

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 6
DOCKET NO.: 2006-0087-MLM-E **TCEQ ID:** RN102495884 **CASE NO.:** 28026
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 checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" 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 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 and natural gas processing</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four pending enforcement actions regarding this facility location, Docket Nos. 2007-0567-MLM-E, 2007-0558-AIR-E, 2005-1251-AIR-E and 2007-0717-UIC-E.</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 September 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Brian K. Lever, Refinery Manager, 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>Dates of Investigations Relating to this Case: October 17 and November 22, 2005, and January 23, 2006</p> <p>Dates of NOV/NOE Relating to this Case: December 21, 2005 and January 12, 2006 (NOEs)</p> <p>Background Facts: These were routine investigations. Twenty six violations were documented.</p> <p>AIR/WASTE</p> <p>1) Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes [TEX. ADMIN. CODE § 101.211(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623). Since the emissions event was avoidable and incorrectly reported, ConocoPhillips Company failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Flexible Air Permit No. 9868A, Special Condition 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4, which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident</p>	<p>Total Assessed: \$189,658</p> <p>Total Deferred: \$37,932 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$75,863</p> <p>Total Paid to General Revenue: \$75,863</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 the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Repaired Valve 13416 on September 1, 2004;</p> <p>b. Repaired Valves 13620 and 14281 on December 1, 2004;</p> <p>c. Repaired Valve 14209 on September 17, 2004;</p> <p>d. Repaired Valve 14430 on September 15, 2005</p> <p>e. Repaired Valves 14535 and 14537 on December 1, 2005;</p> <p>f. Repaired Valve 2208 on February 19, 2004;</p> <p>g. Placed Valves 2364, 2374, 2679, 2687, and 2691 on the Delay of Repair List on February 19, 2004; and</p> <p>h. Plugged 22 open-ended valves on October 12, 2004.</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> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to ensure that maintenance activities and emissions events are properly reported;</p> <p>ii. Implement measures designed to prevent unauthorized emissions due to the same causes as the emissions events that occurred on June 9, 2005, August 6, 2005, and August 29, 2005;</p> <p>iii. Implement measures designed to ensure</p>

<p>No. 62362). Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Flexible Air Permit No. 9868A, Special Condition 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525). Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Flexible Air Permit No. 9868A, Special Condition 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004 [TCEQ Flexible Air Permit No. 9868A, Special Condition 5.B., 40 CODE OF FEDERAL REGULATIONS (CFR) § 60.18(c)(2), 30 TEX. ADMIN. CODE §§ 116.715(a), 101.20(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005 [TCEQ Flexible Air Permit No. 9868A, Special Condition 5.D., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004 [TCEQ Flexible Air Permit No. 9868A, Special Condition 9, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failed to consistently maintain the required temperatures and oxygen concentrations for Units 34 and 43 [TCEQ Flexible Air Permit No. 9868A, Special Condition 11, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B</p>		<p>that EPN 66FL12 pilot flame is present at all times;</p> <p>iv. Implement measures designed to ensure that EPN 66FL2 flow meter remains operational</p> <p>v. Implement measures designed to ensure monthly sampling for ammonia concentration of the acid gas exiting the Unit 43 waste heat boilers is conducted;</p> <p>vi. Implement measures designed to ensure required temperatures and oxygen concentrations in Units 34 and 43 are maintained;</p> <p>vii. Implement measures designed to ensure minimum flame temperature for Thermal Reactors A and B are maintained;</p> <p>viii. Implement measures designed to ensure that records of the caustic concentration of all waste gas streams containing hydrogen flouride in Unit F-22 are properly maintained;</p> <p>ix. Implement measures designed to ensure that CO concentrations in the Fluid Catalytic Cracking Units 29 and 40 are maintained at or below 500 ppmv;</p> <p>x. Implement measures designed to ensure that hydrogen sulfide concentrations from fuel gas used to fire all heaters, boilers, and tail gas incinerators are maintained at or below 162 ppmv;</p> <p>xi. Implement measures designed to ensure that Tank 5550 is inspected annually for seal integrity</p> <p>xii. Repair leaking Valves 4212, 4353, 4678, and 4731,</p> <p>xiii. Implement measures designed to ensure that oxygen sensors are replaced quarterly;</p> <p>xiv. Implement measures designed to ensure that engine stack testing is conducted every two years;</p> <p>xv. Implement measures designed to ensure that engine exhaust is monitored quarterly;</p>
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[TCEQ Flexible Air Permit No. 9868A, Special Condition 14, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts [TCEQ Flexible Air Permit No. 9868A, Special Condition 20, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failed to consistently maintain the CO concentration below 500 parts per million volume ("ppmv") from Fluid Catalytic Cracking Units 29 and 40 [TCEQ Flexible Air Permit No. 9868A, Special Condition 26, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on December 23 and 25, 2004 and January 16 and April 16, 2005 [TCEQ Flexible Air Permit No. 9868A, Special Condition 30, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failed to annually inspect Tank 5550 for seal integrity verification in 2004 [TCEQ Flexible Air Permit No. 9868A, Special Condition 37.D., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005 [TCEQ Flexible Air Permit No. 9868A, Special Condition 41.I., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004 [TCEQ Flexible Air Permit No. 9868A, Special Condition 42.H., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

xvi. Implement measures designed to ensure that quarterly sampling or spot checking is conducted on the Reboiler 29H4 and Crude Oil Heater 10H1;

xvii. Implement measures designed to ensure that the minimum number of ESP electrical cabinet are maintained;

xviii. Implement measures designed to ensure that the minimum sulfur removal rate is maintained;

xix. Implement measures designed to ensure that the required firing rate for the Charge Heater (EPN 25H1) is maintained;

xx. Report Allegations 7 and 20 as deviations; and

xxi. Submit payment for all outstanding fees, including any associated penalties and interest.

b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provisions 3.a.i. through 3.a.xxi.

c. Within 90 days after the effective date of this Agreed Order, submit an Affected Property Assessment Report for the hazardous waste that was disposed of in the Class 1 landfill located at the Plant to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE § 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE § 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F.

16) Failed to seal 22 open ended valves in volatile organic compounds service [TCEQ Flexible Air Permit No. 9868A, Special Condition 41.E., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17) Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004 [TCEQ Flexible Air Permit No. 9868A, Special Condition 48, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18) Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005 [TCEQ Flexible Air Permit No. 9868A, Special Condition 50, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19) Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005 [TCEQ Flexible Air Permit No. 9868A, Special Condition 51.A., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20) Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004 [TCEQ Flexible Air Permit No. 9868A, Special Condition 54, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21) Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2 [TCEQ Flexible Air Permit No. 9868A, Special Condition 59, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

22) Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr") [TCEQ New Source Review Air Permit No. 43073, Special Condition 8, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

23) Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million British thermal units per hour on March 2 and 11, 2004 [TCEQ New Source Review Air Permit No. 43073, Special Condition 14, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

24) Failed to include all deviations on the semi-annual deviation report. Specifically, violation 7 was not included on the January 1, 2005 to June 30, 2005 semi-annual deviation report and violation 20 was not included on the February 2, 2004 to August 2, 2004, August 3, 2004 to December 31, 2004, and January 1, 2005 to June 30, 2005 semi-annual deviation reports [TCEQ Federal Operating Permit No. O-01440, General Terms and Conditions, 30 TEX. ADMIN. CODE § 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

25) Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005 [30 TEX. ADMIN. CODE §§ 101.27(c)(1) and 21.4 and TEX. WATER CODE § 5.702].

26) Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was misclassified and disposed of on-site into a Class 1 non-hazardous landfill [30 TEX. ADMIN. CODE § 335.2(b), 335.4(1), and 40 CFR §§ 268.35 and 270.1].

