

**Executive Summary – Enforcement Matter – Case No. 61312  
Valero Refining-Texas, L.P.  
RN100214386  
Docket No. 2021-1206-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Valero Corpus Christi Refinery West Plant, 5900 Up River Road, Corpus Christi, Nueces 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:** December 30, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$44,250

**Amount Deferred for Expedited Settlement:** \$8,850

**Total Paid to General Revenue:** \$17,700

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$17,700

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 19, 2021 through June 2, 2021

**Date(s) of NOE(s):** August 25, 2021

**Executive Summary – Enforcement Matter – Case No. 61312**  
**Valero Refining-Texas, L.P.**  
**RN100214386**  
**Docket No. 2021-1206-AIR-E**

***Violation Information***

1. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 17.34 tons per year based on a 12-month rolling period for the 12-month periods ending on February 2019, March 2019, and April 2019 for the Heater - Desalter Heater (11-H-01), Emissions Point Number ("EPN") 114, resulting in 2.93 tons of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 38754 and PSDTX324M14, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1458 General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly MAER of 8.46 pounds per hour ("lbs/hr") by a range from 9.73 lbs/hr to 12.53 lbs/hr for nine hours on January 26, 2020, January 27, 2020, and May 27, 2020 for the Heater - HR Boiler (30-B-02), EPN 153, resulting in 23.59 pounds ("lbs") of unauthorized CO emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 38754 and PSDTX324M14, SC No. 1, FOP No. O1458, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx hourly MAER of 8.25 lbs/hr by a range from 9.03 lbs/hr to 20.90 lbs/hr for six hours on August 2, 2020 for the Boiler 30-B-04, EPN 30-B-04, resulting in 31.03 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 38754 and PSDTX324M14, SC No. 1, FOP No. O1458, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By August 31, 2019, demonstrated compliance with the NOx annual MAER for the Heater - Desalter Heater (11-H-01), EPN 114;
- b. By September 1, 2020, demonstrated compliance with the NOx hourly MAER for the Boiler 30-B-04, EPN 30-B-04; and
- c. By September 14, 2020, demonstrated compliance with the CO hourly MAER for the Heater - HR Boiler (30-B-02), EPN 153.

**Executive Summary – Enforcement Matter – Case No. 61312  
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RN100214386  
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**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**SEP Third-Party Administrator:** Texas PTA, 408 West 11th Street, Austin, Texas 78701

**Respondent:** Kevin Lassahn, Vice President and General Manager, Valero Refining-Texas, L.P., 5900 Up River Road, Corpus Christi, Texas 78469

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	30-Aug-2021	<b>Screening</b>	9-Sep-2021	<b>EPA Due</b>	8-Mar-2022
	<b>PCW</b>	19-Nov-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Valero Refining-Texas, L.P.
<b>Reg. Ent. Ref. No.</b>	RN100214386
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61312	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-1206-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Johnnie Wu
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$37,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	43.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$16,125
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Notes: Enhancement for two NOV's with same or similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$9,375
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$112  
 Estimated Cost of Compliance: \$4,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$44,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$44,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$44,250
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$8,850
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$35,400
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Screening Date 9-Sep-2021

Docket No. 2021-1206-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 5 (January 28, 2021)

Case ID No. 61312

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100214386

Media Air

Enf. Coordinator Johnnie Wu

### Compliance History Worksheet

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

Component	Number of...	Number	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> )	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	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> )	3	-6%
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)** 43%

#### >> 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 two NOVs with same or similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 43%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 43%

**Screening Date** 9-Sep-2021 **Docket No.** 2021-1206-AIR-E **PCW**  
**Respondent** Valero Refining-Texas, L.P. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61312 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**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. 38754 and PSDTX324M14, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1458, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 17.34 tons per year based on a 12-month rolling period for the 12-month periods ending on February 2019, March 2019, and April 2019 for the Heater - Desalter Heater (11-H-01), Emissions Point Number ("EPN") 114, resulting in 2.93 tons of unauthorized NOx emissions.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants 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 3 88 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$22,500

Three monthly events are recommended for the period of non-compliance from February 1, 2019 through April 30, 2019.

