EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0567-MLM-E **TCEQ ID:** RN102495884 **CASE NO.:** 33307

RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	X MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: ConocoPhillips Borger Refinery, Spur 119 North, Borger, Hutchinson County

TYPE OF OPERATION: Petroleum refining and natural gas processing

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: A complaint was received on February 5, 2007, alleging a black substance being discharged from a tank on the Respondent's property. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0558-AIR-E and 2006-0087-AIR-E.

INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 24, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R13, (210) 403-4006; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
Respondent: Ms. Jo Ann Wasicek, Environmental Team Leader, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008-0271
Mr. Brian K. Lever, Refinery Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008-0271
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: X Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** February 5, 2007 **Date of Investigation Relating to this Case:** February 6, April 24, April 30, and May 1 through 9, 2007 **Date of NOV/NOE Relating to this Case:** March 26, May 8, May 11, and June 12, 2007 (NOEs) **Background Facts:** This was a complaint investigation and three record reviews. Eight violations were documented. **AIR/WASTE** 1) Failed to prevent the unauthorized discharge of industrial waste into or adjacent to water in the state [30 TEX. ADMIN. CODE § 335.4 and TEX. WATER CODE § 26.121(a)(1)]. 2) Failed to prevent unauthorized emissions on February 20, 2007. Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions on November 30, 2006. Since the event was improperly reported and avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $65,832 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $32,916 **Total Paid to General Revenue:** $32,916 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** Human health and environmental receptors have been exposed to pollutants which exceed levels that are protective.	**Corrective Actions Taken:** 1) The Executive Director recognizes that ConocoPhillips has implemented the following corrective measures at the Plant: a. Ceased discharging, as confirmed during an investigation conducted on February 6, 2007; b. Removed the contaminated material and soil and disposed of it in the Plant's Class I/II non-hazardous landfill, as confirmed during an investigation conducted on February 13, 2007; and c. Discussed with TCEQ Region 1 staff how to properly report emissions events with regard to affected facilities, and subsequently trained ConocoPhillips' staff, as documented in a letter by ConocoPhillips dated June 22, 2007. **Ordering Provisions:** 2) The Order will require ConocoPhillips to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 3) The Order will also require ConocoPhillips to: a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent unauthorized emissions due to the same causes as the releases that occurred on August 1, October 11 and 30, and November 30, 2006, and February 20, 2007; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

4) Failed to submit a complete final report [30 TEX. ADMIN. CODE § 101.201(b)(1) and TEX. HEALTH AND SAFETY CODE § 382.085(b)]. 5) Failed to prevent unauthorized emissions on August 1, 2006. Since the event was avoidable and improperly reported, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failed to include the names of all affected facilities on the emissions event report for Incident No. 79367 [30 TEX. ADMIN. CODE § 101.201(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failed to prevent unauthorized emissions on October 30, 2006. Since the event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failed to prevent unauthorized emissions on October 11, 2006. Since the event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: HW0018P

Attachment A
Docket Number: 2007-0567-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ConocoPhillips Company**
Payable Penalty Amount:	**Sixty-Five Thousand Eight Hundred Thirty-Two Dollars ($65,832)**
SEP Amount:	**Thirty-Two Thousand Nine Hundred Sixteen Dollars ($32,916)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up**
Location of SEP:	**Hutchinson County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision May 25, 2007*

TCEQ

DATES					
Assigned	14-May-2007				
PCW	22-Jun-2007	Screening	24-Apr-2007	EPA Due	2-Feb-2008

RESPONDENT/FACILITY INFORMATION

Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN102495884		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33307	No. of Violations	8
Docket No.	2007-0567-MLM-E	Order Type	Findings
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Trina Grieco
Multi-Media	Air	EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$62,700**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 116% Enhancement — *Subtotals 2, 3, & 7* **$72,732**

Notes: Penalty enhancement due to three NOVs issued for same or similar violations, 35 NOVs issued for non-similar violations (which includes 34 self reported effluent violations), and two agreed orders with a denial of liability. Penalty reduction due to five notice of audit letters and two violation disclosures submitted.

