

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-0098-AIR-E **TCEQ ID:** RN100238385 **CASE NO.:** 39021  
**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 Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0390-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 21, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Adrian Araiza, Environmental Affairs Manager, Valero Refining-Texas, L.P., P.O. Box 3426, Texas City, Texas 77592-3492  <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> December 9, 2009</p> <p><b>Date of NOE Relating to this Case:</b> January 6, 2010</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions during an emissions event that occurred on September 12, 2009 and failed to operate a flare with a flame present at all times. Specifically, the Respondent released 1,507.79 pounds of unauthorized volatile organic compounds from Flare No. 3 into the atmosphere during the thirty-five minute event (Incident No. 129326). The event occurred when the flare flamed-out. Since the cause of the emissions event could not be identified, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), 30 TEX. ADMIN. CODE §§ 101.20(1) and (3) and 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review Flexible Permit No. 39142/PSD-TX-822M2, Special Condition 1].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$2,000  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$4,000</p> <p><b>Total Paid to General Revenue:</b> \$4,000</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>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on September 12, 2009, and to prevent the reoccurrence of same or similar incidents; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): Air Account No. GB0073P

Attachment A

Docket Number: 2010-0098-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Eight Thousand Dollars (\$8,000)</b>
<b>SEP Amount:</b>	<b>Four Thousand Dollars (\$4,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216 – Houston-Galveston</b>

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.



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

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>	<b>Assigned</b>	14-Jan-2010	<b>Screening</b>	20-Jan-2010	<b>EPA Due</b>	
	<b>PCW</b>	14-Jan-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Valero Refining-Texas, L.P.
<b>Reg. Ent. Ref. No.</b>	RN100238385
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39021	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-0098-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Kirk Schoppe
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,500

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

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

**Compliance History** 407.0% Enhancement **Subtotals 2, 3, & 7** \$10,175

**Notes**  
The penalty has been enhanced due to thirteen similar NOV's, 15 non-similar NOV's, eight 1660-styled Orders, five Findings Orders, and one court order containing denial of liability. The penalty was reduced due to three NOIs.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts	\$65
Approx. Cost of Compliance	\$1,500

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$12,675

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$12,675

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$10,000

**DEFERRAL** 20.0% Reduction **Adjustment** -\$2,000

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

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$8,000

Screening Date 20-Jan-2010

Docket No. 2010-0098-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 39021

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

### 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)	13	65%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 407%

>> 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 has been enhanced due to thirteen similar NOVs, 15 non-similar NOVs, eight 1660-styled Orders, five Findings Orders, and one court order containing denial of liability. The penalty was reduced due to three NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 407%

Screening Date: 20-Jan-2010

Docket No: 2010-0098-AIR-E

PCW

Respondent: Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No: 39021

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN100238385

Media [Statute]: Air

Enf. Coordinator: Kirk Schoppe

Violation Number: 1

Rule Cite(s): 40 Code of Federal Regulations § 60.18(c)(2), 30 Tex. Admin. Code §§ 101.20(1) and (3) and 116.715(a), Tex. Health & Safety Code § 382.085(b), and New Source Review Flexible Permit No. 39142/PSD-TX-822M2, Special Condition 1

Violation Description: Failed to prevent unauthorized emissions during an emissions event that occurred on September 12, 2009 and failed to operate a flare with a flame present at all times, as documented during an investigation conducted on December 9, 2009. Specifically, the Respondent released 1,507.79 pounds of unauthorized volatile organic compounds from Flare No. 3 into the atmosphere during the thirty-five minute event (Incident No. 129328). The event occurred when the flare flamed-out. Since the cause of the emissions event could not be identified, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: The emissions event resulted in the release of an insignificant amount of pollutants which did not exceed levels protective of human health and/or the environment.

Adjustment: \$7,500

\$2,500

Violation Events

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

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$2,500

One quarterly event is recommended based on the emissions event that occurred on September 12, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$65

Violation Final Penalty Total: \$12,675

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

# Economic Benefit Worksheet

**Respondent:** Valero Refining-Texas, L.P.  
**Case ID No.:** 39021  
**Reg. Ent. Reference No.:** RN100238386  
**Media:** Air  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	12-Sep-2009	23-Jul-2010	0.86	\$65	n/a	\$65

Notes for DELAYED costs

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

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$65

# Compliance History Report

Customer/Respondent/Owner-Operator:

CN600127468 Valero Refining-Texas, L.P.

