

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-1487-AIR-E **TCEQ ID:** RN100219310 **CASE NO.:** 38360

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

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Valero Refining Houston Refinery, 9701 Manchester Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 22, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Roshondra Lowe, Enforcement Division, Air Enforcement Section, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Mark Skobel, Vice President &amp; General Manager, Houston Refinery, Valero Refining-Texas, L.P., P.O. Box 5038, Houston, Texas 77262  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 20, 2009</p> <p><b>Date of NOE Relating to this Case:</b> August 31, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to comply with the operations limitations, relating to three specific sources, that were established during the initial Highly Reactive Volatile Organic Compound ("HRVOC") performance test. Specifically, from August 29, 2008 to December 10, 2008, Fluid Catalytic Cracking Unit Regenerator (Unit ID 42CB2001), Boiler No. 2 (Unit ID 81BF5602), and Boiler No. 3 (Unit ID 81BF5603) operated outside established coke rate and fuel gas flow rate [30 TEX. ADMIN. CODE §§ 115.725(a)(1) and 122.143(4), Federal Operating Permit No. O1381, Special Condition 11(i), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to operate an American Petroleum Institute ("API") Separator without leakage. Specifically, volatile organic compound ("VOC") liquids were detected on the floating roofs of API Separator (Unit ID 47GF5401) on July 21, 2008 [30 TEX. ADMIN. CODE §§ 115.142(1)(G) and 122.143(4), 40 Code of Federal Regulations § 60.693-2(a)(2), Federal Operating Permit No. O1381, General Terms and Conditions and Special Terms and Conditions 1A, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit a deviation report with proper rule citation information.</p>	<p><b>Total Assessed:</b> \$23,330</p> <p><b>Total Deferred:</b> \$4,666  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$9,332</p> <p><b>Total Paid to General Revenue:</b> \$9,332</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) Performed subsequent HRVOC stack tests and adjusted process variables to establish new parameter limits that were higher than the initial permitted limits by February 12, 2009 in order to reach compliance;</p> <p>b) Removed VOC liquids from the roof of API Separator (Unit ID 47GF5401) and identified the source of leaking upon discovery on July 22, 2008 by checking the seals between the roof and the wall, the fabric covers/seals on the drain, and the gaskets. The seals and the gaskets were all found to be working properly with no visible gaps or tears, and the fabric covers/seals on the drains were verified to be in place and covering at least 90% of the drain area as required; and</p> <p>c) Cited the proper rule citations on the second semi-annual deviation report for September 28, 2008 to March 27, 2009 period that was submitted on April 24, 2009.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p>

<p>Specifically, the Respondent failed to cite other correct rule citations besides Federal Operating Permit No. 1381, Special Condition 21 on the first semi-annual deviation report for the period of March 28, 2008 through September 27, 2008 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(5)(C)(i), Federal Operating Permit No. O1381, General Terms and Conditions and Special Terms and Conditions 1A, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): Air Acct. No. HG0130C



**Attachment A**  
**Docket Number: 2009-1487-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Valero Refining-Texas, L.P.

**Payable Penalty Amount:** Eighteen Thousand Six Hundred Sixty-Four Dollars (\$18,664)

**SEP Amount:** Nine Thousand Three Hundred Thirty-Two Dollars (\$9,332)

**Type of SEP:** Pre-approved

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

**Location of SEP:** Texas Air Quality Control Region 216 – Houston-Galveston

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

**1. Project Description**

A. Project

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

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



B. Environmental Benefit

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

C. Minimum Expenditure

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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



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

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned PCW	8-Sep-2009	Screening	14-Sep-2009	EPA Due	
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## RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100219310		
Facility/Site Region	12-Houston	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	38360	No. of Violations	3
Docket No.	2009-1487-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 5
Maximum	\$10,000		

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$196	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,500	

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 14-Sep-2009

Docket No. 2009-1487-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38360

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

### 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)	10	50%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	1	50%
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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 358%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

**Compliance History Notes**  
 The penalty was enhanced by ten similar NOVs, 15 dissimilar NOVs, five 1660-style agreed orders, four findings agreed orders, one court order containing a denial of liability, and one criminal conviction. The penalty was reduced by two NOAs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 358%

Screening Date 14-Sep-2009

Docket No. 2009-1487-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38360

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Roshandra Lowe

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 115.725(a)(1) and 122.143(4), Federal Operating Permit No. O1381, Special Condition 11(i), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the operations limitations, relating to three specific sources, that were established during the initial Highly Reactive Volatile Organic Compound performance test, as documented during an investigation conducted on July 20, 2009. Specifically, from August 29, 2008 to December 10, 2008, Fluid Catalytic Cracking Unit Regenerator (Unit ID 42CB2001), Boiler No. 2 (Unit ID 81BF5602), and Boiler No. 3 (Unit ID 81BF5603) operated outside established coke rate and fuel gas flow rate limits as described in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants that did not exceed levels protective of human health or environmental receptors. New parameter limits have been established that are greater than those measured during initial testing.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 104 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,000

Three single events are recommended, based on three sources that exceeded operations limitations.

Good Faith Efforts to Comply

25.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on February 12, 2009. The NOE date was August 31, 2009.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$172

Violation Final Penalty Total \$12,900

This violation Final Assessed Penalty (adjusted for limits) \$12,900

# Economic Benefit Worksheet

**Respondent:** Valero Refining-Texas, L.P.  
**Case ID No.** 38360  
**Reg. Ent. Reference No.** RN100219310  
**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
<b>Delayed Costs</b>							
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)	\$7,500	29-Aug-2008	12-Feb-2009	0.46	\$172	n/a	\$172

**Notes for DELAYED costs:** Estimated costs to perform subsequent stack tests on unit ID(s) 42CB2004, 81BF5602 and 81BF5603 to ensure compliance. The Date Required is the first date of the violation and the Final Date is the date of achieved compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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** \$7,500 **TOTAL** \$172

Screening Date 14-Sep-2009

Docket No. 2009-1487-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 38360

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 115.142(1)(G) and 122.143(4), 40 Code of Federal Regulations § 60.693-2(a)(2), Federal Operating Permit No. O1381, General Terms and Conditions and Special Terms and Conditions 1A, and Tex. Health & Safety Code § 362.085(b)

Violation Description

Failed to operate an American Petroleum Institute ("API") Separator without leakage. Specifically, volatile organic compound liquids were detected on the floating roofs of API Separator (Unit ID 47GF5401) on July 21, 2008, as documented during an investigation conducted on July 20, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants that did not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 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, based on the leakage detection event on July 21, 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 22, 2008. The NOE date was August 31, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$10,750

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.  
**Case ID No.** 38360  
**Reg. Ent. Reference No.** RN100219310  
**Media:** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,000	21-Jul-2008	22-Jul-2008	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace the seals on the floating roofs of the units. The Date Required is the date of detection and the Final Date is the date of achieved compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$0

**Screening Date** 14-Sep-2009 **Docket No.** 2009-1487-AIR-E **PCW**  
**Respondent** Valero Refining-Texas, L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 38360 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100219310  
**Media [Statute]** Air  
**Enf. Coordinator** Roshondra Lowe  
**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.146(5)(C)(ii), Federal Operating Permit No. O1381, General Terms and Conditions and Special Terms and Conditions 1A, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to submit a deviation report with proper rule citation information, as documented during an investigation conducted on July 20, 2009. Specifically, the Respondent failed to cite other correct rule citations besides Federal Operating Permit No. 1381, Special Condition 21 on the first semi-annual deviation report for the period of March 28, 2008 through September 27, 2008.  
**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

**>> Programmatic Matrix**

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1%

**Matrix Notes** The Respondent failed to comply with 30% or less of the rule requirements.

**Adjustment** \$9,900

\$100

**Violation Events**

Number of Violation Events  Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$100

One single event is recommended, based on the incorrect report rule citation on the first semi-annual reporting period.