Attachment A
Docket Number: 2006-0087-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Penalty Amount: One Hundred Fifty-One Thousand Seven Hundred Twenty-Six Dollars (\$151,726)

SEP Amount: Seventy-Five Thousand Eight Hundred Sixty-Three Dollars (\$75,863)

Type of SEP: One-Time Contribution to Third Party SEP Administrator

Third-Party Recipient: Borger ISD *LEEDS Green School Building Project*

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 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 One

The Respondent shall contribute the SEP Amount to the Third Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the Borger ISD *LEEDS Green School Building Project* to be conducted within Hutchinson County. Specifically, the SEP will involve Borger ISD receiving contributions of SEP Funds to assist the school in the purchase of approximately 84 rooftop air conditioning units that are classified as having a 14 Seasonal Energy Efficiency Ratio ("SEER") rating. These units exceed the 12-SEER requirement of the current energy code. Higher SEER units reduce energy usage thus saving energy and reducing the amount of pollution created during energy production. The SEP monies will assist the school to pay for the cost difference in upgrading the heating and cooling system to a more energy efficient cooling and heating system. The project will be administered in accordance with 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

According to the U.S. Green Building Council, residential, commercial, and industrial buildings use about 45% of the nation's energy, including about 75% of the nation's electricity. Air pollution, from burning fossil fuels to heat buildings and to generate electricity for these buildings imposes considerable health, environmental, and property damage costs. Reduced electricity use in buildings means lower emissions of pollutants (due to avoided burning of fossil fuels) that are damaging to human health and the environment.

Green Schools use an average of 33% less energy than conventionally designed schools. Typical energy performance enhancements include more efficient lighting, greater use of daylighting and sensors, more efficient heating and cooling systems, and better insulated walls and roofs.

Estimated Emissions Reduction

[Source: Dept of Energy Average Electricity Factors by State (TX)]

Pollutant	Estimated Tons of Pollutants removed per year
Nitrous oxide (N ₂ O)	0.6 Tons N ₂ O/year
Carbon monoxide CO	57 Tons CO/year

This SEP will provide a discernible environmental benefit by resulting in an annual reduction of energy consumption by the Borger ISD, which will reduce the amount of nitrogen oxide (NO_x) and carbon monoxide (CO) generation, according to the approximate estimate, above, provided by the Department of Energy. The useful life of the units is at least 10 years.

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 shall contribute the SEP Amount to the Third Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Borger ISD
Attention: Clifton Stephens, Superintendent of Schools
P.O. Box 1177
200 East Ninth Street Room 5
Borger, Texas 79007

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:

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

4. Failure to Fully Perform

ConocoPhillips Company
Agreed Order – Attachment A Docket No. 2006-0087-MLM-E

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.

In the event of incomplete performance, the check for any remaining amount due shall have the notation “SEP Refund” and the docket number of the case, and be made out to “Texas Commission on Environmental Quality” and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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. 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 May 19, 2005



DATES	Assigned PCW	02-Jan-2006 28-Mar-2006	Screening	23-Jan-2006	EPA Due	17-Sep-2006
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RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN102495884
Facility/Site Region	1-Amarillo
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	28026	No. of Violations	26
Docket No.	2006-0087-MLM-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Trina Grieco
Multi-Media	Industrial Hazardous Waste	EC's Team	Enforcement Team 6
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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$1,807	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$15,400	

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 Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	0	0%
	Other written NOV's	51	102%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>	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>)	1	-2%
Other	<i>Please Enter Yes or No</i>		
	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) 117%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Penalty enhancement for 51 previous NOV's, including 49 self-reported effluent violations, for non-similar violations and 1 previous agreed order with denial of liability. Reduction for 3 notices of audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 117%

Screening Date 23-Jan-2006

Docket No. 2006-0087-MLM-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 28026

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

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	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 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)	\$200	20-Sep-2005	01-Oct-2006	1.0	\$1	\$14	\$14
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that maintenance activities and emissions events are properly reported. Date required based on the submittal date of the incomplete report. Final date based on the projected compliance date.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$200** TOTAL **\$14**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ Flexible Air Permit No. 9868A, Special Condition 1"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input ("epn")="" (incident="" 101.222."="" 197="" 2005="" 29,="" 30="" 44="" 63623).="" 66fl4="" admin.="" affirmative="" an="" and="" august="" avoidable="" code="" company="" conocophillips="" criteria="" defense="" demonstration="" dioxide="" emission="" emissions="" event="" failed="" for="" from="" hours="" in="" incorrectly="" lasted="" lbs")="" meet="" minutes="" no.="" number="" occurred="" of="" on="" point="" reported,="" since="" sulfur="" tex.="" the="" to="" type="text" value="Failed to prevent unauthorized emissions of 10,552.77 pounds (" was="" which="" §=""/>			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	29-Aug-2005	01-Oct-2006	1.1	\$4	\$73	\$76
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent unauthorized emissions due to the same cause. Date required based on the date of the emissions event. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$1,000**

TOTAL \$76

Screening Date 23-Jan-2006	Docket No. 2006-0087-MLM-E	PCW
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 28026		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="3"/>		
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 1	
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4, which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362). Since the emissions event was avoidable, ConocoPhillips Company failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.	
	Base Penalty	\$10,000

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual			X	Percent <input style="width: 50px;" type="text" value="25%"/>
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent <input style="width: 50px;" type="text"/>

Matrix Notes Failing to prevent unauthorized emissions resulted in the exposure of an insignificant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty

One single event is recommended.

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	06-Aug-2005	01-Oct-2006	1.2	\$4	\$77	\$81
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent unauthorized emissions due to the same cause. Date required based of the date of the emissions event. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$1,000** TOTAL **\$81**

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco
Violation Number 4
Primary Rule Cite(s) TCEQ Flexible Air Permit No. 9868A, Special Condition 1
 30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)
Secondary Rule Cite(s)
Violation Description Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525). Since the emissions event was avoidable, ConocoPhillips Company failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 25%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failing to prevent unauthorized emissions resulted in the exposure of an insignificant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$92

Violation Final Penalty Total \$5,425

This violation Final Assessed Penalty (adjusted for limits) \$5,425

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 28026
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 4

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)	\$1,000	09-Jun-2005	01-Oct-2006	1.3	\$4	\$87	\$92
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent unauthorized emissions due to the same cause. Date required based of the date of the emissions event. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance \$1,000
TOTAL \$92

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="5"/>			
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 5.B. and 40 Code of Federal Regulations ("CFR") § 60.18(c)(2)			
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(a) and 101.20(1) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2, and December 31, 2004.			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	X	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Failing to operate the flare with a pilot flame present at all times can result in the exposure of a significant amount of contaminants which may not exceed levels that are protective to human health and the environment.

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>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	X

Violation Base Penalty

Three single events are recommended for the three dates on which the pilot flame was not present.

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. 28026
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 5

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)	\$500	29-Nov-2004	01-Oct-2006	1.8	\$3	\$61	\$64
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that the pilot flame is present at all times. Date required based on the first date the flame was not present. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance \$500 **TOTAL** \$64

Screening Date 23-Jan-2006	Docket No. 2006-0087-MLM-E	PCW
Respondent ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 28026		<small>PCW Revision May 19, 2005</small>
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="6"/>		
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 5.D.	
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005.	
	Base Penalty	\$10,000

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

	Release	<input type="text" value="Major"/>	<input type="text" value="Moderate"/>	<input type="text" value="Minor"/>	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	

>> **Programmatic Matrix**

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

Matrix Notes Failing to ensure the flow meter is operational can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 6

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)	\$500	01-Jun-2005	01-Oct-2006	1.3	\$2	\$44	\$47
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that the flow meter is operational. Date required based on the first date the flow meter was not operational. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance TOTAL

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco
Violation Number 7
Primary Rule Cite(s) TCEQ Flexible Air Permit No. 9868A, Special Condition 9
Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Failing to monthly sample for ammonia concentration can result in the exposure of a significant amount of contaminants that may not exceed levels that are protective to human health and the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended for the two quarters during which sampling was not conducted.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$10,850

This violation Final Assessed Penalty (adjusted for limits) \$10,850

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 7

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)	\$500	28-Feb-2004	01-Oct-2006	2.6	\$4	\$86	\$91
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure monthly sampling is conducted. Date required based on the last day of the first month sampling was not conducted. Final date based on projected compliance date.

