

**Executive Summary – Enforcement Matter – Case No. 49681**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2014-1747-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-2300-AIR-E,  
2013-0839-AIR-E and 2015-0292-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 24, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$35,438

**Amount Deferred for Expedited Settlement:** \$7,087

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$14,176

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$14,175

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 27, 2014, September 24, 2014, September 30, 2014 and October 9, 2014

**Date(s) of NOE(s):** October 10, 2014, October 29, 2014, October 30, 2014 and December 9, 2014

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 223.05 pounds ("lbs") of volatile organic compounds ("VOC") from the Regenerative Thermal Oxidizer, Emissions Point Number ("EPN") E-TO-8742, during an emissions event (Incident No. 199587) that began on June 9, 2014 and lasted 23 hours. The emissions event occurred when a malfunctioning level controller and leaking exchanger tube in the Crude Unit 146 caused hydrocarbons to leak into the process wastewater system. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 122.143(4), Federal Operating Permit ("FOP") No. O2228, Special Terms and Conditions ("STC") No. 15, Standard Exemption Nos. 61, 68, and 88 effective as of April 27, 1993, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,791.65 lbs of sulfur dioxide ("SO<sub>2</sub>"), 203.83 lbs of carbon monoxide ("CO"), 137.2 lbs of VOC, 106.26 lbs of hydrogen sulfide ("H<sub>2</sub>S"), and 33.7 lbs of nitrogen oxides ("NO<sub>x</sub>") from Flare Nos. 15, 23, and 26, EPNs F-15-FLARE, E-23-FLARE, and E-26-FLARE respectively, and from Hydrocracker Unit ("HCU") 942 Fugitives, EPN F-942, during an emissions event (Incident No. 201018) that began on July 15, 2014 and lasted three hours and 21 minutes. The emissions event occurred when a malfunction in the automatic oil mist lubrication system caused a fire at HCU 942 requiring a unit-wide shutdown, which resulted in flaring. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,441.22 lbs of SO<sub>2</sub>, 304 lbs of CO, 12 lbs of H<sub>2</sub>S, 1.82 lbs of NO<sub>x</sub>, 0.27 lb of particulate matter (PM), and 0.2 lb of VOC from Flare No. 5, EPN E-05-FLARE, and Sulfur Recovery Unit ("SRU") Nos. 543 and 544, EPNs E-01-SCOT and E-02-SCOT respectively, during an emissions event (Incident No. 202260) that began on August 12,

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2014 and lasted four hours and three minutes. The emissions event occurred when wet air and corrosion particles from a newly installed plant air system caused an upset of SRU Nos. 543 and 544, which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,828.26 lbs of SO<sub>2</sub>, 48 lbs of NO<sub>x</sub>, 4 lbs of CO, 3 lbs of PM, and 2.32 lbs of VOC from SRU No. 546, EPN E-04-SCOT, the HCU Reactor 1 and 2 Furnaces, EPN E-01-943, and the HCU Fractionator Feed Furnace, EPN E-02-943, during an emissions event (Incident No. 202027) that began on August 7, 2014 and lasted for 10 hours and 33 minutes. The emissions event occurred when operators skimmed hydrocarbons from the Amine Absorber Column ("AAC" C-6, which sent excess hydrocarbons to SRU No. 546, causing it to trip offline. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By October 22, 2014, modified operating procedures to allow 12 hours of degassing before skimming hydrocarbons at the AAC C-6 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 202027;
- b. By November 11, 2014, repaired the malfunctioning level controller and leaking exchanger tube in Crude Unit 146 and trained operators to verify that the level controller reading matches the physical level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 199587; and
- c. By November 20, 2014, replaced the defective computer controlling the oil mist lubrication system in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 201018.

