

**Executive Summary – Enforcement Matter – Case No. 51723**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2016-0052-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**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: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 3, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$140,000

**Amount Deferred for Expedited Settlement:** \$0

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

**Total Paid to General Revenue:** \$70,000

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$70,000

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:** \$125,000

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 51723**  
**The Premcor Refining Group Inc.**  
**RN102584026**  
**Docket No. 2016-0052-AIR-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** September 4, 2015, October 19, 2015 and October 28, 2015

**Date(s) of NOE(s):** November 18, 2015, December 2, 2015 and January 8, 2016

***Violation Information***

1. Failed to prevent unauthorized emissions. 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), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1498, Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. 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), NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, FOP No. O1498, STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Since the root cause of this emissions event was not determined, 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), NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, FOP No. O1498, STC No. 18, 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. On June 21, 2015, repaired the temperature indicator on the absorber gas compressor;
- b. On September 9, 2015, replaced four electrical relays and verified continuity of all electrical components to the programmable logic controller and the local control panel; and
- c. On October 8, 2015, ensured that electrical transfer schemes were corrected at the third-party steam and hydrogen supplier.

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**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:
    - i. Implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 215677;
    - ii. Implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 219537; and
    - iii. Implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 219883.
  - 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:** Raime Hayes-Falero, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3567; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** J.Greg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2016-0052-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>One Hundred Forty Thousand Dollars (\$140,000)</b>
<b>SEP Offset Amount:</b>	<b>Seventy Thousand Dollars (\$70,000)</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><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></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 *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* 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 hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

### 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

## DATES

Assigned	11-Jan-2016	Screening	12-Jan-2016	EPA Due	
PCW	13-Jan-2016				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

Enf./Case ID No.	51723	No. of Violations	3
Docket No.	2016-0052-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raime Hayes-Falero
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

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

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

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

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

Notes: Enhancement for five NOVs with same/similar violations, three NOVs with dissimilar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for eight notices of intent to conduct an audit and two disclosures of violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts	\$308	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,500	

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 12-Jan-2016

Docket No. 2016-0052-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 51723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

### 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> )	5	25%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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> )	8	-8%
	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) 229%

#### >> 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 five NOVs with same/similar violations, three NOVs with dissimilar violations, eight orders with denial of liability, and two orders without denial of liability. Reduction for eight notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 229%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 12-Jan-2016

Docket No. 2016-0052-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 51723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 1

Rule Cite(s)

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

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,141 pounds ("lbs") of carbon monoxide ("CO") from the Fluidized Catalytic Cracking Unit Regenerator, Emission Point Number ("EPN") E-01-WGS, and 32,671 lbs of volatile organic compounds ("VOC"), 38,128 lbs of sulfur dioxide ("SO2"), 14,422 lbs of CO, 414 lbs of hydrogen sulfide ("H2S"), and 1,992 lbs of nitrogen oxides ("NOx") from Flare 22, EPN E-22-FLARE, during an emissions event (Incident No. 215677) that began on June 18, 2015 and lasted 83 hours. The emissions event occurred as a result of a failed temperature indicator on the absorber gas compressor motor which led to the emergency flaring of absorber gas. 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 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 4

4 Number of violation days

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

Violation Base Penalty \$100,000

Four daily events are 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 good faith criteria for this violation.

Violation Subtotal \$100,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$86

Violation Final Penalty Total \$200,000

This violation Final Assessed Penalty (adjusted for limits) \$100,000

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 51723  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	18-Jun-2015	21-Jun-2015	0.01	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	18-Jun-2015	9-Aug-2016	1.15	\$86	n/a	\$86

**Notes for DELAYED costs**

Estimated cost to repair the temperature indicator on the absorber gas compressor and to implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same or similar causes as Incident No. 215677. The Date Required is the date the emissions event began and the Final Dates are the date of compliance and 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
<b>ONE-TIME avoided costs [3]</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$86

