

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1234-AIR-E **TCEQ ID:** RN100238385 **CASE NO.:** 34340

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

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 Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2007-2039-AIR-E, 2007-1512-AIR-E, 2007-1413-AIR-E, and 2007-0603-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 25, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Adrian Araiza, Manager of Environmental Affairs, Valero Refining-Texas, L.P., P.O. Box 3429, Texas City, Texas 77592 Mr. Leslie G. Rucker, Director-HS&E, Valero Refining-Texas, L.P., P.O. Box 3429, Texas City, Texas 77592 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 7, 2005</p> <p>Date of NOV/NOE Relating to this Case: July 11, 2007 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions during an emissions event that started on February 20, 2005. Specifically, the following unauthorized emissions were released from the No. 3 Flare Stack during an emissions event that started on February 20, 2005 and lasted 4,008 hours and 50 minutes: 345,624 pounds ("lbs") of sulfur dioxide, 3,752.30 lbs of hydrogen sulfide, and 63.30 lbs of nitrogen oxides. Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met [Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$181,200</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$90,600</p> <p>Total Paid to General Revenue: \$90,600</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: This case involves unauthorized emissions which were deemed excessive.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant, as detailed in the Corrective Action Plan submitted to the TCEQ on September 26, 2007:</p> <p>a. The Distributed Control System graphic display for valve HV-16470A was updated on August 19, 2005 to reflect the current configuration consistent with the most recent Management of Change Authorization form;</p> <p>b. Operations personnel identified valves throughout the Plant which have the potential to send acid gas to the flare and tagged them with a "Do Not Open Acid Gas" tag on October 1, 2005; and</p> <p>c. The Control System Engineering Department Manager reviewed the incident with all control systems engineers on October 1, 2005, with an emphasis on the verification of the current graphic level before loading new graphic files.</p>

Additional ID No(s): GB0073P

Attachment A
Docket Number: 2007-1234-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.

Payable Penalty Amount: One Hundred Eighty-One Thousand Two Hundred Dollars (\$181,200)

SEP Amount: Ninety Thousand Six Hundred Dollars (\$90,600)

Type of SEP: Pre-approved

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

Location of SEP: Galveston County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	16-Jul-2007			
	PCW	10-Jul-2008	Screening	30-Jul-2007	EPA Due 6-Apr-2008

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

CASE INFORMATION			
Enf./Case ID No.	34340	No. of Violations	1
Docket No.	2007-1234-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Rebecca Johnson
Multi-Media		EC's Team	5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$60,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 227% Enhancement Subtotals 2, 3, & 7 **\$136,200**

Notes: Penalty enhancement due to 18 Notices of Violations ("NOVs") issued for same or similar violations, four NOVs issued for unrelated violations, 17 self-reported effluent discharge violations, two agreed orders with a denial of liability, one agreed order without a denial of liability, and one court order with a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 **\$15,000**

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

Notes: The Respondent completed implementation of corrective actions on October 1, 2005.

Total EB Amounts \$305 **0% Enhancement** Subtotal 6 **\$0**
Approx. Cost of Compliance \$10,000 **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 Final Subtotal **\$181,200**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

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

Notes: [Empty box]

Final Penalty Amount **\$181,200**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$181,200**

DEFERRAL 0% Reduction Adjustment **\$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$181,200**

Screening Date 30-Jul-2007

Docket No. 2007-1234-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34340

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	18	90%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 227%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 18 Notices of Violations ("NOVs") issued for same or similar violations, four NOVs issued for unrelated violations, 17 self-reported effluent discharge violations, two agreed orders with a denial of liability, one agreed order without a denial of liability, and one court order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 227%

Screening Date 30-Jul-2007

Docket No. 2007-1234-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34340

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

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

Violation Description

Failed to prevent unauthorized emissions during Incident Nos. 62478 and 62479. Specifically, the following unauthorized emissions were released from the No. 3 Flare Stack during an emissions event that started on February 20, 2005 and lasted 4,008 hours and 50 minutes: 345,624 pounds ("lbs") of sulfur dioxide, 3,752.30 lbs of hydrogen sulfide, and 63.30 lbs of nitrogen oxides. Since the emissions event was avoidable and excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to prevent an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The Houston-Galveston-Brazoria ozone nonattainment area has been exposed to an excessive amount of pollutants as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 6