**Good Faith Efforts to Comply** 25.0% Reduction \$5,625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

**Notes** The Respondent completed the corrective measures by August 31, 2019, prior to the Notice of Enforcement ("NOE") dated August 25, 2021.

**Violation Subtotal** \$16,875

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

**Estimated EB Amount** \$43 **Violation Final Penalty Total** \$26,550

**This violation Final Assessed Penalty (adjusted for limits)** \$26,550

# Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.  
**Case ID No.** 61312  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Feb-2019	31-Aug-2019	0.58	\$43	n/a	\$43

**Notes for DELAYED costs**  
 Estimated cost to demonstrate compliance with with the NOx annual MAER for the Heater - Desalter Heater (11-H-01), EPN 114. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$43

**Screening Date** 9-Sep-2021 **Docket No.** 2021-1206-AIR-E **PCW**  
**Respondent** Valero Refining-Texas, L.P. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61312 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**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. 38754 and PSDTX324M14, SC No. 1, FOP No. O1458, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly MAER of 8.46 pounds per hour ("lbs/hr") by a range from 9.73 lbs/hr to 12.53 lbs/hr for nine hours on January 26, 2020, January 27, 2020, and May 27, 2020 for the Heater - HR Boiler (30-B-02), EPN 153, resulting in 23.59 pounds ("lbs") of unauthorized CO emissions.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	<b>Percent</b> 30.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

**Violation Base Penalty** \$7,500

One semiannual event is recommended for the instances of non-compliance that occurred from January 26, 2020 to May 27, 2020.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes** The Respondent completed the corrective measures by September 14, 2020, prior to the NOE dated August 25, 2021.

**Violation Subtotal** \$5,625

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

**Estimated EB Amount** \$63 **Violation Final Penalty Total** \$8,850

**This violation Final Assessed Penalty (adjusted for limits)** \$8,850



## Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.  
**Case ID No.** 61312  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	12-Nov-2019	14-Sep-2020	0.84	\$63	n/a	\$63

**Notes for DELAYED costs**  
 Estimated cost to demonstrate compliance with the CO hourly MAER for the Heater - HR Boiler (30-B-02), EPN 153. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$63

**Screening Date** 9-Sep-2021 **Docket No.** 2021-1206-AIR-E **PCW**  
**Respondent** Valero Refining-Texas, L.P. *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61312 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**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. 38754 and PSDTX324M14, SC No. 1, FOP No. O1458, GTC and STC No. 22, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx hourly MAER of 8.25 lbs/hr by a range from 9.03 lbs/hr to 20.90 lbs/hr for six hours on August 2, 2020 for the Boiler 30-B-04, EPN 30-B-04, resulting in 31.03 lbs of unauthorized NOx emissions.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	<b>Percent</b> 30.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

One monthly event is recommended for the instances of non-compliance that occurred on August 2, 2020.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes** The Respondent completed the corrective measures by September 1, 2020, prior to the NOE dated August 25, 2021.

**Violation Subtotal** \$5,625

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

**Estimated EB Amount** \$6 **Violation Final Penalty Total** \$8,850

**This violation Final Assessed Penalty (adjusted for limits)** \$8,850

## Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P.  
**Case ID No.** 61312  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	2-Aug-2020	1-Sep-2020	0.08	\$6	n/a	\$6

**Notes for DELAYED costs**

Estimated cost to demonstrate compliance with the NOx hourly MAER for the Boiler 30-B-04, EPN 30-B-04. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$6



# Compliance History Report

Compliance History Report for CN600127468, RN100214386, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600127468, Valero Refining-Texas, L.P. **Classification:** SATISFACTORY **Rating:** 4.11  
**Regulated Entity:** RN100214386, VALERO CORPUS CHRISTI REFINERY WEST PLANT **Classification:** SATISFACTORY **Rating:** 3.21  
**Complexity Points:** 35 **Repeat Violator:** NO  
**CH Group:** 02 - Oil and Petroleum Refineries  
**Location:** 5900 UP RIVER RD, CORPUS CHRISTI, NUECES COUNTY, TEXAS  
**TCEQ Region:** REGION 14 - CORPUS CHRISTI