Screening Date 12-Jan-2016

Docket No. 2016-0052-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 4 (April 2014)

Case ID No. 51723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 2

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

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 25,223 lbs of SO2, 548.50 lbs of CO, 268 lbs of H2S, 172 lbs of VOC, and 75.90 lbs of NOx from Flare 23, EPN E-23-FLARE, during an emissions event (Incident No. 219537) that began on August 30, 2015 and lasted 18 hours and three minutes. The emissions event occurred when the third-party provider of steam and hydrogen abruptly shut down after an electrical outage which led to a loss of steam header pressure and a safety trip at the Recycle Hydrogen Compressor K-2100 in order to automatically depressure the unit to Flare 23. 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 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily 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 good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$153

Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 51723  
**Reg. Ent. Reference No.** RN102584026  
**Media** Air  
**Violation No.** 2

<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**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	30-Aug-2015	9-Aug-2016	0.95	\$5	\$95	\$99
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)	\$10,000	30-Aug-2015	8-Oct-2015	0.11	\$53	n/a	\$53

Notes for DELAYED costs

Estimated cost to ensure that electrical transfer schemes were corrected at the third-party steam and hydrogen supplier and to implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 219537. The Date Required is the date of the emissions event and the Final Dates are the date of compliance and 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 \$11,500

**TOTAL** \$153

**Screening Date** 12-Jan-2016  
**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 51723

**Docket No.** 2016-0052-AIR-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

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

**Media [Statute]** Air  
**Enf. Coordinator** Raime Hayes-Falero

**Violation Number** 3  
**Rule Cite(s)**

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

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 15,107 lbs of SO<sub>2</sub>, 161 lbs of H<sub>2</sub>S, and 104 lbs of VOC from Flare 23, EPN E-23-FLARE, during an emissions event (Incident No. 219883) that occurred on September 8, 2015 and lasted 24 minutes. The emissions event occurred when the Recycle Hydrogen Compressor K-2100 experienced a safety trip due to low hydrogen flow, resulting in a high depression rate to Flare 23 and shutdown of the Hydrocracking Unit 942. Since the root cause of this emissions event was not determined, 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			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which 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**

**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 good faith criteria for this violation.

**Violation Subtotal** \$7,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$69

**Violation Final Penalty Total** \$15,000

**This violation Final Assessed Penalty (adjusted for limits)** \$15,000

# Economic Benefit Worksheet

**Respondent** The Premcor Refining Group Inc.  
**Case ID No.** 51723  
**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
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	8-Sep-2015	9-Sep-2015	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	8-Sep-2015	9-Aug-2016	0.92	\$69	n/a	\$69

Notes for DELAYED costs

Estimated cost to replace four electrical relays and verify continuity of all electrical components to the programmable logic controller and the local control panel and to implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 219883. The Date Required is the date of the emissions event and the Final Dates are the date of compliance and 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

\$2,000

**TOTAL**

\$69



# Compliance History Report

**PUBLISHED** Compliance History Report for CN601420748, RN102584026, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601420748, The Premcor Refining Group Inc.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 14.08
<b>Regulated Entity:</b>	RN102584026, VALERO PORT ARTHUR REFINERY	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 18.04
<b>Complexity Points:</b>	30	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	02 - Oil and Petroleum Refineries		
<b>Location:</b>	1801 GULFWAY DR PORT ARTHUR, TX 77640-4416, JEFFERSON COUNTY		
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT		