**Good Faith Efforts to Comply** 25.0% Reduction \$25

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

**Notes** The Respondent achieved compliance on April 24, 2009. The NOE date was August 31, 2009.

**Violation Subtotal** \$75

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

**Estimated EB Amount** \$25 **Violation Final Penalty Total** \$430

**This violation Final Assessed Penalty (adjusted for limits)** \$430

## Economic Benefit Worksheet

**Respondent:** Valero Refining-Texas, L.P.  
**Case ID No.:** 38360  
**Reg. Ent. Reference No.:** RN100219310  
**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
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	27-Oct-2008	24-Apr-2009	0.49	\$25	n/a	\$25
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide additional oversight of the reporting system. The Date Required is the date the first deviation report was due, and the Final Date is the date of achieved compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$25

Valero Refining-Texas, L.P., RN100219310, Docket No. 2009-1487-AIR-E

Violation No. 1 on PCW

Coke Rate and Fuel Gas Flow Rate Exceedances Between 8/29/08 and 12/10/08

Rate Exceeded	Common Name	Unit ID	Hours of Exceedance	Unit of Measure	Permitted Rate	Highest Rate
Coke Rate	FCCU Regenerator	42CB2001	6	lbs/hr	55,587	61,478
Fuel Gas Flow Rate	Boiler No. 2	81BF5602	44	MMscfd	7,407	8,237.99
Fuel Gas Flow Rate	Boiler No. 3	81BF5603	86	MMscfd	7,162	8,991
Abbreviations:						
	lbs/hr =	pounds per hour				
	MMscfd =	million standard cubic feet per day				
	FCCU =	Fluid Catalytic Cracking Unit				



# Compliance History Report

Customer/Respondent/Owner-Operator: CN800127468 Valero Refining-Texas, L.P. Classification: AVERAGE Rating: 10.27  
Regulated Entity: RN100219310 VALERO REFINING HOUSTON REFINERY Classification: AVERAGE Site Rating: 43.87

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0130C
	AIR OPERATING PERMITS	PERMIT	1381
	AIR OPERATING PERMITS	PERMIT	2951
	AIR NEW SOURCE PERMITS	REGISTRATION	36395
	AIR NEW SOURCE PERMITS	REGISTRATION	36394
	AIR NEW SOURCE PERMITS	REGISTRATION	36392
	AIR NEW SOURCE PERMITS	REGISTRATION	37103
	AIR NEW SOURCE PERMITS	REGISTRATION	37102
	AIR NEW SOURCE PERMITS	REGISTRATION	37101
	AIR NEW SOURCE PERMITS	REGISTRATION	38961
	AIR NEW SOURCE PERMITS	REGISTRATION	40306
	AIR NEW SOURCE PERMITS	REGISTRATION	41495
	AIR NEW SOURCE PERMITS	REGISTRATION	42119
	AIR NEW SOURCE PERMITS	REGISTRATION	42999
	AIR NEW SOURCE PERMITS	REGISTRATION	44387
	AIR NEW SOURCE PERMITS	REGISTRATION	45273
	AIR NEW SOURCE PERMITS	REGISTRATION	45869
	AIR NEW SOURCE PERMITS	REGISTRATION	46784
	AIR NEW SOURCE PERMITS	PERMIT	47004
	AIR NEW SOURCE PERMITS	REGISTRATION	47166
	AIR NEW SOURCE PERMITS	REGISTRATION	48166
	AIR NEW SOURCE PERMITS	REGISTRATION	50138
	AIR NEW SOURCE PERMITS	REGISTRATION	50232
	AIR NEW SOURCE PERMITS	PERMIT	8483A
	AIR NEW SOURCE PERMITS	PERMIT	2501A
	AIR NEW SOURCE PERMITS	PERMIT	7144A
	AIR NEW SOURCE PERMITS	PERMIT	7158A
	AIR NEW SOURCE PERMITS	PERMIT	8092A
	AIR NEW SOURCE PERMITS	REGISTRATION	71919
	AIR NEW SOURCE PERMITS	REGISTRATION	33933
	AIR NEW SOURCE PERMITS	REGISTRATION	34151
	AIR NEW SOURCE PERMITS	REGISTRATION	34119
	AIR NEW SOURCE PERMITS	REGISTRATION	34094
	AIR NEW SOURCE PERMITS	REGISTRATION	33180
	AIR NEW SOURCE PERMITS	REGISTRATION	33383

AIR NEW SOURCE PERMITS	REGISTRATION	28324
AIR NEW SOURCE PERMITS	PERMIT	19637
AIR NEW SOURCE PERMITS	PERMIT	19294
AIR NEW SOURCE PERMITS	REGISTRATION	10580A
AIR NEW SOURCE PERMITS	PERMIT	2507A
AIR NEW SOURCE PERMITS	PERMIT	2498A
AIR NEW SOURCE PERMITS	REGISTRATION	10471A
AIR NEW SOURCE PERMITS	REGISTRATION	13020A
AIR NEW SOURCE PERMITS	REGISTRATION	36390
AIR NEW SOURCE PERMITS	REGISTRATION	35206
AIR NEW SOURCE PERMITS	REGISTRATION	55752
AIR NEW SOURCE PERMITS	PERMIT	48982
AIR NEW SOURCE PERMITS	REGISTRATION	75514
AIR NEW SOURCE PERMITS	AFS NUM	4820100065
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0130C
AIR NEW SOURCE PERMITS	REGISTRATION	70289
AIR NEW SOURCE PERMITS	PERMIT	71281
AIR NEW SOURCE PERMITS	REGISTRATION	50600
AIR NEW SOURCE PERMITS	REGISTRATION	54510
AIR NEW SOURCE PERMITS	REGISTRATION	56205
AIR NEW SOURCE PERMITS	REGISTRATION	54616
AIR NEW SOURCE PERMITS	REGISTRATION	71680
AIR NEW SOURCE PERMITS	REGISTRATION	54513
AIR NEW SOURCE PERMITS	REGISTRATION	73824
AIR NEW SOURCE PERMITS	REGISTRATION	73902
AIR NEW SOURCE PERMITS	REGISTRATION	73869
AIR NEW SOURCE PERMITS	REGISTRATION	74363
AIR NEW SOURCE PERMITS	REGISTRATION	76694
AIR NEW SOURCE PERMITS	REGISTRATION	78537
AIR NEW SOURCE PERMITS	REGISTRATION	78574
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1087
AIR NEW SOURCE PERMITS	PERMIT	80493
AIR NEW SOURCE PERMITS	REGISTRATION	81166
AIR NEW SOURCE PERMITS	REGISTRATION	81526
AIR NEW SOURCE PERMITS	REGISTRATION	81979
AIR NEW SOURCE PERMITS	REGISTRATION	84930
AIR NEW SOURCE PERMITS	REGISTRATION	88508
AIR NEW SOURCE PERMITS	REGISTRATION	87909

