

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-0717-UIC-E TCEQ ID: RN102495884 CASE NO.: 25208
RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input checked="" type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: ConocoPhillips Borger Refinery, Spur 119 North, Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 TCEQ Field Investigator: Mr. Shawn Hess, Amarillo Regional Office, R-01, (806) 353-9251 Respondent: Mr. Dan Romasko, Operations Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Ms. Joann Wasicek, Health, Safety and Environmental Team Leader, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 20, 2005</p> <p>Date of NOE Relating to this Case: March 18, 2005 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>WASTE</p> <p>Failed to prevent the unauthorized injection of a characteristically hazardous waste into a class 1 non-hazardous injection well [30 TEX. ADMIN. CODE § 331.7(a), and Underground Injection Control Well WDW-325 Operating Permit - Provision VII.A (Waste Stream Prohibited)].</p>	<p>Total Assessed: \$5,375</p> <p>Total Deferred: \$1,075 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,150</p> <p>Total Paid to General Revenue: \$2,150</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that ConocoPhillips has obtained a permit amendment on January 3, 2005 for the Underground Injection Control Well, Permit WDW-325, to allow for the injection of certain hazardous wastes to include selenium.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Attachment A
Docket Number: 2005-0717-UIC-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Payable Penalty Amount: Four Thousand Three Hundred Dollars (\$4,300)

SEP Amount: Two Thousand One Hundred Fifty Dollars (\$2,150)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP: Hutchinson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision March 02, 2005



DATES	Assigned PCW	31-Mar-2005 12-Apr-2005	Screening	06-Apr-2005	Priority Due	30-May-2005	EPA Due	
--------------	--------------	----------------------------	-----------	-------------	--------------	-------------	---------	--

RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN102495884
Additional ID No(s).	WDW-325
Facility/Site Region	1-Amarillo
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	25208	No. of Violations	1
Docket No.	2005-0717-UIC-E	Order Type	1660
Case Priority	3	Enf. Coordinator	J. Craig Fleming
Media Program(s)	Underground Injection Control	EC's Team	Enforcement Team 3
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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 **Subtotals 2, 3, & 7**

Notes: 115% Enhancement

Culpability **Subtotal 4**

Notes: No

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)
Notes:	<input type="text" value="Past event with no opportunity to comply."/>	

Economic Benefit **Subtotal 6**

Total EB Amounts	\$127	0% Enhancement*
Approx. Cost of Compliance	\$5,000	*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes: 20% Reduction

PAYABLE PENALTY

Screening Date 06-Apr-2005	Docket No. 2005-0717-UIC-E	PCW
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 25208		<i>PCW Revision March 02, 2005</i>
Reg. Ent. Reference No. RN102495884		
Additional ID No(s). WDW-325		
Media [Statute] Underground Injection Control		
Enf. Coordinator J. Craig Fleming		
Site Address	Spur 119 North, Borger, Hutchinson County	

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	59	118%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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 judgements 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</i>	1	-1%
	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>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 115%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes The penalty is enhanced because the respondent received 59 Notices of Violations for non-similar violations, 1 disclosure of violations, and submitted 1 Notice of Intended Audit in the past 5 years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 115%

Screening Date 06-Apr-2005 **Docket No.** 2005-0717-UIC-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 25208 *PCW Revision March 02, 2005*
Reg. Ent. Reference No. RN102495884
Additional ID No(s). WDW-325
Media [Statute] Underground Injection Control
Enf. Coordinator J. Craig Fleming
Violation Number

Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description

Base Penalty

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

Harm

Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	X
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	X
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25208
Reg. Ent. Reference No. RN102495884
Additional ID No(s). WDW-325
Media [Statute] Underground Injection Control
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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$5,000	01-Jul-2004	03-Jan-2005	0.5	\$127	n/a	\$127
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Approximate cost to obtain a permit amendment for injecting hazardous waste into the WDW 325 well. The Date Required was the first month of the quarterly report that noted the exceedance. The Final Date was the date that the permit was amended to allow for the injection of certain hazardous wastes.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs
 NA

Approx. Cost of Compliance \$5,000 **TOTAL** \$127

Compliance History

Customer/Respondent/Owner-Operator: CN601674351 ConocoPhillips Company Classification: AVERAGE Rating: 3.170
 Regulated Entity: RN102495884 CONOCOPHILLIPS BORGER REFINERY Classification: AVERAGE Site Rating: 1.40

ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0018P
	AIR NEW SOURCE PERMITS	PERMIT	43073
	AIR NEW SOURCE PERMITS	PERMIT	34417
	AIR NEW SOURCE PERMITS	PERMIT	22777
	AIR NEW SOURCE PERMITS	PERMIT	19042
	AIR NEW SOURCE PERMITS	PERMIT	14441A
	AIR NEW SOURCE PERMITS	PERMIT	11429A
	AIR NEW SOURCE PERMITS	PERMIT	11935A
	AIR NEW SOURCE PERMITS	PERMIT	11449A
	AIR NEW SOURCE PERMITS	PERMIT	11042A
	AIR NEW SOURCE PERMITS	PERMIT	9868A
	AIR NEW SOURCE PERMITS	PERMIT	2533A
	AIR NEW SOURCE PERMITS	PERMIT	1479A
	AIR NEW SOURCE PERMITS	PERMIT	7455
	AIR OPERATING PERMITS	PERMIT	2166
	AIR OPERATING PERMITS	PERMIT	1440
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0018P
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50078
	WASTEWATER LICENSING	LICENSE	WQ0001064000
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW325
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW382
	UNDERGROUND INJECTION CONTROL IHW	PERMIT	WDW380
	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50078
	AIR NEW SOURCE PERMITS	REGISTRATION	71385
	AIR NEW SOURCE PERMITS	AFS NUM	0015
	WASTEWATER	PERMIT	TX0009148
	WASTEWATER	PERMIT	TX0009148000
	WASTEWATER	PERMIT	WQ0001064000
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50078
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980626774
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30111

Location: SPUR 119 NORTH, BORGER, TX, 79008 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: April 08, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 08, 2000 to April 08, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Craig Fleming Phone: 239-5806

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? ConocoPhillips Company

4. if Yes, who was/were the prior owner(s)?

Phillips 66

5. When did the change(s) in ownership occur?

August 30, 2002 (by merger)

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

2	12/20/2000	(105274)
4	09/27/2002	(161730)
6	02/27/2001	(105275)
8	03/16/2001	(105276)
10	03/16/2001	(105277)
12	03/16/2001	(105278)
14	10/27/2000	(161731)
16	01/15/2003	(21520)
18	03/16/2001	(105279)
20	03/16/2001	(105280)
22	03/16/2001	(105281)
24	12/19/2002	(19877)
26	03/16/2001	(105282)
28	10/29/2001	(161732)
30	03/19/2001	(105283)
32	03/22/2001	(105284)
34	10/30/2002	(161733)
36	12/19/2002	(19929)
38	01/20/2005	(347728)
40	03/05/2003	(26861)
42	02/20/2004	(296796)
44	09/23/2004	(335211)
46	01/15/2003	(21558)
48	04/05/2004	(268105)
50	11/21/2000	(161735)
52	09/23/2003	(248234)
54	03/31/2004	(296798)
56	11/20/2001	(161736)
58	04/26/2004	(296799)
60	10/01/2003	(250785)
62	11/22/2002	(161737)
64	12/19/2002	(19903)
66	10/17/2003	(296800)
68	05/25/2004	(296802)
70	12/26/2000	(161739)
72	12/19/2002	(19938)
74	11/05/2003	(250547)
76	08/06/2004	(283088)
78	12/19/2001	(161740)
80	06/21/2004	(296804)
82	02/21/2003	(25618)
84	02/21/2003	(25617)
86	02/28/2001	(161703)
88	02/21/2003	(25615)
90	04/12/2001	(105285)
92	12/16/2002	(161741)
94	04/12/2001	(105286)
96	09/23/2003	(248300)
98	04/12/2001	(105287)
100	04/12/2001	(105288)
102	07/21/2003	(296806)
104	04/16/2004	(267682)