Culpability — No — 0% Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* **$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$581
Approx. Cost of Compliance	$15,950

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$135,432**

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* **$0**

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

Notes:

Final Penalty Amount **$135,432**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$65,832**

DEFERRAL — 0% Reduction — *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$65,832**

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 33307 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Trina Grieco

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	3	15%
	Other written NOVs	35	70%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 116%

>> 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 due to three NOVs issued for same or similar violations, 35 NOVs issued for non-similar violations (which includes 34 self reported effluent violations), and two agreed orders with a denial of liability. Penalty reduction due to five notice of audit letters and two violation disclosures submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 116%

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 33307 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.4 and Tex. Water Code § 26.121(a)(1)

Violation Description Failed to prevent the unauthorized discharge of industrial waste into or adjacent to water in the state, as documented during an investigation conducted on February 6, 2007. Specifically, the Respondent discharged approximately 20 barrels of stormwater that contained biotreater sludge (Class 1 Non-hazardous waste) adjacent to water in the state (Dixon Creek).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 77 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended from the February 6, 2007 investigation date to the date of compliance (February 13, 2007).

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $5,400

This violation Final Assessed Penalty (adjusted for limits) $5,400

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
Violation No. 1

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)				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	$5,000	6-Feb-2007	13-Feb-2007	0.0	$5	n/a	$5
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cleanup and disposal costs of contaminated media. Date required is the investigation date. Final date is the date corrective actions were completed.						
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 $5,000

TOTAL $5

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 33307 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 100 pounds ("lbs") of hydrogen sulfide ("H2S") from emission point number ("EPN") F-82; 2,521 lbs of volatile organic compounds ("VOCs"), 963 lbs of carbon monoxide ("CO"), 2,533 lbs of sulfur dioxide ("SO2"), 27 lbs of H2S and 189 lbs of nitrogen oxides ("NOx") from EPN 66FL12; 400 lbs of ammonia ("NH3") and 111,000 lbs of CO from EPN 29P1; and 68 lbs of particulate matter ("PM") and 43% opacity from EPN 85B1 were released during an emissions event (Incident No. 87438) that occurred on February 20, 2007 and lasted 8 hours and 59 minutes. Since the emissions event was avoidable, ConocoPhillips 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

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment were exposed to 58.70 tons of pollutants (including 492 lbs of hazardous air pollutants) as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $86

Statutory Limit Test

Violation Final Penalty Total $21,600

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
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
	No commas or $						
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)	$2,000	20-Feb-2007	1-Jan-2008	0.9	$86	n/a	$86
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent boiler outage. Date required is the date of the event. Final date is the date corrective actions are projected to be completed.						
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 $86

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 33307 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 260 lbs of NH3 and 86,000 lbs of CO from EPN 29P1; 12 lbs of H2S, 5,800 lbs of SO2, and 50% opacity from EPN 43I1; 214 lbs of NH3, 66,000 lbs of CO, 1 lb of lead, 29 lbs of nickel, 23,000 of lbs PM, and 92% opacity from EPN 40P1; 1,350 lbs of SO2, 513 lbs of CO, 203 lbs of NOx, and 51 lbs of propane from EPN 66FL12; 14 lbs of H2S and 1,300 lbs of SO2 from EPN 34I1; 11 lbs of NOx and 151 lbs of VOCs from EPN 66FL4; 730 lbs of VOC and 5 lbs of H2S from EPN F-29; and 3,726 lbs of VOCs from EPN F-5 were released during an emissions event (Incident No. 84409) that occurred on November 30, 2006 and lasted 33 hours and 15 minutes. Since the event was improperly reported and avoidable, ConocoPhillips 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

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment were exposed to 83.78 tons of pollutants (including 570 lbs of hazardous air pollutants) as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 2 — 2 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $20,000

Two daily events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $98

Statutory Limit Test

Violation Final Penalty Total $43,200

This violation Final Assessed Penalty (adjusted for limits) $20,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$1,800	30-Nov-2006	1-Jan-2008	1.1	$98	n/a	$98
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent loss of steam. Date required is the date of the event. Final date is the date corrective actions are projected to be completed.						
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 $1,800

TOTAL $98

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 33307 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1) and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to submit a complete final emissions event report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities on the emissions event report fo Incident No. 84409. The final report was sent on December 11, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Approximately 17% (two of 12) of the rule requirements were not met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $49

