

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1043-AIR-E    **TCEQ ID:** RN102584026    **CASE NO.:** 36095

**RESPONDENT NAME:** The Premcor Refining Group Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1455-AIR-E, 2008-0435-AIR-E, and 2008-0742-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 12, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. J. Greg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641-0909  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 20, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent the release of unauthorized contaminants into the atmosphere. Specifically, 758.4 pounds of carbon monoxide ("CO"), 8,646.22 pounds of sulfur dioxide ("SO<sub>2</sub>"), 83.10 pounds of volatile organic compounds ("VOC"), 7.04 pounds of particulate matter ("PM"), 196.56 pounds of oxides of nitrogen ("NOx") and 104.30 pounds of hydrogen sulfide ("H<sub>2</sub>S") were released into the atmosphere on March 27, 2008 lasting 15 hours and 36 minutes ("Incident 105487"). This incident was due to a battery voltage decay which led to an electrical interruption to the Emission Point Numbers ("EPNs") E-03-843, E-01-843, E-01-942, E-04-SCOT, E-03-SCOT, E-22-FLARE, and E-23-FLARE at Power Plant No. 5. Because this event could have been avoided by better operating/maintenance practices, the emissions do not meet the demonstrations as defined by 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.122(b)(1-11) [30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Permit No. 6825A/PSD-TX-49 Special Condition 5A].</p> <p>2) Failure to prevent the release of unauthorized contaminants into the atmosphere. Specifically, 77.41 pounds of CO, 2,173.45 pounds of SO<sub>2</sub>, 152.96</p>	<p><b>Total Assessed:</b> \$17,100</p> <p><b>Total Deferred:</b> \$3,420  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$6,840</p> <p><b>Total Paid to General Revenue:</b> \$6,840</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Replaced the existing battery charger with a 125-volt capacity battery charger at Power Plant No. 5 on April 15, 2008;</p> <p>b. Provided additional training for the roving operator at Power Plant No. 5 on April 15, 2008;</p> <p>c. Re-configured all relays at Power Plant No. 5 that had a breaker failure delay of six cycles to have a delay of 10 cycles on July 5, 2008; and</p> <p>d. Adjusted the mechanical trip spring tension on the K-2300 Wet Gas Compressors at the Saturated Gas Recovery Unit 1242 to a higher speed stop set of 7000 revolutions per minute, and adjusted the tri-sen governor on the K-2300 Wet Gas Compressor to not surpass the maximum speed of 7000 revolutions per minute on May 15, 2008.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

<p>pounds of VOC, 0.72 pounds of PM, 10.72 pounds of NOx, and 23.58 pounds of H<sub>2</sub>S were released into the atmosphere on April 29, 2008, lasting 29 minutes ("Incident No. 107036"). The incident occurred at the Saturated Gas Recovery Unit 1242 when the K-2300 B Wet Gas Compressor was manually adjusted by operating personnel causing the compressor to overspeed and shut down. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations as defined by 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.122(b)(1-11) [30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Permit No. 6825A/PSD-TX-49 Special Condition 5A].</p>		
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Additional ID No(s): Air Account No. JE0042B



Attachment A  
Docket Number: 2008-1043-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** The Premcor Refining Group Inc.  
**Payable Penalty Amount:** Thirteen Thousand Six Hundred Eighty Dollars (\$13,680)  
**SEP Amount:** Six Thousand Eight Hundred Forty Dollars (\$6,840)  
**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 B 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 ATexas 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.





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	16-Jun-2008	<b>Screening</b>	23-Jun-2008	<b>EPA Due</b>	9-Mar-2009
	<b>PCW</b>	16-Oct-2008				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	The Premcor Refining Group Inc.	
<b>Reg. Ent. Ref. No.</b>	RN102584026	
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b> Major

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	36095	<b>No. of Violations</b>	2
<b>Docket No.</b>	2008-1043-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	J. Craig Fleming
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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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.