106 02/26/2002 (161704)
108 04/17/2001 (105289)
110 04/14/2004 (269208)
112 04/24/2001 (105290)
114 06/21/2001 (105291)
116 10/16/2003 (252133)
118 07/23/2001 (105292)
120 08/10/2001 (105293)
122 03/03/2003 (161705)
124 01/30/2001 (161743)
126 08/10/2001 (105294)
128 10/02/2003 (250705)
130 08/18/2003 (296808)
132 08/10/2001 (105295)
134 10/02/2003 (250706)
136 08/10/2001 (105296)
138 09/22/2004 (335175)
140 10/16/2003 (252147)
142 09/19/2001 (105297)
144 03/26/2001 (161706)
146 09/28/2001 (105298)
148 01/29/2002 (161744)
150 01/07/2002 (105299)
152 02/12/2002 (105300)
154 11/05/2004 (340397)
156 02/12/2002 (105301)
158 09/22/2003 (296810)
160 03/18/2002 (161707)
162 02/12/2002 (105302)
164 11/05/2004 (340401)
166 01/28/2003 (161745)
168 02/12/2002 (105303)
170 10/20/2004 (338419)
172 02/13/2002 (105304)
174 02/13/2002 (105305)
176 02/15/2002 (105306)
178 03/19/2003 (161708)
180 03/21/2002 (105307)
182 03/21/2002 (105308)
184 10/27/2003 (296812)
186 03/21/2002 (105309)
188 03/21/2002 (105310)
190 03/18/2005 (335817)
192 03/21/2002 (105311)
194 10/17/2003 (296813)
196 03/21/2002 (105312)
198 08/07/2003 (149155)
200 04/09/2002 (105313)
202 12/02/2003 (296814)
204 05/09/2002 (105314)
206 04/20/2000 (161710)
208 05/09/2002 (105315)
210 06/25/2002 (105316)
212 12/22/2003 (296815)
214 04/27/2001 (161711)
216 01/27/2004 (296816)
218 04/30/2002 (161712)
220 10/17/2003 (296817)
222 10/20/2004 (338456)
224 01/06/2005 (346260)
226 04/24/2003 (161713)
228 05/11/2000 (161714)
230 09/23/2003 (248279)
232 05/29/2001 (161715)
234 10/01/2003 (250782)
236 12/19/2002 (19880)
238 05/29/2002 (161716)
240 09/05/2004 (333340)
242 05/22/2003 (161717)
244 12/19/2002 (19934)
246 06/07/2004 (274624)
248 07/03/2003 (60663)
250 10/20/2004 (338428)
252 06/13/2000 (161718)
254 09/23/2003 (248241)

256 08/05/2004 (284515)
 258 06/28/2001 (161719)
 260 03/16/2005 (335811)
 262 01/31/2005 (348389)
 264 06/26/2002 (161720)
 266 07/26/2004 (352767)
 268 06/16/2003 (161721)
 270 08/23/2004 (352768)
 272 07/16/2001 (39472)
 274 12/19/2002 (19860)
 276 07/27/2000 (161722)
 278 09/29/2004 (352769)
 280 09/22/2004 (335158)
 282 01/06/2005 (346265)
 284 09/08/2004 (333632)
 286 02/02/2005 (348485)
 288 01/06/2005 (346272)
 290 10/25/2004 (352770)
 292 06/28/2001 (161723)
 294 12/19/2002 (19839)
 296 11/22/2004 (352771)
 298 07/29/2002 (161724)
 300 05/09/2000 (105267)
 302 01/27/2005 (342485)
 304 06/20/2000 (105268)
 306 12/28/2004 (352772)
 308 06/20/2000 (105269)
 310 12/19/2002 (19866)
 312 06/20/2000 (105270)
 314 01/08/2005 (346044)
 316 08/28/2000 (161725)
 318 06/20/2000 (105271)
 320 08/21/2000 (105272)
 322 12/19/2002 (19948)
 324 08/27/2001 (161726)
 326 09/23/2003 (248294)
 328 08/26/2002 (161727)
 330 07/08/2003 (126118)
 332 07/23/2003 (145765)
 334 09/22/2004 (335170)
 336 09/27/2000 (161728)
 338 11/05/2004 (340388)
 340 08/17/2004 (288901)
 342 12/19/2002 (19876)
 344 10/20/2004 (338199)
 346 09/20/2001 (161729)
 348 01/15/2003 (21547)
 350 12/04/2000 (105273)

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

1. Date: 08/31/2002 (161730)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
2. Date: 09/30/2000 (161731)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
3. Date: 09/30/2001 (161732)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
4. Date: 03/20/2001 (105284)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: OP IA
 Description: FAIL TO COMPLY W/FLEXI
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: OP IA

- Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
11. Date: 04/30/2004 (296802)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
12. Date: 11/30/2000 (161739)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
13. Date: 11/30/2001 (161740)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
14. Date: 05/31/2004 (296804)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
15. Date: 01/31/2001 (161703)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
16. Date: 11/30/2002 (161741)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
17. Date: 06/30/2003 (296806)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
18. Date: 01/31/2002 (161704)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
19. Date: 01/31/2003 (161705)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
20. Date: 07/31/2003 (296808)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
21. Date: 12/31/2000 (161743)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
22. Date: 02/28/2001 (161706)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
23. Date: 12/31/2001 (161744)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
24. Date: 08/31/2003 (296810)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
25. Date: 02/28/2002 (161707)

- Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
26. Date: 12/31/2002 (161745)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
27. Date: 02/28/2003 (161708)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
28. Date: 09/30/2003 (296812)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
29. Date: 10/31/2003 (296814)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
30. Date: 06/25/2002 (105316)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W/FF
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W FF
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W FF
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W QQQ
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W KB
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W VV
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W KB
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W VV
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
Rqmt Prov: OP IA
Description: FAIL TO COMPLY W V
31. Date: 11/30/2003 (296815)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
32. Date: 03/31/2001 (161711)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
33. Date: 12/31/2003 (296816)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

- Description: Failure to meet the limit for one or more permit parameter
34. Date: 03/31/2002 (161712)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
35. Date: 03/31/2003 (161713)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
36. Date: 04/30/2000 (161714)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
37. Date: 04/30/2001 (161715)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
38. Date: 04/30/2002 (161716)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
39. Date: 07/02/2003 (60663)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
- Description: Failure by facility to maintain Oil and Grease and pH within permit limits at outfall #002
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
- Description: Failure to maintain effluent pH within permit limits at outfall #004.
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
- Description: Failure to maintain effluent pH within permit limits at outfall #003.
40. Date: 04/30/2003 (161717)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
41. Date: 05/31/2000 (161718)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
42. Date: 05/31/2001 (161719)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
43. Date: 05/31/2002 (161720)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
44. Date: 06/30/2004 (352767)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
45. Date: 05/31/2003 (161721)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
46. Date: 07/31/2004 (352768)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
- Description: Failure to meet the limit for one or more permit parameter
47. Date: 08/31/2004 (352769)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

48. Date: 06/30/2000 (161722)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

49. Date: 09/30/2004 (352770)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

50. Date: 06/30/2001 (161723)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

51. Date: 10/31/2004 (352771)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

52. Date: 06/30/2002 (161724)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

53. Date: 11/30/2004 (352772)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

54. Date: 07/31/2000 (161725)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

55. Date: 08/21/2000 (105272)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAIL TO COMPLY W/FEDER

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAILURE TO COMPLY W/FE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 Description: FAIL TO COMPLY W/FEDER

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: FAIL TO COMPLY W/FEDER

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: FAIL TO COMPLY W/FEDER

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 Description: FAIL TO COMPLY W/FEDER

56. Date: 07/31/2001 (161726)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

57. Date: 07/31/2002 (161727)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

58. Date: 08/31/2000 (161728)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

59. Date: 08/31/2001 (161729)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

1. Notice of Intent Date: 01/20/2003

Disclosure Date: 09/02/2003

- Citation: Viol. Classification: Moderate
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
Description: Failure to submit excess emissions and monitoring systems performance report and/or summary report.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)[G]
Description: Unclear labeling in the labortory database for natural gas and fuel gas resulted in the use of incorrect data for the stack test analyses.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Unclear labeling in the labortory database for natural gas and fuel gas resulted in the use of incorrect stack test results for emissions calculations.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No test were found for #39 and #40 engines. Both are out of service
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No biennial test was found for engine #41
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: The biennial test for #42 engine was done in 2002 instead of 2001.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #37 for the two indicated time periods.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115[G]
Description: No quarterly spot checks were found for engine #38 for the two indicated time periods;
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #38 for the three indicated time periods.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #42 for the indicated time periods.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #43 for the indicated time periods.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #44 for the indicated time periods.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #45 for the indicated time periods.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No quarterly spot checks were found for engine #47 for the indicated time periods.
- Citation: Viol. Classification: Minor
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No hourly average of concentrations, based on at least four data points per hour, is kept every day.
- Citation: Viol. Classification: Minor
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No documentation showing monthly caculations of a 12 month rolling average for the CEMS of each individual CO boiler was found.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No data is avaiable for the EPS
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Only three of the four ESP electrical cabinets were in service at unit 40 during the time period.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No cabinets in service at unit 29 during indicated time period
- Citation: Viol. Classification: Moderate
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.481
Description: There is no LDAR monitoring of piping less than or equal to 2 inches for fuel gas unit 29 & 40 CO boilers.
- Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Records show one less value being monitored in the cap calculations for U29CO.

Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No preventive maintenance or O2 sensor changes was recorded for engine 41
Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Engine #41 was not tested after all pertinent maintenance.
Citation: Viol. Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: No preventative maintenance or O2 sensor change was recorded for engine #42.