168 Number of violation days

mark only one with an x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$60,000

Six monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$305

Violation Final Penalty Total \$181,200

This violation Final Assessed Penalty (adjusted for limits) \$181,200

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 34340

Reg. Ent. Reference No. RN100238385

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	20-Feb-2005	1-Oct-2005	0.6	\$305	n/a	\$305

Notes for DELAYED costs

Estimated cost to update the Distributed Control System graphic display for valve HV-16470A, tag related valves with "Do Not Open Acid Gas", and review incident control systems with control system engineers. Date required based on the date of the emissions event. Final date based on the date corrective actions were completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$305

Compliance History

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

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

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 16, 2002 to July 16, 2007

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

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A

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

Components (Multimedia) for the Site :

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

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

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Classification: Moderate

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

Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006

ADMINORDER 2006-0549-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 05/11/2007

ADMINORDER 2006-0012-AIR-E

Classification: Moderate

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

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

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	07/19/2002	(1982)
2	07/22/2002	(158501)
3	07/30/2002	(2222)
4	08/01/2002	(6128)
5	08/02/2002	(6695)
6	08/07/2002	(IE0018603001002)
7	08/19/2002	(5341)
8	08/20/2002	(4926)
9	08/23/2002	(158505)
10	08/24/2002	(4916)
11	08/28/2002	(5435)
12	08/28/2002	(5452)
13	08/28/2002	(5429)
14	08/28/2002	(5447)
15	08/28/2002	(5466)
16	08/28/2002	(5451)
17	08/28/2002	(5456)
18	08/28/2002	(5434)
19	08/28/2002	(5459)
20	08/31/2002	(7607)
21	08/31/2002	(7756)
22	08/31/2002	(4899)
23	09/23/2002	(158509)
24	09/26/2002	(10851)
25	10/04/2002	(13258)

26	10/16/2002	(12826)
27	10/21/2002	(158512)
28	11/07/2002	(4910)
29	11/18/2002	(158516)
30	12/20/2002	(158520)
31	01/16/2003	(17965)
32	01/21/2003	(158524)
33	01/31/2003	(21539)
34	02/13/2003	(24351)
35	02/18/2003	(158482)
36	02/24/2003	(6655)
37	03/24/2003	(158485)
38	04/16/2003	(24233)
39	04/16/2003	(24831)
40	04/21/2003	(158490)
41	05/06/2003	(27702)
42	05/09/2003	(35604)
43	05/23/2003	(158494)
44	05/27/2003	(35847)
45	05/27/2003	(34689)
46	05/27/2003	(35995)
47	05/27/2003	(34681)
48	05/28/2003	(34893)
49	05/30/2003	(37806)
50	05/30/2003	(37838)
51	05/30/2003	(37791)
52	06/19/2003	(36509)
53	06/19/2003	(36515)
54	06/24/2003	(158506)
55	06/24/2003	(158498)
56	06/25/2003	(37826)
57	06/25/2003	(35521)
58	07/02/2003	(60623)
59	07/22/2003	(158502)
60	08/06/2003	(143528)
61	08/19/2003	(148080)
62	08/23/2003	(60572)
63	08/25/2003	(143078)
64	08/28/2003	(149898)
65	09/25/2003	(295526)
66	10/16/2003	(152454)
67	10/16/2003	(152211)
68	10/21/2003	(250278)
69	10/23/2003	(295528)
70	11/21/2003	(295529)
71	12/29/2003	(295530)
72	12/29/2003	(295532)
73	02/23/2004	(295513)
74	02/25/2004	(261619)
75	02/27/2004	(263268)
76	02/29/2004	(251270)
77	03/02/2004	(254943)
78	03/10/2004	(261338)
79	03/16/2004	(265447)
80	03/16/2004	(261251)
81	03/19/2004	(295517)
82	04/21/2004	(295518)
83	05/20/2004	(295520)
84	05/21/2004	(268720)
85	05/21/2004	(268709)
86	06/02/2004	(268446)
87	06/11/2004	(270014)
88	06/17/2004	(295522)
89	06/18/2004	(272120)
90	07/02/2004	(272940)
91	07/02/2004	(271086)
92	07/02/2004	(271249)