Statutory Limit Test

Violation Final Penalty Total $216

This violation Final Assessed Penalty (adjusted for limits) $216

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$1,500	1-Dec-2006	22-Jun-2007	0.6	$42	n/a	$42
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$250	1-Dec-2006	22-Jun-2007	0.6	$7	n/a	$7
Notes for DELAYED costs	Estimated cost of procedures and training necessary to ensure that plant personnel file accurate emissions event reports. Date required is 24 hours after the plant discovered the event. Final date is the date new reporting procedures were implemented.						
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 $1,750

TOTAL $49

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 33307 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102495884

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Trina Grieco

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 131 lbs of NH3 and 53,919.25 lbs of CO from EPN 85B1 and 188 lbs of NH3, 19,861.5 lbs of CO, and 90% opacity were released during an emissions event (Incident No. 79367) that occurred on August 1, 2006 and lasted two hours and 45 minutes. Since the event was avoidable and improperly reported, ConocoPhillips 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

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment were exposed to 37.05 tons of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $128

Statutory Limit Test

Violation Final Penalty Total $21,600

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$1,800	1-Aug-2006	1-Jan-2008	1.4	$128	n/a	$128
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent deaerator malfuntion. Date required is the date of the event. Final date is the date corrective actions are projected to be completed.						
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 $1,800

TOTAL $128

PCW

Policy Revision 2 (September 2002)
PCW Revision May 25, 2007

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E
Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Trina Grieco
Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a complete final emissions event report. Specifically, ConocoPhillips failed to include the names of all affected facilities on the emissions event report for Incident No. 79367. The final report was sent on August 7, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Approximately 8% (one of 12) of the rule requirements were not met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $216

This violation Final Assessed Penalty (adjusted for limits) $216

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
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	Economic benefit ("EB") for this violation is covered in the EB calculation for Violation 4.						
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: $0

TOTAL: $0

PCW

Policy Revision 2 (September 2002)
PCW Revision May 25, 2007

Screening Date	24-Apr-2007
Docket No.	2007-0567-MLM-E
Respondent	ConocoPhillips Company
Case ID No.	33307
Reg. Ent. Reference No.	RN102495884
Media [Statute]	Industrial and Hazardous Waste
Enf. Coordinator	Trina Grieco
Violation Number	7
Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 94 lbs of NH3 and 19,722.75 lbs of CO from EPN 29P1, 43% opacity from EPN 85-1, 158 lbs of NH3, 35,654.5 lbs of CO, and 81% opacity from EPN 40P1, and 35% opacity from EPN 85B2 were released during an emissions event (Incident No. 83235) that occurred on October 30, 2006 and lasted three hours and 15 minutes. Since the event was avoidable, ConocoPhillips 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

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment were exposed to 27.81 tons of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

1 — 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $106

Statutory Limit Test

Violation Final Penalty Total $21,600

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
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
	No commas or $						
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)	$1,800	30-Oct-2006	1-Jan-2008	1.2	$106	n/a	$106

Notes for DELAYED costs Estimated cost to implement measures designed to ensure the shutdown system recognizes operating blowers. Date required is the date of the event. Final date is the date corrective actions are projected to be completed.

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 $1,800

TOTAL $106

PCW

Policy Revision 2 (September 2002)
PCW Revision May 25, 2007

Screening Date 24-Apr-2007 **Docket No.** 2007-0567-MLM-E
Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Trina Grieco

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 319 lbs of NH3 and 100,209.5 lbs of CO from EPN 40P1 were released during an emissions event (Incident No. 82485) that occurred on October 11, 2006 and lasted four hours and 15 minutes. Since the event was avoidable, ConocoPhillips 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

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment were exposed to 50.26 tons of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

1 — 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $110

Statutory Limit Test

Violation Final Penalty Total $21,600

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33307
Reg. Ent. Reference No. RN102495884
Media Industrial and Hazardous Waste
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
	No commas or $						
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)	$1,800	11-Oct-2006	1-Jan-2008	1.2	$110	n/a	$110
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent firebox pressure indicator malfunctions. Date required is the date of the event. Final date is the date corrective actions are projected to be completed.						
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 $1,800

TOTAL $110

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.73
Regulated Entity:	RN102495884	CONOCOPHILLIPS BORGER REFINERY	Classification: AVERAGE	Site Rating: 9.05

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	4823300015
AIR NEW SOURCE PERMITS	REGISTRATION	71385
AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M6
AIR NEW SOURCE PERMITS	REGISTRATION	80460
AIR NEW SOURCE PERMITS	PERMIT	80799
AIR NEW SOURCE PERMITS	PERMIT	71385
AIR NEW SOURCE PERMITS	REGISTRATION	81670
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 STORAGE	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
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50078

Location: SPUR 119 NORTH, BORGER, TX, 79008 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: May 16, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 16, 2002 to May 16, 2007

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? Yes
3. If Yes, who is the current owner? ConocoPhillips Company
4. if Yes, who was/were the prior owner(s)? ConocoPhillips Company

5. When did the change(s) in ownership occur? 02/02/2007

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 concentrtions 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, 2001The 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 afftected 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.