AIR NEW SOURCE PERMITS	REGISTRATION	85583
AIR NEW SOURCE PERMITS	REGISTRATION	86148
AIR NEW SOURCE PERMITS	REGISTRATION	86875
AIR NEW SOURCE PERMITS	REGISTRATION	86142
AIR NEW SOURCE PERMITS	REGISTRATION	86293
AIR NEW SOURCE PERMITS	REGISTRATION	83749
AIR NEW SOURCE PERMITS	EPA ID	P767M2
AIR NEW SOURCE PERMITS	REGISTRATION	82694
AIR NEW SOURCE PERMITS	EPA ID	P767M1
AIR NEW SOURCE PERMITS	EPA ID	P767
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD053624193
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30520
WASTEWATER	PERMIT	WQ0000535000
WASTEWATER	PERMIT	TPDES0002976
WASTEWATER	PERMIT	TX0002976
STORMWATER	PERMIT	TXR05K869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30520
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0130C

Location: 9701 MANCHESTER ST, HOUSTON, TX, 77012

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 11, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 07, 2004 to September 07, 2009

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

Name: Roshondra Lowe Phone: (713) 767-3553

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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: 11/23/2005 COURTORDER  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
Rqmt Prov: 2501A PA

Description: Failure to comply with the allowable emission limit (SC1) detected during a reference method stack test performed on March 13, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 19637/PSD-TX-767M2, Special Condition 4 PA

Description: Failure to maintain the refinery-gas sulfur content to below the permit allowable limit of 10 grains per 100 dry standard cubic foot.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 2498A, Special Condition 4 PA

Description: Failure to comply with the permitted fuel-gas sulfur content limit of 0.1 grain per dry standard cubic foot as required in TCEQ Permit No. 2498A, Special Condition 4.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206

Description: Failure to comply with the operating restrictions for stationary diesel engines located in the Houston/Galveston ozone nonattainment area by operating the firewater pumps for testing and maintenance purposes between the restricted hours of 6:00 a.m. and noon.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)

Description: Failure to include the date(s) of operation and the total hours of operation for each month and for the most recent 12 consecutive months, in the operating records for the firewater pumps.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: Special Condition 2 PERMIT

Description: Failure to maintain the fuel-gas hydrogen sulfide content to below the allowable limit of 0.10 grain per dry standard cubic foot.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: The open-ended valves next to components 42154, 42115, and 4290 had no cap, blind flange, or second valve and the open-ended line between valve 42101 and 4299 was unsealed.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Part 63, Subpart CC 63.654(h)(1)

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to include in the August 27, 2002 and February 26, 2003 Refinery MACT Periodic Reports for the Startup, Shutdown and Malfunction Plan, all flare pilot light outages.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to include all valves for which there were leaks and the total valves monitored in the periodic report required by 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 63.182(d)(2)(i).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(iii)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 4J PERMIT

Description: During the investigation conducted on March 26, 2003, it was determined that the regulated entity failed to make records of gas/hydraulic testing on new/reworked piping available upon request to a local air pollution control agency having jurisdiction over the site.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the authorized emissions limitations of 74.8 lbs/hr for volatile organic compounds (VOC), 3.7 lbs/hr for oxides of nitrogen (NOx), and 26.8 lbs/hr for carbon monoxide (CO).

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)

Description: Failure to install a continuous monitoring system to measure and record sulfur dioxide

emissions from a fuel-gas combustion device.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the authorized emissions limitations of 1.36 lbs/hr for volatile organic compounds (VOC), 0.26 lbs/hr for oxides of nitrogen (NOx), and 1.34 lbs/hr for carbon monoxide (CO).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(B)

Description: Failure to obtain a permit amendment prior to varying from permit application representations and causing a change in the character of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the allowable emission limit detected during a reference method stack test.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:18 a.m. was 45.76%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic

Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 10:06 a.m. was 46.03%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:00 p.m. was 40.15%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 7:06 p.m. was 63.5%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 8:36 p.m. was 42.7%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 9:30 p.m. was 53.8%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 11:48 a.m. was 41.3%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 2:30 p.m. was 39.7%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 5:54 p.m. was 38.65%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic

Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 6:00 a.m. was 72.72%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent opacity of emissions in excess of 20%, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. The average opacity starting at 1:12 p.m. was 100%. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to prevent more than 20% opacity of emissions, from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001), averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 [30 TEX. ADMIN. CODE Chapter 116.5(c)].

Classification: Minor

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

Rqmt Prov: 1 PERMIT

Description: Violation of permit special condition.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to meet the initial reporting requirements involving Valeros Refining - Texas, L.P. (VHR) authorized limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to meet the reporting requirements that Valero Refining-Texas L.P. submit the proper authorized emissions limits in the final record for a facility involved in an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2507A.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to meet the initial reporting requirements involving Valeros Refining - Texas, L.P. (VHR) authorized limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to meet the reporting requirements that Valero Refining-Texas L.P. submit the proper authorized emissions limits in the final record for a facility involved in an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2501A PA  
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2507A.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all acid gas shall be routed to the SRU.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
Description: Failure to report the correct facility in the initial notification.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
Description: Failure to report the correct facility in the final record.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
Description: Failure to report the correct facility in the initial notification.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)  
Description: Failure to submit an opacity event notification in a timely manner after an initial maintenance notification's opacity estimate was exceeded.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
Description: Failure to submit an initial notification with the proper authorized emissions limitations.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
Description: Failure to indicate the proper authorized limits for the emissions event in the final records submitted to the BAQC.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
Description: Failure to list the correct facility for each pollutant released during this emissions event in the initial notification.  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
Description: Failure to list the proper facility in the final record from which each pollutant originated.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2501A PA  
Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to comply with the authorized limits in the Maximum Allowable Emissions Rates Table.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2507A PA  
Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: The regulated entity (RE) allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) to exceed 20 percent averaged over a six-minute period. This is violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(6)

Description: Failure to have the duration for the excess opacity event in the notification. This is a violation of 30 TEX. ADMIN. CODE Chapter 101.201(E)(6).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(7)

