

CAPTION: Docket No. 2010-1836-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valero Refining-Texas, L.P. in Galveston County; RN100238385; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Laurie Eaves)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1836-AIR-E **TCEQ ID:** RN100238385 **CASE NO.:** 40696
RESPONDENT NAME: Valero Refining-Texas, L.P.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Valero Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Oil and gas refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2010-1361-AIR-E and 2010-0924-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 11, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Adrian Araiza, Manager of Environmental Affairs, Valero Refining-Texas, L.P., 1301 Loop 197 South, Texas City, Texas 77590 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 6, 2010</p> <p>Date of NOV/NOE Relating to this Case: October 29, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 143488) that occurred on August 13, 2010, the Respondent failed to maintain the manufacturer's minimum recommended flow rate for the Atmospheric Gas Oil Pump, resulting in the unauthorized release of 2,068.46 pounds ("lbs") of volatile organic compounds, 2.62 lbs of carbon monoxide, and 0.37 lbs of nitrous oxides from the Gas Oil Hydrotreater Unit over a one hour and eleven minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit Nos. 39142 and PSD-TX-822M2 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,000</p> <p>Total Paid to General Revenue: \$4,000</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</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 August 13, 2010, 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 GB0073P

Attachment A
Docket Number: 2010-1836-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: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses

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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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:

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

The Respondent shall also mail a copy of the check to the Enforcement Division 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

DATES	Assigned	1-Nov-2010	Screening	9-Nov-2010	EPA Due	
	PCW	13-Dec-2010				

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

CASE INFORMATION				
Enf./Case ID No.	40696	No. of Violations	1	
Docket No.	2010-1836-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	James Nolan	
		EC's Team	Enforcement Team 4	
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	446.0% Enhancement	Subtotals 2, 3, & 7	\$11,150
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Notes: Enhancement for 14 same/similar NOV's, 15 dissimilar NOV's, 11 orders with denial of liability, four orders without denial of liability, one court order containing denial of liability, and four notices of intended audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$71
 Approx. Cost of Compliance: \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,650
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,000
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,000
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Screening Date 9-Nov-2010

Docket No. 2010-1836-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 40696

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator James Nolan

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	15	30%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 446%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for 14 same/similar NOVs, 15 dissimilar NOVs, 11 orders with denial of liability, four orders without denial of liability, one court order containing denial of liability, and four notices of intended audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 446%

Screening Date 9-Nov-2010
Respondent Valero Refining-Texas, L.P.
Case ID No. 40696

Docket No. 2010-1836-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air
Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Flexible Permit Nos. 39142 and PSD-TX-822M2
 Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 143488) that occurred on August 13, 2010, the Respondent failed to maintain the manufacturer's minimum recommended flow rate for the Atmospheric Gas Oil Pump, resulting in the unauthorized release of 2,068.46 pounds ("lbs") of volatile organic compounds, 2.62 lbs of carbon monoxide, and 0.37 lbs of nitrous oxides from the Gas Oil Hydrotreater Unit over a one hour and eleven minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

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 emissions event that occurred on August 13, 2010.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes
 The Respondent 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 \$71 **Violation Final Penalty Total** \$13,650

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

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 40696
Reg. Ent. Reference No. RN100238385
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	13-Aug-2010	26-Jul-2011	0.95	\$71	n/a	\$71

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 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

\$71

Compliance History Report

Customer/Respondent/Owner-Operator: CN600127468 Valero Refining-Texas, L.P. Classification: AVERAGE Rating: 9.75

Regulated Entity: RN100238385 VALERO REFINING TEXAS CITY Classification: AVERAGE Site Rating: 8.35
REFINERY

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
	AIR OPERATING PERMITS	PERMIT	1253
	AIR OPERATING PERMITS	PERMIT	2599
	AIR OPERATING PERMITS	PERMIT	2599
	WASTEWATER	PERMIT	WQ0000449000
	WASTEWATER	EPA ID	TX0006009
	AIR NEW SOURCE PERMITS	REGISTRATION	93329
	AIR NEW SOURCE PERMITS	REGISTRATION	92271
	AIR NEW SOURCE PERMITS	PERMIT	39142
	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	SOLID WASTE REGISTRATION # (SWR)	30011
	INDUSTRIAL AND HAZARDOUS WASTE	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: November 09, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 09, 2005 to November 09, 2010

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

Name: James Nolan Phone: (512) 239-6634

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

CO

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.