Classification: AVERAGE

Rating: 10.27

Regulated Entity:

RN100238385 VALERO REFINING TEXAS CITY  
REFINERY

Classification: AVERAGE

Site Rating: 7.60

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
AIR OPERATING PERMITS	PERMIT	1253
AIR OPERATING PERMITS	PERMIT	2599
AIR OPERATING PERMITS	PERMIT	2599
WASTEWATER	PERMIT	TPDES0006009
WASTEWATER	PERMIT	WQ0000449000
WASTEWATER	PERMIT	TX0006009
AIR NEW SOURCE PERMITS	PERMIT	39142
AIR NEW SOURCE PERMITS	REGISTRATION	42395
AIR NEW SOURCE PERMITS	REGISTRATION	42394
AIR NEW SOURCE PERMITS	REGISTRATION	48330
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
AIR NEW SOURCE PERMITS	PERMIT	962
AIR NEW SOURCE PERMITS	PERMIT	8352
AIR NEW SOURCE PERMITS	REGISTRATION	53530
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
AIR NEW SOURCE PERMITS	REGISTRATION	75542
AIR NEW SOURCE PERMITS	REGISTRATION	75695
AIR NEW SOURCE PERMITS	AFS NUM	4816700007
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
AIR NEW SOURCE PERMITS	REGISTRATION	71076
AIR NEW SOURCE PERMITS	REGISTRATION	72517
AIR NEW SOURCE PERMITS	REGISTRATION	73799
AIR NEW SOURCE PERMITS	REGISTRATION	76530
AIR NEW SOURCE PERMITS	REGISTRATION	76967
AIR NEW SOURCE PERMITS	REGISTRATION	77806
AIR NEW SOURCE PERMITS	REGISTRATION	79850
AIR NEW SOURCE PERMITS	REGISTRATION	79881
AIR NEW SOURCE PERMITS	REGISTRATION	80059
AIR NEW SOURCE PERMITS	REGISTRATION	80581
AIR NEW SOURCE PERMITS	REGISTRATION	81005
AIR NEW SOURCE PERMITS	REGISTRATION	81523
AIR NEW SOURCE PERMITS	REGISTRATION	81621
AIR NEW SOURCE PERMITS	REGISTRATION	81695
AIR NEW SOURCE PERMITS	REGISTRATION	82055

AIR NEW SOURCE PERMITS	REGISTRATION	84258
AIR NEW SOURCE PERMITS	REGISTRATION	87844
AIR NEW SOURCE PERMITS	REGISTRATION	87694
AIR NEW SOURCE PERMITS	REGISTRATION	83921
AIR NEW SOURCE PERMITS	REGISTRATION	82462
AIR NEW SOURCE PERMITS	REGISTRATION	84166
AIR NEW SOURCE PERMITS	REGISTRATION	84575
AIR NEW SOURCE PERMITS	REGISTRATION	82434
AIR NEW SOURCE PERMITS	REGISTRATION	91499
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000792937
WASTE WATER GENERAL PERMIT	PERMIT	TXG670007
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0073P

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 14, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 14, 2005 to January 14, 2010

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

Name: Kirk Schoppe Phone: 239 - 0489

### 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: 03/11/2005 ADMINORDER 2002-1217-IWD-E  
 N/A

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Reqs PERMIT

Description: Failure to comply with the WET limit NOEC of 8% effluent specified in the permit.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

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

Rqmt Prov: 39142, Special Condition No. 1 PA

Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142, Special Condition No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT

Description: Failed to prevent a leak in a heat exchanger (E-1338 ).

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT

Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

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

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006 ADMINORDER 2006-0549-IWD-E  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/11/2007 ADMINORDER 2006-0012-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to install continuous emissions monitoring systems ("CEMS") on boilers B-07 and B-11 by March 31, 2005.

Effective Date: 08/23/2007 ADMINORDER 2006-1067-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 112, SubChapter B 112.31  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Flexible Air Permit No. 39142, SC1 PERMIT  
Description: As evidenced by Findings of Fact No. 12, Valero failed to prevent unauthorized emissions that exceeded the fence line H2S concentration limit during an emissions event that started on October 4, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent an overpressure condition resulting in unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to maintain calibration of a level indicator resulting in unauthorized emissions.