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:

Approx. Cost of Compliance **\$500** TOTAL **\$91**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="8"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ Flexible Air Permit No. 9868A, Special Condition 11"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failed to consistently maintain the required temperatures and oxygen concentrations for Units 34 and 43."/>			
		Base Penalty	<input type="text" value="\$10,000"/>	

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

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>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 8

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)	\$500	14-Feb-2004	01-Oct-2006	2.6	\$4	\$88	\$92
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure required temperatures and oxygen concentrations are maintained. Date required based on first day temperature dropped below the minimum requirement. Final date based on projected compliance date.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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:

Approx. Cost of Compliance **\$500**

TOTAL \$92

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="9"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ Flexible Air Permit No. 9868A, Special Condition 14"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B."/>			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	20-Feb-2004	01-Oct-2006	2.6	\$4	\$87	\$91
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure minimum flame temperature is maintained. Date required based on first day temperature dropped below the minimum requirement. Final date based on projected compliance date.

Item Description	Yrs	Interest Saved	Overtime Costs	EB Amount
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:

Approx. Cost of Compliance **\$500** TOTAL **\$91**

Screening Date 23-Jan-2006	Docket No. 2006-0087-MLM-E	PCW
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 28026		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Trina Grieco		
Violation Number 10		
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 20	
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts.	
	Base Penalty	\$10,000

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

	Harm			
	Major	Moderate	Minor	
Release				
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Major	Moderate	Minor	
Falsification		X		Percent <input type="text" value="10%"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 10

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	\$200	09-Feb-2004	01-Oct-2006	2.6	\$26	n/a	\$26
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that records are properly maintained. Date required based on the first date records were not maintained. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$200** TOTAL **\$26**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="11"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ Flexible Air Permit No. 9868A, Special Condition 26"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input 29="" 40."="" and="" catalytic="" cracking="" fluid="" from="" ppmv")="" type="text" units="" value="Failed to consistently maintain the CO concentration below 500 parts per million volume ("/>			
		Base Penalty	<input type="text" value="\$10,000"/>	

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	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)	\$1,000	23-Feb-2005	01-Oct-2006	1.6	\$5	\$107	\$112
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that CO concentrations are maintained at or below 500 ppmv. Date required based on the first date concentration dropped below the required maximum. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$1,000** **TOTAL \$112**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="12"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ Flexible Air Permit No. 9868A, Special Condition 30"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on December 23 and 25, 2004 and January 16 and April 16, 2005."/>			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

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>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 12

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)	\$1,000	23-Dec-2004	01-Oct-2006	1.8	\$6	\$118	\$124
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that hydrogen sulfide concentrations are maintained at or below 162 ppmv. Date required based on the first date concentration dropped below the required maximum. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **TOTAL**

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco
Violation Number 13
Primary Rule Cite(s) TCEQ Flexible Air Permit No. 9868A, Special Condition 37.D.
Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to annually inspect Tank 5550 for seal integrity verification in 2004.
Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential			X	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Failing to annually inspect Tank 5550 seal integrity can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$61

Statutory Limit Test

Violation Final Penalty Total \$2,170

This violation Final Assessed Penalty (adjusted for limits) \$2,170

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 13

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)	\$500	31-Dec-2004	01-Oct-2006	1.8	\$3	\$58	\$61
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that Tank 5550 is inspected annually for seal integrity. Date required based on the end of the year during which the tank was not inspected. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance TOTAL

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco
Violation Number 14
Primary Rule Cite(s) TCEQ Flexible Air Permit No. 9868A, Special Condition 41.I.
Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 25%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Estimated emissions of 1,501.97 lbs of volatile organic compounds ("VOCs") were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication. 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 the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 5

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$12,500

Five quarterly events are recommended from January 11, 2005, when the valves should have been repaired, to the screening date of January 23, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$27,125

This violation Final Assessed Penalty (adjusted for limits) \$27,125

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 14

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)	\$200	11-Jan-2005	01-Oct-2006	1.7	\$1	\$23	\$24
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair four valves. Date required based on the date they were required to be repaired. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **TOTAL**

Screening Date 23-Jan-2006

Docket No. 2006-0087-MLM-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 28026

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102495884

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 15

Primary Rule Cite(s) TCEQ Flexible Air Permit No. 9868A, Special Condition 42.H.

Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 25%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
				Percent

Matrix Notes

Estimated emissions of 85.49 lbs of VOCs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication. 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 the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended from February 10, 2004, the date the first valve was due to be repaired, to December 1, 2004, the date the final valve was repaired.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$21,700

This violation Final Assessed Penalty (adjusted for limits) \$21,700

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 15

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)	\$500	10-Feb-2004	01-Dec-2004	0.8	\$1	\$27	\$28
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to repair 13 valves. Date required based on the date the first valve was required to be repaired. Final date based on the compliance date.

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:

Approx. Cost of Compliance **\$500** **TOTAL \$28**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	16			
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 41.E.			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to seal 22 open ended valves in VOC service.			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Estimated emissions of 2.69 lbs were calculated utilizing the Facility Specific Fugitive Emission Factors in the "Air Permit Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication. 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 the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended based on the quarter during which the valves were found unplugged (October 12, 2004).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 16

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)	\$300	12-Oct-2004	12-Oct-2004	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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to plug 22 valves. Date required based on the date the unplugged valves were discovered. Final date based on the compliance date.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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:

Approx. Cost of Compliance **\$300**

TOTAL \$0

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="17"/>			
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 48			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004.			
		Base Penalty	<input type="text" value="\$10,000"/>	

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

	Harm			
	Major	Moderate	Minor	
Release				
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	x	

>> **Programmatic Matrix**

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

Matrix Notes Failing to replace oxygen sensors can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.

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>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	x

Violation Base Penalty

Two single events are recommended for the two oxygen sensors that were not replaced.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 28026
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 17

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)	\$500	30-Mar-2004	01-Oct-2006	2.5	\$4	\$84	\$88
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to implement measures designed to ensure that oxygen sensors are replaced quarterly. Date required based on the last day of the third quarter during which the sensors were not replaced. Final date based on the projected compliance date.

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

Approx. Cost of Compliance \$500

TOTAL \$88

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="18"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ Flexible Air Permit No. 9868A, Special Condition 50"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005."/>			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	X	<input type="text"/>	

>> **Programmatic Matrix**

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

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>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	X

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	11-Jan-2004	01-Oct-2006	2.7	\$5	\$91	\$95
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that engine stack testing is conducted every two years. Date required based on the the first date that exceeded the two-year stack test requirement. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$500** TOTAL **\$95**

Screening Date 23-Jan-2006	Docket No. 2006-0087-MLM-E	PCW
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 28026		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="19"/>		
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 51.A.	
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005.	