1660 1

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.

1660 2

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.

FoF 1

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.

1660 3

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.

1660 4 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.

1660 5 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").

1660 6 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.

1660 7 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 Conditon No. 1 PERMIT
Description: Valero failed to maintain the lube oil level in the compressor mainframe reservoir.

FoF 2 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.

FoF 3 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 Topers 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.

FoF 4

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.

1660 8

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").

1660 9

Effective Date: 01/28/2010 ADMINORDER 2009-1314-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: Failure to prevent unauthorized emissions. Valero failed to prevent a flashover on Gas Circuit Breaker #3 (GCB #3), which resulted in power loss at the refinery.

1660 10

Effective Date: 08/09/2010 ADMINORDER 2010-0098-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: 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. 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).

1660 11

Effective Date: 10/15/2010 ADMINORDER 2010-0390-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 1.H.ii OP

Description: Failed to operate combustion sources (28 heaters and three boilers) within the firing rates established during the highly reactive volatile organic compound ("HRVOC") emission testing at Heaters H-28, H-60, H-57, H-13-1451, H-16, H-17, H-13-1480, H-18 Through H-23, H-28, H-34, H-45, H-50, H-13-1401, and Boiler B-18 from July 1 through December 31, 2006 and again at Boilers B-18 and B-27 and Heaters H-1451, H-1480, H-16, H-17, H-28, H-31, H-32, H-57, H-58 and H-60 from November 13, 2007 through

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 30 (formerly 28) OP
FOP O-01253, SC 1.A OP

NSR Permit 39142, SC 12A (formerly 13A). PERMIT

Description: Failed to operate flares with a minimum of 300 British thermal units per standard cubic feet net heating value for the gas being combusted by assisted flares (see Attachment B).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.126(1)(B)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart A 63.11(b)(7)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253 SC 30 (formerly 28) OP
FOP No. O-01253, SC 1A OP

NSR Permit 39142, SC 12A (formerly 13A) PERMIT

Description: Failed to operate Flare FL-1 with a maximum exit velocity of 60 feet per second ("fps") intermittently between January 1, 2007 and May 23, 2007 (exit velocity ranged from 71.05 fps to 111.70 fps), for one hour on April 10, 2008 (exit velocity was 66.06 fps), and for one hour on August 24, 2008 (exit velocity was 73.67 fps).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(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 THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253 SC 1A OP

Description: Failed to operate flares without visible emissions (emissions visible for more than five minutes in a two-hour period) from Flare FL-2 on September 25, 2007 and June 7, 2008 and from Flare FL-4 on October 29, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 1A OP
FOP No. O-01253, SC 30 (formerly 28) OP

NSR Permit 39142, SC 4B PERMIT

Description: Failed to maintain Group 1 storage tanks free of leaks. Specifically, Tank T-478 vacuum breaker leaked for 24-hour periods on August 9, 2006, June 1, 2008, and September 14, 2009, and during each period 5.52 pounds of volatile organic compounds ("VOCs") were released; and Tank T-565 vacuum breaker leaked for 34 hours on June 17, 2008 during which 7.82 pounds of VOCs were released.

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	12/18/2006	(345058)
2	07/11/2007	(431249)
3	01/17/2006	(431818)
4	03/31/2006	(434168)
5	12/06/2005	(438942)
6	12/29/2005	(439223)
7	02/17/2006	(439355)
8	02/15/2006	(439989)
9	01/30/2006	(440131)
10	12/29/2005	(449459)
11	12/28/2005	(449585)
12	02/01/2006	(451967)
13	03/29/2006	(453666)