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

Description: Failure to submit final report no later than two weeks after end of emissions event.

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

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

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142 SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a tank overflow resulting in unauthorized emissions.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to provide preconstruction authorization number on final report.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 11/19/2007 ADMINORDER 2006-0468-MLM-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: No. 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes, as documented during a record review conducted on February 8, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes, as documented during a record review conducted on January 25, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: No. 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours, as documented during an investigation conducted on November 29, 2005. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

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

Rqmt Prov: 39142 PA

Description: Failed to prevent unauthorized emissions during a September 25, 2006 emissions event, as documented during a record review conducted on November 29, 2006. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event, as documented during a record review conducted on December 13, 2006. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions.

Effective Date: 06/19/2008 ADMINORDER 2007-1512-AIR-E

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

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during a May 9, 2007 emissions event, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 07/03/2008 ADMINORDER 2007-2039-AIR-E

Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Boiler 27 [emission point number ("EPN EB-27")], Boiler 28 ("EPN EB-28"), No. 1 Flare Stack ("EPN EFL-01"), No. 2 Flare Stack ("EPN EFL-02"), No. 3 Flare Stack ("EPN EFL-03"), and No. 4 Flare Stack ("EPN EFL-04").

Effective Date: 12/04/2008 ADMINORDER 2008-0893-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 39142, Special Condition No. 1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/08/2009 ADMINORDER 2008-1341-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Valero failed to maintain the lube oil level in the compressor mainframe reservoir.

Effective Date: 02/22/2009

ADMINORDER 2007-1234-AIR-E

Classification: Moderate

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

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

Rqmt Prov: #39142, SC #1 PA

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during Incident Nos. 62478 and 62479, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 08/23/2009

ADMINORDER 2007-1813-MLM-E

Classification: Moderate

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

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, Fluidized Catalytic Cracking Unit, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense.

Classification: Moderate

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

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

Rqmt Prov: 39142, SC 1 PA

Description: Valero failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the Fluidized Catalytic Cracking Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY Code § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

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

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during an emissions event in the No. 1 and 2 Toppers Unit that started on January 28, 2007, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

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

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

Rqmt Prov: 39142, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Effective Date: 09/21/2009

ADMINORDER 2009-0448-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 39142, Special Conditon No. 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Failure to prevent Level Indicator LI-15142 on A-82 Vacuum Tower from malfunctioning.

Effective Date: 10/31/2009 ADMINORDER 2007-1413-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: NSR 39142, SC 2A PERMIT  
NSR 39142, SC 4A PERMIT  
Title V O-01253, SC 1A OP  
Title V O-01253, SC 22 OP  
Description: Failed to maintain the net heating value of the gas being combusted by assisted flares at 300 British thermal units per standard cubic foot ("Btu/scf") or greater.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: NSR 39142, SC 2A PERMIT  
NSR 39142, SC 4A PERMIT  
Title V O-01253, SC 1A OP  
Title V O-01253, SC 22 OP  
Description: Failed to operate an assisted flare with an exit velocity of less than 60 feet per second ("ft/sec").

Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: NSR 39142, SC 13C PERMIT  
NSR 39142, SC 2A PERMIT  
NSR 39142, SC 4A PERMIT  
Title V O-01253, SC 1A OP  
Title V O-01253, SC 22 OP  
Description: Failed to operate flares with visible emissions not to exceed five minutes during any consecutive two hour period.

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1566(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Title V O-01253, SC 1A OP  
Description: Failed to maintain the daily average combustion zone temperature of Reformer Heater H-REF2 above 1279.3 degrees Fahrenheit.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(I)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: NSR 39142, SC 2C PERMIT  
Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to prevent the discharge of sulfur dioxide ("SO2") to the atmosphere in excess of 250 parts per million ("ppm").