Description: Failure to submit the correct opacity estimate in the submittal of an excess opacity event. This is a violation of 30 TEX. ADMIN. CODE Chapter 101.201(E)(7).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20 percent averaged over a six-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A & 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A. For the FCC flare see additional discussion for emissions, limits, dates, and durations, for each incident.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, which specifies that all refinery acid gas shall be routed to the SRU. This occurred 5 times for a total duration of 4 hours and 56 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to keep the allowed opacity of emissions from the Fluidized Catalytic Cracking Unit (FCCU) Stack (Emission Point Number 42CB2001) from exceeding 20% averaged over a 6-minute period. This is a violation of TCEQ Air Permit No. 2501A, Special Condition No. 2 (30 TEX. ADMIN. CODE Chapter 116.115(c)). (Section 4)

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS). The FCC flare, a fuel-gas combustion device combusted fuel gas with a hydrogen sulfide (H<sub>2</sub>S) content exceeding 0.10 grain (gr) per dry standard cubic foot (dscf). The H<sub>2</sub>S content was 27.1 grs/dscf for a duration of 4 hours and 56 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A & 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing refinery acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per dry standard cubic foot of hydrogen sulfide at the FCC Flare EPN 30FL5

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas L.P. identify the authorized emissions limits for the facility involved in the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A and 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

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

Rqmt Prov: 40 CFR 60.104(a)(1) PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per dry standard cubic foot of hydrogen sulfide at the FCC Flare EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.648(c)

40 CFR Part 63, Subpart H 63.167

Rqmt Prov: 2501A PERMIT

Description: Failure to equip three open-ended valves with a second valve, plug, cap or a blind. Those valves are in organic hazardous air pollutant (HAP) service because they contain or contact a fluid that is at least 5 percent by weight of total organic HAPs and subject to MACT regulations.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart CC 63.648(c)(1)

40 CFR Part 63, Subpart H 63.180(b)

Rqmt Prov: 2501A PERMIT

Description: Failure to perform fugitive monitoring, at the FCC unit, in accordance with 40 CFR 60, Appendix A, Reference Method 21.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart CC 63.654(d)(1)  
40 CFR Part 63, Subpart H 63.182(d)  
Rqmt Prov: 2501A PERMIT

Description: Failure to report two leaking pumps as delay of repair components in the MACT Subpart CC semi-annual report dated January 27, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the correct facility which incurred the emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

Description: Failure to meet initial notification requirements that Valero Refining - Texas L.P. submit the initial notification as soon as practicable, but not later than 24 hours after the discovery of an emissions event.

Classification: Minor

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

Description: Failure to meet final record requirements that Valero Refining - Texas L.P. submit the final record as soon as practicable, but not later than two weeks after the end of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT

TCEQ Air Permit No. 2507A PERMIT

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Permit Air Nos. 2501A and 2507A for the Fluid Catalytic Unit Flare. See Additional Discussion for details on emissions, limits and duration for this emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.

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)(1)

Description: Failure to comply with applicable New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grains per standard cubic foot of hydrogen sulfide at the FCC Flare (EPN 30 FL 5).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PERMIT

Description: Failure to comply with the requirements of TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing acid gas to FCC Flare (EPN 30 FL 5) instead of processing it in the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Regenerator Stack.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to submit authorization (rule or permit number) in the final record of emissions event that occurred on February 23, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 12, 2004 and lasted for five hours and ten minutes from the MEA Regenerator and the FCC Flare, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 12, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC § 101.222 for an emissions event that occurred on May 19, 2004 and lasted for one hour and 14 minutes from the MEA Regenerator and the FCC Flare and one hour and 28 minutes from the Sour Water Stripper, EPN 30FL5.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with the appropriate New Source Performance Standards (NSPS) by combusting fuel gas containing over 0.1 grain per standard cubic foot of Hydrogen Sulfide at the FCC Flare, EPN 30FL5.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the permit requirement to route refinery acid gas and sour water stripper overhead to the SRU during an emissions event that occurred on May 19, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT  
TCEQ Air Permit No. 2507A PERMIT

Description: Failure to obtain a permit amendment prior to varying from permit application representations and causing a change in the character of emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)

Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(5)

Description: Failure to submit the correct time for an excess opacity event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(4)

Description: Failure to correctly identify the facility and emissions point common name in the notification of an excess opacity event.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: Failure to keep emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit Nos. 2501A and 2507A for the Fluidized Catalytic Cracking Unit Flare. See Additional Discussion for details on emissions, limits and duration for this emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to comply with applicable New Source Performance Standards (NSPS) and TCEQ Air Permit No. 2501A by combusting fuel gas containing 27.1 grains per standard cubic foot of hydrogen sulfide at the FCC flare (EPN 30FL5). See additional discussion for fuel gas hydrogen sulfide limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to comply with the requirements of TCEQ Air Permit No. 2507A, Special Condition No.

4, by routing acid gas to the FCC Flare (EPN 30FL5) instead of processing it in the sulfur recovery unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to correctly submit the final record by facility.

Classification: Minor

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

Description: The regulated entity failed to identify the common name of the facility experiencing the emissions event and the common emissions point name in the initial notifications.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The regulated entity failed to include the common name of the facility experiencing the emissions event and the common emissions point name in the final records.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: The regulated entity failed to comply with the allowable limits of TCEQ Air Permit No. 2501A and 2507A for carbon monoxide, hydrogen sulfide, nitrogen oxides and sulfur dioxide.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits, and duration.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 2507A PA

Description: Failure to follow TCEQ Air Permit No. 2507A, Special Condition No. 4, by routing refinery acid gas to a flare instead of the sulfur recovery unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of the air contaminants. See additional discussion for emissions, limits, and duration.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

Description: Failure to meet the initial notification by not including a common name for the facility.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

Description: Failure to meet the final reporting requirements by not including the common name of the facility.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PA

Description: The regulated entity exceeded the authorized opacity limit of 20 percent by more than the reportable quantity of 15 additional percentage points averaged over a six-minute period at the FCCU regenerator stack.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A PA

TCEQ Air Permit No. 2507A PA

Description: The regulated entity failed to comply with the allowable limits of TCEQ Air Permit No. 2501A and 2507A for sulfur dioxide and hydrogen sulfide.

Classification: Minor

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

Description: The regulated entity failed to include the common name of the facility experiencing the emissions event and the common name of the emissions point in the initial notifications.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the initial notification requirements that Valero Refining - Texas, L.P. submit the compound descriptive type of all individually known emissions released during this emissions event that exceeded a reportable quantity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify the common name of the facility which incurred the emissions event in the final record.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Air Permit No. 2501A PERMIT

TCEQ Air Permit No. 2507A PERMIT

Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table limits specified in TCEQ Air Permit No. 2501A and TCEQ Air Permit No. 2507A for the FCC flare. See additional discussion for emissions, limits and duration.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Special Conditions No. 4 E., 6 and 8 PERMIT  
Description: Failure to equip an open ended valve in organic Hazardous Air Pollutants (HAP) service with a second valve, plug, cap or blind flange.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions No. 4E. and 6 PERMIT  
Description: Failure to equip an open ended valve in VOC service with a second valve, plug, cap or blind flange.