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER NE0112G	<b>AIR OPERATING PERMITS</b> PERMIT 1458
<b>AIR OPERATING PERMITS</b> PERMIT 2601	<b>AIR NEW SOURCE PERMITS</b> PERMIT 38754
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER NE0112G	<b>AIR NEW SOURCE PERMITS</b> PERMIT 20740
<b>AIR NEW SOURCE PERMITS</b> PERMIT 20992	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 39505
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M9	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M10
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4835500050	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M11
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M8	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M12
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M13	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M14
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103920	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103918
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103932	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103930
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103936	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103934
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103937	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103938
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103922	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103921
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 103919	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 140196
<b>AIR NEW SOURCE PERMITS</b> PERMIT 106965	<b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC39
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168339	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 165131
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX324M15	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 168565
<b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC210	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 164619
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT GHGPSDTX211	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 151262
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 155846	<b>AIR NEW SOURCE PERMITS</b> PERMIT AMOC131
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 156307	<b>WASTEWATER LICENSING</b> LICENSE WQ0001909000
<b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30478	<b>STORMWATER</b> PERMIT TXR05FS92
<b>WASTEWATER</b> PERMIT WQ0001909000	<b>WASTEWATER</b> EPA ID TX0063355
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER NE0112G	<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00757
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30478	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD074604166
<b>TAX RELIEF</b> ID NUMBER 16116	

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** July 20, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 20, 2017 to July 20, 2022

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

**Name:** Johnnie Wu

**Phone:** (512) 239-2524

## **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

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

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

- 1 Effective Date: 06/30/2020 ADMINORDER 2019-1594-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 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: GTC and STC No. 2.F OP  
Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 309030 was due by May 22, 2019 at 9:45 a.m., but was not submitted until May 22, 2019 at 2:03 p.m.  
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)  
Rqmt Prov: GTC and STC No. 22 OP  
SC 1 PA  
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 225.88 pounds ("lbs") of nitrogen oxides and 897.05 lbs of sulfur dioxide from the Main Flare, Emissions Point Number 126, during an emissions event (Incident No. 309030) that began on May 21, 2019 and lasted 16 hours and 40 minutes. The emissions event occurred due to a process upset that caused Propane Tank 35 to vent to the Main Flare, resulting in flaring. Since the Respondent did not comply with the emission  
Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(E)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(J)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GTC and STC No. 2.F. OP  
Description: Failure to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the time of the discovery of the emissions event and the best known cause of the emissions event on the final record for Incident No. 309030.
- 2 Effective Date: 12/21/2021 ADMINORDER 2020-1256-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
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)  
Rqmt Prov: FOP O1458 OP  
SC 1 PERMIT  
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on July 22, 2019; TCEQ/STEERS Incident No. 316652.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1458 OP  
Description: Failure to submit a copy of the final record to the TCEQ Region 14 office no later than two weeks after the end of the emissions event.

Classification: Moderate

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

Rqmt Prov: FOP O-01458, Special Term & Condition 22 OP  
FOP O1458 OP  
NSR 106965, Special Condition 1 PERMIT

Description: Failure to comply with the annual tons per year (TPY) emissions limit.

Classification: Moderate

Citation: 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: Special Term & Condition 2.F OP

Description: Failure to submit the initial notification of an emissions event within 24 hours of discovery of the event.

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)

Rqmt Prov: [PSDTX324M14] Special Condition 1 PERMIT  
Special Term & Condition 24 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on December 9, 2018, TCEQ/STEERS Incident No. 298636.

