



National Enforcement Investigations Center Case Results – Valero Benicia Refinery Hazardous Waste and Toxic Chemicals Case Multimedia Inspection Capabilities

NEIC's Support:

- Forensics-based field investigations accredited under ISO/IEC: 17025
- EPCRA expertise
- RCRA expertise

NEIC's Other Capabilities:

- Laboratory analyses accredited under ISO/IEC: 17025, General Requirements for the Competence of Testing and Calibration Laboratories
- Interpretation of analytical results
- Statistical services
- Toxicological expertise
- Analytical consultations
- CAA, 112r, and CWA expertise
- Training

Background: Valero Refining Company – California (a subsidiary of Valero Energy Corporation) owns and operates a 165,000-barrel-per-day permitted capacity refinery in Benicia, California. The primary products produced at this refinery are gasoline, low sulfur diesel, jet fuel, liquified petroleum gas, fuel oil, isobutane, and asphalt.



NEIC's support: In May 2014, NEIC conducted a process-based multimedia inspection at Valero's Benicia refinery. This inspection assessed the refinery's compliance with the Resource Conservation and Recovery Act (RCRA) and the Emergency Planning and

Community Right-to-Know Act (EPCRA). This investigation was part of EPA's continuing efforts to ensure communities located near complex industrial facilities are informed of the toxic releases from those locations. Process-based inspections allow for a thorough understanding of a facility's processes under all conditions, and identify the waste streams, air emissions, and wastewaters that are generated within each process.

NEIC investigators discovered that, during annual maintenance on a benzene recovery unit, refinery personnel would bypass a waste stream to an unpermitted surface impoundment, a finding that may have not been discovered without a process-based investigation. It was also determined that Valero had not alerted the public about all its toxic chemical releases. Additional violations discovered during the inspection included Valero's failure to determine if solid waste generated at the facility was hazardous, failure to maintain and operate the facility as needed to minimize the possibility of any unplanned release, and failure to maintain complete and accurate records.

Enforcement results: EPA Region 9 developed an enforcement case against Valero based on NEIC's inspection findings. The case was settled in October 2016 as Valero agreed to pay a \$157,800 penalty and make modifications to its piping operations by the end of 2017. Additionally, Valero agreed to correct and resubmit its toxic chemical release reports. These actions are expected to prevent an estimated 5,000 pounds of benzene (a known human carcinogen) from being released into the environment over the next 10 years.

How to obtain NEIC's support

NEIC provides environmental forensics support for criminal and civil enforcement cases. If you would like more information on NEIC or to request laboratory analysis, toxicological support, an investigation, technical assistance, or training from NEIC, please contact us at neic_project_requests@epa.gov. You may also contact your regional enforcement coordinator for more information on requesting NEIC's support on civil projects and EPA's Criminal Investigation Division (CID) for support on criminal projects.