14	05/08/2006	(453710)
15	03/16/2006	(455002)
16	02/21/2006	(455248)
17	04/26/2006	(457610)
18	05/25/2006	(457878)
19	04/27/2006	(460539)
20	05/11/2006	(461750)
21	06/30/2006	(462803)
22	05/15/2006	(462815)
23	06/30/2006	(462898)
24	07/26/2006	(462901)
25	05/31/2006	(463733)
26	05/17/2006	(464808)
27	09/01/2006	(466735)
28	09/01/2006	(466736)
29	02/17/2006	(468454)
30	03/21/2006	(468455)
31	04/13/2006	(468456)
32	11/22/2005	(468458)
33	12/20/2005	(468459)
34	01/24/2006	(468460)
35	09/01/2006	(478491)
36	09/01/2006	(478556)
37	09/01/2006	(478638)
38	07/17/2006	(479861)
39	06/27/2006	(481343)
40	06/30/2006	(481516)
41	07/19/2006	(482178)
42	07/06/2006	(482247)
43	07/26/2006	(482594)
44	07/19/2006	(483638)
45	07/19/2006	(483715)
46	06/30/2006	(483867)
47	07/14/2006	(486365)
48	07/15/2006	(486391)
49	07/21/2006	(487175)
50	09/01/2006	(487342)
51	07/21/2006	(487390)
52	07/21/2006	(487892)
53	09/01/2006	(487896)
54	09/01/2006	(488020)
55	09/01/2006	(488032)
56	09/01/2006	(488134)
57	09/01/2006	(488176)
58	07/25/2006	(488179)
59	09/01/2006	(488191)
60	09/01/2006	(488541)
61	09/01/2006	(488559)

62	09/01/2006	(488624)
63	09/01/2006	(488633)
64	08/25/2006	(488734)
65	09/01/2006	(488740)
66	09/01/2006	(488979)
67	09/01/2006	(489434)
68	09/01/2006	(489467)
69	09/01/2006	(489815)
70	09/01/2006	(489837)
71	09/01/2006	(489863)
72	09/01/2006	(489866)
73	09/01/2006	(490185)
74	05/18/2006	(498220)
75	06/16/2006	(498221)
76	07/18/2006	(498222)
77	09/01/2006	(508690)
78	09/01/2006	(509158)
79	09/01/2006	(509713)
80	09/01/2006	(509730)
81	09/01/2006	(509756)
82	09/01/2006	(509784)
83	09/28/2006	(509876)
84	09/27/2006	(512555)
85	08/10/2007	(512666)
86	10/23/2006	(512981)
87	10/11/2006	(514061)
88	11/07/2006	(516594)
89	10/31/2006	(517239)
90	11/13/2006	(518837)
91	11/15/2006	(519473)
92	11/21/2006	(519775)
93	08/10/2006	(520234)
94	09/18/2006	(520235)
95	10/19/2006	(520236)
96	07/23/2007	(531864)
97	03/15/2007	(531898)
98	12/21/2006	(532369)
99	12/21/2006	(532370)
100	01/19/2007	(532751)
101	03/15/2007	(533196)
102	01/16/2007	(534075)
103	02/09/2007	(534096)
104	02/07/2007	(536972)
105	04/02/2007	(539574)
106	05/31/2007	(542320)
107	04/09/2007	(543124)
108	04/10/2007	(543795)
109	04/05/2007	(543902)

110	03/23/2007	(543996)
111	02/14/2007	(544545)
112	11/15/2006	(544546)
113	12/13/2006	(544547)
114	01/19/2007	(544548)
115	04/09/2007	(555314)
116	05/08/2007	(555995)
117	05/14/2007	(555999)
118	04/11/2007	(556037)
119	04/11/2007	(556038)
120	04/30/2007	(556603)
121	04/30/2007	(556624)
122	04/30/2007	(557962)
123	05/11/2007	(558768)
124	05/14/2007	(558769)
125	05/10/2007	(559617)
126	05/14/2007	(559618)
127	05/10/2007	(559619)
128	05/10/2007	(559620)
129	06/04/2007	(561098)
130	06/01/2007	(561100)
131	06/22/2007	(561101)
132	08/10/2007	(564206)
133	08/10/2007	(564225)
134	07/31/2007	(564508)
135	07/09/2007	(564575)
136	10/21/2009	(565970)
137	07/03/2007	(566302)
138	10/11/2007	(567830)
139	10/11/2007	(568141)
140	10/11/2007	(568182)
141	10/11/2007	(568234)
142	11/16/2007	(568445)
143	10/16/2007	(568501)
144	08/24/2007	(570706)
145	08/24/2007	(570707)
146	11/27/2007	(571671)
147	11/19/2007	(571858)
148	10/12/2007	(572190)
149	10/12/2007	(572204)
150	10/12/2007	(572244)
151	10/05/2007	(572254)
152	10/02/2007	(572268)
153	03/15/2007	(575352)
154	04/17/2007	(575353)
155	05/20/2007	(575354)
156	06/20/2007	(575355)
157	07/20/2007	(575356)