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

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

Item 1	August 31, 2017	(1428969)
Item 2	September 22, 2017	(1450897)
Item 3	September 26, 2017	(1437017)
Item 4	October 20, 2017	(1456763)
Item 5	November 20, 2017	(1462226)
Item 6	December 20, 2017	(1468608)
Item 7	January 19, 2018	(1475318)
Item 8	April 20, 2018	(1494444)
Item 9	May 18, 2018	(1501390)
Item 10	June 20, 2018	(1508484)
Item 11	August 13, 2018	(1505156)
Item 12	October 10, 2018	(1518007)
Item 13	October 12, 2018	(1513088)
Item 14	November 18, 2018	(1513740)
Item 15	November 20, 2018	(1542227)
Item 16	November 30, 2018	(1525120)
Item 17	December 20, 2018	(1489947)
Item 18	January 18, 2019	(1562018)
Item 19	February 05, 2019	(1425021)
Item 20	March 20, 2019	(1562017)
Item 21	April 18, 2019	(1572593)
Item 22	June 13, 2019	(1558946)
Item 23	June 20, 2019	(1531493)
Item 24	July 19, 2019	(1593939)
Item 25	August 20, 2019	(1600264)
Item 26	September 20, 2019	(1607158)
Item 27	October 04, 2019	(1597591)
Item 28	October 20, 2019	(1614009)
Item 29	November 20, 2019	(1619821)
Item 30	November 25, 2019	(1589763)

Item 31	January 20, 2020	(1634819)
Item 32	March 20, 2020	(1647940)
Item 33	April 22, 2020	(1640192)
Item 34	May 18, 2020	(1605207)
Item 35	May 20, 2020	(1660859)
Item 36	May 22, 2020	(1644286)
Item 37	June 23, 2020	(1657457)
Item 38	June 25, 2020	(1657246)
Item 39	July 06, 2020	(1652651)
Item 40	July 20, 2020	(1674342)
Item 41	August 03, 2020	(1665629)
Item 42	August 20, 2020	(1681116)
Item 43	September 11, 2020	(1672899)
Item 44	September 21, 2020	(1687686)
Item 45	October 20, 2020	(1694028)
Item 46	October 29, 2020	(1679550)
Item 47	November 02, 2020	(1684592)
Item 48	December 04, 2020	(1692495)
Item 49	January 12, 2021	(1690469)
Item 50	January 13, 2021	(1693082)
Item 51	January 20, 2021	(1714754)
Item 52	February 10, 2021	(1697386)
Item 53	February 19, 2021	(1727817)
Item 54	April 19, 2021	(1727819)
Item 55	May 20, 2021	(1741205)
Item 56	May 21, 2021	(1706396)
Item 57	June 18, 2021	(1747985)
Item 58	July 20, 2021	(1752466)
Item 59	August 20, 2021	(1757895)
Item 60	September 01, 2021	(1760438)
Item 61	September 20, 2021	(1767120)
Item 62	September 21, 2021	(1751345)
Item 63	October 20, 2021	(1777594)
Item 64	December 20, 2021	(1791423)
Item 65	January 20, 2022	(1799205)
Item 66	February 17, 2022	(1794960)
Item 67	March 17, 2022	(1814147)
Item 68	April 18, 2022	(1820721)

**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: 08/25/2021 (1735080)
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 113, SubChapter C 113.100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540(a)  
5C THSC Chapter 382 382.085(b)
  - Description: Failure to complete annual boiler tune-up by the required date.
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 113, SubChapter C 113.100  
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 CC 63.643(c)(1)(i)  
5C THSC Chapter 382 382.085(b)  
FOP O-1458, ST&C 22 OP  
NSR 38754, SC 51D PERMIT
  - Description: Failure to perform monitoring for the lower explosion limit (LEL).
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
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)  
FOP O-1458, ST&C 22 OP  
NSR 38754, SC 15 PERMIT
  - Description: Failure to comply with required hydrogen sulfide (H2S) limits.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.643(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
5C THSC Chapter 382 382.085(b)  
FOP O-1458, ST&C 22 OP  
NSR 38754 / PSDTX324M14, SC 12 PERMIT  
Description: Failure to maintain minimum net heating value on flares.

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)(4)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.643(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(d)  
5C THSC Chapter 382 382.085(b)  
FOP O-01458, Special Term & Condition 22 OP  
NSR 38754 / PSDTX324M14, SC 15 PERMIT  
NSR 38754 / PSDTX324M14, SC 59D(1) PERMIT  
Description: Failure to maintain the exit velocity at less than the required limit.

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)  
FOP O-01458, Special Term & Condition 22 OP  
NSR 38754 / PSDTX324M14, SC 26 PERMIT  
Description: Failure to obtain samples.