<b>Compliance History</b>	209.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$15,675
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**Notes**  
An enhancement is recommended for having eight NOV's with same or similar violations, nine NOV's with non-similar violations, three agreed final enforcement orders containing a denial of liability, four agreed final enforcement orders without a denial of liability, four letters of intent for an audit, and participation in a voluntary pollution reduction program.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$1,125
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$15  
Approx. Cost of Compliance \$2,250  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$22,050
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$22,050
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$17,100
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$3,420
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$13,680
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Screening Date 23-Jun-2008

Docket No. 2008-1043-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 36095

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator J. Craig Fleming

**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	9	18%
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)	4	-4%
	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)** 209%

>> **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**

An enhancement is recommended for having eight NOVs with same or similar violations, nine NOVs with non-similar violations, three agreed final enforcement orders containing a denial of liability, four agreed final enforcement orders without a denial of liability, four letters of intent for an audit, and participation in a voluntary pollution reduction program.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 209%

<b>Screening Date</b> 23-Jun-2008	<b>Docket No.</b> 2008-1043-AIR-E	<b>PCW</b>
<b>Respondent</b> The Premcor Refining Group Inc.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36095		<small>PCW Revision June 12, 2008</small>
<b>Reg. Ent. Reference No.</b> RN102584026		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> J. Craig Fleming		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b), and Permit No. 6825A/PSD-TX-49 Special Condition 5A	
<b>Violation Description</b>	Failed to prevent the release of unauthorized contaminants into the atmosphere. Specifically, 758.4 pounds of carbon monoxide ("CO"), 8,646.22 pounds of sulfur dioxide ("SO2"), 83.10 pounds of volatile organic compounds ("VOC"), 7.04 pounds of particulate matter ("PM"), 196.56 pounds of oxides of nitrogen ("NOx") and 104.30 pounds of hydrogen sulfide ("H2S") were released into the atmosphere on March 27, 2008 lasting 15 hours and 36 minutes ("Incident 105487"). This incident was due to a battery voltage decay which led to an electrical power interruption to Emission Point Numbers ("EPNs") E-03-843, E-01-843, E-01-942, E-04-SCOT, E-03-SCOT, E-22-FLARE, and E-23-FLARE at Power Plant No. 5. Because these events could have been avoided by better maintenance practices, the emissions do not meet the demonstrations as defined by 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.122(b)(1-11).	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual	<input type="text" value="x"/>
	Potential	
	<b>Percent</b>	<input type="text" value="50%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b>	
	Major    Moderate    Minor	
		<b>Percent</b>
		<input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	<b>Adjustment</b>	<input type="text" value="\$5,000"/>
		<input type="text" value="\$5,000"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<b>Number of violation days</b> <input type="text" value="1"/>
<small>mark only one with an x</small>	daily	
	monthly	<input type="text" value="x"/>
	quarterly	
	semiannual	
	annual	
	single event	
	<b>Violation Base Penalty</b>	<input type="text" value="\$5,000"/>
<input type="text" value="One monthly event is recommended."/>		
<b>Good Faith Efforts to Comply</b>		
	<input type="text" value="10.0%"/>	<input type="text" value="\$500"/>
	<b>Before NOV</b> <b>NOV to EDFRP/Settlement Offer</b>	
Extraordinary		
Ordinary		<input type="text" value="x"/>
N/A		<small>(mark with x)</small>
<b>Notes</b>	<input type="text" value="The Respondent achieved compliance on July 5, 2008."/>	
	<b>Violation Subtotal</b>	<input type="text" value="\$4,500"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b> <input type="text" value="\$14"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$14,950"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$10,000"/>

### Economic Benefit Worksheet

**Respondent:** The Premcor Refining Group Inc.  
**Case ID No.:** 36095  
**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	\$750	27-Mar-2008	15-Apr-2008	0.05	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	27-Mar-2008	5-Jul-2008	0.27	\$0	\$9	\$10
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	\$500	27-Mar-2008	15-Apr-2008	0.05	\$1	n/a	\$1
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** The approximate cost to replace the battery charger (\$750), conduct additional operator training (\$500), and to re-configure (\$500) the relays that had a failure delay of six cycles to a failure delay of 10 cycles. The Date Required was the date when the violation first occurred. The Final Date is the compliance date.

