005	(404608)
90	11/15/2005	(435657)
91	12/02/2005	(418593)
92	01/17/2006	(450983)
93	01/18/2006	(438806)
94	01/19/2006	(439376)
95	02/03/2006	(440029)
96	02/06/2006	(437321)
97	02/21/2006	(455655)
98	02/23/2006	(455193)
99	03/28/2006	(450081)
100	03/31/2006	(455509)
101	04/12/2006	(461051)
102	04/28/2006	(454769)
103	05/03/2006	(464161)
104	05/11/2006	(464702)
105	05/30/2006	(466254)
106	06/16/2006	(482132)
107	07/14/2006	(464803)
108	07/28/2006	(483694)
109	08/30/2006	(482855)
110	08/31/2006	(454753)
111	08/31/2006	(466054)
112	10/10/2006	(512174)
113	11/06/2006	(515244)
114	11/15/2006	(515161)
115	11/18/2006	(517423)
116	12/19/2006	(512175)
117	12/28/2006	(395082)
118	12/28/2006	(273484)
119	01/04/2007	(533453)
120	01/25/2007	(531842)
121	01/25/2007	(535004)
122	01/25/2007	(512183)
123	01/25/2007	(531282)
124	02/01/2007	(538514)
125	02/02/2007	(538412)
126	02/02/2007	(538987)
127	02/02/2007	(539009)
128	02/14/2007	(537911)
129	03/20/2007	(540167)
130	04/21/2007	(539391)
131	04/21/2007	(541913)
132	04/21/2007	(537071)
133	04/26/2007	(542530)
134	05/14/2007	(558406)
135	05/17/2007	(555595)
136	05/17/2007	(555573)
137	05/17/2007	(558483)
138	05/17/2007	(554503)
139	05/17/2007	(554971)
140	05/31/2007	(561603)
141	06/01/2007	(558971)
142	06/13/2007	(557367)
143	06/20/2007	(561471)
144	07/06/2007	(563007)
145	07/26/2007	(559734)
146	07/26/2007	(567176)
147	08/22/2007	(571648)
148	08/28/2007	(568208)

149 08/28/2007 (567639)
 150 08/31/2007 (574001)
 151 08/31/2007 (570927)

152 09/17/2007 (594355)
 153 10/24/2007 (594169)
 154 11/20/2007 (597292)
 155 11/26/2007 (599083)
 156 11/26/2007 (597187)
 157 11/28/2007 (609718)
 158 11/28/2007 (600706)
 159 12/18/2007 (609958)
 160 01/04/2008 (613529)
 161 01/13/2008 (609850)
 162 01/14/2008 (609022)
 163 01/14/2008 (611965)
 164 01/15/2008 (610932)
 165 02/06/2008 (617409)
 166 02/07/2008 (617548)
 167 02/07/2008 (614107)
 168 02/13/2008 (613169)
 169 02/27/2008 (617570)
 170 03/06/2008 (615451)
 171 03/30/2008 (640081)
 172 04/01/2008 (615917)
 173 04/15/2008 (636257)

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

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 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
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)

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

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)

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)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9
 5C THC Chapter 382, SubChapter D 382.085(b)
 PERMIT 6825A/PSD-TX-49, Special Condition 28I
 OP O-02229, Special Condition 15

Description: Failure to record 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
 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 6825A/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)

Rqmt Prov:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) 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.		
Date	11/27/2007 (597187)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.300 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(4)(i) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-02227, SC 1D		
Description:	Failure to obtain documentation of a vapor tightness pressure test.		
Date	02/07/2008 (614107)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to include time of day in daily flare log as listed in two Semiannual Deviation Reports for FOP O-02229.		
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 THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49 OP O-02229		
Description:	Failure to monitor pilot flame on a continuous basis as listed in three Semiannual Deviation Reports for FOP O-02229.		
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)		

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
 PERMIT 6825A/PSD-TX-49
 OP O-02229

Description: Failure to conduct soft coke moisture sampling on a weekly basis as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2006 until July 15, 2006.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02229

Description: Failure to maintain performance level certification as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2006 until July 15, 2006.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02229

Description: Failure to report a deviation in a timely manner as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2006 until July 15, 2006.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49
 OP O-02229

Description: Failure to cap an open-ended line as listed in two Semiannual Deviation Reports for FOP O-02229 dated July 15, 2006 until January 15, 2007 and January 16, 2007 until July 16, 2007.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-75
 OP O-02229

Description: Failure to obtain a permit for air contaminants as listed in two Semiannual Deviation Report for FOP O-02229 dated July 15, 2006 until January 15, 2007.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49
 OP O-02229

Description: Failure to maintain sulfur removal efficiency as listed in the Semiannual Deviation Report for O-02229 dated January 16, 2007 until July 16, 2007.

F. Environmental audits.

Notice of Intent Date: 11/07/2007 (610138)
 No DOV Associated

Notice of Intent Date: 11/27/2007 (613278)
 No DOV Associated

Notice of Intent Date: 01/10/2008 (616179)
 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.

Type	Tier	Certification Date
CLEAN TEXAS	PARTNERSHIP	04/06/2005
CLEAN TEXAS	PARTNER	04/06/2005
CLEAN TEXAS	PARTNER	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. 2008-0742-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. ("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 presented this agreement to the Commission.