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**The Premcor Refining Group Inc.**  
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**Docket No. 2014-1747-AIR-E**

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 202260; and
  - b. Within 45 days, submit written certification to demonstrate compliance with a.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** David Carney, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** J. Gregg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641  
Paula LaRocca, Environmental Manager, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641  
**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2014-1747-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>Twenty-Eight Thousand Three Hundred Fifty-One Dollars (\$28,351)</b>
<b>SEP Offset Amount:</b>	<b>Fourteen Thousand One Hundred Seventy-Five Dollars (\$14,175)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

### **3. Records and Reporting**

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

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

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, 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. Recognition**

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 Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a 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 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	15-Dec-2014	<b>Screening</b>	18-Dec-2014	<b>EPA Due</b>	8-Apr-2015
	<b>PCW</b>	4-Jan-2015				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49681	<b>No. of Violations</b>	4
<b>Docket No.</b>	2014-1747-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	David Carney
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$18,750**

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

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

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$18,750**

**Notes**  
 Enhancement for six NOV's with same/similar violations, one NOV with dissimilar violations, and six agreed orders with a denial of liability.  
 Reduction for six notices of intent to conduct an audit and two disclosures of violations.

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

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

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **-\$2,062**

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

Total EB Amounts **\$716**  
 Estimated Cost of Compliance **\$22,500**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$35,438**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$35,438**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$35,438**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$7,087**

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

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$28,351**

**Screening Date** 18-Dec-2014

**Docket No.** 2014-1747-AIR-E

**PCW**

**Respondent** The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

**Case ID No.** 49681

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN102584026

**Media [Statute]** Air

**Enf. Coordinator** David Carney

### 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> )	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	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	0	0%
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 judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <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> )	6	-6%
	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> )	2	-4%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 142%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, and six agreed orders with a denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 142%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 18-Dec-2014

Docket No. 2014-1747-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 49681

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 122.143(4), Federal Operating Permit ("FOP") No. O2228, Special Terms and Conditions ("STC") No. 15, Standard Exemption Nos. 61, 68, and 88 effective as of April 27, 1993, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 223.05 pounds ("lbs") of volatile organic compounds ("VOC") from the Regenerative Thermal Oxidizer, Emissions Point Number ("EPN") E-TO-8742, during an emissions event (Incident No. 199587) that began on June 9, 2014 and lasted 23 hours. The emissions event occurred when a malfunctioning level controller and leaking exchanger tube in Crude Unit 146 caused hydrocarbons to leak into the process wastewater system. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

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 \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$375

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on November 11, 2014, after the Notice of Enforcement ("NOE") dated October 10, 2014.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$329

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 49681  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 1

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

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10,000	9-Jun-2014	11-Nov-2014	0.42	\$14	\$283	\$297
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	\$1,500	9-Jun-2014	11-Nov-2014	0.42	\$32	n/a	\$32
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to repair the malfunctioning level controller and leaking exchanger tube in Crude Unit 146 and train operators to verify that the level controller reading matches the physical level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 199587. The Date Required is the date of the emissions event and the Final Date is the compliance date.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$11,500	<b>TOTAL</b>	\$329
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Screening Date 18-Dec-2014

Docket No. 2014-1747-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 49681

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 9,791.65 lbs of sulfur dioxide ("SO2"), 203.83 lbs of carbon monoxide ("CO"), 137.2 lbs of VOC, 106.26 lbs of hydrogen sulfide ("H2S"), and 33.7 lbs of nitrogen oxides ("NOx") from Flare Nos. 15, 23, and 26, EPNs F-15-FLARE, E-23-FLARE, and E-26-FLARE respectively, and from Hydrocracker Unit ("HCU") 942 Fugitives, EPN F-942, during an emissions event (Incident No. 201018) that began on July 15, 2014 and lasted three hours and 21 minutes. The emissions event occurred when a malfunction in the automatic oil mist lubrication system caused a fire at HCU 942 requiring a unit-wide shutdown, which resulted in flaring. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Notes The Respondent came into compliance on November 20, 2014, after the NOE dated October 29, 2014.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$123