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

N/A

C. Chronic excessive emissions events.

N/A

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

	1	01/24/2005	(345619)
N/A	2	01/24/2005	(381871)
	3	01/31/2005	(285435)
	4	02/14/2005	(274930)
	5	02/22/2005	(381868)
	6	03/22/2005	(381869)
	7	03/31/2005	(350576)
	8	04/25/2005	(419706)
	9	04/26/2005	(281994)
	10	04/26/2005	(343243)
	11	04/27/2005	(282002)
	12	05/02/2005	(349631)
	13	05/02/2005	(350537)
	14	05/20/2005	(348483)
	15	05/23/2005	(419707)
	16	05/25/2005	(351133)
	17	06/14/2005	(373350)
	18	06/14/2005	(378741)
	19	06/14/2005	(419708)
	20	06/23/2005	(378628)
	21	06/27/2005	(397418)
	22	06/28/2005	(348790)
	23	06/30/2005	(397555)
	24	07/07/2005	(399131)
	25	07/13/2005	(399194)
	26	07/15/2005	(348789)
	27	07/22/2005	(397707)
	28	07/22/2005	(440845)
	29	08/02/2005	(348759)
	30	08/03/2005	(403101)
	31	08/03/2005	(403276)
	32	08/08/2005	(403521)
	33	08/08/2005	(403525)
	34	08/10/2005	(396623)
	35	08/13/2005	(397699)
	36	08/13/2005	(400189)
	37	08/17/2005	(400929)
	38	08/18/2005	(406027)
	39	08/19/2005	(396740)
	40	08/22/2005	(406017)
	41	08/23/2005	(440846)
	42	08/24/2005	(400925)
	43	08/29/2005	(406800)
	44	09/01/2005	(400337)
	45	09/23/2005	(440847)
	46	10/20/2005	(468457)
	47	11/22/2005	(468458)

48	12/06/2005	(438942)
49	12/20/2005	(468459)
50	12/28/2005	(449585)
51	12/29/2005	(439223)
52	12/29/2005	(449459)
53	01/17/2006	(431818)
54	01/24/2006	(468460)
55	01/30/2006	(440131)
56	02/01/2006	(451967)
57	02/15/2006	(439989)
58	02/17/2006	(439355)
59	02/17/2006	(468454)
60	02/21/2006	(455248)
61	03/16/2006	(455002)
62	03/21/2006	(468455)
63	03/29/2006	(453666)
64	03/31/2006	(434168)
65	04/13/2006	(468456)
66	04/26/2006	(457610)
67	04/27/2006	(460539)
68	05/08/2006	(453710)
69	05/11/2006	(461750)
70	05/15/2006	(462815)
71	05/17/2006	(464808)
72	05/18/2006	(498220)
73	05/25/2006	(457878)
74	05/31/2006	(463733)
75	06/16/2006	(498221)
76	06/27/2006	(481343)
77	06/30/2006	(462803)
78	06/30/2006	(462898)
79	06/30/2006	(481516)
80	06/30/2006	(483867)
81	07/06/2006	(482247)
82	07/14/2006	(486365)
83	07/15/2006	(486391)
84	07/17/2006	(479861)
85	07/18/2006	(498222)
86	07/19/2006	(482178)
87	07/19/2006	(483638)
88	07/19/2006	(483715)
89	07/21/2006	(487175)
90	07/21/2006	(487390)
91	07/21/2006	(487892)
92	07/25/2006	(488179)
93	07/26/2006	(462901)
94	07/26/2006	(482594)
95	08/10/2006	(520234)
96	08/25/2006	(488734)
97	09/01/2006	(466735)
98	09/01/2006	(466736)
99	09/01/2006	(478491)
100	09/01/2006	(478556)
101	09/01/2006	(478638)
102	09/01/2006	(487342)
103	09/01/2006	(487896)
104	09/01/2006	(488020)
105	09/01/2006	(488032)

