

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0151-AIR-E **TCEQ ID:** RN102584026 **CASE NO.:** 37110
RESPONDENT NAME: The Premcor Refining Group Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1043-AIR-E and 2009-0511-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 13, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Raymond Marlow, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. J. Greg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., 1801 Gulfway Drive, Port Arthur, Texas 77640 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 2, 2008</p> <p>Date of NOV/NOE Relating to this Case: January 27, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 108928. Specifically, during a June 6, 2008 emissions event, unauthorized emissions of 53.76 pounds ("lbs") of hydrogen sulfide ("H₂S"), 6.45 lbs of butadiene, 288.54 lbs of butane, 1,730.34 lbs of butene, 1.80 lbs of ethylene, 1,223.6 lbs of isobutene, 245.35 lbs of isopentane, 0.05 lbs of particulate matter ("PM"), 3.17 lbs of pentane, 79.66 lbs of pentene, 396.10 lbs of propane and 1,316.98 lbs of propylene were released from Flare 22 for 45 minutes due to insufficient fuel gas to the flare. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Federal Operating Permit ("FOP") 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition ("SC") No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions during Incident No. 111065. Specifically, during a July 14, 2008 emissions event, unauthorized emissions of 10.16 lbs carbon monoxide ("CO"), 10.03 lbs of H₂S, 924.24 lbs of sulfur dioxide ("SO₂"), 1.32 lbs of oxides of nitrogen,</p>	<p>Total Assessed: \$19,600</p> <p>Total Deferred: \$3,920 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,840</p> <p>Total Paid to General Revenue: \$7,840</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. In regards to Incident No. 108928, on July 31, 2008, revised the flare lighting procedure for potential nitrogen contamination and to not use debutanizer overhead gas during lighting process and added the flare tip pilot and piping system inspection to the shutdown work list for Flare 22;</p> <p>b. In regards to Incident 111065, on August 14, 2008, added additional monitoring locations to Gas Dispatcher duties, installed an alarm icon on all of the Human Machine Interface ("HMI") graphics that will indicate to the operators when an alarm comes into the HMI, and, installed a hardwired audible horn to sound any time an alarm comes into the HMI; on October 20, 2008, installed a new battery charger and purchased a spare battery charger; and on March 23, 2009, wrote and posted a procedure concerning the prevention of false breaker trips on the direct current failure into all distribution station charger rooms; and</p> <p>c. In regards to Incident No. 113023, on October 31, 2008, reviewed and modified the operating procedure for transferring sour water from Tank 78 to Tank 2590 and reviewed and modified the operating procedure for transferring sour water from Tank 151 to Tank 78; and on November 30, 2008, installed a check valve for the sour water transfer system valves to prevent hydrocarbons from entering the suction of the SWS-8747 charge pump.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

2.79 lbs of butane, 1.43 lbs of butene, 0.37 lbs of ethylene, 0.57 lbs of isobutane, 0.89 lbs of isopentane, 0.1 lbs of PM, 1.61 lbs of pentane, 4.02 lbs of propane, 1.64 lbs of propylene, and 1.04 lbs of volatile organic compounds ("VOCs") were released from Flare 23 for 40 minutes due to delay in responding to a battery charger failure alarm. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), FOP 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, SC No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3) Failure to prevent unauthorized emissions during Incident No. 113023. Specifically, during an August 23, 2008 emissions event, unauthorized emissions of 98.1 lbs of CO, 52.82 lbs of H₂S, 8.2 lbs of NO_x, 4,783.28 lbs of SO₂, 1.02 lbs of PM, 22.08 lbs of ammonia, and 31.23 lbs of VOCs were released from Tail Gas Incinerators 3 and 4 and Flare 23 for one hour and 22 minutes due to two valves at Tanks 151 and 78 being left open from a previous transfer. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), FOP 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, SC No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): JE0042B

Attachment A
Docket Number: 2009-0151-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Premcor Refining Group Inc.
Payable Penalty Amount: Fifteen Thousand Six Hundred Eighty Dollars (\$15,680)
SEP Amount: Seven Thousand Eight Hundred Forty Dollars (\$7,840)
Type of SEP: Pre-approved
Third-Party Recipient: 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

Performing Party shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

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

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	2-Feb-2009	Screening	2-Feb-2009	EPA Due	24-Oct-2009
	PCW	5-Feb-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37110	No. of Violations	3
Docket No.	2009-0151-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.