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 49681  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$5,000	15-Jul-2014	20-Nov-2014	0.35	\$6	\$117	\$123
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

#### Notes for DELAYED costs

Estimated cost to replace the defective computer controlling the oil mist lubrication system in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 201018. The Date Required is the date of the emissions event and the Final Date is the compliance date.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$123

Screening Date 18-Dec-2014

Docket No. 2014-1747-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 49681

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. 01498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,441.22 lbs of SO2, 304 lbs of CO, 12 lbs of H2S, 1.82 lbs of NOx, 0.27 lb of particulate matter ("PM"), and 0.2 lb of VOC from Flare No. 5, EPN E-05-FLARE, and Sulfur Recovery Unit ("SRU") Nos. 543 and 544, EPNs E-01-SCOT and E-02-SCOT respectively, during an emissions event (Incident No. 202260) that began on August 12, 2014 and lasted four hours and three minutes. The emissions event occurred when wet air and corrosion particles from a newly installed plant air system caused an upset of SRU Nos. 543 and 544, which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

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 \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$254

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.

**Case ID No.** 49681

**Reg. Ent. Reference No.** RN102584026

**Media** Air

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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)	\$5,000	12-Aug-2014	18-Aug-2015	1.02	\$254	n/a	\$254

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 202260. The Date Required is the date of the emissions event and the Final Date is the estimated 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**

\$5,000

**TOTAL**

\$254

Screening Date 18-Dec-2014

Docket No. 2014-1747-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 49681

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,828.26 lbs of SO2, 48 lbs of NOx, 4 lbs of CO, 3 lbs of PM, and 2.32 lbs of VOC from SRU No. 546, EPN E-04-SCOT, the HCU Reactor 1 and 2 Furnaces, EPN E-01-943, and the HCU Fractionator Feed Furnace, EPN E-02-943, during an emissions event (Incident No. 202027) that began on August 7, 2014 and lasted for 10 hours and 33 minutes. The emissions event occurred when operators skimmed hydrocarbons from the Amine Absorber Column ("AAC") C-6, which sent excess hydrocarbons to SRU No. 546, causing it to trip offline. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent came into compliance on October 22, 2014, prior to the NOE dated December 9, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

## Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 49681  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 4

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

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	7-Aug-2014	22-Oct-2014	0.21	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to modify operating procedures to allow 12 hours of degassing before skimming hydrocarbons at AAC C-6 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 202027. The Date Required is the date of the emissions event and the Final Date is the compliance date.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$10
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# Compliance History Report

**PUBLISHED** Compliance History Report for CN601420748, RN102584026, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601420748, The Premcor Refining Group Inc.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 34.58
<b>Regulated Entity:</b>	RN102584026, Valero Port Arthur Refinery	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 46.11
<b>Complexity Points:</b>	30	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	1801 GULFWAY DRIVE, PORT ARTHUR, TEXAS 77640-4416, JEFFERSON COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

**ID Number(s):**

- |   |  |
|---|--|
| <b>AIR OPERATING PERMITS</b> PERMIT 3423                  | <b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER JE0042B                          |
| <b>AIR OPERATING PERMITS</b> PERMIT 1498                  | <b>AIR OPERATING PERMITS</b> PERMIT 2227                                     |
| <b>AIR OPERATING PERMITS</b> PERMIT 2228                  | <b>AIR OPERATING PERMITS</b> PERMIT 2229                                     |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD008090409 | <b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30004 |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> PERMIT 50350        | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 17038                             |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 6825A                | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12454A                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12553A         | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 13635A                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 13698A         | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 28778                             |
| <b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER JE0042B      | <b>AIR NEW SOURCE PERMITS</b> AFS NUM 4824500004                             |
| <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT N65              | <b>AIR NEW SOURCE PERMITS</b> PERMIT 80812                                   |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 84929          | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 84905                             |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 86757                | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 87917                             |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 91727          | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 91911                             |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 94365          | <b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX49M1                           |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103875         | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 112591                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 118687         | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 109221                            |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 114829         | <b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30004          |
| <b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER JE0042B     | <b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00987                        |