Effective Date: 11/18/2006 ADMINORDER 2006-0646-AIR-E

Classification: Moderate

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Pemit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/29/2002	(161716)
2	06/25/2002	(105316)
3	06/26/2002	(161720)
4	07/29/2002	(161724)
5	08/26/2002	(161727)
6	09/27/2002	(161730)
7	10/30/2002	(161733)
8	11/22/2002	(161737)
9	12/16/2002	(161741)
10	12/19/2002	(19877)
11	12/19/2002	(19929)
12	12/19/2002	(19903)
13	12/19/2002	(19938)
14	12/19/2002	(19880)
15	12/19/2002	(19934)
16	12/19/2002	(19860)
17	12/19/2002	(19839)
18	12/19/2002	(19866)
19	12/19/2002	(19948)
20	12/19/2002	(19876)
21	01/15/2003	(21520)
22	01/15/2003	(21558)
23	01/15/2003	(21547)
24	01/28/2003	(161745)
25	02/21/2003	(25618)
26	02/21/2003	(25617)
27	02/21/2003	(25615)
28	03/03/2003	(161705)
29	03/05/2003	(26861)
30	03/19/2003	(161708)
31	04/24/2003	(161713)
32	05/22/2003	(161717)
33	06/16/2003	(161721)
34	07/03/2003	(60663)
35	07/08/2003	(126118)
36	07/21/2003	(296806)
37	07/23/2003	(145765)
38	08/07/2003	(149155)
39	08/18/2003	(296808)
40	09/22/2003	(296810)
41	09/23/2003	(248234)
42	09/23/2003	(248300)
43	09/23/2003	(248279)
44	09/23/2003	(248241)
45	09/23/2003	(248294)
46	10/01/2003	(250785)
47	10/01/2003	(250782)
48	10/02/2003	(250705)
49	10/02/2003	(250706)
50	10/16/2003	(252133)
51	10/16/2003	(252147)
52	10/17/2003	(296800)
53	10/17/2003	(296813)
54	10/17/2003	(296817)
55	10/27/2003	(296812)
56	11/05/2003	(250547)
57	12/02/2003	(296814)
58	12/22/2003	(296815)
59	01/27/2004	(296816)
60	02/20/2004	(296796)
61	03/31/2004	(296798)
62	04/05/2004	(268105)
63	04/14/2004	(269208)
64	04/16/2004	(267682)
65	04/26/2004	(296799)
66	05/25/2004	(436469)

67	05/25/2004	(296802)
68	06/07/2004	(274624)
69	06/21/2004	(296804)
70	07/26/2004	(352767)
71	08/05/2004	(284515)
72	08/06/2004	(283088)
73	08/17/2004	(288901)
74	08/23/2004	(352768)
75	09/05/2004	(333340)
76	09/08/2004	(333632)
77	09/22/2004	(335175)
78	09/22/2004	(335158)
79	09/22/2004	(335170)
80	09/23/2004	(335211)
81	09/29/2004	(352769)
82	10/20/2004	(338419)
83	10/20/2004	(338456)
84	10/20/2004	(338428)
85	10/20/2004	(338199)
86	10/25/2004	(352770)
87	11/05/2004	(340397)
88	11/05/2004	(340401)
89	11/05/2004	(340388)
90	11/22/2004	(352771)
91	12/28/2004	(352772)
92	01/06/2005	(346260)
93	01/06/2005	(346265)
94	01/06/2005	(346272)
95	01/08/2005	(346044)
96	01/18/2005	(382140)
97	01/20/2005	(347728)
98	01/27/2005	(382142)
99	01/27/2005	(342485)
100	01/31/2005	(348389)
101	02/02/2005	(348485)
102	03/14/2005	(382141)
103	03/16/2005	(335811)
104	03/18/2005	(335817)
105	06/17/2005	(396298)
106	07/01/2005	(377888)
107	08/26/2005	(402145)
108	08/29/2005	(418278)
109	08/29/2005	(418255)
110	08/29/2005	(418284)
111	08/29/2005	(418264)
112	08/29/2005	(418249)
113	09/16/2005	(431894)
114	09/19/2005	(398612)
115	09/19/2005	(418617)
116	09/21/2005	(432528)
117	09/27/2005	(432573)
118	10/05/2005	(398603)
119	10/27/2005	(435707)
120	10/28/2005	(435763)
121	10/31/2005	(436015)
122	11/08/2005	(436544)
123	11/09/2005	(437151)
124	11/16/2005	(398003)
125	11/16/2005	(436047)
126	12/12/2005	(439539)
127	12/14/2005	(439324)
128	12/19/2005	(449774)
129	12/19/2005	(449781)
130	12/21/2005	(434070)
131	12/22/2005	(450310)
132	01/05/2006	(451297)
133	01/06/2006	(451394)
134	01/13/2006	(452190)