Compliance History	178.0% Enhancement	Subtotals 2, 3, & 7	\$13,350
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Notes	Enhancement due to seven similar NOVs, four non-similar NOVs, one 1660 order, and five findings orders. Reduction for five notices of audit and participation in a voluntary pollution reduction program.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$56	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$19,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,600
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,920
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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.
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PAYABLE PENALTY	\$15,680
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Screening Date 2-Feb-2009

Docket No. 2009-0151-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 37110

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Raymond Marlow

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)	7	35%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	5	125%
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)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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) 178%

>> 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

Enhancement due to seven similar NOVs, four non-similar NOVs, one 1660 order, and five findings orders.
Reduction for five notices of audit and participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 178%

Screening Date 2-Feb-2009 **Docket No.** 2009-0151-AIR-E **PCW**

Respondent The Premcor Refining Group Inc. *Policy Revision 2 (September 2002)*

Case ID No. 37110 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Federal Operating Permit ("FOP") 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition ("SC") No. 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to prevent unauthorized emissions during Incident No. 108928. Specifically, during a June 6, 2008 emissions event, unauthorized emissions of 53.76 pounds ("lbs") of hydrogen sulfide ("H2S"), 6.45 lbs of butadiene, 288.54 lbs of butane, 1,730.34 lbs of butene, 1.80 lbs of ethylene, 1,223.6 lbs of isobutene, 245.35 lbs of isopentane, 0.05 lbs of particulate matter ("PM"), 3.17 lbs of pentane, 79.66 lbs of pentene, 396.10 lbs of propane and 1,316.98 lbs of propylene were released from Flare 22 for 45 minutes due to insufficient fuel gas to the flare. Since this event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes
 Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 Number of violation days: 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the incident which occurred on June 6, 2008.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes
 The Respondent achieved compliance on July 31, 2008, prior to the January 27, 2009 NOE.

Violation Subtotal \$1,875

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$6,325

This violation Final Assessed Penalty (adjusted for limits) \$6,325

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.

Case ID No.: 37110

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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	6-Jun-2008	31-Jul-2008	0.15	\$8	n/a	\$8

Notes for DELAYED costs: Estimated cost of implementing precautionary procedures and training of personnel. The date required is the date the emissions event occurred. The final date is the date that corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

\$1,000

TOTAL

\$8

Screening Date 2-Feb-2009	Docket No. 2009-0151-AIR-E	PCW		
Respondent The Premcor Refining Group Inc.		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37110		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN102584026				
Media [Statute] Air				
Enf. Coordinator Raymond Marlow				
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), FOP 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, SC No. 5A, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions during Incident No. 111065. Specifically, during a July 14, 2008 emissions event, unauthorized emissions of 10.16 lbs carbon monoxide ("CO"), 10.03 lbs of H2S, 924.24 lbs of sulfur dioxide ("SO2"), 1.32 lbs of oxides of nitrogen, 2.79 lbs of butane, 1.43 lbs of butene, 0.37 lbs of ethylene, 0.57 lbs of isobutane, 0.89 lbs of isopentane, 0.1 lbs of PM, 1.61 lbs of pentane, 4.02 lbs of propane, 1.64 lbs of propylene, and 1.04 lbs of volatile organic compounds ("VOCs") were released from Flare 23 for 40 minutes due to delay in responding to a battery charger failure alarm. Since this event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
Percent				25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0%
Matrix Notes	Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or the environment.			
Adjustment				\$7,500
				\$2,500
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$2,500
One quarterly event is recommended for the incident which occurred on July 14, 2008.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent achieved compliance on March 23, 2009, after the mailing of the original agreed order, March 20, 2009.			
Violation Subtotal				\$2,500
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$35	Violation Final Penalty Total	\$6,950	
		This violation Final Assessed Penalty (adjusted for limits)		\$6,950

Economic Benefit Worksheet

Respondent: The Premcor Refining Group Inc.
Case ID No.: 37110
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	14-Jul-2008	23-Mar-2009	0.69	\$35	n/a	\$35

Notes for DELAYED costs

Estimated cost of implementing precautionary procedures and training of personnel. The date required is the date the emissions event occurred. The final date is the date that corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$35