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)  
FOP O-01458, Special Term & Condition 22 OP  
NSR 38754 / PSDTX324M14, SC 21 PERMIT  
Description: Failure to maintain the pH of the Scrubber circulating caustic solution between the required range.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01458, CAM Summary OP  
FOP O-01458, Special Term & Condition 20 OP  
Description: Failure to maintain filter pressure above permitted limit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01458, Special Term & Condition 22 OP  
NSR 38754/PSDTX324M14, SC 41 PERMIT  
Description: Failure to comply with the permitted concentration limit for carbon monoxide (CO).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(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 QQQ 60.698(d)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(A)  
5C THSC Chapter 382 382.085(b)  
FOP O-1458, ST&C 22 OP  
NSR 38754/PSDTX324M14, SC 13 PERMIT  
Description: Failure to comply with temperature limitations.



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)  
 FOP O-1458, ST&C 22 OP  
 NSR 106965, Special Condition 10 PERMIT  
 NSR 38754 / PSDTX324M14, SC 16 PERMIT  
 Description: Failure to comply with nitrogen oxide (NOx) emissions rate limits.

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)  
 FOP O-1458, ST&C 22 PERMIT  
 NSR 38754/PSDTX324M14, SC 16 PERMIT  
 Description: Failure to comply with carbon monoxide (CO) emissions rate limit.

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 115.322(1)  
 30 TAC Chapter 115, SubChapter D 115.322(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 VV 60.482-2(c)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-1458, Special Term & Condition 22 OP  
 NSR 38754/PSDTX324M14, SC 31(I) PERMIT  
 Description: Failure to repair leaking components within the required timeframe.

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 115.322(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart VV 60.482-6  
 5C THSC Chapter 382 382.085(b)  
 FOP O-1458, ST&C 22 OP  
 NSR 106965, SC 5(E) PERMIT  
 NSR 38754/PSDTX324M14, SC 31(E) PERMIT  
 Description: Failure to equip each open ended valve or line (OEL) with an appropriately sized cap, blind flange, plug, or a second valve to seal the line.

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)  
 FOP O-1458, ST&C 22 OP  
 NSR 38754/PSDTX324M14, SC 26 PERMIT  
 Description: Failure to maintain the caustic concentration above the required limit.

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)  
 FOP O-1458, ST&C 22 OP  
 NSR 38754/PSDTX324M14, SC 46 PERMIT  
 Description: Failure to maintain the stripper exhaust gas temperature below the temperature maintained during the most recent stack sample following the initial stack test.

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)  
 FOP O-1458, ST&C 22 OP  
 NSR 38754/PSDTX324M14, SC 38 PERMIT  
 Description: Failure to maintain the minimum mixed liquor total suspended solids (MLSS) above the permitted limit.

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)  
FOP O-1458, ST&C 22 OP  
NSR 106965, SC 1 PERMIT  
NSR 38754/PSDTX324M14, SC 1 PERMIT  
Description: Failure to comply with the annual permitted emissions limit (tons per year [TPY]) listed on the Maximum Allowable Emission Rate Table (MAERT).

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)  
FOP O-1458, ST&C 22 OP  
NSR 38754/PSDTX324M14, SC 1 PERMIT  
Description: Failure to comply with hourly emissions limitations listed on the Maximum Allowable Emissions Rate Table (MAERT).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(f)  
5C THSC Chapter 382 382.085(b)  
FOP O-1458, General Terms & Conditions OP  
PERMIT 1458, FOP O-1458, CAM Summary OP  
PERMIT 20740, NSR 20740, SC 7(D) PERMIT  
Various NSRs PERMIT  
Description: Failure to maintain records sufficient to demonstrate compliance.

2 Date: 10/31/2021 (1784393)  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

3 Date: 06/30/2022 (1797749)  
Self Report? NO Classification: Moderate  
Citation: [PSDTX324M14] Special Condition 41 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 24 OP  
Description: Failure to comply with permitted concentration limit for Carbon Monoxide (CO) at EPN EPN 121.