106	09/01/2006	(488134)
107	09/01/2006	(488176)
108	09/01/2006	(488191)
109	09/01/2006	(488541)
110	09/01/2006	(488559)
111	09/01/2006	(488624)
112	09/01/2006	(488633)
113	09/01/2006	(488740)
114	09/01/2006	(488979)
115	09/01/2006	(489434)
116	09/01/2006	(489467)
117	09/01/2006	(489815)
118	09/01/2006	(489837)
119	09/01/2006	(489863)
120	09/01/2006	(489866)
121	09/01/2006	(490185)
122	09/01/2006	(508690)
123	09/01/2006	(509158)
124	09/01/2006	(509713)
125	09/01/2006	(509730)
126	09/01/2006	(509756)
127	09/01/2006	(509784)
128	09/18/2006	(520235)
129	09/27/2006	(512555)
130	09/28/2006	(509876)
131	10/11/2006	(514061)
132	10/19/2006	(520236)
133	10/23/2006	(512981)
134	10/31/2006	(517239)
135	11/07/2006	(516594)
136	11/13/2006	(518837)
137	11/15/2006	(519473)
138	11/15/2006	(544546)
139	11/21/2006	(519775)
140	12/13/2006	(544547)
141	12/18/2006	(345058)
142	12/21/2006	(532369)
143	12/21/2006	(532370)
144	01/16/2007	(534075)
145	01/19/2007	(532751)
146	01/19/2007	(544548)
147	02/07/2007	(536972)
148	02/09/2007	(534096)
149	02/14/2007	(544545)
150	03/15/2007	(531898)
151	03/15/2007	(533196)
152	03/15/2007	(575352)
153	03/23/2007	(543996)
154	04/02/2007	(539574)
155	04/05/2007	(543902)
156	04/09/2007	(543124)
157	04/09/2007	(555314)
158	04/10/2007	(543795)
159	04/11/2007	(556037)
160	04/11/2007	(556038)
161	04/17/2007	(575353)
162	04/30/2007	(556603)
163	04/30/2007	(556624)

164	04/30/2007	(557962)
165	05/08/2007	(555995)
166	05/10/2007	(559617)
167	05/10/2007	(559619)
168	05/10/2007	(559620)
169	05/11/2007	(558768)
170	05/14/2007	(555999)
171	05/14/2007	(558769)
172	05/14/2007	(559618)
173	05/20/2007	(575354)
174	05/31/2007	(542320)
175	06/01/2007	(561100)
176	06/04/2007	(561098)
177	06/20/2007	(575355)
178	06/22/2007	(561101)
179	07/03/2007	(566302)
180	07/09/2007	(564575)
181	07/11/2007	(431249)
182	07/20/2007	(575356)
183	07/23/2007	(531864)
184	07/31/2007	(564508)
185	08/10/2007	(512666)
186	08/10/2007	(564206)
187	08/10/2007	(564225)
188	08/20/2007	(607555)
189	08/24/2007	(570706)
190	08/24/2007	(570707)
191	09/20/2007	(607556)
192	10/02/2007	(572268)
193	10/05/2007	(572254)
194	10/05/2007	(595008)
195	10/09/2007	(594109)
196	10/10/2007	(595720)
197	10/11/2007	(567830)
198	10/11/2007	(568141)
199	10/11/2007	(568182)
200	10/11/2007	(568234)
201	10/11/2007	(593936)
202	10/12/2007	(572190)
203	10/12/2007	(572204)
204	10/12/2007	(572244)
205	10/15/2007	(593466)
206	10/16/2007	(568501)
207	10/17/2007	(595009)

208	10/19/2007	(607557)
209	11/15/2007	(619522)
210	11/16/2007	(568445)
211	11/19/2007	(571858)
212	11/19/2007	(595089)
213	11/19/2007	(597629)
214	11/19/2007	(597934)
215	11/19/2007	(598398)
216	11/27/2007	(571671)
217	12/05/2007	(609936)
218	12/17/2007	(619523)
219	12/21/2007	(600245)
220	01/18/2008	(619524)
221	01/30/2008	(613666)

222	02/20/2008	(672044)
223	03/03/2008	(637489)
224	03/14/2008	(672045)
225	03/25/2008	(616898)
226	04/18/2008	(672046)
227	04/25/2008	(636923)
228	05/15/2008	(637714)
229	05/16/2008	(689958)
230	05/23/2008	(638602)
231	06/06/2008	(682334)
232	06/19/2008	(689959)
233	07/07/2008	(657176)
234	07/08/2008	(670867)
235	07/18/2008	(689960)
236	07/21/2008	(682766)
237	07/21/2008	(684727)
238	07/30/2008	(687563)
239	08/11/2008	(688850)
240	08/14/2008	(710740)
241	08/18/2008	(687788)
242	09/19/2008	(710741)
243	09/20/2008	(686586)
244	10/16/2008	(671077)
245	10/16/2008	(671086)
246	10/17/2008	(710742)
247	10/24/2008	(687335)
248	10/27/2008	(686049)
249	10/27/2008	(686129)
250	10/27/2008	(686138)
251	10/28/2008	(686938)
252	10/29/2008	(686783)
253	10/29/2008	(686930)
254	11/17/2008	(727485)
255	11/20/2008	(703368)
256	12/08/2008	(687448)
257	12/15/2008	(686189)
258	12/15/2008	(721180)
259	12/16/2008	(701325)
260	12/17/2008	(700705)
261	12/17/2008	(701512)
262	12/17/2008	(703349)
263	12/18/2008	(727486)
264	12/18/2008	(727487)
265	01/06/2009	(689065)
266	01/06/2009	(706089)