**ID Number(s):**

<b>AIR OPERATING PERMITS PERMIT 3423</b>	<b>AIR OPERATING PERMITS ACCOUNT NUMBER JE0042B</b>
<b>AIR OPERATING PERMITS PERMIT 1498</b>	<b>AIR OPERATING PERMITS PERMIT 2227</b>
<b>AIR OPERATING PERMITS PERMIT 2228</b>	<b>AIR OPERATING PERMITS PERMIT 2229</b>
<b>INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008090409</b>	<b>INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30004</b>
<b>INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50350</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 17038</b>
<b>AIR NEW SOURCE PERMITS PERMIT 6825A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 12454A</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 12553A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 13635A</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 13698A</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 28778</b>
<b>AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0042B</b>	<b>AIR NEW SOURCE PERMITS AFS NUM 4824500004</b>
<b>AIR NEW SOURCE PERMITS EPA PERMIT N65</b>	<b>AIR NEW SOURCE PERMITS PERMIT 80812</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 84929</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 84905</b>
<b>AIR NEW SOURCE PERMITS PERMIT 86757</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 87917</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 91727</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 91911</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 94365</b>	<b>AIR NEW SOURCE PERMITS EPA PERMIT PSDTX49M1</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 103875</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 131468</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 112591</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 118687</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 135706</b>	<b>AIR NEW SOURCE PERMITS REGISTRATION 109221</b>
<b>AIR NEW SOURCE PERMITS REGISTRATION 114829</b>	<b>IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30004</b>
<b>AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0042B</b>	<b>POLLUTION PREVENTION PLANNING ID NUMBER P00987</b>

<b>Compliance History Period:</b>	September 01, 2010 to August 31, 2015	<b>Rating Year:</b>	2015	<b>Rating Date:</b>	09/01/2015
<b>Date Compliance History Report Prepared:</b>	January 06, 2016				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 06, 2011 to January 06, 2016				

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

**Name:** Raime Hayes-Falero **Phone:** (713) 767-3567

**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: 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.
- 2 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.
- 3 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.

4 Effective Date: 02/13/2015 ADMINORDER 2014-0903-AIR-E (Findings Order-Agreed Order Without Denial)

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

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

5 Effective Date: 03/13/2015 ADMINORDER 2014-0630-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 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 emission limits.

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 emission limits.  
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 emission limits.

6 Effective Date: 04/09/2015 ADMINORDER 2014-0465-AIR-E (Findings Order-Agreed Order Without Denial)  
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 emission limits.

7 Effective Date: 08/17/2015 ADMINORDER 2015-0292-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 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: Failed to prevent unauthorized emissions. Respondent released 7,759 lbs SO<sub>2</sub>, 156 lbs of VOC, 138 lbs of CO, 80 lbs of H<sub>2</sub>S, and 26 lbs of NO<sub>x</sub> from Flare Nos. 15, 18, 20, 103, 19, and 22, during an emissions event (Incident No. 207580) on December 16, 2014 lasting 55 min. The emissions event occurred when Heater H-101 tripped offline during natural gas/refinery fuel gas level optimization; procedural issues caused by operator error caused delay in relighting the heater, which resulted in flaring.

8 Effective Date: 09/15/2015 ADMINORDER 2014-1747-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Standard Exemption Nos. 61, 68, and 88 OP  
STC No. 15 OP  
Description: Failed to prevent unauthorized emissions Specifically, the Respondent released 223 lbs of VOC from the Regenerative Thermal Oxidizer, 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.  
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: Special Condition 1 PERMIT  
Special Condition 18 OP  
Description: Failed to prevent unauthorized emissions. Respondent released 9,791 lbs of SO<sub>2</sub>, 203 lbs of CO, 137 lbs of VOC, 106 lbs of H<sub>2</sub>S, and 33 lbs of NO<sub>x</sub> from EPNs F-15-FLARE, E-23-FLARE, E-26-FLARE, and EPN F-942, during an

emissions event (Incident No. 201018) that began on July 15, 2014 and lasted 3 hrs and 21 min. 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.

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: Special Condition 1 PERMIT  
STC No. 18 OP

Description: Failed to prevent unauthorized emissions. Respondent released 1,441 lbs of SO<sub>2</sub>, 304 lbs of CO, 12 lbs of H<sub>2</sub>S, 1 lb of NO<sub>x</sub>, 0.27 lb of PM, and 0.2 lb of VOC from EPNs E-05-FLARE, E-01-SCOT, and E-02-SC OT, during an emissions event (Incident No. 202260) that began on August 12, 2014 and lasted 4 hrs and 3 min. 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.