158	10/15/2007	(593466)
159	10/11/2007	(593936)
160	10/09/2007	(594109)
161	10/05/2007	(595008)
162	10/17/2007	(595009)
163	11/19/2007	(595089)
164	10/10/2007	(595720)
165	11/19/2007	(597629)
166	11/19/2007	(597934)
167	11/19/2007	(598398)
168	12/21/2007	(600245)
169	08/20/2007	(607555)
170	09/20/2007	(607556)
171	10/19/2007	(607557)
172	12/05/2007	(609936)
173	01/30/2008	(613666)
174	03/25/2008	(616898)
175	11/15/2007	(619522)
176	12/17/2007	(619523)
177	01/18/2008	(619524)
178	04/25/2008	(636923)
179	03/03/2008	(637489)
180	05/15/2008	(637714)
181	05/23/2008	(638602)
182	07/07/2008	(657176)
183	07/08/2008	(670867)
184	10/16/2008	(671077)
185	10/16/2008	(671086)
186	02/20/2008	(672044)
187	03/14/2008	(672045)
188	04/18/2008	(672046)
189	06/06/2008	(682334)
190	07/21/2008	(682766)
191	02/12/2009	(684569)
192	07/21/2008	(684727)
193	10/27/2008	(686049)
194	10/27/2008	(686129)
195	10/27/2008	(686138)
196	12/15/2008	(686189)
197	09/20/2008	(686586)
198	10/29/2008	(686783)
199	10/29/2008	(686930)
200	10/28/2008	(686938)
201	10/24/2008	(687335)
202	12/08/2008	(687448)
203	07/30/2008	(687563)
204	08/18/2008	(687788)
205	08/11/2008	(688850)

206	01/06/2009	(689065)
207	05/16/2008	(689958)
208	06/19/2008	(689959)
209	07/18/2008	(689960)
210	12/17/2008	(700705)
211	02/16/2009	(700894)
212	12/16/2008	(701325)
213	12/17/2008	(701512)
214	02/20/2009	(702755)
215	12/17/2008	(703349)
216	11/20/2008	(703368)
217	02/04/2009	(704245)
218	05/19/2009	(704309)
219	01/06/2009	(706089)
220	01/20/2009	(706090)
221	08/14/2008	(710740)
222	09/19/2008	(710741)
223	10/17/2008	(710742)
224	12/15/2008	(721180)
225	02/05/2009	(723030)
226	03/20/2009	(725138)
227	02/04/2009	(725522)
228	02/16/2009	(726273)
229	03/27/2009	(726604)
230	03/18/2009	(726731)
231	11/17/2008	(727485)
232	12/18/2008	(727486)
233	12/18/2008	(727487)
234	04/24/2009	(739887)
235	08/13/2009	(741161)
236	04/10/2009	(741302)
237	05/04/2009	(741618)
238	05/18/2009	(742104)
239	05/18/2009	(742106)
240	07/21/2009	(745746)
241	08/04/2009	(746919)
242	02/25/2010	(747260)
243	01/22/2010	(747282)
244	07/21/2009	(747426)
245	06/10/2009	(747592)
246	11/20/2009	(747602)
247	07/21/2009	(747606)
248	08/13/2009	(747864)
249	08/12/2009	(747867)
250	07/21/2009	(747870)
251	07/21/2009	(747871)
252	07/24/2009	(747873)
253	09/28/2009	(748457)

254	09/02/2009	(748460)
255	07/27/2009	(748462)
256	07/21/2009	(748463)
257	07/21/2009	(749055)
258	06/15/2009	(749180)
259	07/16/2009	(749643)
260	09/17/2009	(749687)
261	07/21/2009	(749736)
262	09/04/2009	(749814)
263	02/16/2009	(750275)
264	03/11/2009	(750276)
265	04/16/2009	(750277)
266	08/14/2009	(759251)
267	08/21/2009	(759999)
268	10/08/2009	(760318)
269	09/02/2009	(761012)
270	09/16/2009	(762161)
271	10/12/2009	(763115)
272	08/04/2009	(763276)
273	08/14/2009	(765330)
274	08/28/2009	(765498)
275	08/13/2009	(765709)
276	05/12/2009	(768371)
277	06/12/2009	(768372)
278	05/12/2009	(768373)
279	11/23/2009	(779180)
280	12/23/2009	(781696)
281	12/23/2009	(781948)
282	01/05/2010	(782111)
283	01/05/2010	(782355)
284	01/06/2010	(784275)
285	01/15/2010	(785848)
286	01/29/2010	(785853)
287	01/15/2010	(785874)
288	12/22/2009	(786019)
289	05/24/2010	(786834)
290	01/26/2010	(788199)
291	01/26/2010	(788690)
292	01/26/2010	(788810)
293	01/26/2010	(788823)
294	01/27/2010	(788843)
295	01/27/2010	(788914)
296	02/19/2010	(792191)
297	05/21/2010	(793343)
298	03/31/2010	(794262)
299	03/19/2010	(794550)
300	03/31/2010	(794855)
301	05/25/2010	(797648)