135	01/13/2006	(451363)
136	01/17/2006	(437777)
137	01/24/2006	(452945)
138	01/25/2006	(453089)
139	01/25/2006	(452960)
140	01/30/2006	(453345)
141	01/31/2006	(453752)
142	01/31/2006	(453394)
143	02/02/2006	(453395)
144	02/02/2006	(453859)
145	02/13/2006	(455152)
146	02/28/2006	(457545)
147	03/21/2006	(459612)
148	03/23/2006	(460163)
149	03/23/2006	(458845)
150	04/19/2006	(462453)
151	04/19/2006	(462466)
152	04/26/2006	(463535)
153	05/09/2006	(465242)
154	05/15/2006	(463536)
155	05/25/2006	(465241)
156	05/26/2006	(480084)
157	05/31/2006	(480736)
158	06/07/2006	(481812)
159	06/07/2006	(481805)
160	06/08/2006	(481987)
161	06/08/2006	(481992)
162	06/13/2006	(482336)
163	06/16/2006	(481242)
164	06/28/2006	(482752)
165	06/29/2006	(482750)
166	07/10/2006	(485853)
167	08/02/2006	(488630)
168	08/02/2006	(484098)
169	09/05/2006	(511072)
170	09/14/2006	(512534)
171	09/22/2006	(511317)
172	09/28/2006	(514413)
173	09/28/2006	(514455)
174	10/02/2006	(514675)
175	10/02/2006	(514550)
176	10/11/2006	(515667)
177	10/25/2006	(536054)
178	11/03/2006	(518237)
179	11/03/2006	(518272)
180	11/03/2006	(518149)
181	11/30/2006	(532446)
182	01/22/2007	(537059)
183	02/23/2007	(540568)
184	03/06/2007	(542490)
185	03/16/2007	(517551)
186	04/09/2007	(554950)
187	05/08/2007	(557892)
188	05/11/2007	(558928)

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

Date: 05/31/2002 (161720)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2002 (161724)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2002 (161727)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2002 (161730)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2002 (161733)

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: 10/31/2002 (161737)

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: 11/30/2002 (161741)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2002 (161745)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2003 (161705)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2003 (161708)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
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: 04/30/2003 (161717)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2003 (161721)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2003 (296806)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/02/2003 (60663)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ 0001064
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 WQ 0001064
Description: Failure to maintain effluent pH within permit limits at outfall #004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0001064
Description: Failure to maintain effluent pH within permit limits at outfall #003.
Date: 07/31/2003 (296808)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2003 (296810)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
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: 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: 01/31/2004 (296796)

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: 02/29/2004 (296798)

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: 03/31/2004 (296799)

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: 04/30/2004 (296802)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2004 (296804)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2004 (352767)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2004 (352768)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2004 (352769)

Self Report? YES Classification: Moderate

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

Self Report? YES Classification: Moderate

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

Self Report? YES Classification: Moderate

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

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2004 (382142)

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: 01/31/2005 (382140)

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: 02/28/2005 (382141)

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: 08/26/2005 (402145)

Self Report? NO Classification: Major

Rqmt Prov: PERMIT Permit Conditions
Description: Failure to prevent unauthorized discharges.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Limitations and Monitoring Req
Description: Failure to maintain effluent parameters within the permitted limits.
Date: 05/09/2006 (465242)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710(a)[G]
Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 71313. The incident did not meet the criteria, specified in the provisions of §§101.222(b)(2) and (b)(3).
Date: 04/09/2007 (554950)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.