93	07/02/2004	(272143)
94	07/02/2004	(271833)
95	07/05/2004	(271296)
96	07/16/2004	(272858)
97	07/20/2004	(273783)
98	07/22/2004	(257997)
99	07/26/2004	(352180)
100	07/30/2004	(274385)
101	07/30/2004	(278540)
102	07/30/2004	(274350)
103	08/03/2004	(286886)
104	08/04/2004	(276497)
105	08/06/2004	(258328)
106	08/13/2004	(261714)
107	08/13/2004	(261538)
108	08/16/2004	(282158)
109	08/16/2004	(280377)
110	08/17/2004	(289843)
111	08/17/2004	(258260)
112	08/24/2004	(352181)
113	08/28/2004	(264976)
114	08/31/2004	(268711)
115	08/31/2004	(269258)
116	08/31/2004	(270855)
117	08/31/2004	(271300)
118	09/01/2004	(291403)
119	09/01/2004	(289773)
120	09/15/2004	(334014)
121	09/23/2004	(352182)
122	10/19/2004	(334137)
123	10/22/2004	(352183)
124	10/27/2004	(289067)
125	11/11/2004	(281257)
126	11/12/2004	(281637)
127	11/12/2004	(283676)
128	11/12/2004	(281714)
129	11/12/2004	(281823)
130	11/15/2004	(337390)
131	11/18/2004	(352184)
132	12/10/2004	(285390)
133	12/13/2004	(340262)
134	12/13/2004	(290035)
135	12/14/2004	(281320)
136	12/14/2004	(334546)
137	12/14/2004	(338676)
138	12/14/2004	(334780)
139	12/16/2004	(281398)
140	12/16/2004	(283937)
141	12/17/2004	(338870)
142	12/20/2004	(381870)
143	12/20/2004	(281999)
144	12/23/2004	(339913)
145	12/28/2004	(281856)
146	01/03/2005	(281991)
147	01/04/2005	(282000)
148	01/04/2005	(281998)
149	01/04/2005	(338922)
150	01/06/2005	(346230)
151	01/06/2005	(285581)
152	01/10/2005	(339417)
153	01/10/2005	(339003)
154	01/10/2005	(281993)
155	01/10/2005	(281997)
156	01/12/2005	(339012)
157	01/24/2005	(345619)
158	01/24/2005	(381871)
159	01/31/2005	(285435)

160	02/14/2005	(274930)
161	02/22/2005	(381868)
162	03/22/2005	(381869)
163	03/31/2005	(350576)
164	04/25/2005	(419706)
165	04/26/2005	(343243)
166	04/26/2005	(281994)
167	04/27/2005	(282002)
168	05/02/2005	(350537)
169	05/02/2005	(349631)
170	05/20/2005	(348483)
171	05/23/2005	(419707)
172	05/25/2005	(351133)
173	06/14/2005	(373350)
174	06/14/2005	(378741)
175	06/14/2005	(419708)
176	06/23/2005	(378628)
177	06/27/2005	(397418)
178	06/28/2005	(348790)
179	06/30/2005	(397555)
180	07/07/2005	(399131)
181	07/13/2005	(399194)
182	07/15/2005	(348789)
183	07/22/2005	(440845)
184	07/22/2005	(397707)
185	08/02/2005	(348759)
186	08/03/2005	(403276)
187	08/03/2005	(403101)
188	08/08/2005	(403521)
189	08/08/2005	(403525)
190	08/10/2005	(396623)
191	08/13/2005	(400189)
192	08/13/2005	(397699)
193	08/17/2005	(400929)
194	08/18/2005	(406027)
195	08/19/2005	(396740)
196	08/22/2005	(406017)
197	08/23/2005	(440846)
198	08/24/2005	(400925)
199	08/29/2005	(406800)
200	09/01/2005	(400337)
201	09/23/2005	(440847)
202	10/20/2005	(468457)
203	11/22/2005	(468458)
204	12/06/2005	(438942)
205	12/20/2005	(468459)
206	12/28/2005	(449585)
207	12/29/2005	(439223)
208	12/29/2005	(449459)
209	01/17/2006	(431818)
210	01/24/2006	(468460)
211	01/30/2006	(440131)
212	02/01/2006	(451967)
213	02/15/2006	(439989)
214	02/17/2006	(468454)
215	02/17/2006	(439355)
216	02/21/2006	(455248)
217	03/16/2006	(455002)
218	03/21/2006	(468455)
219	03/29/2006	(453666)
220	03/31/2006	(434168)
221	04/13/2006	(468456)
222	04/26/2006	(457610)
223	04/27/2006	(460539)
224	05/08/2006	(453710)
225	05/11/2006	(461750)
226	05/15/2006	(462815)