267	01/20/2009	(706090)
268	02/04/2009	(704245)
269	02/04/2009	(725522)
270	02/05/2009	(723030)
271	02/12/2009	(684569)
272	02/16/2009	(700894)
273	02/16/2009	(726273)
274	02/16/2009	(750275)
275	02/20/2009	(702755)
276	03/11/2009	(750276)
277	03/18/2009	(726731)
278	03/20/2009	(725138)
279	03/27/2009	(726604)

280	04/10/2009	(741302)
281	04/16/2009	(750277)
282	04/24/2009	(739887)
283	05/04/2009	(741618)
284	05/12/2009	(768371)
285	05/12/2009	(768373)
286	05/18/2009	(742104)
287	05/18/2009	(742106)
288	05/19/2009	(704309)
289	06/10/2009	(747592)
290	06/12/2009	(768372)
291	06/15/2009	(749180)
292	07/16/2009	(749643)
293	07/21/2009	(745746)
294	07/21/2009	(747426)
295	07/21/2009	(747606)
296	07/21/2009	(747870)
297	07/21/2009	(747871)
298	07/21/2009	(748463)
299	07/21/2009	(749055)
300	07/21/2009	(749736)
301	07/24/2009	(747873)
302	07/27/2009	(748462)
303	08/04/2009	(746919)
304	08/04/2009	(763276)
305	08/12/2009	(747867)
306	08/13/2009	(741161)
307	08/13/2009	(747864)
308	08/13/2009	(765709)
309	08/14/2009	(759251)
310	08/14/2009	(765330)
311	08/21/2009	(759999)
312	08/28/2009	(765498)
313	09/02/2009	(748460)
314	09/02/2009	(761012)
315	09/04/2009	(749814)
316	09/16/2009	(762161)
317	09/17/2009	(749687)
318	09/28/2009	(748457)
319	10/08/2009	(760318)
320	10/12/2009	(763115)
321	10/21/2009	(565970)
322	11/20/2009	(747602)
323	11/23/2009	(779180)
324	12/22/2009	(786019)
325	12/23/2009	(781696)
326	12/23/2009	(781948)
327	01/05/2010	(782111)
328	01/05/2010	(782355)
329	01/06/2010	(784275)

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

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

Description: Failure to meet demonstration criteria.

Date: 02/28/2005 (381869) 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: 03/31/2005 (419706) 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: 08/10/2005 (396623) CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, Special Condition No. 1 PA  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.

Date: 10/31/2005 (468458) 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: 11/30/2005 (468459) 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: 12/31/2005 (468460) 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: 01/31/2006 (451967) CN600127468

Self Report? NO Classification: Moderate

Citation: No. 00449-000 Page 7, No. 2g PERMIT  
TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.

Self Report? NO Classification: Moderate

Citation: 00449-000 Page 2, No. 1 & Page 2d, no. 1 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 02/21/2006 (455248)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
No. 39142 PA

Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/30/2006 (498220) 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: 06/30/2006 (481516) CN600127468

Self Report? NO Classification: Moderate

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

39142, SC No. 1 PA

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

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

Date: 06/30/2006 (483867) CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Description: RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC 117.206(e)(2).

Date: 09/29/2006 (509876) CN600127468

Self Report? NO Classification: Moderate

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

39142, SC No. 1 PA

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

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/31/2007 (544545) 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: 03/31/2007 (575353) 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: 04/04/2007 (539574) CN600127468

Self Report? NO Classification: Moderate

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

39142, SC No. 1 PA

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

Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/10/2007 (543996) CN600127468

Self Report? NO Classification: Moderate

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

39142, SC No. 1 PA

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

Description: Exceeded permit limits during an avoidable emissions event.

Date: 06/04/2007 (561098) CN600127468

Self Report? NO Classification: Moderate

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

39142, SC No. 1 PERMIT

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

Description: Failure to exercise good maintenance practices.