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	February 05, 2015				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	February 05, 2010 to February 05, 2015				

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** David Carney **Phone:** (512) 239-2583

**Site and Owner/Operator History:**

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 03/20/2010 ADMINORDER 2009-0511-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 6825A/PSD-TX-49 PERMIT  
O-01498 OP  
Description: Failure to maintain an emission rate below the allowable emission limits.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP  
Description: Failure to maintain an emission rate below the allowable emission limits.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT  
O-01498, GENERAL CONDITIONS OP  
Description: Failure to maintain an emission rate below the allowable emission limits.
- 2 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498, GTC OP  
FOP O1498, STC 18 OP  
NSR Permit 6825A, SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498 OP  
FOP O1498, GTC OP  
Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery. Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.
- 3 Effective Date: 02/18/2012 ADMINORDER 2011-1355-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1498 STC 18 OP

FOP O1498, General Terms and Conditions OP  
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2228 OP  
FOP O2228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O2228, General Terms and Conditions OP  
FOP O2228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

4 Effective Date: 08/15/2014 ADMINORDER 2013-1862-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
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 VV 60.482-5(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 5A PERMIT

Description: Failure to equip each sampling system connection with a closed-purged, closed-loop, or closed-vent system. B19g1

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 14A PERMIT  
Special Condition 18 OP

Description: Failure to orientate the inlet/outlet sampling taps on the cooling tower properly to obtain a representative sample as required by Appendix P of the TCEQ Sampling Procedures Manual.

A8 1G

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 18 OP

Description: Failure to maintain an emission rate below the allowable limit for VOC at Cooling Tower 136B, Emission Point Number (EPN F-136BCT), from March 13, 2012, through June 1, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	March 19, 2010	(795261)
Item 2	May 06, 2010	(800545)
Item 3	May 24, 2010	(801617)
Item 4	June 01, 2010	(788840)
Item 5	June 02, 2010	(803054)
Item 6	June 07, 2010	(825637)
Item 7	June 11, 2010	(824255)
Item 8	August 02, 2010	(842714)
Item 9	November 15, 2010	(871779)
Item 10	November 30, 2010	(872652)
Item 11	April 15, 2011	(906545)
Item 12	October 25, 2011	(956400)
Item 13	October 29, 2011	(956377)
Item 14	November 02, 2011	(951193)
Item 15	November 29, 2011	(963859)
Item 16	January 17, 2012	(976419)
Item 17	February 17, 2012	(983674)
Item 18	February 21, 2012	(987303)
Item 19	March 16, 2012	(994426)
Item 20	March 23, 2012	(988369)
Item 21	April 30, 2012	(988371)
Item 22	May 17, 2012	(995645)
Item 23	August 07, 2012	(1019646)
Item 24	August 14, 2012	(1023815)
Item 25	August 28, 2012	(1023318)
Item 26	September 11, 2012	(1023427)
Item 27	October 11, 2012	(1036849)
Item 28	October 13, 2012	(1028000)
Item 29	October 15, 2012	(1036124)
Item 30	November 20, 2012	(1042742)
Item 31	February 20, 2013	(1051546)
Item 32	April 30, 2013	(1086243)
Item 33	August 08, 2013	(1109778)
Item 34	August 17, 2013	(1113514)
Item 35	August 26, 2013	(1113154)
Item 36	August 27, 2013	(1115289)
Item 37	October 30, 2013	(1123618)
Item 38	February 27, 2014	(1140405)
Item 39	February 28, 2014	(1152033)
Item 40	April 21, 2014	(1163529)
Item 41	May 08, 2014	(1165599)
Item 42	May 16, 2014	(1164072)
Item 43	May 20, 2014	(1166837)
Item 44	May 27, 2014	(1163802)
Item 45	June 04, 2014	(1171088)
Item 46	July 02, 2014	(1178891)
Item 47	August 22, 2014	(1191121)
Item 48	September 08, 2014	(1191077)
Item 49	September 12, 2014	(1192217)
Item 50	September 16, 2014	(1196076)
Item 51	September 25, 2014	(1196875)