302	06/17/2010	(799677)
303	06/23/2010	(799678)
304	06/21/2010	(800153)
305	05/10/2010	(801088)
306	05/10/2010	(801143)
307	07/27/2010	(801557)
308	05/18/2010	(801800)
309	05/24/2010	(802297)
310	02/15/2010	(804671)
311	08/20/2009	(804672)
312	09/17/2009	(804673)
313	10/20/2009	(804674)
314	11/19/2009	(804675)
315	12/17/2009	(804676)
316	01/15/2010	(804677)
317	05/28/2010	(824427)
318	08/13/2010	(825230)
319	07/06/2010	(825288)
320	07/01/2010	(825360)
321	07/28/2010	(826312)
322	07/20/2010	(826313)
323	08/02/2010	(826315)
324	07/15/2010	(828774)
325	09/02/2010	(829922)
326	03/12/2010	(830889)
327	04/20/2010	(830890)
328	05/19/2010	(830891)
329	08/09/2010	(843653)
330	10/29/2010	(844269)
331	06/18/2010	(846271)
332	10/12/2010	(849414)
333	11/05/2010	(849415)
334	09/01/2010	(850029)
335	07/16/2010	(860865)
336	09/16/2010	(864357)
337	10/04/2010	(864780)
338	08/11/2010	(866832)
339	10/29/2010	(872316)

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

NS 1	Date: 11/30/2005 (468459) CN600127468
	Self 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
NS 2	Date: 12/31/2005 (468460) CN600127468
	Self 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
NS 3	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.		
S 1	Date	02/21/2006 (455248)	CN600127468	
	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.		
NS 4	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		
S 2	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.		
S 3	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).		
S 4	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.		
NS 5	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		
NS 6	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		
S 5	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.		
S 6	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.		
S 7	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		

Description: 5C THC Chapter 382, SubChapter D 382.085(b)
 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		
NS 10	Date	07/09/2008	(670867)	CN600127468
	Description:	failed to report all instances of deviations in the deviation reports		
	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.		
NS 11	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.		
NS 12	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.		
S 9	Date	01/06/2009	(706089)	CN600127468
	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)	
S 10	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.	
S 11	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.	
NS 13	Date	10/31/2009 (804675)	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	
S 12	Date	01/15/2010 (785848)	CN600127468
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT	
	Description:	Failure to prevent unauthorized emissions. Valero failed to prevent the shutdown of the Train 1 Flare Gas Recovery System during maintenance activities.	
S 13	Date	01/29/2010 (785853)	CN600127468
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT	
	Description:	Valero failed to maintain a flame on the No. 2 Flare Stack at all times.	
	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 maintain a flame on the No. 2 Flare Stack at all times.	
S 14	Date	02/25/2010 (747260)	CN600127468
	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 63.6(e)(3)(v) 5C THSC Chapter 382 382.085(b) FOP O-01253 STC 1A OP	
	Description:	Valero failed to update the Startup, Shutdown, Malfunction Plan (SSMP) at the reforming unit and FCCU Belco Scrubber.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GTC OP STC 3. A (iv) and 3. B (iv) OP	
	Description:	Valero failed to conduct periodic monitoring of stationary vents subject to the periodic monitoring requirements.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter E 115.412(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP	

Description: Valero failed to cover a degreaser during monthly inspections.
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)
STC 1H OP

Description: Valero failed to take manual sample when an analyzer on flare FL-5 and failed to calibrate flow meter probe on flare FL-2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01253 STC 30 OP
NSR 39142 SC 12D PERMIT