Base Penalty

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

Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	x	

>> **Programmatic Matrix**

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

Matrix Notes Failing to monitor the NOx and CO content of engine exhaust can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Nine single events are recommended for the nine times an engine was not monitored.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 19

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)	\$500	31-Mar-2004	01-Oct-2006	2.5	\$4	\$83	\$88
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that engine exhaust is monitored quarterly. Date required based on the last day of the first quarter during which monitoring was not conducted. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$500** TOTAL **\$88**

Screening Date 23-Jan-2006	Docket No. 2006-0087-MLM-E	PCW
Respondent ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 28026		<small>PCW Revision May 19, 2005</small>
Reg. Ent. Reference No. RN102495884		
Media [Statute] Air Quality		
Enf. Coordinator Trina Grieco		
Violation Number <input type="text" value="20"/>		
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 54	
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004.	
	Base Penalty	<input type="text" value="\$10,000"/>

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="10%"/>
	Potential			X	

>> **Programmatic Matrix**

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

Matrix Notes Failing to conduct sampling or spot checking can result in the exposure of an insignificant amount of contaminants that may not exceed levels that are protective to human health and the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty

Three single events are recommended for the three times a unit was not monitored.

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 20

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)	\$500	30-Jun-2004	01-Oct-2006	2.3	\$4	\$75	\$79
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that quarterly sampling or spot checking is conducted on the Reboiler 29H4 and Crude Oil Heater 10H1. Date required based on the last day of the second quarter during which monitoring was not conducted. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$500** TOTAL **\$79**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>		
Case ID No.	28026	<small>PCW Revision May 19, 2005</small>		
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="21"/>			
Primary Rule Cite(s)	TCEQ Flexible Air Permit No. 9868A, Special Condition 59			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.715(a) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2.			
Base Penalty				<input type="text" value="\$10,000"/>

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

		Harm			
Release	Major	Moderate	Minor		
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	X		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent
Matrix Notes	Failing to maintain the minimum amount of ESP electrical cabinets can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.				

Adjustment
Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two single events (one per unit) are recommended.

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 21

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)	\$500	04-May-2004	01-Oct-2006	2.4	\$4	\$80	\$84
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that the minimum number of ESP electrical cabinets are maintained. Date required based on the first day the minimum number of cabinets was not maintained. Final date based on the projected compliance date.

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:

Approx. Cost of Compliance **\$500** TOTAL **\$84**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="22"/>			
Primary Rule Cite(s)	<input type="text" value="TCEQ New Source Review Air Permit No. 43073, Special Condition 8"/>			
Secondary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 116.115(c) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input hr")."="" lbs="" type="text" value="Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("/>			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

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. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	03-Apr-2005	01-Oct-2006	1.5	\$2	\$50	\$52
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the minimum sulfur removal rate is maintained. Date required based on the first date the minimum rate was not maintained. Final date based on the projected compliance date.

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

Approx. Cost of Compliance

TOTAL

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	28026		<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="23"/>			
Primary Rule Cite(s)	TCEQ New Source Review Air Permit No. 43073, Special Condition 14			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million British thermal units per hour on March 2 and 11, 2004.			

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent <input type="text" value="10%"/>
Potential				X	

>> **Programmatic Matrix**

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

Matrix Notes

Failing to maintain required firing rate can result in the exposure of an insignificant amount of contaminants which may not exceed levels that are protective to human health and the environment.

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>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Two single events are recommended for the two dates on which the maximum firing rate was exceeded.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 23

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)	\$500	02-Mar-2004	01-Oct-2006	2.6	\$4	\$86	\$90
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that the required firing rate is maintained. Date required based on the first day the required rate was not maintained. Final date based on the projected compliance date.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
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:

Approx. Cost of Compliance **\$500** TOTAL **\$90**

Screening Date	23-Jan-2006	Docket No.	2006-0087-MLM-E	PCW
Respondent	ConocoPhillips Company			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28026			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air Quality			
Enf. Coordinator	Trina Grieco			
Violation Number	<input type="text" value="24"/>			
Primary Rule Cite(s)	TCEQ Federal Operating Permit No. O-01440, General Terms and Conditions			
Secondary Rule Cite(s)	30 Tex. Admin. Code § 122.143(4) and 122.145(2)(A) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to include all deviations on the semi-annual deviation report. Specifically, violation 7 was not included on the January 1, 2005 to June 30, 2005 semi-annual deviation report and violation 20 was not included on the February 2, 2004 to August 2, 2004, August 3, 2004 to December 31, 2004, and January 1, 2005 to June 30, 2005 semi-annual deviation reports.			

Base Penalty

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 24

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)	\$500	02-Sep-2004	01-Oct-2006	2.1	\$3	\$69	\$73
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to report two violations that were not previously reported. Date required based on the day the first complete semi-annual deviation report was required to be submitted. Final date based on the projected compliance date.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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:

Approx. Cost of Compliance **\$500** **TOTAL \$73**

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco
Violation Number 25
Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.27(c)(1) and 21.4
Secondary Rule Cite(s) Tex. Water Code § 5.702
Violation Description Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No administrative penalty was calculated for this violation because penalty and interest will be assessed in the next billing cycle.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent ConocoPhillips Company
 Case ID No. 28026
 Reg. Ent. Reference No. RN102495884
 Media [Statute] Air Quality
 Violation No. 25

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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Not applicable

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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: Not applicable

Approx. Cost of Compliance TOTAL

Screening Date 23-Jan-2006 **Docket No.** 2006-0087-MLM-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 28026 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Enf. Coordinator Trina Grieco
Violation Number 26
Primary Rule Cite(s) 30 Tex. Admin. Code § 335.2(b) and 335.4(1)
Secondary Rule Cite(s) 40 CFR §§ 268.35 and 270.1(c)
Violation Description Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential		X		

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent
Matrix Notes	Disposal of 390 tons of hazardous waste into a non-hazardous landfill could result in the exposure of a significant amount of contaminants which may not exceed levels that are protective to human health and the environment.					

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from investigation date of November 22, 2005 to the screening date of January 31, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$132

Violation Final Penalty Total \$5,425

This violation Final Assessed Penalty (adjusted for limits) \$5,425

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 28026
Reg. Ent. Reference No. RN102495884
Media [Statute] Air Quality
Violation No. 26

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
						Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	22-Nov-2005	01-Nov-2006	0.9	\$6	\$126	\$132
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated expense to prepare and submit an Affected Property Assessment Report and take all necessary actions required under the Texas Risk Reduction Program. Date required based on the investigation date of November 22, 2005. Final date based on the projected compliance date.

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

Approx. Cost of Compliance **\$2,000**

TOTAL \$132

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.24
Regulated Entity:	RN102495884	CONOCOPHILLIPS BORGER REFINERY	Classification: AVERAGE	Site Rating: 6.74
ID Number(s):	WASTEWATER	PERMIT		WQ0001064000
	WASTEWATER	PERMIT		TX0009148000
	WASTEWATER	PERMIT		TX0009148
	AIR NEW SOURCE PERMITS	PERMIT		1479A
	AIR NEW SOURCE PERMITS	PERMIT		9868A
	AIR NEW SOURCE PERMITS	PERMIT		11042A
	AIR NEW SOURCE PERMITS	PERMIT		11449A
	AIR NEW SOURCE PERMITS	PERMIT		11935A
	AIR NEW SOURCE PERMITS	PERMIT		11429A
	AIR NEW SOURCE PERMITS	PERMIT		14441A
	AIR NEW SOURCE PERMITS	PERMIT		19042
	AIR NEW SOURCE PERMITS	PERMIT		22777
	AIR NEW SOURCE PERMITS	PERMIT		34417
	AIR NEW SOURCE PERMITS	PERMIT		43073
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HW0018P
	AIR NEW SOURCE PERMITS	AFS NUM		0015
	AIR NEW SOURCE PERMITS	REGISTRATION		71385
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HW0018P
	AIR OPERATING PERMITS	PERMIT		1440
	AIR OPERATING PERMITS	PERMIT		2166
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30111
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD980626774
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT		50078
	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT		50078
	INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT		50078
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50078
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW380
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW382
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW325
	WASTEWATER LICENSING	LICENSE		WQ0001064000
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT		50078
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		30111
	WASTE WATER GENERAL PERMIT	PERMIT		TXG670002