Self Report? NO Classification: Minor  
Citation: [PSDTX324M14] Special Condition 31.E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.322(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 VV 60.482-6  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 24 OP  
Description: Failure to equip each open-ended valve or line (OEL) with an appropriately sized cap, blind flange, plug, or a second valve to seal the line.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 3.A OP  
Description: Failure to conduct required quarterly visible emissions observations of stationary vents.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 32 OP  
Description: Failure to maintain scrubber filter supply pressure above the limit required by the permit.

Self Report? NO Classification: Moderate  
Citation: [PSDTX324M14] Special Condition 12.D PERMIT  
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 60.13(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
Special Term & Condition 24 OP  
Description: Failure to operate analyzers greater than 95% of the time when the flare was operational.

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)  
Special Condition 12.F PERMIT  
Special Term & Condition 24 OP  
Description: Failure to operate analyzer greater than 95% of the time when the process heater was operational.

Self Report? NO Classification: Minor  
Citation: [PSDTX324M14] Special Condition 31.I PERMIT  
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)  
Special Term & Condition 24 OP  
Description: Failure to repair a leaking component within the required timeframe.

## F. Environmental audits:

Notice of Intent Date: 05/16/2018 (1486351)  
Disclosure Date: 09/06/2018  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)  
Description: Failure to ensure consistent verification of applicable requirements for BWON containers during BWON quarterly visual inspections and records for vacuum trucks.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)  
Description: Failure to ensure timely repair of a carbon canister system with integrity deficiencies and failure to ensure that a gauge hatch at the top of vessel V-53 is maintained secured.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)  
Rqmt Prov: PERMIT Special Condition No. 12.D.  
Description: Failure to maintain readily available record that indicate that the flare analyzers are being operated at least 95% of the time through regular calculation on a 12month rolling average basis.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.311(b)(1)  
30 TAC Chapter 115, SubChapter D 115.312(b)(2)  
30 TAC Chapter 115, SubChapter D 115.317  
Description: Failure to document an exemption from control for the outlets of the steam eductors that are routed to the atmosphere (Unit 36, 38, and 47).  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(f)  
Description: Failure to report a Title V deviation for the heat exchanger leak in the Alky Cooling Tower that was not repaired within 30 days.  
Viol. Classification: Moderate  
Citation: 4F TWC Chapter 60, SubChapter A 60.104(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(d)  
Description: Failure to maintain complete documentation to show that the FCCU SO2 CEMS meets the applicable 30-day rolling average for 22 valid days of data.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
Description: Failure to maintain complete documentation to verify that water seals were present in all NSPS Subpart QQQ drains (an alternative monitoring request remains pending with EPA).  
Disclosure Date: 04/16/2019

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.128(a)  
30 TAC Chapter 305, SubChapter F 305.128(c)  
30 TAC Chapter 305, SubChapter C 305.44(a)  
Rqmt Prov: PERMIT Section 5.9 & 6.1

Description: Failure to maintain documentation of storm water pollution prevention plan training, documentation of non-storm water discharge certification, and complete and accurate quarterly outfall inspection forms.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(c)

Description: Failure to maintain current and consistent training records for representatives performing RCRA-related tasks.

Notice of Intent Date: 01/24/2019 (1548746)  
Disclosure Date: 04/08/2019

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(A)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)

Description: Failure to ensure that benzene waste management units and other equipment subject to the benzene waste NESHAP rule requirements are all being properly monitored and/or inspected.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)

Description: Failure to ensure that cover and opening of tanks subject to the benzene waste NESHAP control requirements are consistently maintained in a closed sealed position.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)

Description: Failure to ensure that covers and openings of equipment associated with the oil-water separators are consistently maintained in a closed sealed position.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)

Description: Failure to ensure that individual drain systems subject to alternative control requirements under the benzene waste NESHAP for drains, junction boxes, and sewer lines are consistently maintained in a sealed position.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)

Description: Failure to ensure that individual drain systems subject to alternative control requirements under the benzene waste NESHAP for drains, junction boxes, and sewer lines are consistently maintained to ensure compliance with alternative requirements.