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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15 OP  
Special Condition 1A OP  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-2229 semi-annual deviation report covering the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15 OP  
Special Condition 25C PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-2229 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15 OP  
Special Condition 46H PERMIT  
Special Condition 5A PERMIT

Description: Failure to make the first attempt of repair within five days as reported in the FOP O-02229 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report a deviation and accurately certify compliance in the FOP O-02229 within the semi-annual deviation reports dated 06/30/2012, 12/31/2012, and 06/30/2013.

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 VV 60.487(c)(2)(vii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15 OP  
Special Condition 5A PERMIT

Description: Failure to identify reasons for delay of repair for components within the 40 CFR 60 Subpart VV semi-annual reports dated June 30, 2012, December 31, 2012, and June 30, 2013

3 Date: 07/02/2014 (1173802)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP

Special Condition 1A OP  
 Special Condition 3A PERMIT  
 Special Condition 5A PERMIT  
 Special Condition 6A PERMIT  
 Description: Failure to maintain a minimum of 300 British Thermal Units per standard cubic feet (BTUs/scf) net heating value for the gas sent to the Pressure Flare 13 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 18 OP  
 Special Condition 1A OP  
 Special Condition 3A PERMIT  
 Special Condition 5A PERMIT  
 Special Condition 6B PERMIT

Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 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 GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 5C THSC Chapter 382 382.085  
 General Terms and Conditions OP  
 Special Condition 18 OP  
 Special Condition 1A OP  
 Special Condition 3E PERMIT  
 Special Condition 46E PERMIT  
 Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-01498 semi-annual deviation reports covering the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 18 OP  
 Special Condition 19B PERMIT

Description: Failure to degas liquid sulfur to a H2S content of 100 parts per million by weight (ppmw) prior to loading into tank trucks as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 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)  
 General Terms and Conditions OP  
 Special Condition 18 OP  
 Special Condition 1A OP  
 Special Condition 25C PERMIT  
 Special Condition 3A PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in

the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2013, through June 30, 2013, and July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
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)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46H OP  
Special Condition 5A PERMIT  
Description: Failure to make the first attempt of repair within five days as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 PERMIT  
Special Condition 18 OP  
Description: Failure to maintain the pressure drop minimum value of 6.5 inches of water in the wet gas scrubber as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2013, through June 30, 2013.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
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 J 60.104(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 3A PERMIT  
Special Condition 5B PERMIT  
Description: Failure to maintain compliance with MACT UUU concentration limit for SO<sub>2</sub> (250ppm at zero excess O<sub>2</sub>) as reported in the FOP O-01498 semi-annual deviation report for the reporting period January 1, 2013, through June 30, 2013.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Description: Failure to report all instances of deviations as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2013, through December 31, 2013.

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Date: 07/30/2014 (1179598)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(f)(1)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 OP  
Special Condition 13 OP  
Special Condition 3A PERMIT  
Description: Failure to use a flow sensor with a measurement sensitivity of no more than 5% of the flow rate or 10 cubic feet per minute, which ever is greater, for Flare 26 as

reported in the FOP O-3423 semiannual deviation report (SDR) covering the compliance period of May 16, 2013, through November 15, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 3A PERMIT

Description: Failure to limit the refinery fuel gas to no more than 162 ppmv determined hourly on a 3-hour rolling average basis as reported in the FOP O-3423 semi-annual deviation reports for the reporting periods of May 16, 2013, through November 15, 2013.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 13 OP  
Special Condition 24C and D PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits as reported in the FOP - O3423 in the semiannual deviation reports covering the compliance period of May 16, 2013, through May 15, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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 GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line as reported in the FOP O-03423 semi-annual deviation report covering the reporting period of May 16, 2013, through November 15, 2013.