Effective Date: 08/28/2006 ADMINORDER 2006-0532-AIR-E

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Valero failed to submit a separate report for each facility involved in the emissions event.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2501A, Special Condition No. 1 PERMIT  
No. 2507A, Special Condition No. 1 PERMIT

Description: Failure to prevent an unplanned boiler shutdown resulting in unauthorized emissions.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)

Description: Failure to comply with the emissions event reporting requirements.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2507A Special Condition No. 1 PERMIT  
No. 2501A Special Condition No. 1 PERMIT

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

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to submit a notification for facility that experienced a reportable emissions event.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

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

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2507A, SC6 PERMIT

Description: Failure to comply with TCEQ Air Permit No. 2507A, Special Condition No. 6.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT

Description: Failure to prevent the release of unauthorized emissions during an avoidable emissions event.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Permit 2501A, Special Condition 2 PERMIT  
Description: Exceeded opacity limit during an avoidable emissions event.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: failed to prevent unauthorized emissions  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to prevent emissions  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to prevent emissions event  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to submit emissions reports in a timely manner.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to comply with permitted limits  
Classification: Moderate  
Citation: 2A TWC Chapter 7, SubChapter A 7.051  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failed to prevent nuisance conditions

Effective Date: 07/13/2007

ADMINORDER 2007-0161-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT  
No. 2501A, Special Condition 10B PERMIT  
Description: Failed to prevent unauthorized emissions, to operate the gas flares with a flame present at all times, and to maintain them in good working order.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/10/2007

ADMINORDER 2006-2218-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT  
Description: Valero exceeded SO2 permit emission limits during an avoidable emissions event.  
Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions due to operator error.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

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

Classification: Minor

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

Description: Failure to provide additional or more detailed information on the emissions event when requested by the executive director or air pollution agency with jurisdiction, within the time frame established in the request.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: No. 2501A, Special Condition 1 PERMIT

Description: Valero exceeded SO2 permit limits during an avoidable emissions event.

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 2501A, Special Condition #1 PERMIT  
Permit No. 2507A, Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions through the FCC flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 2507A, Special Condition #6 PERMIT

Description: Failure to route acid gas to the SRU.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2501A PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2501A, SC 1 PERMIT

Description: Failure to maintain net SO2 net ground level concentrations below the limit of 0.28 ppmv averaged over any 30-minute period.

Effective Date: 11/09/2007

ADMINORDER 2007-0604-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 50232 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: No. 2501A, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 50232 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/19/2008

ADMINORDER 2008-0014-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 71281, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during a November 26, 2007 emissions event

(Incident No. 100464).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final record for the November 26, 2007 emissions event (Incident No. 100464) within 14 days after the end of the emissions event.

Effective Date: 07/03/2008

ADMINORDER 2007-1960-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 48982, Special Condition #12 PERMIT

Description: The Respondent is alleged to have failed to retrofit heaters 27BA1100, 27BA1103, 27BA1105, and 29BA1300 with burners meeting 0.06 pounds of nitrogen oxides (NOx) per million British thermal units by December 31, 2006.

Effective Date: 10/23/2008

ADMINORDER 2008-0712-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC 1 PERMIT

Description: Valero failed to prevent unauthorized emissions of 143.16 lbs of VOC, 73.2 lbs of carbon monoxide, 10.2 lbs of oxides of nitrogen, 6.68 lbs of hydrogen sulfide, and 609.0 lbs of sulfur dioxide during an emissions event that occurred on March 24, 2008 (Incident No. 105338) and lasted for 4 hours and 0 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 104.80 lbs of VOC, 112.770 lbs of carbon monoxide, 16.08 lbs of oxides of nitrogen, 9.60 lbs of hydrogen sulfide, and 872.62 lbs of sulfur dioxide during an emissions event that occurred on March 31, 2008 and lasted for 3 hours and 35 minutes.

Effective Date: 04/05/2009

ADMINORDER 2008-1437-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Effective Date: 07/20/2009

ADMINORDER 2009-0339-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the final report of a reportable emissions event in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 1,200.00 lbs of nitrogen oxides; 302.00 lbs of carbon monoxide; 2,083.00 lbs of sulfur dioxide; and 601.00 lbs of different organic compounds (VOCs). Loss of affirmative defense due to late reporting.

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

Conviction Date: 4/18/2005 12:00:00AM

Type of Action: COURTOORDER

Classification: Major

Rqmt Prov:

Citation: 2A TWC Chapter 7, SubChapter A 7.147

Description: Unauthorized discharge of a pollutant.

C. Chronic excessive emissions events.

N/A

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

1	09/23/2004	(351790)
2	09/24/2004	(351786)
3	09/24/2004	(351789)
4	10/11/2004	(333468)
5	10/15/2004	(285900)
6	10/18/2004	(336800)
7	10/19/2004	(335816)
8	10/19/2004	(335907)
9	10/25/2004	(351791)
10	10/26/2004	(333660)
11	11/04/2004	(293252)
12	11/04/2004	(517133)
13	11/11/2004	(290143)
14	11/11/2004	(291133)
15	11/11/2004	(292771)
16	11/12/2004	(334809)
17	11/17/2004	(338148)
18	11/19/2004	(270763)
19	11/22/2004	(293279)
20	11/23/2004	(351792)
21	12/22/2004	(293301)
22	12/22/2004	(341311)
23	12/28/2004	(381683)
24	12/29/2004	(341784)
25	12/30/2004	(341786)
26	01/05/2005	(338615)
27	01/06/2005	(341788)
28	01/10/2005	(342683)
29	01/31/2005	(349063)
30	02/03/2005	(349551)
31	03/18/2005	(347744)
32	03/22/2005	(381682)
33	03/28/2005	(381681)
34	04/08/2005	(350433)
35	04/18/2005	(511002)
36	04/22/2005	(419479)
37	04/26/2005	(378333)
38	05/13/2005	(419480)
39	05/25/2005	(374927)
40	06/23/2005	(440631)
41	06/28/2005	(376330)
42	06/28/2005	(380360)
43	07/25/2005	(440632)
44	07/28/2005	(380007)
45	08/01/2005	(394168)
46	08/19/2005	(449391)
47	08/24/2005	(405569)
48	08/30/2005	(398453)
49	08/30/2005	(406150)
50	08/31/2005	(402136)
51	08/31/2005	(402447)
52	08/31/2005	(402449)
53	09/01/2005	(440633)
54	09/19/2005	(440636)
55	09/28/2005	(440634)
56	10/24/2005	(440635)
57	12/02/2005	(468112)
58	12/27/2005	(468113)