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: Special Condition No. 1 OP  
STC No. 18 OP

Description: Failed to prevent unauthorized emissions. Respondent released 2,828 lbs of SO<sub>2</sub>, 48 lbs of NO<sub>x</sub>, 4 lbs of CO, 3 lbs of PM, and 2 lbs of VOC from EPNs E-04-SCOT, E-01-943, and E-02-943, during an emissions event (Incident No. 202027) that began on August 7, 2014 and lasted for 10 hrs and 33 min. 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.

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	April 15, 2011	(906545)
Item 2	October 25, 2011	(956400)
Item 3	October 29, 2011	(956377)
Item 4	November 02, 2011	(951193)
Item 5	November 29, 2011	(963859)
Item 6	January 17, 2012	(976419)
Item 7	February 17, 2012	(983674)
Item 8	February 21, 2012	(987303)
Item 9	March 16, 2012	(994426)
Item 10	March 23, 2012	(988369)
Item 11	April 30, 2012	(988371)
Item 12	May 17, 2012	(995645)
Item 13	August 07, 2012	(1019646)
Item 14	August 14, 2012	(1023815)
Item 15	August 28, 2012	(1023318)
Item 16	September 11, 2012	(1023427)
Item 17	October 11, 2012	(1036849)
Item 18	October 13, 2012	(1028000)
Item 19	October 15, 2012	(1036124)
Item 20	November 20, 2012	(1042742)
Item 21	February 20, 2013	(1051546)
Item 22	April 30, 2013	(1086243)
Item 23	August 08, 2013	(1109778)
Item 24	August 17, 2013	(1113514)
Item 25	August 26, 2013	(1113154)

Item 26	August 27, 2013	(1115289)
Item 27	October 30, 2013	(1123618)
Item 28	February 27, 2014	(1140405)
Item 29	February 28, 2014	(1152033)
Item 30	April 21, 2014	(1163529)
Item 31	May 08, 2014	(1165599)
Item 32	May 16, 2014	(1164072)
Item 33	May 20, 2014	(1166837)
Item 34	May 27, 2014	(1163802)
Item 35	June 04, 2014	(1171088)
Item 36	July 02, 2014	(1178891)
Item 37	August 22, 2014	(1191121)
Item 38	September 08, 2014	(1191077)
Item 39	September 12, 2014	(1192217)
Item 40	September 16, 2014	(1196076)
Item 41	September 25, 2014	(1196875)
Item 42	September 29, 2014	(1197191)
Item 43	October 16, 2014	(1190360)
Item 44	October 27, 2014	(1203120)
Item 45	December 15, 2014	(1211921)
Item 46	January 13, 2015	(1215946)
Item 47	February 03, 2015	(1222026)
Item 48	April 17, 2015	(1245963)
Item 49	April 21, 2015	(1245925)
Item 50	April 23, 2015	(1246737)
Item 51	May 08, 2015	(1251886)
Item 52	July 06, 2015	(1259739)
Item 53	August 12, 2015	(1269182)
Item 54	August 19, 2015	(1272952)
Item 55	August 20, 2015	(1273647)
Item 56	September 03, 2015	(1273943)
Item 57	September 28, 2015	(1281094)
Item 58	October 12, 2015	(1281667)
Item 59	October 13, 2015	(1286680)
Item 60	November 20, 2015	(1290118)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      05/27/2015      (1241778)
- Self Report?      NO      Classification:      Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP
- Description:      Failure to prevent the release of unauthorized VOC emissions from the Coker vents to the atmosphere.
- Self Report?      NO      Classification:      Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 15 OP
- Description:      Failure to maintain an emission rate below the allowable emission limits at DCU-843 and HCU-942.
- 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 J 60.104(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Special Condition 15 OP  
Special Condition 1A OP  
Special Condition 3A PERMIT  
Special Condition 25C and 25D PERMIT

Description: Failure to maintain the 1-hour permit limit of 160 parts per million by volume (ppmv) and 3-hour rolling average of 162 ppmv of Hydrogen Sulfide (H<sub>2</sub>S) on January 21, 2014.