The Respondent 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, the Respondent 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum 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 TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted from January 20 through February 1, 2008, TCEQ staff documented that the Respondent failed to prevent unauthorized visible emissions. Specifically, an emissions event occurred on January 20, 2008 at Emission Point No. F-103FLARE that lasted for 7 hours and 20 minutes, resulting in the aggregate release of 11,425 pounds ("lbs") of volatile organic compounds ("VOCs"), 4,319.7 lbs of carbon monoxide ("CO"), 330.5 lbs of hydrogen sulfide ("H2S"), 598 lbs of nitrogen oxides ("NOx"), 22.1 lbs of particulate matter ("PM"), 30,461.5 lbs of sulfur dioxide ("SO2"), and produced 11 continual minutes of visible emissions. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation conducted on March 25, 2008, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, an emissions event occurred on January 25, 2008 at Flare 22 and at the Wet Gas Scrubber that lasted for 56 minutes, resulting in the aggregate release of 360.2 lbs of VOCs, 397.61 lbs of CO, 5.89 lbs of H2S, 110.56 lbs of NOx, 11.31 lbs of PM, and 605.9 lbs of SO2. Since this emissions event was not properly reported, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation conducted on March 25, 2008, TCEQ staff documented that the Respondent failed to properly report an emissions event. Specifically, the Respondent submitted the initial report for the January 25, 2008 emissions event, 65 hours after the discovery of the event which was 41 hours late.
6. During an investigation conducted on March 19, 2008, TCEQ staff documented that the Respondent failed to properly report an emissions event. Specifically, the Respondent submitted the final report for the January 11, 2008 startup emissions event, 21 days after the end of the event which was seven days late.
7. During an investigation conducted on March 19, 2008, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, an emissions event occurred on January 11, 2008 at SCOT-1 Incinerator that lasted for 6 hours, resulting in the release of 98.40 lbs of CO, 0.30 lbs of H2S, 6.10 lbs of NOx, 0.80 lbs of PM, and 898.5 lbs of SO2. Since this emissions event wasn't properly reported, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
8. During an investigation conducted on November 8, 2007, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, an emissions event occurred from November 8 through 10, 2007 at the following emission points: E-02-SCOT, F-103B-FLARE, E-19-FLARE, E-01-SCOT, F-18-FLARE, F-6341, E-13-FLARE, and E-20-FLARE that lasted for 46 hours and 27 minutes, resulting in the aggregate release of 60,169.52 lbs of VOCs, 8,273.18 lbs of CO, 702.15 lbs of H2S, 1,135.99 lbs of NOx, 255.23 lbs of PM, and 5,987.47 lbs of SO2. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.

9. The Respondent received notices of the violations on April 3, 2008 and May 17, 2008.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By January 28, 2008, revised reporting procedures to require an initial event report even if emission estimates do not confirm that a reportable quantity will be emitted, to address the late submittal of the initial report for the January 25, 2008 emissions event and to prevent the reoccurrence of same or similar incidents;
 - b. By March 1, 2008, installed an automated burner management system and revised emergency shutdown procedures to include positive verification that heater burners are off during emergency heater shutdown, to address the November 8 through 10, 2007 emissions event and to prevent the reoccurrence of same or similar incidents;
 - c. By March 19, 2008, initiated steam tracing, manually opened pressure controller 2401 on the absorber stripper and cleaned debris from level controller 2400, to address the January 20, 2008 emissions event and to prevent the reoccurrence of same or similar incidents; and
 - d. By July 31, 2008, revised reporting procedures to require a final event report even if a reportable quantity was not emitted, to address the late submittal of the final report for the January 11, 2008 startup emissions event and to prevent the reoccurrence of same or similar incidents.

II. CONCLUSIONS OF LAW

1. The Respondent 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, the Respondent failed to prevent unauthorized visible emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 111.111(a)(4), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions Nos. 1, 4C, and 5A.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly report an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. As evidenced by Findings of Fact No. 6, the Respondent failed to properly report an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.211(b) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01498, General Terms and Conditions, and Flexible Permit No. 6825A/PSD-TX-49, Special Conditions No. 5A.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and 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.
9. An administrative penalty in the amount of Forty-Six Thousand Two Hundred Thirteen Dollars (\$46,213) 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. The Respondent has paid the Twenty-Three Thousand One Hundred Seven Dollar (\$23,107) administrative penalty. Twenty-Three Thousand One Hundred Six Dollars (\$23,106) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Forty-Six Thousand Two Hundred Thirteen Dollars (\$46,213) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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. 2008-0742-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

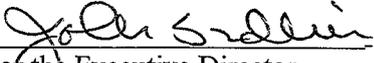
2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 9 above, Twenty-Three Thousand One Hundred Six Dollars (\$23,106) of the assessed administrative penalty shall be offset with the 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. 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 the Respondent if the Executive Director determines that the Respondent 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 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.

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

12/29/2008
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

10/3/08
Date

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

VPT Gen. 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.

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Attachment A
Docket Number: 2008-0742-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.
Payable Penalty Amount: Forty-Six Thousand Two Hundred Thirteen Dollars (\$46,213)
SEP Amount: Twenty-Three Thousand One Hundred Six Dollars (\$23,106)
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.