**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**

N/A

Approx. Cost of Compliance \$1,750

**TOTAL** \$14

<b>Screening Date</b> 23-Jun-2008	<b>Docket No.</b> 2008-1043-AIR-E	<b>PCW</b>		
<b>Respondent</b> The Premcor Refining Group Inc.		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36095		<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102584026				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> J. Craig Fleming				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b), and Permit No. 6825A/PSD-TX-49 Special Condition 5A			
<b>Violation Description</b>	Failed to prevent the release of unauthorized contaminants into the atmosphere. Specifically, 77.41 pounds of CO, 2,173.45 pounds of SO2, 152.96 pounds of VOC, 0.72 pounds of PM, 10.72 pounds of NOx, and 23.58 pounds of H2S were released into the atmosphere on April 29, 2008 lasting 29 minutes ("Incident 107036"). The incident occurred at the Saturated Gas Recovery Unit 1242 when the K-2300 B Wet Gas Compressor was manually adjusted by operating personnel causing the compressor to overspeed and shut down. Because this event could have been avoided by better operating/maintenance practices, the emissions do not meet the demonstrations as defined by 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.122(b)(1-11).			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Release</b>	<b>Harm</b>		
		Major    Moderate    Minor		
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major    Moderate    Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>		
			<input type="text" value="\$2,500"/>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b> <input type="text" value="1"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>	
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$625"/>	
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
<b>Notes</b>	The Respondent achieved compliance on May 15, 2008, which was prior to the NOE date of June 12, 2008.			
			<b>Violation Subtotal</b> <input type="text" value="\$1,875"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount</b>	<input type="text" value="\$2"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$7,100"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$7,100"/>	

### Economic Benefit Worksheet

**Respondent:** The Premcor Refining Group Inc.  
**Case ID No.:** 36095  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	29-Apr-2008	15-May-2008	0.04	\$0	\$1	\$2
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

The approximate cost of adjusting the mechanical trip spring tensions on the compressor (\$250), and to re-set the tri-sen governor (\$250) on the K-2300 Wet Gas Compressor so that it will not surpass the speed of 7000 revolutions-per-minute. The Date Required was the date when the violation occurred. The Final Date is the compliance date.

**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

N/A

Approx. Cost of Compliance \$500

TOTAL \$2

# 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	84905
	AIR NEW SOURCE PERMITS	REGISTRATION	84929
	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: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 20, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 20, 2003 to June 20, 2008

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

Name: Phone: (512) 239-5806

## Site Compliance History Components



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 emitted 1,779.85 lbs of SO<sub>2</sub>, 93.87 lbs of CO, 19.34 lbs of H<sub>2</sub>S. 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 SO<sub>2</sub>, 63.8 lbs of CO, 0.39 lbs of PM, and 16.47 lbs of H<sub>2</sub>S for 2 hours and 53 minutes. EPN E-02-SCOT emitted 168.72 lbs of SO<sub>2</sub> and 10.15 lbs of CO for 2 hours and 5 minutes. EPN E-03-SCOT emitted 4,979.19 lbs of SO<sub>2</sub> 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 SO<sub>2</sub>, 58.53 lbs of CO, 11.97 lbs of H<sub>2</sub>S, 8.1 lbs of nitrogen oxides ("NO<sub>x</sub>"), 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 H<sub>2</sub>S 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)  
 174 04/22/2008 (640467)  
 175 04/29/2008 (653905)  
 176 05/07/2008 (640491)  
 177 05/13/2008 (637346)  
 178 05/13/2008 (653456)  
 179 05/13/2008 (639601)  
 180 05/16/2008 (641333)  
 181 05/28/2008 (640609)  
 182 06/12/2008 (671631)  
 183 06/17/2008 (683429)

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

Rqmt Prov: PERMIT 6825A, SC 1A(4)

PERMIT 6825A, SC 3A

PERMIT PSD-TX-49, SC 1A(4)

PERMIT PSD-TX-49, SC 3A

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

Self Report? NO

Classification: Moderate

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

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)  
 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)  
 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  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to repair components on delay of repair before the end of the next process unit shutdown.

Self Report? NO Classification: Moderate

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

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

Description: Failure to maintain a list of identification numbers for all connectors located within the FCC 1241 Unit.