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 60.692-2(a)(5)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15 OP  
Special Condition 3F PERMIT

Description: Failure to make the first attempt at repair within 24 hours of the failed visual inspection of the drain clean out on March 26, 2014.

Self Report? NO Classification: Moderate

Citation: 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 15 OP  
Special Condition 3E PERMIT  
Special Condition 46E PERMIT  
Special Condition 5A PERMIT

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

2 Date: 06/30/2015 (1245324) CN601420748

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to prevent an unauthorized discharge of petcoke into or adjacent to water in the state.

3 Date: 07/17/2015 (1246612) CN601420748

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized disposal of petcoke.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to label "Hazardous Waste" on the breached battery.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description: Failure to indicate an accumulation date on the breached battery, a hazardous waste.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to properly store hazardous waste (spent breached battery) in a container.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34(a)

Description: Failure to label two batteries with the phrase "Universal Waste-Batteries" and document accumulation time.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.35(c)(1)

Description: Failure to demonstrate the length of time the universal waste has been accumulated.

4 Date: 08/20/2015 (1267288)

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 with a flame present at all times as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2014, through December 31, 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 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 period of January 1, 2014, through December 31, 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)  
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 reports for the reporting period of January 1, 2014, through December 31, 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 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 60.482-8(c)(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 PERMIT  
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 reports for the reporting period of January 1, 2014, through December 31, 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)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 18 OP  
Special Condition 8E PERMIT

Description: Failure to maintain Tanks 2132 and 2159 exterior surface white, aluminum, or equivalent light color.

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 January 1, 2014, through December 31, 2014.

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 18 OP  
Description: Failure to maintain sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), emission rates for the heaters and boilers below the allowable permitted limits as reported in the FOP O-01498 semi-annual deviation reports covering the reporting period of January 1, 2014, through December 31, 2014.

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 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(c)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 14A PERMIT  
Special Condition 1A OP  
Special Condition 5A PERMIT  
Description: Failure to conduct monthly El Paso sampling for cooling towers 366 and 360 as reported in the FOP O-01498 semi-annual deviation reports for the reporting period of January 1, 2014, through December 31, 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)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 14B PERMIT  
Special Condition 18 OP  
Description: Failure to conduct weekly Total Dissolved Solids (TDS) sampling for cooling towers 136A and 136B for the weeks of January 5, 2014 and April 20, 2015.

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 60.103(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(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 CO (500 parts per million volume) as reported in the FOP O-01498 semi-annual deviation report for the reporting period January 1, 2014, through December 31, 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)  
5C THSC Chapter 382 382.085  
General Terms and Conditions OP  
Special Condition 13 PERMIT  
Special Condition 18 OP  
Description: Failure to conduct annual calibrations for two pressure monitoring devices in the Wet Gas Scrubber as reported in the FOP O-01498 semi-annual deviation reports for the reporting period of January 1, 2014, through December 31, 2014.

5 Date: 08/20/2015 (1268536) Classification: Moderate  
Self Report? NO  
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)  
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 1 PERMIT  
Special Condition 13 OP  
Special Condition 24C and D PERMIT  
Special Condition 25C PERMIT  
Description: Failure to maintain the NOx, SO2, H2S, and CO lbs/hr, lbs/MMBtu, and/or ppmv as reported in the FOP O-03423 semi-annual deviation reports covering the reporting periods of May 16, 2014, through May 15, 2015.  
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 3E PERMIT  
Special Condition 47E PERMIT  
Special Condition 5A PERMIT  
Description: Failure to install a plug, cap, or blind on an open-ended line for the FOP O-03423 covering the reporting periods of May 16, 2014, through May 15, 2015.  
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)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 12E PERMIT  
Special Condition 13 OP  
Special Condition 1A OP  
Description: Failure to maintain Flare 26 above the minimum requirement of 300 Btu during maintenance activities as reported in the FOP O-03423 semi-annual deviation reports covering the reporting periods of May 16, 2014, through May 15, 2015.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter 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)(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 3E PERMIT  
Special Condition 47H PERMIT  
Special Condition 5A PERMIT  
Description: Failure to repair a leaking valve within 15 days as reported in the FOP O-3423 semi-annual deviation reports for the reporting periods of May 16, 2014, through May 15, 2015.