Screening Date 2-Feb-2009 **Docket No.** 2009-0151-AIR-E **PCW**
Respondent The Premcor Refining Group Inc. *Policy Revision 2 (September 2002)*
Case ID No. 37110 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), FOP 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, SC No. 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during Incident No. 113023. Specifically, during an August 23, 2008 emissions event, unauthorized emissions of 98.1 lbs of CO, 52.82 lbs of H2S, 8.2 lbs of NOx, 4,783.28 lbs of SO2, 1.02 lbs of PM, 22.08 lbs of ammonia, and 31.23 lbs of VOCs were released from Tail Gas Incinerators 3 and 4 and Flare 23 for one hour and 22 minutes due to two valves at Tanks 151 and 78 being left open from a previous transfer. Since this event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
Potential				25%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the incident which occurred August 23, 2008.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes The Respondent achieved compliance on November 30, 2008, prior to the January 27, 2009 NOE.

Violation Subtotal \$1,875

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

Estimated EB Amount \$14 Violation Final Penalty Total \$6,325

This violation Final Assessed Penalty (adjusted for limits) \$6,325

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 37110
Reg. Ent. Reference No. RN102584026
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	23-Aug-2008	30-Nov-2008	0.27	\$14	n/a	\$14
<p>Notes for DELAYED costs Estimated cost of implementing precautionary procedures and training of personnel. The date required is the date the emissions event occurred. The final date is the date that corrective actions were completed.</p>							
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
<p>Notes for AVOIDED costs</p>							
<p>Approx. Cost of Compliance TOTAL</p>							
				\$1,000			\$14

Approx. Cost of Compliance

\$1,000

TOTAL

\$14

Compliance History Report

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: AVERAGE Rating: 5.19
Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 8.19

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	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	PERMIT	86757

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 02, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 02, 2004 to February 02, 2009

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

Name: Raymond Marlow Phone: 409.899.8785

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 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 SO₂, 93.87 lbs of CO, 19.34 lbs of H₂S. emissions event resulted when the Hot Maintenance Drop Out (HMDO) drum overhead vapor line was inadvertently isolated downstream of the Diesel Hydrotreater (DHT)-246 off gas tie-in, instead of being isolated upstream.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Effective Date: 04/14/2008

ADMINORDER 2007-1358-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failed to prevent unauthorized emissions.

Effective Date: 12/04/2008

ADMINORDER 2008-0435-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 2.F OP

Description: Failed to report an emissions event within 24 hours of discovery.

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 THSC Chapter 382 382.085(b)

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

O-01498, GENERAL CONDITIONS OP
STC 18 OP

Description: Failed to maintain the Flare 22 [Emission Point No. ("EPN") F-22-Flare] 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 THSC Chapter 382 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
O-01498, STC 18 OP
O-02229, GENERAL CONDITIONS OP
O-02229, STC15 OP

Description: Failed to maintain emission rates below the allowable emission limits for Flare 103B (EPN F-103-Flare, Tank 151 (EPN T-151), and Flare 23 (EPN E-23-Flare).

Classification: Minor

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

Description: Failed to timely report a shutdown that occurred at the Gulfining Unit (EPN GFU-244) that started on October 5, 2007, at 6:00 a.m., and ended October 10, 2007, at 12:00 a.m.

Classification: Major

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 THSC Chapter 382 382.085(b)

Rqmt Prov: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No.18 OP

Description: Failed to maintain Flare 19 (EPN E-19-Flare) 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 THSC Chapter 382 382.085(b)

Rqmt Prov: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No. 18 OP

Description: Failed to maintain emission rates below the allowable emission limits at the SCOT-1 Tail Gas Incinerator (EPN E-01-SCOT).

Classification: Moderate

Citation: 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 THSC Chapter 382 382.085(b)

Rqmt Prov: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No. 18 OP

Description: Failed to maintain the Flare 23 (EPN F-23-Flare) emission rates below the allowable emission limits.

Effective Date: 01/30/2009

ADMINORDER 2007-1455-AIR-E

Classification: Minor

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

Rqmt Prov: O-01498, General Terms and Conditions OP

Description: Failure to properly report an emissions event.

Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7600A, Special Condition 1 PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP

Description: Failure to properly operate Tank 283 and Tank 284.