5 Date: 09/19/2014 (1192635) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 40(E) PERMIT

Description: Failure to submit performance test reports for SRU 543 and 544 in a timely manner.

6 Date: 09/26/2014 (1195799) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 1A OP  
Special Condition 3E PERMIT

Special Condition 46E PERMIT  
 Special Condition 5A PERMIT  
 Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOP O-02227 covering the reporting periods of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 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 Y 63.563(a)(4)(i)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 11B(2) PERMIT  
 Special Condition 13 OP  
 Special Condition 1A OP

Description: Failure to ensure the marine vessels loaded are leak tight by obtaining a passing annual vapor tightness test for determination of cargo tank pressure as reported in the semiannual deviation reports for FOP O-02227 covering the compliance period of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

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

Description: Failure to maintain the six-minute average temperature above the minimum one hour average temperature maintained during the last satisfactory stack test as reported in the semiannual deviation report for FOP O-02227 covering the compliance period of June 12, 2013, through June 11, 2014.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit an application to the executive director for a revision to a permit for those activities at a site which change, add, or remove one or more permit terms or conditions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Failure to report a deviation and accurately certify compliance in the FOP O-02227 for the reporting periods of June 12, 2013, through June 11, 2014.

7 Date: 12/10/2014 (1209630) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(d)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 13 OP

Description: Failure to operate the RTO at all times while emissions are routed to it as reported on the SDR covering the compliance period of May 21, 2013, through November 20, 2013.

**F. Environmental audits:**

Notice of Intent Date: 08/21/2009 (775707)  
 Disclosure Date: 09/08/2010  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)  
 Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor  
 Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major  
 Citation:

Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)  
No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)  
No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)  
No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)  
No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)  
Disclosure Date: 01/28/2013

Viol. Classification: Minor

Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)  
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



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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** THE PREMCOR REFINING GROUP INC

**Reg Entity Add:** 1801 SOUTH GULFWAY DRIVE

**Reg Entity City:** PORT ARTHUR

**Reg Entity No:** RN102584026

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**Customer Name:** The premcor Refining Group, Inc.

**Customer No:** CN601420748

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**EPA Case No:** 06-2013-0905

**Order Issue Date (yyyymmdd):** 20130401

**Case Result:**

**Statute:** RCRA      **Sect of Statute:** 3013

**Classification:** Minor

**Program:** Solid Waste Managemen      **Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Order

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**Customer Name:** Valero Energy Corporation

**Customer No:** CN600127468

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**EPA Case No:** 06-2011-0975