Date: 06/30/2007 (575356) 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: 07/31/2007 (607555) 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: 10/31/2007 (619522) 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: 01/16/2008 (567857) CN600127468  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP  
Description: failed to submit written notification of the performance test for Boiler B-26 within 15 days after the testing was conducted on December 13, 2005

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253, SC 1A OP

Description: failed to submit written notification of the continuous emissions monitoring system (CEMS) relative accuracy test audit (RATA) within 15 days after the testing was conducted

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to maintain records of hours of operation for Engines DE-07, DE-08, DE-24, and DE-27

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to maintain records of each time the engine is operated for testing and maintenance for Engines

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to meet the CO emission limit of 3.0 g/hp-hr for Engines

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 21. OP

Description: failed to conduct monthly opacity observations for Stacks

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
NSR 39142; SC 13.D. PERMIT

Title V O-01253; SC 22. OP

Description: failed to retain records of the vent stream flows to flares

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to install O2 CEMS for H-13-1421 by the deadline of March 31, 2005

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to install CO CEMS for H-13-1421 by the deadline of March 31, 2005 as specified in 30 TAC 117.9020(2)(A)(i)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. & 10.F. OP

Description: failed to continuously monitor CO and NOx emissions from Heater H-13-1480 on  
December 12, 2005

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to have valid hourly average data of SO2 emissions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to properly perform fugitive monitoring of components in highly-reactive volatile organic compound (HRVOC) in September 2005

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to maintain the firing rate limits, which were established as a surrogate parameter to the CO emission limit of 400 ppmvd, for Boilers B-7 and B-11

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1.M.(i) OP

Description: failed to meet the hourly firing rate limits for boilers and heaters

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(b)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 16.D. OP

Description: failed to notify the Administrator in writing of the intention to conduct performance tests for Boilers B-27 and B-28

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1.A. OP

Description: failed to follow the operating restrictions between 6 a.m. and noon for engines

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8040(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP  
**Description:** failed to conduct quarterly sampling for NOx and CO emissions from Engines DE-27 and DE-34  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 117, SubChapter B 117.340(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

**Description:** failed to install a totalizing fuel flow meter on Engine DE-27  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 16.H. PERMIT  
 Title V Permit O-01253, SC 1.A. OP  
 Title V Permit O-01253, SC 22. OP

**Description:** failed to repair eight valves and one flange within 15 calendar days  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 16.E. PERMIT  
 Title V Permit O-01253, SC 1.A. OP  
 Title V Permit O-01253, SC 22. OP

**Description:** failed to equip eleven open-ended lines with a plug, a cap, or a second valve.  
**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(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

**Description:** failed to conduct monthly visual or physical inspections on 28 process drains  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(c)(6)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

**Description:** failed to conduct monthly monitoring on three pumps in light liquid service  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

**Description:** failed to take manual samples for flares  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

**Description:** failed to continuously monitor the Fluidized Catalytic Cracking Unit (FCCU) Coke Burn Rate  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 67 PERMIT  
 Title V Permit O-01253, SC 22 OP

**Description:** failed to keep records of the opacity of emissions from the fluid catalytic cracking unit (FCCU) scrubber stack G-001 on May 14, 2006

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP  
 Description: failed to maintain a gauge/sample hatch on Tank T-321 sealed completely

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)(2)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP  
 Description: ) failed to use the span value of 500 ppm for nitrogen oxides on the North Cogen (B-15/T-252) continuous emission monitoring system

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP  
 Description: failed to keep records required by Table 21 for catalytic reforming unit

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP  
 Description: failed to continuously monitor H2S content in the plant fuel gas system

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP  
 Description: failed to develop, implement, and follow a written quality assurance plan for monitoring requirements relating to HRVOV vent gas control for flares

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 79 PERMIT  
 Title V Permit O-01253, SC 1A OP  
 Title V Permit O-01253, SC 22 OP  
 Description: failed to continuously measure and record the exhaust gas temperature of the South Plant Tail Gas Incinerator G-193 for one hour

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1569(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP  
 Description: failed to demonstrate continuous compliance with the work practice standards

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 79 PERMIT  
 Title V Permit O-01253, SC 22 OP  
 Description: failed to keep records of the flame temperature of sulfur recovery unit (SRU) thermal reactors