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	02/26/2004	(254381)
2	06/16/2004	(270296)
3	08/11/2004	(278807)
4	08/11/2004	(285340)
5	08/11/2004	(286227)
6	08/17/2004	(270166)
7	08/23/2004	(281670)
8	08/27/2004	(283049)
9	08/31/2004	(273536)
10	08/31/2004	(282995)
11	09/23/2004	(271970)
12	11/23/2004	(339035)
13	11/23/2004	(339038)
14	11/23/2004	(339389)
15	12/08/2004	(337446)
16	12/15/2004	(287796)
17	12/27/2004	(340483)
18	01/31/2005	(344879)
19	02/02/2005	(342308)
20	03/03/2005	(345932)
21	03/24/2005	(346253)
22	04/14/2005	(371246)
23	04/19/2005	(349573)
24	05/06/2005	(276009)
25	05/17/2005	(377749)
26	05/17/2005	(377823)
27	05/20/2005	(347935)
28	05/24/2005	(374676)
29	05/31/2005	(377794)
30	05/31/2005	(393164)
31	06/07/2005	(392990)
32	06/07/2005	(394209)
33	06/13/2005	(377488)
34	06/13/2005	(377635)
35	06/13/2005	(377763)

36	06/17/2005	(395060)
37	07/05/2005	(380293)
38	07/05/2005	(393742)
39	07/26/2005	(400317)
40	08/01/2005	(393808)
41	08/04/2005	(401782)
42	08/04/2005	(402168)
43	08/13/2005	(402114)
44	08/14/2005	(380729)
45	08/16/2005	(337449)
46	08/16/2005	(348169)
47	08/16/2005	(396901)
48	08/16/2005	(402102)
49	08/16/2005	(403310)
50	08/25/2005	(401169)
51	08/31/2005	(338345)
52	08/31/2005	(401994)
53	10/13/2005	(431867)
54	11/03/2005	(434493)
55	11/04/2005	(404608)
56	11/04/2005	(418674)
57	11/04/2005	(432099)
58	11/04/2005	(432307)
59	11/15/2005	(435657)
60	12/02/2005	(418593)
61	01/18/2006	(438806)
62	02/03/2006	(440029)
63	02/06/2006	(437321)
64	02/21/2006	(455655)
65	02/23/2006	(455193)
66	03/28/2006	(450081)
67	03/31/2006	(455509)
68	04/12/2006	(461051)
69	04/28/2006	(454769)
70	05/03/2006	(464161)
71	05/11/2006	(464702)
72	05/30/2006	(466254)
73	06/16/2006	(482132)
74	07/14/2006	(464803)
75	07/28/2006	(483694)
76	08/30/2006	(482855)
77	08/31/2006	(454753)
78	08/31/2006	(466054)
79	10/10/2006	(512174)
80	11/06/2006	(515244)
81	11/15/2006	(515161)
82	11/18/2006	(517423)
83	12/19/2006	(512175)
84	12/28/2006	(273484)
85	12/28/2006	(395082)
86	01/04/2007	(533453)
87	01/25/2007	(512183)
88	01/25/2007	(531282)
89	01/25/2007	(531842)
90	01/25/2007	(535004)
91	02/01/2007	(538514)
92	02/02/2007	(538412)
93	02/02/2007	(538987)
94	02/02/2007	(539009)

95	02/14/2007	(537911)
96	04/21/2007	(537071)
97	04/21/2007	(539391)
98	04/21/2007	(541913)
99	04/26/2007	(542530)
100	05/14/2007	(558406)
101	05/17/2007	(554503)
102	05/17/2007	(554971)
103	05/17/2007	(555573)
104	05/17/2007	(555595)
105	05/31/2007	(561603)
106	06/01/2007	(558971)
107	06/13/2007	(557367)
108	06/20/2007	(561471)
109	07/06/2007	(563007)
110	07/26/2007	(559734)
111	07/26/2007	(567176)
112	08/22/2007	(571648)
113	08/28/2007	(568208)
114	08/31/2007	(570927)
115	08/31/2007	(574001)
116	09/17/2007	(594355)
117	10/24/2007	(594169)
118	11/20/2007	(597292)
119	11/26/2007	(597187)
120	11/28/2007	(600706)
121	11/28/2007	(609718)
122	12/18/2007	(609958)
123	01/04/2008	(613529)
124	01/13/2008	(609850)
125	01/14/2008	(609022)
126	01/14/2008	(611965)
127	01/15/2008	(610932)
128	02/06/2008	(617409)
129	02/07/2008	(614107)
130	02/07/2008	(617548)
131	02/13/2008	(613169)
132	02/27/2008	(617570)
133	03/06/2008	(615451)
134	03/30/2008	(640081)
135	04/01/2008	(615917)
136	04/15/2008	(636257)
137	04/22/2008	(640467)
138	04/29/2008	(653905)
139	05/07/2008	(640491)
140	05/13/2008	(637346)
141	05/13/2008	(639601)
142	05/13/2008	(653456)
143	05/16/2008	(641333)
144	05/28/2008	(640609)
145	06/12/2008	(671631)
146	06/17/2008	(683429)
147	06/26/2008	(680362)
148	12/04/2008	(709108)
149	01/15/2009	(721121)
150	01/27/2009	(709880)