**Order Issue Date (yyyymmdd):** 20111118

**Case Result:**

**Statute:** RCRA      **Sect of Statute:** 3013

**Classification:** Minor

**Program:** RCRA Corrective Action      **Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE PREMCOB REFINING  
GROUP INC.  
RN102584026**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2014-1747-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Premcor Refining Group Inc. ("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 together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director 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 notices of the violations alleged in Section II ("Allegations") on or about October 15, 2014, November 3, 2014, November 4, 2014, and December 14, 2014.
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 Thirty-Five Thousand Four Hundred Thirty-Eight Dollars (\$35,438) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand One Hundred Seventy-Six Dollars (\$14,176) of the administrative penalty and Seven Thousand Eighty-Seven Dollars (\$7,087) 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. Fourteen Thousand One Hundred Seventy-Five Dollars (\$14,175) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. By October 22, 2014, modified operating procedures to allow 12 hours of degassing before skimming hydrocarbons at the Amine Absorber Column ("AAC") C-6 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 202027;
  - b. By November 11, 2014, repaired the malfunctioning level controller and leaking exchanger tube in Crude Unit 146 and trained operators to verify that the level controller reading matches the physical level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 199587; and
  - c. By November 20, 2014, replaced the defective computer controlling the oil mist lubrication system in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 201018.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 122.143(4), Federal Operating Permit ("FOP") No. O2228, Special Terms and Conditions ("STC") No. 15, Standard Exemption Nos. 61, 68, and 88 effective as of April 27, 1993, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 27, 2014. Specifically, the Respondent released 223.05 pounds ("lbs") of volatile organic compounds ("VOC") from the Regenerative Thermal Oxidizer, Emissions Point Number ("EPN") E-TO-8742, during an emissions event (Incident No. 199587) that began on June 9, 2014 and lasted 23 hours. The emissions event occurred when a malfunctioning level controller and leaking exchanger tube in the Crude Unit 146 caused hydrocarbons to leak into the process wastewater system. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 24, 2014. Specifically, the Respondent released 9,791.65 lbs of sulfur dioxide ("SO<sub>2</sub>"), 203.83 lbs of carbon monoxide ("CO"), 137.2 lbs of VOC, 106.26 lbs of hydrogen sulfide ("H<sub>2</sub>S"), and 33.7 lbs of nitrogen oxides ("NO<sub>x</sub>") from Flare Nos. 15, 23, and 26, EPNs F-15-FLARE, E-23-FLARE, and E-26-FLARE respectively, and from Hydrocracker Unit ("HCU") 942 Fugitives, EPN F-942, during an emissions event (Incident No. 201018) that began on July 15, 2014 and lasted three hours and 21 minutes. The emissions event occurred when a malfunction in the automatic oil mist lubrication system caused a fire at HCU 942 requiring a unit-wide shutdown, which resulted in flaring. Since this emissions event could have been prevented by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 30, 2014. Specifically, the Respondent released 1,441.22 lbs of SO<sub>2</sub>, 304 lbs of CO, 12 lbs of H<sub>2</sub>S, 1.82 lbs of NO<sub>x</sub>, 0.27 lb of particulate matter, and 0.2 lb of VOC from Flare No. 5, EPN E-05-FLARE, and Sulfur Recovery Unit ("SRU") Nos. 543 and 544, EPNs E-01-SCOT and E-02-SCOT respectively, during an emissions event (Incident No. 202260) that began on August 12, 2014 and lasted four hours and three minutes. The emissions event occurred when wet air and corrosion particles from a newly installed plant air system caused an upset of SRU Nos. 543 and 544, which resulted in flaring. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O1498, STC No. 18, NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 9, 2014. Specifically, the Respondent released 2,828.26 lbs of SO<sub>2</sub>, 48 lbs of NO<sub>x</sub>, 4 lbs of CO, 3 lbs of PM, and 2.32 lbs of VOC from SRU No. 546, EPN E-04-SCOT, the HCU Reactor 1 and 2 Furnaces, EPN E-01-943, and the HCU Fractionator Feed Furnace, EPN E-02-943, during an emissions event (Incident No. 202027) that began on August 7, 2014 and lasted for 10 hours and 33 minutes. The emissions event occurred when operators skimmed hydrocarbons from the AAC C-6, which sent excess hydrocarbons to SRU No. 546, causing it to trip offline. Since this emissions event could have been prevented by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2014-1747-AIR-E" to:  
  
Financial Administration Division, Revenue Operations 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, Fourteen Thousand One Hundred Seventy-Five Dollars (\$14,175) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. 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 measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 202260; 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

7/17/15  
\_\_\_\_\_  
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit application 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 seeing other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

3/20/15  
\_\_\_\_\_  
Date

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

Vice President and General Manager  
\_\_\_\_\_  
Title

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



## Attachment A

Docket Number: 2014-1747-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>Twenty-Eight Thousand Three Hundred Fifty-One Dollars (\$28,351)</b>
<b>SEP Offset Amount:</b>	<b>Fourteen Thousand One Hundred Seventy-Five Dollars (\$14,175)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b>Meteorological and Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

#### 1. Project Description

##### a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator 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 Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission  
Attention: Bob Dickinson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703-4929

### **3. Records and Reporting**

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

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

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, 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. Recognition**

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 Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.