Disclosure Date: 09/04/2019

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4)  
Rqmt Prov: OP SC 9.B.  
PERMIT SC Nos. 36 & 36

Description: Failure to ensure a timely first attempt at repair is made after a broken seal or gap was identified on individual drain systems subject to VOC emission rule requirements.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)  
Rqmt Prov: PERMIT SC No. 35 & 36  
OP SC No. 9.B

Description: Failure to ensure that individual drain systems subject to VOC emissions control do not have low water levels or missing/improperly installed caps/plugs and ensure they receive a timely first effort at repair.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(2)  
Rqmt Prov: OP App. Requirement Summary  
PERMIT SC No. 29

Description: Failure to prevent non-fugitive emissions from pressure relief valves from the API separators, based on AVO and IR camera inspections.

Disclosure Date: 03/06/2020

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(h)

Rqmt Prov: OP ST&Cs

Description: Failure to timely report fenceline reporting requirements in the corrective action plan.

Notice of Intent Date: 07/20/2020 (1670817)

Disclosure Date: 03/05/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(b)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(b)

Description: Failure to meet the vapor pressure control requirements for Tank 73TK168 for the month of September.

Viol. Classification: Moderate

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

Description: Failure to conduct the 10 year internal inspections for listed tanks.

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VALERO REFINING-TEXAS, L.P.  
RN100214386

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1206-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refinery located at 5900 Up River Road in Corpus Christi, Nueces County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$44,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,700 of the penalty and \$8,850 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$17,700 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By August 31, 2019, demonstrated compliance with the nitrogen oxides ("NOx") annual maximum allowable emissions rate ("MAER") for the Heater - Desalter Heater (11-H-01), Emissions Point Number ("EPN") 114;
  - b. By September 1, 2020, demonstrated compliance with the NOx hourly MAER for the Boiler 30-B-04, EPN 30-B-04; and
  - c. By September 14, 2020, demonstrated compliance with the carbon monoxide ("CO") hourly MAER for the Heater - HR Boiler (30-B-02), EPN 153.

## II. ALLEGATIONS

During a record review for the Plant conducted from May 19, 2021 through June 2, 2021, an investigator documented that the Respondent:

1. Failed to comply with the MAER, 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. 38754 and PSDTX324M14, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1458 General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 17.34 tons per year based on a 12-month rolling period for the 12-month periods ending on February 2019, March 2019, and April 2019 for the Heater - Desalter Heater (11-H-01), EPN 114, resulting in 2.93 tons of unauthorized NOx emissions.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 38754 and PSDTX324M14, SC No. 1, FOP No. O1458, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO hourly MAER of 8.46 pounds per hour ("lbs/hr") by a range from 9.73 lbs/hr to 12.53 lbs/hr for nine hours on January 26,

2020, January 27, 2020, and May 27, 2020 for the Heater - HR Boiler (30-B-02), EPN 153, resulting in 23.59 pounds ("lbs") of unauthorized CO emissions.

3. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 38754 and PSDTX324M14, SC No. 1, FOP No. O1458, GTC and STC No. 22, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx hourly MAER of 8.25 lbs/hr by a range from 9.03 lbs/hr to 20.90 lbs/hr for six hours on August 2, 2020 for the Boiler 30-B-04, EPN 30-B-04, resulting in 31.03 lbs of unauthorized NOx emissions.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2021-1206-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$17,700 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. 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

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Date

  
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For the Executive Director

1/27/2023

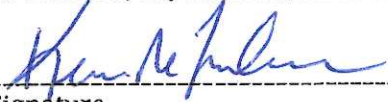
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Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
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Signature

December 2, 2022  
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Date

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

VP & GM  
-----  
Title

If mailing address has changed, please check this box and provide the new address below:

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

**Attachment A**  
**Docket Number: 2021-1206-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>\$35,400</b>
<b>SEP Offset Amount:</b>	<b>\$17,700</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Congress of Parents and Teachers dba Texas PTA</b>
<b>Project Name:</b>	<b><i>Texas PTA Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for Nueces 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 SEP Offset Amount is set forth above and such offset 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 **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases,

including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA  
408 West 11th Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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:

Valero Refining-Texas, L.P.  
Docket No. 2021-1206-AIR-E  
Agreed Order - Attachment A

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 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 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.