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

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)
6825A and PSD-TX-49, SC 1A PERMIT
6825A and PSD-TX-49, SC 3A PERMIT
6825A and PSD-TX-49, SC 4C PERMIT

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

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

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)
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 PERMIT

Description: Failure to perform the final repair within 15 days for 4 leaking connectors.

Self Report? NO

Classification: Moderate

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

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 PERMIT

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)
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 PERMIT

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

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

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)
 FOP O-2227 General Terms and Conditions OP
 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)
 O-02228 Special Condition 13H OP
 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)
 Flex Permit 6825A/PSD-TX-49 SC 37C PERMIT
 O-02229, Special Condition 15 OP
 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)
 Flex Permit 6825A/PSD-TX-49, SC 24A PERMIT
 O-02229, Special Condition 15 OP
 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)
 O-02229, Special Condition 1D OP
 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)
 O-02229, Special Condition 3 OP
 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)
6825A/PSD-TX-49, Special Condition 20C PERMIT
O-02229, Special Condition 15 OP
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)
6825A/PSD-TX-49, Special Condition 37C PERMIT
O-02229, Special Condition 14A OP
O-02229, Special Condition 15 OP
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)
O-02229, Special Condition 1E OP
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)
6825A/PSD-TX-49, Special Condition 28I PERMIT
O-02229, Special Condition 15 OP
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: 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)
O-02229, SC 1A OP

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

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

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

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)
O-02229, General Conditions OP

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)
O-02227, SC 1A OP

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

Description: Failure to seal an open line.

Date: 11/27/2007 (597187) CN601420748
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)
O-02227, SC 1D OP

Description: Failure to obtain documentation of a vapor tightness pressure test.

Date: 02/07/2008 (614107) CN601420748
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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

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)
O-02229 OP

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)
O-02229 OP

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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

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)
6825A/PSD-TX-75 PERMIT
O-02229 OP

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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

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)

CN601420748

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)
6825A/PSD-TX-49, SC 28E PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 28J PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 4B PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 2B PERMIT
6825A/PSD-TX-49, SC 5A PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 17C PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 18 PERMIT
O-01498, SC 18 OP

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)

6825A/PSD-TX-49, SC 12B PERMIT
O-1498, SC 18 OP

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)
6825A/PSD-TX-49, SC 1A(5) PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 35F PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 37F PERMIT
O-01498, SC 18 OP

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

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)
6825A/PSD-TX-49, SC 3A PERMIT
O-01498, SC 18 OP

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

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)
6825A/PSD-TX-49, SC 29A PERMIT
O-01498, SC 18 OP

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)
6825A/PSD-TX-49, SC 2B PERMIT

O-01498, SC 18 OP

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

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.

Date: 01/15/2009 (721121) CN601420748

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.300
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 Y 63.563(a)(4)(i)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 11B(2) PERMIT
O-02227, SC 12 OP
O-02227, SC 13 OP
O-02227, SC 1D OP

Description: Failure to obtain documentation of a vapor tightness pressure test as reported in the Semiannual Deviation Report for FOP O-02227 covering June 12, 2007 until December 11, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 28E PERMIT
O-02227, SC 13 OP

Description: Failure to maintain all open-ended lines with a plug, cap, flange or second valve as reported in the Semiannual Deviation Report for FOP O-02227 covering June 12, 2007 until December 11, 2007 and December 12, 2007 until June 12, 2008.