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
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

Description: Unclear labeling in the labrotory 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
Description: Unclear labeling in the labrotory 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
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
Description: No biennial test was found for engine #41
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: The biennial iest for #42 engine was done in 2002 instead of 2001.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
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
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
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
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
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
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
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
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
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
Description: No documentation showing monthly caculations 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
Description: No data is availabe for the EPS
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
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
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
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
Description: Records show one less value being monitored in the cap calculations for U29CO.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: No preventive maintenance or O2 sensor changes was recorded for engine 41
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Engine #41 was not tested after all pertinent maintenance.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
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)
Disclosure Date: 05/19/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: Failure to identify changes to the LDAR Component Inventory.

Notice of Intent Date: 08/11/2006 (514112)
No DOV Associated

Notice of Intent Date: 11/13/2006 (534247)
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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CONOCOPHILLIPS COMPANY	§	
RN102495884	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0567-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("ConocoPhillips") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and ConocoPhillips presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon ConocoPhillips.

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

I. FINDINGS OF FACT

1. ConocoPhillips operates a petroleum refining and natural gas processing plant at Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").

2. The Plant involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

4. During an investigation on February 6, 2007, TCEQ staff documented an unauthorized discharge of industrial waste into or adjacent to water in the state. Specifically, ConocoPhillips discharged approximatley 20 barrels of stormwater that contained biotreater sludge (Class 1 Non-hazardous waste) adjacent to water in the state (Dixon Creek).

5. During an investigation on April 24, 2007, TCEQ staff documented unauthorized emissions of 100 pounds ("lbs") of hydrogen sulfide ("H2S") from emission point number ("EPN") F-82; 2,521 lbs of volatile organic compounds ("VOCs"), 963 lbs of carbon monoxide ("CO"), 2,533 lbs of sulfur dioxide ("SO2"), 27 lbs of H2S and 189 lbs of nitrogen oxides ("NOx") from EPN 66FL12; 400 lbs of ammonia ("NH3") and 111,000 lbs of CO from EPN 29P1; and 68 lbs of particulate matter ("PM") and 43% opacity from EPN 85B1 were released during an emissions event (Incident No. 87438) that occurred on February 20, 2007 and lasted 8 hours and 59 minutes.

6. During an investigation on April 30, 2007, TCEQ staff documented unauthorized emissions of 260 lbs of NH3 and 86,000 lbs of CO from EPN 29P1; 12 lbs of H2S, 5,800 lbs of SO2, and 50% opacity from EPN 43I1; 214 lbs of NH3, 66,000 lbs of CO, 1 lb of lead, 29 lbs of nickel, 23,000 of lbs PM, and 92% opacity from EPN 40P1; 1,350 lbs of SO2, 513 lbs of CO, 203 lbs of NOx, and 51 lbs of propane from EPN 66FL12; 14 lbs of H2S and 1,300 lbs of SO2 from EPN 34I1; 11 lbs of NOx and 151 lbs of VOCs from EPN 66FL4; 730 lbs of VOC and 5 lbs of H2S from EPN F-29; and 3,726 lbs of VOCs from EPN F-5 were released during an emissions event (Incident No. 84409) that occurred on November 30, 2006 and lasted 33 hours and 15 minutes.

7. During an investigation on April 30, 2007, TCEQ staff documented ConocoPhillips' failure to submit a complete final emissions event report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities.

8. During an investigation on May 1-9, 2007, TCEQ staff documented unauthorized emissions of 131 lbs of NH3 and 53,919.25 lbs of CO from EPN 85B1 and 188 lbs of NH3, 19,861.5 lbs of CO, and 90% opacity were released during an emissions event (Incident No. 79367) that occurred on August 1, 2006 and lasted two hours and 45 minutes.

9. During an investigation on May 1-9, 2007, TCEQ staff documented ConocoPhillips' failure to include the names of all affected facilities on the emissions event report for Incident No. 79367.

10. During an investigation on May 1-9, 2007, TCEQ staff documented unauthorized emissions of 94 lbs of NH3 and 19,722.75 lbs of CO from EPN 29P1, 43% opacity from EPN 85-1, 158 lbs of NH3, 35,654.5 lbs of CO, and 81% opacity from EPN 40P1, and 35% opacity from EPN 85B2 were released during an emissions event (Incident No. 83235) that occurred on October 30, 2006 and lasted three hours and 15 minutes.