Location: SPUR 119 NORTH, BORGER, TX, 79008 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: January 25, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 25, 2001 to January 25, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

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? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

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

Effective Date: 08/20/2005

ADMINORDER 2002-0351-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5(C) PERMIT

Description: Failure to operate the flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5B PERMIT

Description: Failure to operate the affected flares with a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart J 60.104(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2 & 30 PERMIT

Description: Failed to operate the affected units with fuel H2S concentrations within the allowable value of less than 0/a0 grains per dry standard cubic feet..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102MA, SC2 PERMIT

Description: Failure to show the correct vapor pressure for Tank No. 8031.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 4 PERMIT

Description: Failure to ensure that the open-ended valve on Tank No. 3001 was sealed with a cap, blind, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 12 PERMIT

Description: Failure to continuously monitor and record the firebox temperature every 4 hours. Specifically, the operator confirmed that due to equipment malfunction, the firebox temp. at the Tail Gas Incinerator at Unit 34 was not continuously monitored or recorded.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 44 PERMIT

Description: Failure to use the proper preservation temperature for submitting samples from the cooling towers. Specifically, their records showed that the temps. rose above the required 4 degrees C. on 4/26/00 (9 deg. C), 7/14/00 (23 deg. C) & 8/9/00 (19 deg. C).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 61, Subpart FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 3 PERMIT

Description: Failure to conduct quarterly visual inspection of the vacuum trucks in 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(2)
40 CFR Part 60, Subpart Kb 60.115b(d)(3)

40 CFR Part 61, Subpart FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC Nos. 2 & 3 PERMIT

Description: Failure to submit complete quarterly reports. Specifically, the reports submitted on 5/31 and 8/30/01 failed to include the # of times the flare pilot flame was absent.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to timely submit the semi-annual certification showing that all inspections had been conducted for the period of 4/8 - 10/7/01. Specifically, the report was due 12/8/01. The rpt. was received on 2/5/02 (i. e. 59 days late).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 11165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 666.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC No. 2 PERMIT

Description: Failure to repair valve No. 1035.000 at Unit 19.3 within 15 days of the leak being detected. Specifically, the leak was detected on 4/21/01, and was repaired on 6/28/01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M, SC 2 PERMIT

Description: Discharging into the atmosphere SO₂ with a 12 hr. rolling average concentration in excess of 250 ppm by volume at 0% excess air. Specifically, a review of the CEM data for 00 and 01 shows that Unit 43 exceeded the SO₂ concentration allowable 74 times during 00 & 01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 50E PERMIT

Description: Failure to submit a copy of the final sampling report for Unit 40 Air Cooler engine w/in 45 days after sampling was completed. Specifically, the testing was completed on July 31, 2001. The final rpt. was submitted in November 6, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 5C PERMIT

Description: Failure to operate the Acid Gas Flare with no visible emissions. Specifically, during the stack test conducted on 12/14/00, visible emissions were observed from the Acid Gas Flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 51B PERMIT

Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on Engines 41, 42, 43, 44, 45, and 47.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 48 PERMIT

Description: Failure to change the oxygen sensors for the affected engines 41, 42, 43, 44, 45, and 47 quarterly, as required by the provisions of permit No. 9868A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to timely submit the initial/final upset reports. Specifically, the initial rpt. for Incident No. 17283 was due on 3/12/03, and was received on 3/13/03, and the final rpts. for Inc. Nos. 25555 & 29549 were due on 8/23/03, & were rec'd. on 8/25/03.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 116, SubChapter B 116.160[G]

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to submit complete upset reports. Specifically, the reports submitted for emission events which occurred on 11/7/02, 1/27/03, 2/22/03, 2/17/03, 4/26/03, 6/27/03, & 7/20/03 failed to include sufficient information for the cause of the emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the final report for the emission event which occurred on June 21-23, 2004 within 14 days. Specifically, the final rpt. was due on 7/7/04 & was received on 7/8/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted into the atmosphere the following unauthorized pollutants during an emissions event which occurred June 21-23, 2004: CO-53 lbs, hydrogen sulfide-4.20 lbs, sulfur dioxide-369.10 lbs, and VOCs-139.9 lbs. Since this event was reported late, an affirmative defense, may not be claimed for the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the initial emission events reports w/in 24 hrs. of discovery for the events which occurred on 11/25/03, 12/7 and 9/03, and 2/18/04.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to obtain authorization for the unauthorized emissions during 37 emission events which did not qualify for an affirmative defense to an enforcement action.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, Sp. Cond. No. 1 PERMIT

Description: Emitting into the atmosphere unauthorized pollutants during 12 emission events.

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. (CCEDES Inv. Track. No.)

1	09/27/2002	(161730)
2	02/27/2001	(105275)
3	03/16/2001	(105276)
4	03/16/2001	(105277)
5	03/16/2001	(105278)
6	01/15/2003	(21520)
7	03/16/2001	(105279)
8	03/16/2001	(105280)
9	03/16/2001	(105281)
10	12/19/2002	(19877)
11	03/16/2001	(105282)
12	10/29/2001	(161732)
13	03/19/2001	(105283)
14	03/22/2001	(105284)
15	10/30/2002	(161733)
16	12/19/2002	(19929)
17	01/20/2005	(347728)
18	03/05/2003	(26861)
19	02/20/2004	(296796)

20 09/23/2004 (335211)
21 05/25/2004 (436469)
22 01/15/2003 (21558)
23 04/05/2004 (268105)
24 01/06/2006 (451394)
25 09/23/2003 (248234)
26 03/31/2004 (296798)
27 11/20/2001 (161736)
28 01/17/2006 (437777)
29 04/26/2004 (296799)
30 10/01/2003 (250785)
31 11/22/2002 (161737)
32 11/08/2005 (436544)
33 07/01/2005 (377888)
34 12/19/2002 (19903)
35 10/17/2003 (296800)
36 01/18/2005 (382140)
37 10/28/2005 (435763)
38 09/19/2005 (398612)
39 01/13/2006 (452190)
40 03/14/2005 (382141)
41 05/25/2004 (296802)
42 12/19/2002 (19938)
43 11/05/2003 (250547)
44 01/27/2005 (382142)
45 12/19/2005 (449774)
46 08/06/2004 (283088)
47 08/29/2005 (418278)
48 12/19/2001 (161740)
49 06/21/2004 (296804)
50 02/21/2003 (25618)
51 02/21/2003 (25617)
52 02/28/2001 (161703)
53 02/21/2003 (25615)
54 04/12/2001 (105285)
55 12/16/2002 (161741)
56 09/27/2005 (432573)
57 04/12/2001 (105286)
58 09/23/2003 (248300)
59 04/12/2001 (105287)
60 04/12/2001 (105288)
61 07/21/2003 (296806)
62 04/16/2004 (267682)
63 02/26/2002 (161704)
64 04/17/2001 (105289)
65 04/14/2004 (269208)
66 04/24/2001 (105290)
67 09/21/2005 (432528)
68 06/21/2001 (105291)
69 10/16/2003 (252133)
70 07/23/2001 (105292)
71 08/10/2001 (105293)
72 03/03/2003 (161705)