59 01/10/2006 (44982)  
60 01/27/2006 (450186)  
61 01/27/2006 (468114)  
62 02/24/2006 (468110)  
63 02/25/2006 (457037)  
64 02/27/2006 (457158)  
65 02/28/2006 (449830)  
66 02/28/2006 (449951)  
67 02/28/2006 (457238)  
68 03/06/2006 (440402)  
69 03/14/2006 (450135)  
70 03/17/2006 (456074)  
71 03/24/2006 (455235)  
72 03/27/2006 (468111)  
73 04/04/2006 (450259)  
74 04/04/2006 (455290)  
75 04/04/2006 (460600)  
76 04/04/2006 (484501)  
77 04/17/2006 (455285)  
78 04/24/2006 (497980)  
79 04/25/2006 (457910)  
80 05/01/2006 (463424)  
81 05/17/2006 (462534)  
82 05/17/2006 (462752)  
83 05/25/2006 (467406)  
84 05/25/2006 (467410)  
85 05/25/2006 (467411)  
86 05/25/2006 (467413)  
87 05/25/2006 (479192)  
88 05/25/2006 (497981)  
89 05/30/2006 (480185)  
90 05/31/2006 (480495)  
91 06/02/2006 (449745)  
92 06/02/2006 (466664)  
93 06/05/2006 (481197)  
94 06/13/2006 (457562)  
95 06/20/2006 (481339)  
96 06/23/2006 (497982)  
97 06/30/2006 (466897)  
98 07/11/2006 (484212)  
99 07/11/2006 (484217)  
100 07/11/2006 (484218)  
101 07/11/2006 (485211)  
102 07/11/2006 (485431)  
103 07/12/2006 (485707)  
104 07/17/2006 (467191)  
105 07/20/2006 (487229)  
106 07/24/2006 (487838)  
107 07/24/2006 (487951)  
108 07/25/2006 (488197)  
109 08/21/2006 (519997)  
110 08/21/2006 (519998)  
111 08/24/2006 (509977)  
112 09/01/2006 (497507)  
113 09/07/2006 (457421)  
114 09/19/2006 (519999)  
115 10/12/2006 (514788)  
116 10/20/2006 (520000)  
117 10/23/2006 (510591)

118 10/25/2006 (516346)  
119 11/06/2006 (514699)  
120 11/07/2006 (516134)  
121 11/08/2006 (513557)  
122 11/10/2006 (489514)  
123 11/10/2006 (489909)  
124 11/10/2006 (490256)  
125 11/10/2006 (494149)  
126 11/10/2006 (497338)  
127 11/20/2006 (544242)  
128 11/21/2006 (531593)  
129 12/04/2006 (531849)  
130 12/07/2006 (532001)  
131 12/07/2006 (533208)  
132 12/11/2006 (511248)  
133 12/12/2006 (532173)  
134 12/19/2006 (544243)  
135 12/21/2006 (534112)  
136 12/29/2006 (518678)  
137 01/18/2007 (544244)  
138 01/24/2007 (537745)  
139 01/31/2007 (537333)  
140 01/31/2007 (537702)  
141 02/05/2007 (538081)  
142 02/20/2007 (540176)  
143 02/21/2007 (539856)  
144 02/27/2007 (512312)  
145 03/23/2007 (574871)  
146 03/26/2007 (457476)  
147 03/27/2007 (554074)  
148 04/13/2007 (554910)  
149 04/20/2007 (556275)  
150 04/20/2007 (574872)  
151 05/04/2007 (557971)  
152 05/08/2007 (534918)  
153 05/15/2007 (542295)  
154 05/21/2007 (574873)  
155 05/23/2007 (593171)  
156 05/24/2007 (558983)  
157 06/18/2007 (574874)  
158 06/19/2007 (574870)  
159 07/19/2007 (574875)  
160 07/27/2007 (567340)  
161 08/06/2007 (571198)  
162 08/21/2007 (607492)  
163 08/22/2007 (573220)  
164 09/10/2007 (511304)  
165 09/10/2007 (511307)  
166 10/01/2007 (607493)  
167 10/19/2007 (607494)  
168 10/25/2007 (595241)  
169 11/12/2007 (599655)  
170 11/20/2007 (600266)  
171 11/20/2007 (619387)  
172 12/04/2007 (610822)  
173 12/20/2007 (619388)  
174 12/28/2007 (612910)  
175 01/14/2008 (566943)  
176 01/21/2008 (619389)

177 02/05/2008 (609016)  
 178 02/20/2008 (671885)  
 179 02/29/2008 (616621)  
 180 03/13/2008 (614793)  
 181 03/19/2008 (671886)  
 182 03/20/2008 (638045)  
 183 04/18/2008 (646376)  
 184 04/18/2008 (671887)  
 185 04/25/2008 (646406)  
 186 04/25/2008 (653771)  
  
 187 05/01/2008 (646378)  
 188 05/09/2008 (637174)  
 189 05/14/2008 (689811)  
 190 05/22/2008 (639743)  
 191 05/23/2008 (639669)  
 192 06/17/2008 (689812)  
 193 07/21/2008 (689813)  
 194 08/14/2008 (699940)  
 195 08/18/2008 (699945)  
 196 08/19/2008 (710569)  
 197 09/05/2008 (701193)  
 198 09/19/2008 (710570)  
 199 10/20/2008 (710571)  
 200 11/20/2008 (727366)  
 201 12/05/2008 (680116)  
 202 12/15/2008 (687526)  
 203 12/15/2008 (721478)  
 204 12/16/2008 (750102)  
 205 01/20/2009 (768253)  
 206 02/13/2009 (708289)  
 207 02/16/2009 (726844)  
 208 02/24/2009 (750098)  
 209 03/09/2009 (735657)  
 210 03/13/2009 (750099)  
 211 04/20/2009 (750100)  
 212 04/20/2009 (750101)  
 213 05/04/2009 (744200)  
 214 05/20/2009 (768252)  
 215 06/24/2009 (741061)  
 216 06/30/2009 (747023)  
 217 07/15/2009 (762174)  
 218 07/15/2009 (762202)  
 219 07/20/2009 (741127)  
 220 08/11/2009 (741091)  
 221 08/11/2009 (741118)  
 222 08/19/2009 (749699)  
 223 08/24/2009 (740719)  
 224 08/31/2009 (747447)  
 225 09/03/2009 (767802)

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

Date: 10/26/2004 (333660)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)  
 Description: Failure to submit to the EPA administrator, a semi-annual report containing the all  
 the information specified in paragraphs (d)(2), (d)(3), and (d)(4) of 40 CFR §  
 63.182.

Date: 08/19/2005 (449391) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2005 (402449)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Special Condition No. 2 PERMIT  
Description: Failure to maintain opacity of emissions less than 20% at the FCCU Stack.

Date: 08/31/2005 (402447)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Special Condition No. 2 PERMIT  
Description: Failure to maintain opacity of emissions less than 20% at the FCCU stack.

Date: 12/31/2005 (468114) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/10/2006 (449982) CN600127468  
Self Report? NO Classification: Moderate  
Citation: TWC Chapter 26 26.121(a)(1)  
Description: Failure to prevent the unauthorized discharge of wastewater. Unauthorized discharges (UD) occurred on 12/15/05 from the aeration basin, temporary pump for the ditch leading to outfall 008, and cooling tower #3. In addition, two UDs were reported from cooling tower #10.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.4  
Description: Failure to monitor for Carbonaceous Biochemical Oxygen Demand (CBOD) as required by the permit issued on August 25, 2005.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)  
Description: Failure to complete the Discharge Monitoring Reports (DMR) correctly. Several effluent values and the frequency of analysis were reported incorrectly on the DMRs in February 2005, March 2005, May 2005, June 2005, July 2005, August 2005, and September 2005. See attached Table 1.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to calculate loading values correctly.