6 Date: 10/16/2015 (1280310) CN601420748  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Term & Condition 1A OP

Description: Failure to monitor a leaking valve after repair for two consecutive months as reported in the FOP O-02228 semi-annual deviation reports covering the reporting period of May 21, 2014, through May 20, 2015.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085  
 General Terms and Conditions OP  
 Special Term & Condition 1A OP

Description: Failure to install a plug, cap, or blind on nine open-ended lines as reported in the FOP O-02228 semi-annual deviation reports covering the reporting period of May 21, 2014, through May 20, 2015.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Term & Condition 1A OP

Description: Failure to monitor two valves and six connectors in volatile organic compound (VOC) service located in WWTU-8742 on a weekly basis as reported in the FOP O-02228 semi-annual deviation reports covering the reporting period of May 21, 2014, through May 20, 2015.

7 Date: 11/05/2015 (1287054) 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)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 13 OP  
 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, 2014, through June 11, 2015.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 13 OP  
 Special Condition 7C PERMIT

Description: Failure to maintain the minimum average temperature on marine vapor combustor-25 for 26 minutes during loading operations, as reported in the semiannual deviation reports for FOP O-02227 covering the compliance period of June 12, 2014, through June 11, 2015.

8 Date: 12/18/2015 (1282819) CN601420748

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 324, SubChapter A 324.4(1)

Description: Failure to prevent an unauthorized disposal of used oil.

**F. Environmental audits:**

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)

Disclosure Date: 07/23/2014

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)

Description: Failed to have Tank Nos 926, 2110, and 2133 inspected for their 10 year internal inspection.

Notice of Intent Date: 02/18/2015 (1261717)

No DOV Associated

Notice of Intent Date: 08/19/2015 (1274211)

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

**K. 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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**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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**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 PREMCOR REFINING GROUP  
INC.  
RN102584026**

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§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2016-0052-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Premcor Refining Group Inc. ("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 presented this agreement to the Commission.

The Respondent understands it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

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. During a record review conducted on September 4, 2015, TCEQ staff documented that the Respondent released 6,141 pounds ("lbs") of carbon monoxide ("CO") from the Fluidized Catalytic Cracking Unit Regenerator, Emission Point Number ("EPN") E-01-WGS, and 32,671 lbs of volatile organic compounds ("VOC"), 38,128 lbs of sulfur dioxide ("SO<sub>2</sub>"), 14,422 lbs of CO, 414 lbs of hydrogen sulfide ("H<sub>2</sub>S"), and 1,992 lbs of nitrogen oxides ("NO<sub>x</sub>") from Flare 22, EPN E-22-FLARE, during an emissions event (Incident No. 215677) that began on June 18, 2015 and lasted 83 hours. The emissions event occurred as a result of a failed temperature indicator on the absorber gas compressor motor which led to the emergency flaring of absorber gas. TCEQ staff determined that this emissions event could have been prevented by better operational practices.
4. During a record review conducted on October 19, 2015, TCEQ staff documented that the Respondent released 25,223 lbs of SO<sub>2</sub>, 548.50 lbs of CO, 268 lbs of H<sub>2</sub>S, 172 lbs of VOC, and 75.90 lbs of NO<sub>x</sub> from Flare 23, EPN E-23-FLARE, during an emissions event (Incident No. 219537) that began on August 30, 2015 and lasted 18 hours and three minutes. The emissions event occurred when the third-party provider of steam and hydrogen abruptly shut down after an electrical outage which led to a loss of steam header pressure and a safety trip at the Recycle Hydrogen Compressor K-2100 in order to automatically depressure the unit to Flare 23. TCEQ staff determined that this emissions event could have been prevented by better operational practices.
5. During a record review conducted on October 28, 2015, TCEQ staff documented that the Respondent released 15,107 lbs of SO<sub>2</sub>, 161 lbs of H<sub>2</sub>S, and 104 lbs of VOC from Flare 23, EPN E-23-FLARE, during an emissions event (Incident No. 219883) that occurred on September 8, 2015 and lasted 24 minutes. The emissions event occurred when the Recycle Hydrogen Compressor K-2100 experienced a safety trip due to low hydrogen flow, resulting in a high depressure rate to Flare 23 and shutdown of Hydrocracking Unit 942. The root cause of this emissions event was not determined.
6. The Respondent received notices of the violations on November 20, 2015, December 4, 2015, and January 13, 2016.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On June 21, 2015, repaired the temperature indicator on the absorber gas compressor;
  - b. On September 9, 2015, replaced four electrical relays and verified continuity of all electrical components to the programmable logic controller and the local control panel; and