Self Report? NO Classification: Moderate

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

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

Description: Failure to perform the final repair within 15 days for the valve with Component ID #116023.

Date 12/09/2004 (337446)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.721(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent visible emissions from the Marine Vapor Combustors for 13 minutes. B18

Date 02/02/2005 (342308)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to comply with the State's rule concerning nuisance.  
Date 08/26/2005 (401169)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-2227 General Terms and Conditions  
Description: Failure to report all instances of all deviations.  
Date 08/31/2006 (482855)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02228 Special Condition 13H  
Description: Failure to maintain proper documentation as listed in the Semiannual Deviation Report for FOP O-02228 dated May 25, 2005 to November 25, 2005 and November 26, 2005 to May 25, 2006.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT Flex Permit 6825A/PSD-TX-49 SC 37C  
OP O-02229, Special Condition 15  
Description: Failure to maintain proper documentation of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT Flex Permit 6825A/PSD-TX-49, SC 24A  
OP O-02229, Special Condition 15  
Description: Failure to maintain Incinerator Firebox Temperature as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(g)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02229, Special Condition 1D  
Description: Failure to submit a semiannual report in a timely manner.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)  
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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, Special Condition 28I  
OP O-02229, Special Condition 15  
Description: Failure to place on a shutdown list within 15 days of documenting a leak as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2005 to January 16, 2006.

Date 04/20/2007 (540167)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Date 06/14/2007 (557367)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02229, SC 1A  
Description: Failure to record the time of day in the flare log.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.100  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 4B  
 OP O-02229, SC 15  
 OP O-02229, SC 1A

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

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

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

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

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

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

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

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

Rqmt Prov: OP O-02229, General Conditions

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

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

Rqmt Prov: OP O-02227, SC 1A

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

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

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

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

Self Report? NO Classification: Minor

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

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

Description: Failure to properly report an emissions event.

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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 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.

Date 05/28/2008 (640886)

Self Report? NO Classification: Minor  
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(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 28E  
OP O-01498, SC 18  
Description: Failure to cap open-ended lines as listed in two Semiannual Deviation Reports for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(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, SC 28J  
OP O-01498, SC 18  
Description: Failure to conduct VOC leak repairs as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

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 record the time of day and if the flare was smoking as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

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 THSC Chapter 382 382.085(b)  
Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 4B  
OP O-01498, SC 18  
Description: Failure to monitor pilot flame on a continuous basis as listed in a Semiannual

Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, SC 2B PERMIT 6825A/PSD-TX-49, SC 5A OP O-01498, SC 18		
Description:	Failure to maintain a tank seal in a closed position as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.		
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, SC 17C OP O-01498, SC 18		
Description:	Failure to monitor a tank for hydrocarbon thickness as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 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, SC 18 OP O-01498, SC 18		
Description:	Failure to maintain a minimum retention time at a tank as shown in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.		
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 THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, SC 12B OP O-1498, SC 18		
Description:	Failure to maintain the proper Wet Gas Scrubber pH as listed in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.		
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 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.690 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, SC 1A(5) OP O-01498, SC 18		
Description:	Failure to apply federal rules to a modified unit as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.		
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 THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT 6825A/PSD-TX-49, SC 35F OP O-01498, SC 18		

Description: Failure to submit a performance testing report in a timely manner as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 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, SC 37F  
OP O-01498, SC 18

Description: Failure to maintain a CEMS downtime of less than 5% as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

Self Report? NO Classification: Moderate

Citation: 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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 3B  
OP O-01498, SC 18

Description: Failure to maintain a weekly chloride level as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 3A  
OP O-01498, SC 18

Description: Failure to maintain conduct tank seal measurements as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 12B  
OP O-01498, SC 18

Description: Failure to continuously monitor the pH at the FCCU Regenerator Scrubber (aka Wet Gas Scrubber) as reported in a Semiannual Deviation Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

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 THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 29A  
OP O-01498, SC 18

Description: Failure to record a H2S leak as reported in a Semiannual Deviation Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 2B  
 OP O-01498, SC 18

Description: Failure to maintain a closed-vent system as reported in a Semiannual Deviation Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 6825A/PSD-TX-49, SC 2B  
 OP O-01498, SC 18