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 79 PERMIT  
 Title V Permit O-01253, SC 22 OP  
 Description: failed to keep records of the Sulfur Pit Sweep data

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 34 PERMIT  
Title V Permit O-01253, SC 22 OP  
Description: failed to maintain the pH of the FCCU caustic scrubbing solution between 8.0 and 9.0

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to include excess emissions details for the GOHT SRU/TGU and the South Plant SRU/TGU in the submittal dated April 28, 2006

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to maintain the continuous parameter monitoring system for the GOHT Tail Gas Incinerator

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to provide notification of start of construction for Reformate Tank T-569 within 30 days following the start of the construction

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 48 PERMIT  
Title V Permit O-01253, SC 1A OP  
Title V Permit O-01253, SC 22 OP

Description: failed to maintain Scrubbing Liquid pH Data or Scrubbing Liquid to Gas Flow Ratio Data for VC-50

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, General Terms OP

Description: failed to report all instances of deviations in the deviation reports

Date: 07/09/2008 (670867)

Self Report? NO Classification: Minor

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

Description: Failure to identify the permit number in the Final Report.

Date: 08/11/2008 (688850)

CN600127468

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 63, SubChapter C, PT 63, SubPT AA 63.646(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(I)  
5C THSC Chapter 382 382.085(b)  
FOP O-01253, Special Term & Condition 1A OP  
FOP O-01253, Special Term & Condition 22 OP  
Permit 39142, Special Condition 5D PERMIT

Description: Failure to perform primary seal inspections to Tank 478.

Date: 12/08/2008 (687448)

CN600127468

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 Kb 60.113b(a)(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01253 SC 30A OP  
NSR 39142 SC 5 PERMIT

Description: Failure to conduct an inspection of the primary seals for the internal floating roof of tank T-301 at least every ten years.

Date: 01/06/2009 (706089)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, Special Condition No. 1 PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Valero failed to prevent the No. 4 Flare from losing its pilots

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate the No. 4 Flare with a flame present at all times.

Date: 04/29/2009 (738921)

CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THSC Chapter 382 382.085(a)

Description: During the investigation on March 6, 2009, it was determined by Investigators Lawdermilk and Whelan that the dust from the Valero Refining Texas City Refinery contractor parking lot, between 16th and 17th Streets, Texas Avenue created a "nuisance" condition.

Date: 09/17/2009 (749687)

CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Valero Texas City failed to properly degas Tank 447 from 11/28/2007 through 12/03/2007.

F. Environmental audits.

06/02/2008

(684099)

Notice of Intent Date:

No DOV Associated

08/29/2008

(704521)

Notice of Intent Date:

No DOV Associated

01/12/2009

(735551)

Notice of Intent Date:

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.  
RN100238385

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2010-0098-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 at 1301 Loop 197 South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 January 11, 2010.
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 Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Dollars (\$4,000) of the administrative penalty and Two Thousand Dollars (\$2,000) 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. Four Thousand Dollars (\$4,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

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 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.
10. 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.
11. 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 prevent unauthorized emissions during an emissions event that occurred on September 12, 2009 and failed to operate a flare with a flame present at all times, in violation of 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), 30 TEX. ADMIN. CODE §§ 101.20(1) and (3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Flexible Permit No. 39142/PSD-TX-822M2, Special Condition 1, as documented during an investigation conducted on December 9, 2009. Specifically, the Respondent released 1,507.79 pounds of unauthorized volatile organic compounds from Flare No. 3 into the atmosphere during the thirty-five minute event (Incident No. 129326). The event occurred when the flare flamed-out. Since the cause of the emissions event could not be identified, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2010-0098-AIR-E" to:

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

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TBX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Dollars (\$4,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions event that occurred on September 12, 2009, and to prevent the reoccurrence of same or similar incidents; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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

5/24/2010  
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.

*Adrian Arvizu*  
Signature

4/13/2010  
Date

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

*Mr. Environmental Affairs*  
Title

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



Attachment A  
Docket Number: 2010-0098-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Valero Refining-Texas, L.P.  
**Payable Penalty Amount:** Eight Thousand Dollars (\$8,000)  
**SEP Amount:** Four Thousand Dollars (\$4,000)  
**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, NO<sub>x</sub> 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.