11. During an investigation on May 1-9, 2007, TCEQ staff documented unauthorized emissions of 319 lbs of NH3 and 100,209.5 lbs of CO from EPN 40P1 were released during an emissions event (Incident No. 82485) that occurred on October 11, 2006 and lasted four hours and 15 minutes.

12. ConocoPhillips received notices of the violations on March 28, May 11, May 14, 2007, and June 12, 2007.

13. The Executive Director recognizes that ConocoPhillips has implemented the following corrective measures at the Plant:

    a. Ceased discharging, as confirmed during an investigation conducted on February 6, 2007;

    b. Removed the contaminated material and soil and disposed of it in the Plant's Class I/II non-hazardous landfill, as confirmed during an investigation conducted on February 13, 2007; and

    c. Discussed with TCEQ Region 1 staff how to properly report emissions events with regard to affected facilities, and subsequently trained ConocoPhillips' staff, as documented in a letter by ConocoPhillips dated June 22, 2007.

II. CONCLUSIONS OF LAW

1. ConocoPhillips is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 4, ConocoPhillips failed to prevent the unauthorized discharge of industrial waste into or adjacent to water in the state, as documented during an investigation conducted on February 6, 2007, in violation of 30 TEX. ADMIN. CODE § 335.4 and TEX. WATER CODE § 26.121(a)(1).

3. As evidenced by Findings of Fact No. 5, ConocoPhillips failed to prevent unauthorized emissions on February 20, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). 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. As evidenced by Findings of Fact No. 6, ConocoPhillips failed to prevent unauthorized emissions on November 30, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the event was improperly reported and avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

5. As evidenced by Findings of Fact No. 7, ConocoPhillips failed to submit a complete final report, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1) and TEX. HEALTH AND SAFETY CODE § 382.085(b).

6. As evidenced by Findings of Fact No. 8, ConocoPhillips failed to prevent unauthorized emissions on August 1, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the event was avoidable and improperly reported, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

7. As evidenced by Findings of Fact No. 9, ConocoPhillips failed to include the names of all affected facilities on the emissions event report for Incident No. 79367, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).

8. As evidenced by Findings of Fact No. 10, ConocoPhillips failed to prevent unauthorized emissions on October 30, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

9. As evidenced by Findings of Fact No. 11, ConocoPhillips failed to prevent unauthorized emissions on October 11, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9868A and PSD-TX-102M6, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against ConocoPhillips for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

11. An administrative penalty in the amount of Sixty-Five Thousand Eight Hundred Thirty-Two Dollars ($65,832) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. ConocoPhillips has paid Thirty-Two Thousand Nine Hundred Sixteen Dollars ($32,916) of the administrative penalty. Thirty-Two Thousand Nine Hundred Sixteen Dollars ($32,916) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. ConocoPhillips is assessed an administrative penalty in the amount of Sixty-Five Thousand Eight Hundred Thirty-Two Dollars ($65,832) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and ConocoPhillips' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2007-0567-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 a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 11 above, Thirty-Two Thousand Nine Hundred Sixteen Dollars ($32,916) of the assessed administrative penalty shall be offset with the condition that ConocoPhillips implement the SEP defined in Attachment A, incorporated herein by reference. ConocoPhillips' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. ConocoPhillips shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent unauthorized emissions due to the same causes as the releases that occurred on August 1, October 11 and 30, and November 30, 2006, and February 20, 2007; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

      The certification shall be submitted to:

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

with a copies to:

Air and Waste Section Managers
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79101-4933

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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to ConocoPhillips if the Executive Director determines that ConocoPhillips has not complied with one or more of the terms or conditions in this Agreed Order.

8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

9. This Agreed Order, issued by the Commission, shall not be admissible against 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.

10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

9/16/07
Date

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

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

7/25/07
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: 2007-0567-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ConocoPhillips Company**
Payable Penalty Amount:	**Sixty-Five Thousand Eight Hundred Thirty-Two Dollars ($65,832)**
SEP Amount:	**Thirty-Two Thousand Nine Hundred Sixteen Dollars ($32,916)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up**
Location of SEP:	**Hutchinson County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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