227	05/17/2006	(464808)
228	05/18/2006	(498220)
229	05/25/2006	(457878)
230	05/31/2006	(463733)
231	06/16/2006	(498221)
232	06/27/2006	(481343)
233	06/30/2006	(483867)
234	06/30/2006	(462803)
235	06/30/2006	(481516)
236	06/30/2006	(462898)
237	07/06/2006	(482247)
238	07/14/2006	(486365)
239	07/15/2006	(486391)
240	07/17/2006	(479861)
241	07/18/2006	(498222)
242	07/19/2006	(483715)
243	07/19/2006	(483638)
244	07/19/2006	(482178)
245	07/21/2006	(487892)
246	07/21/2006	(487175)
247	07/21/2006	(487390)
248	07/25/2006	(488179)
249	07/26/2006	(462901)
250	07/26/2006	(482594)
251	08/10/2006	(520234)
252	08/25/2006	(488734)
253	09/01/2006	(509756)
254	09/01/2006	(488032)
255	09/01/2006	(488541)
256	09/01/2006	(489837)
257	09/01/2006	(489434)
258	09/01/2006	(487342)
259	09/01/2006	(489815)
260	09/01/2006	(466736)
261	09/01/2006	(488559)
262	09/01/2006	(488176)
263	09/01/2006	(488979)
264	09/01/2006	(509730)
265	09/01/2006	(478491)
266	09/01/2006	(488624)
267	09/01/2006	(478556)
268	09/01/2006	(488740)
269	09/01/2006	(488134)
270	09/01/2006	(490185)
271	09/01/2006	(488020)
272	09/01/2006	(508690)
273	09/01/2006	(488633)
274	09/01/2006	(489467)
275	09/01/2006	(488191)
276	09/01/2006	(509784)
277	09/01/2006	(466735)
278	09/01/2006	(478638)
279	09/01/2006	(489863)
280	09/01/2006	(509713)
281	09/01/2006	(487896)
282	09/01/2006	(509158)
283	09/01/2006	(489866)
284	09/18/2006	(520235)
285	09/27/2006	(512555)
286	09/28/2006	(509876)
287	10/11/2006	(514061)
288	10/19/2006	(520236)
289	10/23/2006	(512981)
290	10/31/2006	(517239)
291	11/07/2006	(516594)
292	11/13/2006	(518837)
293	11/15/2006	(519473)

294 11/15/2006 (544546)
 295 11/21/2006 (519775)
 296 12/13/2006 (544547)
 297 12/18/2006 (345058)
 298 12/21/2006 (532369)
 299 12/21/2006 (532370)
 300 01/16/2007 (534075)
 301 01/19/2007 (532751)
 302 01/19/2007 (544548)
 303 02/07/2007 (536972)
 304 02/09/2007 (534096)
 305 02/14/2007 (544545)
 306 03/15/2007 (531898)
 307 03/15/2007 (533196)
 308 03/23/2007 (543996)
 309 04/02/2007 (539574)
 310 04/05/2007 (543902)
 311 04/09/2007 (555314)
 312 04/09/2007 (543124)
 313 04/10/2007 (543795)
 314 04/11/2007 (556038)
 315 04/11/2007 (556037)
 316 04/30/2007 (557962)
 317 04/30/2007 (556603)
 318 04/30/2007 (556624)
 319 05/08/2007 (555995)
 320 05/10/2007 (559619)
 321 05/10/2007 (559617)
 322 05/10/2007 (559620)
 323 05/11/2007 (558768)
 324 05/14/2007 (559618)
 325 05/14/2007 (558769)
 326 05/14/2007 (555999)
 327 05/31/2007 (542320)
 328 06/01/2007 (561100)
 329 06/04/2007 (561098)
 330 06/22/2007 (561101)
 331 07/03/2007 (566302)
 332 07/09/2007 (564575)
 333 07/11/2007 (431249)