Description: Valero failed to operate flare flow monitors when the flow monitors at FL-3 and FL-4 were taken out of service for maintenance activities.
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 J 60.105(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(b)(1)
5C THSC Chapter 382 382.085(b)
SC 33 PERMIT
STC 1A OP
STC SC 30 OP

Description: Valero failed to record and maintain data due to problems with Aspen systems when the FCCU scrubber (G-001) pH, flow rate, and coke burn rate data were lost due to DCS problems.
Self Report? NO Classification: Moderate
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)
SC 33 PERMIT
STC 30 OP

Description: Valero failed to operate within the required concentration limit when the FCCU scrubber concentration was not between 8.0 and 9.0 during off-line CEM times.
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 VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 13E PERMIT
SC 14E PERMIT

Description: Valero failed to cap 399 open-ended lines at various units across the refinery. Violation Category C10.
Self Report? NO 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 VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
5C THSC Chapter 382 382.085(b)
SC 14H PERMIT
STC 1A OP
STC 30 OP

Description: Valero failed to comply with the first repair attempt and final repair timeline requirements for fugitive components.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
5C THSC Chapter 382 382.085(b)
STC 1H (iv) OP

Description: Valero failed to operate Cooling Tower No. 4 (CT-4) flow meter 95% of the time.
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)
SC 28A PERMIT

STC 30 OP
 Description: Valero failed to sample SRU for ammonia.
 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 THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Valero failed to operate diesel engine DE-27 within the allowable limits when it exceeded its exemption limit of hours on a 12 month basis.
 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)
 Description: Valero failed to operate diesel engines during authorized time periods.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 SC 20 PERMIT
 STC 30 OP
 Description: Valero failed to operate Gasoil Hydrotreater (GOHT) Sulfur Recovery unit (SRU) incinerator within the required temperature limit (Category B18 violation).
 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 J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 Description: Valero failed to operate the fuel gas system within the allowable H2S limit of 0.1 grains per dry standard cubic feet (gr/dscf).
 NS 14 Date 07/01/2010 (825360) CN600127468
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
 5C THSC Chapter 382 382.085(b)
 Description: Valero failed to provide prior notification to the TCEQ of unplanned maintenance activity.
 NS 15 Date 08/13/2010 (825230) CN600127468
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.62
 30 TAC Chapter 335, SubChapter R 335.504
 30 TAC Chapter 335, SubChapter R 335.511
 30 TAC Chapter 335, SubChapter R 335.513
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
 Description: Hazardous waste determination was not completed.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: NOR was not updated.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter E 335.112(a)(1)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
 Description: Inspection log sheet did not provide complete information.

F. Environmental audits.

NOI 1 Notice of Intent Date: 06/02/2008 (684099)
 No DOV Associated
 NOI 2 Notice of Intent Date: 08/29/2008 (704521)
 No DOV Associated
 NOI 3 Notice of Intent Date: 01/12/2009 (735551)
 No DOV Associated
 NOI 4 Notice of Intent Date: 01/24/2010 (797835)
 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VALERO REFINING-TEXAS, L.P.	§	
RN100238385	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2010-1836-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 an oil and gas 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 November 3, 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 ("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 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 comply with permitted emissions limits during an emissions event, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Permit Nos. 39142 and PSD-TX-822M2 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 6, 2010. Specifically, during an emissions event (Incident No. 143488) that occurred on August 13, 2010, the Respondent failed to maintain the manufacturer's minimum recommended flow rate for the Atmospheric Gas Oil Pump, resulting in the unauthorized release of 2,068.46 pounds ("lbs") of volatile organic compounds, 2.62 lbs of carbon monoxide, and 0.37 lbs of nitrous oxides from the Gas Oil Hydrotreater Unit over a one hour and eleven minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).

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. 2010-1836-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, Four Thousand Dollars (\$4,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. 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 August 13, 2010, 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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



For the Executive Director

Date 3/15/2011

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

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

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

Signature



Date

3/31/2011

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

Adrian Araiza

Title

Manager, Environmental Affairs

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: 2010-1836-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: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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:

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

The Respondent shall also mail a copy of the check to the Enforcement Division 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.

Attachment A
Docket Number: 2010-1836-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: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division 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:

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

The Respondent shall also mail a copy of the check to the Enforcement Division 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.