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
CONOCOPHILLIPS COMPANY
UNDERGROUND INJECTION
CONTROL WELL WDW-325
RN102495884**

§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0717-UIC-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("ConocoPhillips") under the authority of TEX. WATER CODE chs. 7 and 27. The Executive Director of the TCEQ, through the Enforcement Division, and ConocoPhillips appear before the Commission and together stipulate that:

1. ConocoPhillips owns and operates a petroleum refinery plant at Spur 119 North, Borger, Hutchinson County, Texas (the "Plant").
2. ConocoPhillips is utilizing, has begun drilling, or is converting injection wells as that term is defined in TEX. WATER CODE § 27.002(11).
3. The Commission and ConocoPhillips agree that the Commission has jurisdiction to enter this Agreed Order, and that ConocoPhillips is subject to the Commission's jurisdiction.
4. ConocoPhillips received notice of the violation alleged in Section II ("Allegations") on or about March 23, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ConocoPhillips of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Three Hundred Seventy-Five Dollars (\$5,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ConocoPhillips has paid Two Thousand One Hundred Fifty Dollars (\$2,150) of the administrative penalty and One Thousand Seventy-Five Dollars (\$1,075) is deferred contingent upon ConocoPhillips' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If ConocoPhillips fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require ConocoPhillips to pay all or part of the deferred penalty. Two Thousand One Hundred Fifty Dollars (\$2,150) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and ConocoPhillips have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that ConocoPhillips has obtained a permit amendment on January 3, 2005 for the Underground Injection Control Well, Permit WDW-325, to allow for the injection of certain hazardous wastes to include selenium.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that ConocoPhillips has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, ConocoPhillips is alleged to have failed to prevent the unauthorized injection of a characteristically hazardous waste into a class 1 non-hazardous injection well, in violation of 30 TEX. ADMIN. CODE § 331.7(a), and Underground Injection Control Well WDW-325 Operating Permit - Provision VII.A (Waste Stream Prohibited), as documented during an investigation conducted on January 20, 2005.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that ConocoPhillips pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and ConocoPhillips' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2005-0717-UIC-E" to:

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

2. ConocoPhillips shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand One Hundred Fifty Dollars (\$2,150) of the assessed administrative penalty shall be offset with the condition that ConocoPhillips implement the SEP defined in Attachment A, incorporated herein by reference. ConocoPhillips' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon ConocoPhillips. ConocoPhillips 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.
4. If ConocoPhillips 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, ConocoPhillips' failure to comply is not a violation of this Agreed Order. ConocoPhillips shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ConocoPhillips shall notify the Executive Director within seven days after ConocoPhillips become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 ConocoPhillips shall be made in writing to the Executive Director. Extensions are not effective until ConocoPhillips receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against ConocoPhillips 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to ConocoPhillips, or three days after the date on which the Commission mails notice of the Order to ConocoPhillips, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

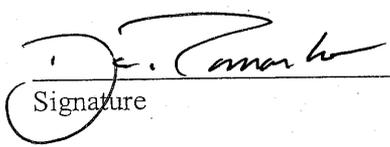
For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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



Signature

04/15/07

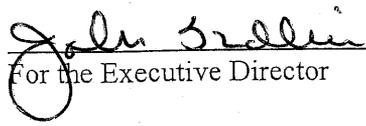
Date

Dan Romasko

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

Operations Manager

Title



For the Executive Director

9/16/07

Date

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

Attachment A
Docket Number: 2005-0717-UIC-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Payable Penalty Amount: Four Thousand Three Hundred Dollars (\$4,300)

SEP Amount: Two Thousand One Hundred Fifty Dollars (\$2,150)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP: Hutchinson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

Mathematical Analysis

The first part of the course deals with the theory of functions of a real variable. It covers the properties of continuous functions, the intermediate value theorem, and the definition of the Riemann integral. The second part of the course is devoted to the study of the properties of the Riemann integral, including theorems on differentiation and integration by parts.

The third part of the course is concerned with the theory of series, including the convergence of series of numbers and series of functions. The fourth part of the course is devoted to the study of the properties of the Riemann-Stieltjes integral, which is a generalization of the Riemann integral.

The fifth part of the course is concerned with the theory of differential equations, including the existence and uniqueness theorems for initial value problems. The sixth part of the course is devoted to the study of the properties of the solutions of differential equations, including the theory of linear differential equations.

The seventh part of the course is concerned with the theory of partial differential equations, including the Laplace equation and the heat equation. The eighth part of the course is devoted to the study of the properties of the solutions of partial differential equations, including the theory of harmonic functions.

The ninth part of the course is concerned with the theory of vector calculus, including the divergence theorem and the Stokes theorem. The tenth part of the course is devoted to the study of the properties of the solutions of vector calculus problems, including the theory of vector fields.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