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

Date: 07/22/2002 (134150)

Self Report? NO

Classification: Moderate

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

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

Date: 09/30/2002 (158512)

Self Report? YES

Classification: Moderate

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

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

Date: 12/31/2002 (158524)

Self Report? YES

Classification: Moderate

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

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

Date: 01/31/2003 (158482)

Self Report? YES

Classification: Moderate

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

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

Date: 04/30/2003 (158494)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2003 (158502)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
Date: 08/27/2003 (143078)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 Rqmt Prov: PA 39412, SC 15E
 Description: Non clerical air violation
Date: 12/31/2003 (295532)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
Date: 02/29/2004 (251270)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
 Description: Valero failed to properly report an emissions event.
Date: 03/02/2004 (254943)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 39142, SC #1
 Description: Valero exceeded permitted source emission limits during an avoidable emissions event.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT SC #2(A)
 Description: Valero operated Flare #4 with no flame present.
Date: 03/04/2004 (261689)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 Description: Valero is in of violation for adversely affecting the normal use and enjoyment of property.
Date: 04/30/2004 (295520)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
Date: 07/26/2004 (257997)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD TX-822M2
 PERMIT Flexible Permit #39142 and PSD-TX-822M2
 Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a three-hour average basis.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
 Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a one hour average basis.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
Description: Failure to report a reportable emission event which resulted in the release of H2S and benzene emissions in excess of the reportable quantity.
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
Description: failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.
 Failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.

Date: 08/28/2004 (264976)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions during an emissions event.

Date: 08/31/2004 (270855)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PA Permit No. 39142 and PSD-TX-822M2, SC #1
Description: Exceeded permit limits.

Date: 08/31/2004 (271300)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions.

Date: 08/31/2004 (269258)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions.

Date: 09/30/2004 (352183)
Self Report? YES **Classification:** Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/10/2004 (285390)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142 and PSD-TX-822M2
Description: Failure to meet demonstration criteria.

Date: 12/28/2004 (281856)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 9142 and PSD-TX-822M2
Description: Failure to meet demonstration criteria.

Date: 12/31/2004 (381871)
Self Report? YES **Classification:** Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2005 (338922)
Self Report? NO **Classification:** Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA 39142, Special Condition No. 1
 Description: Failure to meet demonstration criteria.

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

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

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

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

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

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

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

Date: 01/31/2006 (451967)
 Self Report? NO Classification: Moderate
 Citation: TWC Chapter 26 26.121(a)(1)
 Rqmt Prov: PERMIT No. 00449-000 Page 7, No. 2g
 Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT 00449-000 Page 2, No. 1 & Page 2d, no. 1
 Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 02/21/2006 (455248)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA No. 39142
 Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/30/2006 (498220)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2006 (481516)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA 39142, SC No. 1
 Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions from flaring.
Date: 06/30/2006 (483867)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
 Description: RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC 117.206(e)(2).
Date: 09/29/2006 (509876)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA 39142, SC No. 1
 Description: Exceeded permit limits during an avoidable emissions event.
Date: 01/31/2007 (544545)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
Date: 04/04/2007 (539574)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA 39142, SC No. 1
 Description: Exceeded permit limits during an avoidable emissions event.
Date: 04/10/2007 (543996)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA 39142, SC No. 1
 Description: Exceeded permit limits during an avoidable emissions event.
Date: 06/04/2007 (561098)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 39142, SC No. 1
 Description: Failure to exercise good maintenance practices.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1234-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 Valero Refining-Texas, L.P. ("Valero") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Valero presented this agreement to the Commission.

Valero 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, Valero 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 Valero.