Date: 05/31/2006 (497982) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/21/2006 (509977) CN600127468  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Self-reporting Requirements PERMIT  
Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 07/31/2006 (519998) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (519999) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/07/2006 (457421)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
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)

FOP # O-01381, Special Condition #19 OP  
FOP # O-01381, Special Condition #1A OP  
NSR Permit 2501A, Special Condition 4E PA  
NSR Permit 48982, Special Condition 6E PA

Description: Failure to cap open-ended valves or lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP# O-01381, Special Condition 3B.iv.1 OP

Description: Failure to perform visible observations on stationary source engines 50GG1925 and 50GG1926.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP# O-01381, Special Condition #1A OP

Description: Failure to submit the required semi-annual report for gas fired engines per 30 TAC 117.219(e).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP# O-01381, Special Condition #19 OP  
FOP# O-01381, Special Condition #1A OP  
NSR Permit #2501A, Special Condition 10C PA

Description: Failure to limit visible emissions to a rate of less than 5 minutes over 2 consecutive hours.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
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)  
FOP #O-01381, Special Condition #19 OP  
FOP# O-01381, Special Condition #1A OP  
NSR Permit #2498A, Special Condition #I PA

Description: Failure to repair leaking components within 15 days.

Self Report? NO 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)  
 FOP #O-01831, Special Condition #19 OP  
 NSR #19637, Special Condition #12A & 12B PA  
 Description: Failure to continuously monitor for NOx and CO during the 2nd quarter of 2005.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP #O-01381, Special Condition #11B OP  
 Description: Failure to operate 15 existing junction boxes with tight seals during the second quarter of 2005.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP #O-01381, Special Condition #11B OP  
 Description: Failure to repair NSPS Subpart QQQ equipment within 15 days.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart DDDDD 63.7505(e)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP# O-01381, Special Condition #1A OP  
 Description: Failure to develop a Startup, Shutdown and Malfunction Plan (SSMP) for boilers.

Self Report? NO 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)  
 FOP #O-01381, Special Condition #19 OP  
 NSR Permit #19637, SC #6 PA  
 Description: Failure to meet the NSR Permit 10 ppmvd ammonia limit for Package Boiler #1.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP #O-01381, Special Condition #1.j.(i) OP  
 Description: Failure to establish the monitoring and testing parameters of 30 TAC Chapter 115.725(a)(2) by the compliance deadline of December 31, 2005.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP #O-01381, Special Condition #1.j.ii OP  
 Description: Failure to establish the written quality assurance plan of 30 TAC Chapter 115.726(a)(1) by the compliance date of December 31, 2005.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP# O-01381, Special Condition #1A OP  
 Description: Failure to repair API Separator seal gaps within 15 days.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP# O-01381, Special Condition #19 OP  
 FOP# O-01381, Special Condition #1A OP  
 NSR Permit 2501A, Special Condition #4E PA  
 NSR Permit 48982, Special Condition #6E PA  
 Description: Failure to cap open-ended valves or lines in HAP service.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)  
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)  
FOP# O-01381, Special Condition # 19 OP  
FOP# O-01381, Special Condition #1A OP  
NSR Permit 2501A, Special Condition #4E PA  
NSR Permit 48982, Special Condition #6E PA

Description: Failure to cap open-ended valves and lines in HRVOC service.

Date: 10/12/2006 (514788)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
No. 2501A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Date: 01/31/2007 (574870)

CN600127468

Self Report? YES

Classification: Moderate

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

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

Date: 03/27/2007 (457476)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 2501A Special Condition #1 PERMIT

Description: Failure to submit emissions event notification in a timely manner.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to report an emissions event in a timely manner.

Date: 05/23/2007 (593171)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2007 (607493)

CN600127468

Self Report? YES

Classification: Moderate

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

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

Date: 11/20/2007 (600266)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Valero failed to submit a CAP in a timely manner.

Date: 12/31/2007 (619389)

CN600127468

Self Report? YES

Classification: Moderate

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

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

Date: 01/14/2008 (566943)

CN600127468

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 19 OP  
FOP O-01381, ST&C 1A OP  
Permit 2498A, Special Condition 7E PERMIT  
Permit 2501A, Special Condition 4E PERMIT  
Permit 48982, Special Condition 6E PERMIT

Description: Failure to cap open-ended valves/lines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 1A OP

Description: Failure to make first repair attempts to LDAR leaks.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 19 OP  
FOP O-01381, ST&C 1A OP  
Permit 48982, Special Condition 6I PERMIT

Description: Failure to repair leaks within 15 days.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 19 OP  
FOP O-01381, ST&C 1A OP  
Permit 2501A, Special Condition 10C PERMIT

Description: Failure to operate Flares 30FL1, 30FL2 & 30FL5 without visible emissions.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 19 OP

FOP O-01381, ST&C 1A OP  
FOP O-01381, ST&C 3B.(I) OP  
Permit 2507A, Special Condition 8G PERMIT

Description: Failure to Operate the SRU Incinerator stack without visible emissions.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 19 OP  
FOP O-01381, ST&C 1A OP  
FOP O-01381, ST&C 3B(I) OP  
Permit 2501A, Special Condition 2 PERMIT

Description: Failure to operate the fourth stage separator of the Tail Gas incinerator without visible emissions.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
FOP O-01381, ST&C 19 OP  
Permit 2501A, Special Condition 20F PERMIT  
Permit 48982, Special Condition 5F PERMIT

Description: Failure to paint storage tanks the required colors.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1D OP		
Description:	Late Submittal of operating Permit Amendment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1(J)(ii) OP FOP O-01381, ST&C 1A OP		
Description:	Failure to comply with Initial HRVOC Stack Test limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP Permit 2501A, Special Condition 10 B PERMIT		
Description:	Failure to maintain pilot lights on flares.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(6)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP FOP O-01381, ST&C 9D OP		
Description:	Failure to maintain emergency engine operations records.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 19637, Special Condition 1 OP		
Description:	Failure to comply with the permitted emissions limits for carbon monoxide.		
Self Report?	NO	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 D 382.085(b) FOP O-01381, ST&C 19 OP Permit 2501A, Special Condition 1 PERMIT		
Description:	Failure to comply with permitted emissions limits for nitrogen oxides.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)  30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 2507A, Special Condition 1 PERMIT		
Description:	Failure to comply with with SO2 permitted limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.132(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP		
Description:	Failure to operate the API Separator without VOC leaks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 14D OP FOP O-01381, ST&C 1A OP		
Description:	Late submittals of NOC Status Reports.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 1A OP  
Description: Failure to operate Tank 924 with leak free conditions.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 11B OP  
FOP O-01381, ST&C 1A OP

Description: Leaking Sewer Junction Box seals.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01381, ST&C 1(J)(iv) OP  
FOP O-01381, ST&C 1A OP

Description: Failure to perform daily visual inspections of water seals.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(b)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01381, ST&C 1(J)(iv) OP  
FOP O-01381, ST&C 1A OP

Description: Failure to perform fuel flow gas meter calibrations.