73	01/30/2001	(161743)
74	08/10/2001	(105294)
75	10/02/2003	(250705)
76	08/18/2003	(296808)
77	08/10/2001	(105295)
78	10/02/2003	(250706)
79	08/10/2001	(105296)
80	09/22/2004	(335175)
81	10/16/2003	(252147)
82	09/19/2001	(105297)
83	03/26/2001	(161706)
84	09/28/2001	(105298)
85	01/29/2002	(161744)
86	01/07/2002	(105299)
87	02/12/2002	(105300)
88	11/05/2004	(340397)
89	02/12/2002	(105301)
90	10/27/2005	(435707)
91	09/22/2003	(296810)
92	03/18/2002	(161707)
93	02/12/2002	(105302)
94	11/05/2004	(340401)
95	01/28/2003	(161745)
96	02/12/2002	(105303)
97	10/20/2004	(338419)
98	02/13/2002	(105304)
99	12/22/2005	(450310)
100	02/13/2002	(105305)
101	02/15/2002	(105306)
102	03/19/2003	(161708)
103	03/21/2002	(105307)
104	03/21/2002	(105308)
105	10/27/2003	(296812)
106	01/13/2006	(451363)
107	03/21/2002	(105309)
108	03/21/2002	(105310)
109	03/18/2005	(335817)
110	03/21/2002	(105311)
111	10/17/2003	(296813)
112	03/21/2002	(105312)
113	08/07/2003	(149155)
114	04/09/2002	(105313)
115	12/02/2003	(296814)
116	05/09/2002	(105314)
117	05/09/2002	(105315)
118	06/25/2002	(105316)
119	12/22/2003	(296815)
120	04/27/2001	(161711)
121	10/31/2005	(436015)
122	01/27/2004	(296816)
123	12/14/2005	(439324)
124	04/30/2002	(161712)
125	10/17/2003	(296817)

126 10/20/2004 (338456)
127 01/06/2005 (346260)
128 04/24/2003 (161713)
129 11/09/2005 (437151)
130 06/17/2005 (396298)
131 09/19/2005 (418617)
132 09/23/2003 (248279)
133 05/29/2001 (161715)
134 10/01/2003 (250782)
135 08/29/2005 (418255)
136 12/19/2002 (19880)
137 05/29/2002 (161716)
138 09/05/2004 (333340)
139 12/21/2005 (434070)
140 05/22/2003 (161717)
141 12/19/2002 (19934)
142 06/07/2004 (274624)
143 11/16/2005 (398003)
144 07/03/2003 (60663)
145 10/20/2004 (338428)
146 09/23/2003 (248241)
147 08/05/2004 (284515)
148 08/26/2005 (402145)
149 06/28/2001 (161719)
150 03/16/2005 (335811)
151 01/31/2005 (348389)
152 06/26/2002 (161720)
153 07/26/2004 (352767)
154 06/16/2003 (161721)
155 08/23/2004 (352768)
156 07/16/2001 (39472)
157 12/19/2002 (19860)
158 09/29/2004 (352769)
159 09/22/2004 (335158)
160 01/06/2005 (346265)
161 09/08/2004 (333632)
162 02/02/2005 (348485)
163 01/06/2005 (346272)
164 10/25/2004 (352770)
165 08/29/2005 (418284)
166 06/28/2001 (161723)
167 12/19/2002 (19839)
168 11/22/2004 (352771)
169 08/29/2005 (418264)
170 11/16/2005 (436047)
171 01/05/2006 (451297)
172 07/29/2002 (161724)
173 01/27/2005 (342485)
174 12/28/2004 (352772)
175 01/24/2006 (452945)
176 12/19/2002 (19866)
177 01/08/2005 (346044)
178 12/19/2005 (449781)

179 12/19/2002 (19948)
180 08/29/2005 (418249)
181 08/27/2001 (161726)
182 12/12/2005 (439539)
183 09/23/2003 (248294)
184 08/26/2002 (161727)
185 07/08/2003 (126118)
186 07/23/2003 (145765)
187 09/16/2005 (431894)
188 09/22/2004 (335170)
189 10/05/2005 (398603)
190 11/05/2004 (340388)
191 08/17/2004 (288901)
192 12/19/2002 (19876)
193 10/20/2004 (338199)
194 09/20/2001 (161729)
195 01/15/2003 (21547)

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

Date: 08/31/2002 (161730)

Classification: Moderate

Self Report? YES

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

Date: 09/30/2001 (161732)

Classification: Moderate

Self Report? YES

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

Date: 09/30/2002 (161733)

Classification: Moderate

Self Report? YES

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

Date: 01/31/2004 (296796)

Classification: Moderate

Self Report? YES

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

Date: 02/29/2004 (296798)

Classification: Moderate

Self Report? YES

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

Date: 03/31/2004 (296799)

Classification: Moderate

Self Report? YES

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

Date: 10/31/2002 (161737)

Classification: Moderate

Self Report? YES

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
 Date: 01/31/2005 (382140) Classification: Moderate
 Self Report? YES
 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
 Date: 02/28/2005 (382141) Classification: Moderate
 Self Report? YES
 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
 Date: 04/30/2004 (296802) Classification: Moderate
 Self Report? YES
 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
 Date: 12/31/2004 (382142) Classification: Moderate
 Self Report? YES
 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
 Date: 11/30/2001 (161740) Classification: Moderate
 Self Report? YES
 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
 Date: 05/31/2004 (296804) Classification: Moderate
 Self Report? YES
 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
 Date: 01/31/2001 (161703) Classification: Moderate
 Self Report? YES
 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
 Date: 08/26/2005 (402145) Classification: Major
 Self Report? NO
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent unauthorized discharges.
 Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to maintain effluent parameters within the permitted limits.
 Date: 11/30/2002 (161741) Classification: Moderate
 Self Report? YES
 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

Date: 06/30/2003 (296806) Classification: Moderate
Self Report? YES
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

Date: 01/31/2002 (161704) Classification: Moderate
Self Report? YES
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

Date: 01/31/2003 (161705) Classification: Moderate
Self Report? YES
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

Date: 07/31/2003 (296808) Classification: Moderate
Self Report? YES
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

Date: 02/28/2001 (161706) Classification: Moderate
Self Report? YES
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

Date: 12/31/2001 (161744) Classification: Moderate
Self Report? YES
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

Date: 08/31/2003 (296810) Classification: Moderate
Self Report? YES
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

Date: 02/28/2002 (161707) Classification: Moderate
Self Report? YES
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

Date: 12/31/2002 (161745) Classification: Moderate
Self Report? YES
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

Date: 02/28/2003 (161708) Classification: Moderate
Self Report? YES
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

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	
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	
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	
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	
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	
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	
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	
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	
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	
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.
Classification: Moderate
Self Report? NO
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.

Date: 04/30/2003 (161717)
Classification: Moderate
Self Report? YES
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

Date: 05/31/2001 (161719)
Classification: Moderate
Self Report? YES
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

Date: 05/31/2002 (161720)
Classification: Moderate
Self Report? YES
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

Date: 06/30/2004 (352767)
Classification: Moderate
Self Report? YES
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

Date: 05/31/2003 (161721)
Classification: Moderate
Self Report? YES
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

Date: 07/31/2004 (352768)
Classification: Moderate
Self Report? YES
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

Date: 08/31/2004 (352769)
Classification: Moderate
Self Report? YES
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

Date: 09/30/2004 (352770)
Classification: Moderate
Self Report? YES
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

Date: 06/30/2001 (161723)
Classification: Moderate
Self Report? YES
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

Date: 10/31/2004 (352771)

Classification: Moderate

Self Report? YES

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

Date: 06/30/2002 (161724)

Classification: Moderate

Self Report? YES

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

Date: 11/30/2004 (352772)

Classification: Moderate

Self Report? YES

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

Date: 07/31/2001 (161726)

Classification: Moderate

Self Report? YES

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

Date: 07/31/2002 (161727)

Classification: Moderate

Self Report? YES

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

Date: 08/31/2001 (161729)

Classification: Moderate

Self Report? YES

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.