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

I. FINDINGS OF FACT

1. Valero owns and operates a petroleum refinery at 1301 Loop 197 South in Texas City, Galveston County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on September 7, 2005, TCEQ staff documented that Valero released the following unauthorized emissions from the No. 3 Flare Stack during an emissions event that started on February 20, 2005 (Incident Nos. 62478 and 62479) and lasted 4,008 hours and 50 minutes: 345,624 pounds (“lbs”) of sulfur dioxide, 3,752.30 lbs of hydrogen sulfide, and 63.30 lbs of nitrogen oxides.
4. Valero received notice of the violations on July 16, 2007.
5. The Executive Director recognizes that Valero has implemented the following corrective measures at the Plant, as detailed in the Corrective Action Plan submitted to the TCEQ on September 26, 2007:
 - a. The Distributed Control System graphic display for valve HV-16470A was updated on August 19, 2005 to reflect the current configuration consistent with the most recent Management of Change Authorization form;
 - b. Operations personnel identified valves throughout the Plant which have the potential to send acid gas to the flare and tagged them with a “Do Not Open Acid Gas” tag on October 1, 2005; and
 - c. The Control System Engineering Department Manager reviewed the incident with all control systems engineers on October 1, 2005, with an emphasis on the verification of the current graphic level before loading new graphic files.

II. CONCLUSIONS OF LAW

1. Valero 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, Valero failed to prevent unauthorized emissions during Incident Nos. 62478 and 62479, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Valero 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.
4. An administrative penalty in the amount of One Hundred Eighty-One Thousand Two Hundred Dollars (\$181,200) 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. Valero has paid Ninety Thousand Six Hundred Dollars (\$90,600) of the administrative penalty. Ninety Thousand Six Hundred Dollars (\$90,600) shall be conditionally offset by Valero's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. Valero is assessed an administrative penalty in the amount of One Hundred Eighty-One Thousand Two Hundred Dollars (\$181,200) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Valero'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: Valero Refining-Texas, L.P., Docket No. 2007-1234-AIR-E" to:

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

2. Valero shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Ninety Thousand Six Hundred Dollars (\$90,600) of the assessed administrative penalty shall be offset with the condition that Valero implement the SEP defined in Attachment A, incorporated herein by reference. Valero's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon Valero. Valero is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Valero fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Valero's failure to comply is not a violation of this Agreed Order. Valero shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Valero shall notify the Executive Director within seven days after Valero becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero shall be made in writing to the Executive Director. Extensions are not effective until Valero receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Valero if the Executive Director determines that Valero 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 Valero in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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

John S. Miller
For the Executive Director

9/17/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Valero Refining-Texas, L.P. I am authorized to agree to the attached Agreed Order on behalf of Valero Refining-Texas, L.P., 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, Valero Refining-Texas, L.P. 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.

Adrian Ariza
Signature

7/24/2008
Date

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

Manager, Environmental Affairs
Title

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

Attachment A

Docket Number: 2007-1234-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.

Payable Penalty Amount: One Hundred Eighty-One Thousand Two Hundred Dollars (\$181,200)

SEP Amount: Ninety Thousand Six Hundred Dollars (\$90,600)

Type of SEP: Pre-approved

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

Location of SEP: Galveston County

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

1. Project Description

A. Project

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

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

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 10

10.1. THE HARMONIC OSCILLATOR

10.2. THE QUANTUM HARMONIC OSCILLATOR

10.3. THE QUANTUM HARMONIC OSCILLATOR

10.4. THE QUANTUM HARMONIC OSCILLATOR

10.5. THE QUANTUM HARMONIC OSCILLATOR

10.6. THE QUANTUM HARMONIC OSCILLATOR

10.7. THE QUANTUM HARMONIC OSCILLATOR

10.8. THE QUANTUM HARMONIC OSCILLATOR

10.9. THE QUANTUM HARMONIC OSCILLATOR

10.10. THE QUANTUM HARMONIC OSCILLATOR

PROBLEMS

1. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find α and A .

2. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the energy.

3. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the probability of finding the particle between $x = -a$ and $x = a$.

4. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the momentum.

5. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the position.

6. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the energy squared.

7. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the position squared.

8. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the momentum squared.

9. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the energy squared.

10. A particle of mass m is in a harmonic potential $V(x) = \frac{1}{2}kx^2$. The wave function is $\psi(x) = A e^{-\alpha x^2}$. Find the expectation value of the position squared.

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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.