Date: 02/04/2008 (609016) CN600127468  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Other Requirements, pg. 12, no. 2 PERMIT

Description: Failure to calculate loading values correctly. Zero was being used in the loading calculations for parameters other than chromium, cyanide, and zinc when the values were less than the Minimum Analytical Level (MAL). The permit allows zero to be used in the loading calculations for chromium, cyanide, and zinc when the values are less than the MAL. The permit does not allow a zero to be used in the loading calculations for all other parameters. Therefore, the loading was being calculated incor

Date: 08/31/2008 (710570) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 12/31/2008 (768253) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (750098) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/21/2009 (749699) CN600127468  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.263(e)(3)  
5C THSC Chapter 382 382.085(b)

Description: Failure to record and/or maintain continuous temperature measurements to demonstrate compliance.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain at least a 90% DRE during degassing operations.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter F 115.545  
5C THSC Chapter 382 382.085(b)

Description: Failure to prove use of approved test methods.

Date: 08/31/2009 (747447) CN600127468

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 21 OP

Description: Failure to maintain vacuum tower heater firing rates below permitted levels.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms & Conditions OP  
Special Condition 1A OP  
Special Condition 11 (iv) OP  
Special Condition 21 OP  
Special Condition 3E PERMIT  
Special Condition 4E PERMIT  
Special Condition 6E PERMIT  
Special Condition 7E PERMIT

Description: Failure to seal open ended lines in VOC service.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 10A PERMIT  
Special Condition 1A OP  
Special Condition 21 OP

Description: Failure to maintain net heating value above 300 Btu/scf on Flares 30FL-2 and 30FL-5.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 21 OP

Description: Failure to control excess emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)  
30 TAC Chapter 115, SubChapter B 115.142(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(3)  
5C THSC Chapter 382 382.085(b)  
General Terms & Conditions OP  
Special Terms and Conditions 1A OP

Description: Failure to operate API Separator with closed hatches.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT  
Special Condition 21 OP

Description: Failure to maintain H2S concentration limits below permitted limits.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 21 OP  
Special Condition 4 PERMIT

Description: Failure to maintain ROSE heater firing rates below permitted levels.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
5C THSC Chapter 382 382.085(b)  
General Terms & Conditions OP  
Special Condition 10A OP

Description: Failure to submit semi-annual CEMS report within 30 days after semi-annual period.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(10)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms & Conditions OP  
Special Condition 1A OP

Description: Failure to notify the Agency 30 days before a tank seal inspection.

F. Environmental audits.

Notice of Intent Date: 09/19/2007 (598153)

No DOV Associated

Notice of Intent Date: 02/26/2009 (740048)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VALERO REFINING-TEXAS, L.P.  
RN100219310**

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§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-1487-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a petroleum refinery plant at 9701 Manchester Street in Houston, Harris 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 September 5, 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 Twenty-Three Thousand Three Hundred Thirty Dollars (\$23,330) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Three Hundred Thirty-Two Dollars (\$9,332) of the administrative penalty and Four Thousand Six Hundred Sixty-Six Dollars

- (\$4,666) 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. Nine Thousand Three Hundred Thirty-Two Dollars (\$9,332) shall be 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. Performed subsequent Highly Reactive Volatile Organic Compounds ("HRVOC") stack tests and adjusted process variables to establish new parameter limits that were higher than the initial permitted limits by February 12, 2009 in order to reach compliance;
    - b. Removed volatile organic compound ("VOC") liquids from the roof of American Petroleum Institute ("API") Separator (Unit ID 47GF5401) and identified the source of leaking upon discovery on July 22, 2008 by checking the seals between the roof and the wall, the fabric covers/seals on the drain, and the gaskets. The seals and the gaskets were all found to be working properly with no visible gaps or tears, and the fabric covers/seals on the drains were verified to be in place and covering at least 90% of the drain area as required; and
    - c. Cited the proper rule citations on the second semi-annual deviation report for September 28, 2008 to March 27, 2009 period that was submitted on April 24, 2009.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

- Failed to comply with the operations limitations, relating to three specific sources, that were established during the initial HRVOC performance test, in violation of 30 TEX. ADMIN. CODE §§ 115.725(a)(1) and 122.143(4), Federal Operating Permit No. O1381, Special Condition 11(i), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 20, 2009. Specifically, from August 29, 2008 to December 10, 2008, Fluid Catalytic Cracking Unit ("FCCU") Regenerator (Unit ID 42CB2001), Boiler No. 2 (Unit ID 81BF5602), and Boiler No. 3 (Unit ID 81BF5603) operated outside established coke rate and fuel gas flow rate:

Rate Exceeded	Common Name	Unit ID	Hours of Exceedance	Unit of Measure	Permitted Rate	Highest Rate Detected
Coke Rate	FCCU Regenerator	42CB2001	6	lbs/hr	55,587	61,478
Fuel Gas Flow Rate	Boiler No. 2	81BF5602	44	MMscfd	7,407	8,237.99
Fuel Gas Flow Rate	Boiler No. 3	81BF5603	86	MMscfd	7,162	8,991
Abbreviations:						
	lbs/hr =	pounds per hour				
	MMscfd =	million standard cubic feet per day				

- Failed to operate an API Separator without leakage, in violation of 30 TEX. ADMIN. CODE §§ 115.142(1)(G) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.693-2(a)(2), Federal Operating Permit No. O1381, General Terms and Conditions and Special Terms and Conditions 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 20, 2009. Specifically, VOC liquids were detected on the floating roofs of API Separator (Unit ID 47GF5401) on July 21, 2008.
- Failed to submit a deviation report with proper rule citation information, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(5)(C)(ii), Federal Operating Permit No. O1381, General Terms and Conditions and Special Terms and Conditions 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 20, 2009. Specifically, the Respondent failed to cite other correct rule citations besides Federal Operating Permit No. 1381, Special Condition 21 on the first semi-annual deviation report for the period of March 28, 2008 through September 27, 2008.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2009-1487-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Three Hundred Thirty-Two Dollars (\$9,332) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP.
3. 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.
4. 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.
5. 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.
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

*John Sullivan*  
For the Executive Director

3/26/2010  
Date

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

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

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

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

*Mark Skobel*  
Signature

1-4-2010  
Date

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

V.P. & GENERAL MGR.  
Title  
HOUSTON REFINERY

**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: 2009-1487-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** Valero Refining-Texas, L.P.  
**Payable Penalty Amount:** Eighteen Thousand Six Hundred Sixty-Four Dollars (\$18,664)  
**SEP Amount:** Nine Thousand Three Hundred Thirty-Two Dollars (\$9,332)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program  
**Location of SEP:** Texas Air Quality Control Region 216 – Houston-Galveston

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

**1. Project Description**

A. Project

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

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

**B. Environmental Benefit**

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

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 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.