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

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

3 Notice of Intent Date: 01/10/2008 (616179)
No DOV Associated

4 Notice of Intent Date: 04/23/2008 (671267)
No DOV Associated

5 Notice of Intent Date: 07/21/2008 (701166)
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. 2009-0151-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 February 1, 2009.
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 Nineteen Thousand Six Hundred Dollars (\$19,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight Hundred Forty Dollars (\$7,840) of the administrative penalty and Three Thousand Nine Hundred Twenty Dollars (\$3,920) 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. Seven Thousand Eight Hundred Forty Dollars (\$7,840) 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. In regards to Incident No. 108928, on July 31, 2008, revised the flare lighting procedure for potential nitrogen contamination and to not use debutanizer overhead gas during lighting process and added the flare tip pilot and piping system inspection to the shutdown work list for Flare 22;
 - b. In regards to Incident 111065, on August 14, 2008, added additional monitoring locations to Gas Dispatcher duties, installed an alarm icon on all of the Human Machine Interface ("HMI") graphics that will indicate to the operators when an alarm comes into the HMI, and, installed a hardwired audible horn to sound any time an alarm comes into the HMI; on October 20, 2008, installed a new battery charger and purchased a spare battery charger; and on March 23, 2009, wrote and posted a procedure concerning the prevention of false breaker trips on the direct current failure into all distribution station charger rooms; and
 - c. In regards to Incident No. 113023, on October 31, 2008, reviewed and modified the operating procedure for transferring sour water from Tank 78 to Tank 2590 and reviewed and modified the operating procedure for transferring sour water from Tank 151 to Tank 78; and on November 30, 2008, installed a check valve for the sour water transfer system valves to prevent hydrocarbons from entering the suction of the SWS-8747 charge pump.
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 unauthorized emissions during Incident No. 108928, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Federal Operating Permit ("FOP") 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, Special Condition ("SC") No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 2, 2008. Specifically, during a June 6, 2008 emissions event, unauthorized emissions of 53.76 pounds ("lbs") of hydrogen sulfide ("H₂S"), 6.45 lbs of butadiene, 288.54 lbs of butane, 1,730.34 lbs of butene, 1.80 lbs of ethylene, 1,223.6 lbs of isobutene, 245.35 lbs of isopentane, 0.05 lbs of particulate matter ("PM"), 3.17 lbs of pentane, 79.66 lbs of pentene, 396.10 lbs of propane and 1,316.98 lbs of propylene were released from Flare 22 for 45 minutes due to insufficient fuel gas to the flare. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions during Incident No. 111065, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), FOP 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, SC No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 2, 2008. Specifically, during a July 14, 2008 emissions event, unauthorized emissions of 10.16 lbs carbon monoxide ("CO"), 10.03 lbs of H₂S, 924.24 lbs of sulfur dioxide ("SO₂"), 1.32 lbs of oxides of nitrogen, 2.79 lbs of butane, 1.43 lbs of butene, 0.37 lbs of ethylene, 0.57 lbs of isobutane, 0.89 lbs of isopentane, 0.1 lbs of PM, 1.61 lbs of pentane, 4.02 lbs of propane, 1.64 lbs of propylene, and 1.04 lbs of volatile organic compounds ("VOCs") were released from Flare 23 for 40 minutes due to delay in responding to a battery charger failure alarm. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. Failed to prevent unauthorized emissions during Incident No. 113023, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), FOP 1498, General Conditions, Flexible Air Permit No. 6825A/PSD-TX-49, SC No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 2, 2008. Specifically, during an August 23, 2008 emissions event, unauthorized emissions of 98.1 lbs of CO, 52.82 lbs of H₂S, 8.2 lbs of NO_x, 4,783.28 lbs of SO₂, 1.02 lbs of PM, 22.08 lbs of ammonia, and 31.23 lbs of VOCs were released from Tail Gas Incinerators 3 and 4 and Flare 23 for one hour and 22 minutes due to two valves at Tanks 151 and 78 being left open from a previous transfer. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2009-0151-AIR-E" to:

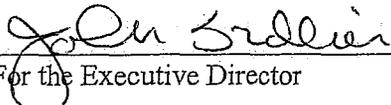
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Seven Thousand Eight Hundred Forty Dollars (\$7,840) 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 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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

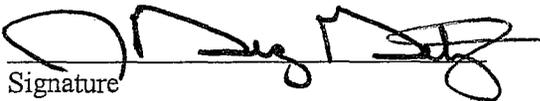
Date 6/23/2009

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

Date 5/12/09

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

VPT 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: 2009-0151-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Payable Penalty Amount:	Fifteen Thousand Six Hundred Eighty Dollars (\$15,680)
SEP Amount:	Seven Thousand Eight Hundred Forty Dollars (\$7,840)
Type of SEP:	Pre-approved
Third-Party Recipient:	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

Performing Party shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

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

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NO_x) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