Notice of Intent Date: 01/20/2003 (33149)

Disclosure Date: 06/17/2003

Viol. Classification: Moderate

Citation: 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.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B
116.115(c)[G]

Description: Unclear labeling in the laboratory database for natural gas and fuel gas resulted in the use of incorrect data for the stack test analyses.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Unclear labeling in the laboratory database for natural gas and fuel gas resulted in the use of incorrect stack test results for emissions calculations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No test were found for #39 and #40 engines. Both are out of service

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No biennial test was found for engine #41

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: The biennial test for #42 engine was done in 2002 instead of 2001.
Viol. Classification: Moderate
Citation: 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.
Viol. Classification: Moderate
Citation: 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.
Viol. Classification: Moderate
Citation: 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.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No quarterly spot checks were found for engine #42 for the indicated time periods.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No quarterly spot checks were found for engine #43 for the indicated time periods.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No quarterly spot checks were found for engine #44 for the indicated time periods.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No quarterly spot checks were found for engine #45 for the indicated time periods.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No quarterly spot checks were found for engine #47 for the indicated time periods.
Viol. Classification: Minor
Citation: 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.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No documentation showing monthly calculations of a 12 month rolling average for the CEMS of each individual CO boiler was found.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No data is available for the EPS
Viol. Classification: Moderate
Citation: 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.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No cabinets in service at unit 29 during indicated time period
Viol. Classification: Moderate
Citation: 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.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Records show one less value being monitored in the cap calculations for U29CO.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No preventive maintenance or O2 sensor changes was recorded for engine 41
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Engine #41 was not tested after all pertinent maintenance.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: No preventative maintenance or O2 sensor change was recorded for engine #42.

Notice of Intent Date: 09/01/2005 (439523)
No DOV Associated

Notice of Intent Date: 12/02/2005 (450648)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884

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

AGREED ORDER
DOCKET NO. 2006-0087-MLM-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. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE chs. 5 and 7. 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 refining and natural gas processing plant at Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12) and involves the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
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 violations alleged in Section II ("Allegations") on or about December 26, 2005 and January 17, 2006.
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 One Hundred Eighty-Nine Thousand Six Hundred Fifty-Eight Dollars (\$189,658) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ConocoPhillips has paid Seventy-Five Thousand Eight Hundred Sixty-Three Dollars (\$75,863) of the administrative penalty and Thirty-Seven Thousand Nine Hundred Thirty-Two Dollars (\$37,932) 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. Seventy-Five Thousand Eight Hundred Sixty-Three Dollars (\$75,863) 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 implemented the following corrective measures at the Plant:
 - a. Repaired Valve 13416 on September 1, 2004;
 - b. Repaired Valves 13620 and 14281 on December 1, 2004;
 - c. Repaired Valve 14209 on September 17, 2004;
 - d. Repaired Valve 14430 on September 15, 2005;
 - e. Repaired Valves 14535 and 14537 on December 1, 2005;
 - f. Repaired Valve 2208 on February 19, 2004;
 - g. Placed Valves 2364, 2374, 2679, 2687, and 2691 on the Delay of Repair List on February 19, 2004; and
 - h. Plugged 22 open-ended valves on October 12, 2004.
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:

1. Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes, in violation of 30 TEX. ADMIN. CODE § 101.211(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
2. Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623), in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005. Since the emissions event was avoidable and incorrectly reported, ConocoPhillips Company failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4, which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362), in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005. Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525), in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005. Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. Failed to operate the flare with a pilot flame present at all times, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 5.B., 40 CODE OF FEDERAL REGULATIONS (CFR) § 60.18(c)(2), 30 TEX. ADMIN. CODE §§ 116.715(a), 101.20(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004.
6. Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 5.D., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.

7. Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 9, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
8. Failed to consistently maintain the required temperatures and oxygen concentrations for Units 34 and 43, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 11, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
9. Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 14, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
10. Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 20, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
11. Failed to consistently maintain the CO concentration below 500 parts per million volume ("ppmv") from Fluid Catalytic Cracking Units 29 and 40, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 26, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
12. Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on December 23 and 25, 2004 and January 16 and April 16, 2005, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 30, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
13. Failed to annually inspect Tank 5550 for seal integrity verification in 2004, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 37.D., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
14. Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 41.I., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
15. Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 42.H., 30 TEX.

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

In the second part, the focus is on the results of the study. The data shows a clear trend in the behavior of the system under investigation. The findings are consistent with the theoretical predictions, providing strong evidence for the proposed model. The analysis also identifies several key factors that influence the system's performance.

The third part of the document discusses the implications of the findings. The results have significant implications for the field of study, particularly in understanding the underlying mechanisms of the system. The findings also provide valuable insights into the design and optimization of related systems. Further research is needed to explore the long-term effects of the observed phenomena.

Finally, the document concludes with a summary of the key points. The study has successfully demonstrated the validity of the proposed model and the importance of accurate record-keeping. The findings provide a solid foundation for future research and practical applications. The authors express their gratitude to the funding agencies and the research team for their support and contributions.

The authors would like to thank the following individuals for their assistance and support during the course of this research: [Names of individuals]. The research was supported by the [Funding Agency Name] under grant number [Grant Number].

- ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
16. Failed to seal 22 open ended valves in volatile organic compounds service, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 41.E., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
 17. Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 48, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
 18. Failed to conduct stack testing every two years on three engines, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 50, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005.
 19. Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 51.A., 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
 20. Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 54, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
 21. Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2, in violation of TCEQ Flexible Air Permit No. 9868A, Special Condition 59, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
 22. Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr"), in violation of TCEQ New Source Review Air Permit No. 43073, Special Condition 8, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.
 23. Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million British thermal units per hour on March 2 and 11, 2004, in violation of TCEQ New Source Review Air

Permit No. 43073, Special Condition 14, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005.

24. Failed to include all deviations on the semi-annual deviation report, in violation of TCEQ Federal Operating Permit No. O-01440, General Terms and Conditions, 30 TEX. ADMIN. CODE § 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2005. Specifically, violation 7 was not included on the January 1, 2005 to June 30, 2005 semi-annual deviation report and violation 20 was not included on the February 2, 2004 to August 2, 2004, August 3, 2004 to December 31, 2004, and January 1, 2005 to June 30, 2005 semi-annual deviation reports.
25. Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005, in violation of 30 TEX. ADMIN. CODE § 101.27(c)(1) and 21.4 and TEX. WATER CODE § 5.702, as documented during an investigation conducted on January 23, 2006.
26. Disposed of a listed hazardous waste into an unauthorized landfill, in violation of 30 TEX. ADMIN. CODE § 335.2(b), 335.4(1), and 40 CFR §§ 268.35 and 270.1, as documented during an investigation conducted on November 22, 2005. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

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. 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. 2006-0087-MLM-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 an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seventy-Five Thousand Eight Hundred Sixty-Three Dollars (\$75,863) of the assessed administrative penalty shall be offset with the condition that

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

7. The seventh part of the document discusses the various methods used for data analysis, such as descriptive statistics, inferential statistics, and qualitative analysis. It explains how these methods are used to interpret the data and draw meaningful conclusions.

8. The eighth part of the document focuses on the presentation of data, including the use of tables, charts, and graphs. It provides guidelines for creating clear and concise reports that effectively communicate the results of the data analysis.

9. The ninth part of the document discusses the importance of data security and privacy. It outlines the measures that should be taken to protect sensitive data from unauthorized access and ensure compliance with relevant regulations.

10. The tenth part of the document provides a final summary and concludes the report. It reiterates the key findings and offers final recommendations for improving data management practices in the future.

11. The eleventh part of the document discusses the role of data in strategic planning and decision-making. It explains how data can provide valuable insights into the organization's performance and help identify areas for improvement.