Description: Failure to maintain a closed-vent system as reported in a Semiannual Deviation Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

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

Notice of Intent Date: 04/23/2008 (671267)  
 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 PROGRAM	PARTNERSHIP	04/06/2005
CLEAN TEXAS PROGRAM	PARTNER	04/06/2005
CLEAN TEXAS PROGRAM	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  
ENFORCEMENT ACTION  
CONCERNING  
THE PREMCOR REFINING GROUP  
INC.  
RN102584026

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1043-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 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 appear before the Commission and together stipulate that:

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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 17, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand One Hundred Dollars (\$17,100) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Six Thousand Eight Hundred Forty Dollars (\$6,840) of the administrative penalty and Three Thousand Four Hundred Twenty Dollars (\$3,420) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Eight Hundred Forty Dollars (\$6,840) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Replaced the existing battery charger with a 125-volt capacity battery charger at the Power Plant No. 5 on April 15, 2008;
  - b. Provided additional training for the roving operator at the Power Plant No. 5 on April 15, 2008;
  - c. Re-configured all relays at the Power Plant No. 5 that had a breaker failure delay of six cycles to have a delay of 10 cycles on July 5, 2008; and
  - d. Adjusted the mechanical trip spring tension on the K-2300 Wet Gas Compressors at the Saturated Gas Recovery Unit 1242 to a higher speed stop set of 7000 revolutions-per-minute, and adjusted the tri-sen governor on the K-2300 Wet Gas Compressor to not surpass the maximum speed of 7000 revolutions-per-minute on May 15, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to prevent the release of unauthorized contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 6825A/PSD-TX-49 Special Condition 5A, as documented during a record review conducted on May 20, 2008. Specifically, 758.4 pounds of carbon monoxide ("CO"), 8,646.22 pounds of sulfur dioxide ("SO<sub>2</sub>"), 83.10 pounds of volatile organic compounds ("VOC"), 7.04 pounds of particulate matter ("PM"), 196.56 pounds of oxides of nitrogen ("NO<sub>x</sub>") and 104.30 pounds of hydrogen sulfide ("H<sub>2</sub>S") were released into the atmosphere on March 27, 2008 lasting 15 hours and 36 minutes ("Incident 105487"). This incident was due to a battery voltage decay which led to an electrical interruption to the Emission Point Numbers ("EPNs") E-03-843, E-01-843, E-01-942, E-04-SCOT, E-03-SCOT, E-22-FLARE, and E-23-FLARE at Power Plant No. 5. Because this event could have been avoided by better operating/maintenance practices, the emissions do not meet the demonstrations as defined by 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.122(b)(1-11).
2. Failed to prevent the release of unauthorized contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit No. 6825A/PSD-TX-49 Special Condition 5A, as documented during a record review conducted on May 20, 2008. Specifically, 77.41 pounds of CO, 2,173.45 pounds of SO<sub>2</sub>, 152.96 pounds of VOC, 0.72 pounds of PM, 10.72 pounds of NO<sub>x</sub>, and 23.58 pounds of H<sub>2</sub>S were released into the atmosphere on April 29, 2008, lasting 29 minutes ("Incident No. 107036"). The incident occurred at the Saturated Gas Recovery Unit 1242 when the K-2300 B Wet Gas Compressor was manually adjusted by operating personnel causing the compressor to overspeed and shut down. Because this event could have been avoided by better maintenance practices, the emissions do not meet the demonstrations as defined by 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.122(b)(1-11).

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2008-1043-Air-E" to:

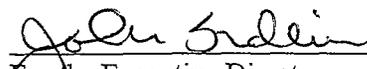
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, above, Six Thousand Eight Hundred Forty Dollars (\$6,840) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

4/6/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

3/18/09  
Date

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

Vice President and General Manager  
Title

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



Attachment A  
Docket Number: 2008-1043-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** The Premcor Refining Group Inc.  
**Payable Penalty Amount:** Thirteen Thousand Six Hundred Eighty Dollars (\$13,680)  
**SEP Amount:** Six Thousand Eight Hundred Forty Dollars (\$6,840)  
**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 B 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 ATexas 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.