- c. On October 8, 2015, ensured that electrical transfer schemes were corrected at the third-party steam and hydrogen supplier.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent 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), New Source Review ("NSR") Permit Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1498, Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). 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.
3. As evidenced by Findings of Fact No. 4, the Respondent 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), NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, FOP No. O1498, STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). 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. As evidenced by Findings of Fact No. 5, the Respondent 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), NSR Permit Nos. 6825A, PSDTX49, and N65, SC No. 1, FOP No. O1498, STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the root cause of this emissions event was not determined, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Hundred Forty Thousand Dollars (\$140,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Seventy Thousand Dollars (\$70,000) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, Seventy Thousand Dollars (\$70,000) of the administrative penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay

the conditionally offset portion of the administrative penalty shall be discharged upon full compliance with all the terms of this Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Forty Thousand Dollars (\$140,000) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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. 2016-0052-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 as set forth in Section II, Paragraph 6. The amount of Seventy Thousand Dollars (\$70,000) of the assessed penalty is conditionally offset based on the Respondent's completion of the SEP pursuant to the terms of the SEP Agreement. The Respondent's obligation to pay the conditionally offset portion of the assessed penalty shall be discharged upon completion of all provisions of the SEP Agreement, as determined by the Executive Director. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 215677;

- ii. Implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 219537; and
  - iii. Implement measures and/or procedures designed to prevent recurrence of emissions events due to the same or similar causes as Incident No. 219883.
- 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 Nos. 3.a.i, 3.a.ii, and 3.a.iii. 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. 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.

11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

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

9/6/16  
\_\_\_\_\_  
Date

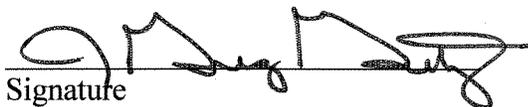
I, the undersigned, have read and understand the attached Agreed Order in the matter of The Premcor Refining Group Inc. I am authorized to agree to the attached Agreed Order on behalf of The Premcor Refining Group Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Premcor Refining Group Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

May 3, 2016  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

J. Greg Gentry  
\_\_\_\_\_  
Name (Printed or typed)

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

\_\_\_\_\_  
Authorized Representative of

\_\_\_\_\_  
The Premcor Refining Group Inc.

\_\_\_\_\_  
The Premcor Refining Group Inc.

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

## Attachment A

Docket Number: 2016-0052-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>The Premcor Refining Group Inc.</b>
<b>Penalty Amount:</b>	<b>One Hundred Forty Thousand Dollars (\$140,000)</b>
<b>SEP Offset Amount:</b>	<b>Seventy Thousand Dollars (\$70,000)</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><i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i></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 *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* 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 hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

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:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

### 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.

The Premcor Refining Group Inc.  
Agreed Order - Attachment A

## **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.