12. The twelfth part of the document focuses on the importance of data literacy. It discusses the need for employees to have a basic understanding of data and how to use it effectively in their work.

13. The thirteenth part of the document discusses the future of data management. It explores emerging trends and technologies that are likely to shape the way data is collected, analyzed, and used in the coming years.

14. The fourteenth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

15. The fifteenth part of the document discusses the various methods used for data analysis, such as descriptive statistics, inferential statistics, and qualitative analysis. It explains how these methods are used to interpret the data and draw meaningful conclusions.

16. The sixteenth part of the document focuses on the presentation of data, including the use of tables, charts, and graphs. It provides guidelines for creating clear and concise reports that effectively communicate the results of the data analysis.

17. The seventeenth part of the document discusses the importance of data security and privacy. It outlines the measures that should be taken to protect sensitive data from unauthorized access and ensure compliance with relevant regulations.

18. The eighteenth part of the document provides a final summary and concludes the report. It reiterates the key findings and offers final recommendations for improving data management practices in the future.

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. It is further ordered that ConocoPhillips shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to ensure that maintenance activities and emissions events are properly reported, in accordance with 30 TEX. ADMIN. CODE §§ 101.201 and 101.211;
 - ii. Implement measures designed to prevent unauthorized emissions due to the same causes as the emissions events that occurred on June 9, 2005, August 6, 2005, and August 29, 2005;
 - iii. Implement measures designed to ensure that EPN 66FL12 pilot flame is present at all times, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 5.B. and 40 CFR § 60.18;
 - iv. Implement measures designed to ensure that EPN 66FL2 flow meter remains operational, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 5.D.;
 - v. Implement measures designed to ensure monthly sampling for ammonia concentration of the acid gas exiting the Unit 43 waste heat boilers is conducted, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 9;
 - vi. Implement measures designed to ensure required temperatures and oxygen concentrations in Units 34 and 43 are maintained, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 11;
 - vii. Implement measures designed to ensure minimum flame temperature for Thermal Reactors A and B are maintained, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 14;
 - viii. Implement measures designed to ensure that records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 are properly maintained, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 20;
 - ix. Implement measures designed to ensure that CO concentrations in the Fluid Catalytic Cracking Units 29 and 40 are maintained at or below 500 ppmv, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 26;
 - x. Implement measures designed to ensure that hydrogen sulfide concentrations from

fuel gas used to fire all heaters, boilers, and tail gas incinerators are maintained at or below 162 ppmv, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 30;

- xi. Implement measures designed to ensure that Tank 5550 is inspected annually for seal integrity, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 37.D.;
- xii. Repair leaking Valves 4212, 4353, 4678, and 4731, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 41.I.;
- xiii. Implement measures designed to ensure that oxygen sensors are replaced quarterly, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 48;
- xiv. Implement measures designed to ensure that engine stack testing is conducted every two years, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 50;
- xv. Implement measures designed to ensure that engine exhaust is monitored quarterly, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 51.A.;
- xvi. Implement measures designed to ensure that quarterly sampling or spot checking is conducted on the Reboiler 29H4 and Crude Oil Heater 10H1, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 54;
- xvii. Implement measures designed to ensure that the minimum number of ESP electrical cabinet are maintained, in accordance with TCEQ Flexible Air Permit No. 9868A, Special Condition 59;
- xviii. Implement measures designed to ensure that the minimum sulfur removal rate is maintained, in accordance with TCEQ New Source Review Permit No. 43073, Special Condition 8;
- xix. Implement measures designed to ensure that the required firing rate for the Charge Heater (EPN 25H1) is maintained, in accordance with TCEQ New Source Review Permit No. 43073, Special Condition 14;
- xx. Report Allegations 7 and 20 as deviations, in accordance with TCEQ Federal Operating Permit No. O-01440, General Terms and Conditions and 30 TEX. ADMIN. CODE § 122.143(4) and 145(2)(A); and
- xxi. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "ConocoPhillips Company" and reference TCEQ Financial Administration Account Nos. 20500789, 21005778, 21005794, 21005795, and 23000667 to the address in Ordering Provision 1.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 3.d. to demonstrate compliance with Ordering Provisions 3.a.i. through 3.a.xxi.
- c. Within 90 days after the effective date of this Agreed Order, submit an Affected Property Assessment Report for the hazardous waste that was disposed of in the Class 1 landfill located at the Plant, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE § 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE § 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F.
- d. The certification referenced in Ordering Provision 3.b. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Mr. Edward Vance, Manager
Air and Waste Section
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

- 4. 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.
- 5. 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 becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. 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.
8. 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.
9. 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.

ConocoPhillips Company
DOCKET NO. 2006-0087-MLM-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szdlow
For the Executive Director

9/7/2007
Date

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

I also understand that 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.

Brian K. Lever
Signature

7/11/07
Date

BRIAN K. LEVER
Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

REFINERY MANAGER
Title

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: 2006-0087-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Penalty Amount:	One Hundred Fifty-One Thousand Seven Hundred Twenty-Six Dollars (\$151,726)
SEP Amount:	Seventy-Five Thousand Eight Hundred Sixty-Three Dollars (\$75,863)
Type of SEP:	One-Time Contribution to Third Party SEP Administrator
Third-Party Recipient:	Borger ISD <i>LEEDS Green School Building Project</i>
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 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 One

The Respondent shall contribute the SEP Amount to the Third Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the Borger ISD *LEEDS Green School Building Project* to be conducted within Hutchinson County. Specifically, the SEP will involve Borger ISD receiving contributions of SEP Funds to assist the school in the purchase of approximately 84 rooftop air conditioning units that are classified as having a 14 Seasonal Energy Efficiency Ratio (“SEER”) rating. These units exceed the 12-SEER requirement of the current energy code. Higher SEER units reduce energy usage thus saving energy and reducing the amount of pollution created during energy production. The SEP monies will assist the school to pay for the cost difference in upgrading the heating and cooling system to a more energy efficient cooling and heating system. The project will be administered in accordance with 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

According to the U.S. Green Building Council, residential, commercial, and industrial buildings use about 45% of the nation’s energy, including about 75% of the nation’s electricity. Air pollution, from burning fossil fuels to heat buildings and to generate electricity for these buildings imposes considerable health, environmental, and property damage costs. Reduced electricity use in buildings means lower emissions of pollutants (due to avoided burning of fossil fuels) that are damaging to human health and the environment.

Green Schools use an average of 33% less energy than conventionally designed schools. Typical energy performance enhancements include more efficient lighting, greater use of daylighting and sensors, more efficient heating and cooling systems, and better insulated walls and roofs.

Estimated Emissions Reduction

[Source: Dept of Energy Average Electricity Factors by State (TX)]

Pollutant	Estimated Tons of Pollutants removed per year
Nitrous oxide (N ₂ O)	0.6 Tons N ₂ O/year
Carbon monoxide CO	57 Tons CO/year

This SEP will provide a discernible environmental benefit by resulting in an annual reduction of energy consumption by the Borger ISD, which will reduce the amount of nitrogen oxide (NO_x) and carbon monoxide (CO) generation, according to the approximate estimate, above, provided by the Department of Energy. The useful life of the units is at least 10 years.

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 shall contribute the SEP Amount to the Third Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Borger ISD
Attention: Clifton Stephens, Superintendent of Schools
P.O. Box 1177
200 East Ninth Street Room 5
Borger, Texas 79007

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:

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

4. Failure to Fully Perform

ConocoPhillips Company
Agreed Order – Attachment A Docket No. 2006-0087-MLM-E

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.

In the event of incomplete performance, the check for any remaining amount due shall have the notation "SEP Refund" and the docket number of the case, and be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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. 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.

