EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1212-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 25411

RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:

__1660 AGREED ORDER	_X_ FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	_X_ AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: ConocoPhillips Company-Sweeny Refinery, State Highway 35 and Farm-to-Market Road 524, near Old Ocean, Brazoria County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ___ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2006-2030-AIR-E and 2006-1550-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Section III, MC 149, (512) 239-1044; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. Manuel Bautista, Houston Regional Office, MC R-12, (713) 767-3678

Respondent: Ms. Cynthia Jordy, Environmental Team Leader, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480
Mr. Tom J. Rich, General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480

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: __ Complaint ___ Routine __ Enforcement Follow-up __X_ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigations Relating to this Case:** December 30, 2004 and February 10 and 22, 2005 **Dates of NOEs Relating to this Case:** March 3 and 9, 2005 (NOEs) **Background Facts:** These were routine record reviews. Six violations were documented. **AIR** 1) Failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup of Unit 26.1 exceeded the initial estimates in the startup notification [30 TEX. ADMIN. CODE §§ 101.201(a)(1), 101.211(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to control unauthorized emissions from the LP Emergency Flare during an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air Permit No. 5682A/PSD-TX-103M2 Special Condition ("SC") 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to submit initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at Unit 26.2 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2 [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $25,662 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $25,662 **Site Compliance History Classification:** __High __X_Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** Three repeated enforcement actions over the prior five year period for the same violation.	**Corrective Actions Taken:** 1) The Executive Director recognizes that ConocoPhillips has implemented the following corrective measures at the Plant: a. On October 7, 2004, minimized flaring during pre-sulfiding by making use of the amine scrubbers, slowing the rate of the operation until an additional claus train was brought on-line at Unit 28.2, and having enough amine circulation to aid in removal of hydrogen sulfide. The flare was maintained and operated in a manner consistent with minimizing emissions, and no control equipment or systems were placed in bypass during the start-up; b. On October 20, 2004, submitted a notification/final report for the emissions event which occurred on October 7, 2004; c. On October 21, 2004, the excess liquid was removed from the knockout drum, and the compressor was restarted; d. On October 29-30, 2004, reduced steam to the Crude Tower and Depentanizer Tower to produce less overhead product, thus allowing the levels in the Crude Tower Overhead Receiver and the Depentanizer Tower Overhead Receiver to be lowered to stop transfer of liquid to the compressor knockout drum in Unit 26.2. When the level in the knockout drum was low enough to clear the shutdown condition, the compressor was restarted; e. On November 1, 2004, submitted initial notification for the emissions event which began on October 29, 2004; and f. On November 19, 2004, submitted the final report for the emissions event which occurred October 29-30, 2004. **Ordering Provision:** 2) The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, implement improved procedures for handling different crude blends to prevent to the extent practicable the recurrence of an emissions event due to similar causes as the ones addressed in this Agreed Order;

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5) Failed to control unauthorized emissions at the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air Permit No. 5682A/PSD-TX-103M2 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failed to control unauthorized emissions from the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air Permit No. 5682A/PSD-TX-103M2 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		b. Within 60 days after the effective date of this Agreed Order, implement changes to recordkeeping and reporting processes to ensure that reporting requirements are conducted as required; and c. Within 75 days after the effective date of this Agreed Order, submit in duplicate, certification of compliance with Ordering Provision 2.a. through 2.b.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	14-Mar-2005				
PCW	01-Nov-2005	Screening	11-Apr-2005	EPA Due	28-Nov-2005

RESPONDENT/FACILITY INFORMATION

Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN101619179		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	25411	No. of Violations	6
Docket No.	2005-1212-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Miriam Hall
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $7,800

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 229% Enhancement *Subtotals 2, 3, & 7* $17,862

Notes: The respondent received 12 NOVs with same or similar violations, 36 NOVs for self-reported effluent violations, six NOVs for unrelated violations, three 1660 orders and one Findings order.

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 a small x)*

Notes: The respondent is not yet in compliance.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$153
Approx. Cost of Compliance	$2,800

SUM OF SUBTOTALS 1-7 Final Subtotal $25,662

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 $25,662

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $25,662

DEFERRAL Reduction Adjustment $0

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

Notes: No deferral with Findings Orders.

PAYABLE PENALTY $25,662

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 25411 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Enf. Coordinator Miriam Hall

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)*	12	60%
	Other written NOVs	42	84%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	3	60%
	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	1	25%
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*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		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) **229%**

>> **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

The respondent received 12 NOVs with same or similar violations, 36 NOVs for self-reported effluent violations, six NOVs for unrelated violations, three 1660 orders and one Findings order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **229%**

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**

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

Case ID No. 25411 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1) and 101.211(a)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to timely report an emissions event, which occurred on October 7, 2004, when the emissions during startup exceeded the initial estimates in the startup notification for the Coker Naphtha/Gas Oil Desulfurization Unit (Unit 26.1).

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: The respondent complied with 70% of the rule requirement.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

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

Violation Base Penalty $100

One event was documented during the investigation conducted on December 30, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $329

This violation Final Assessed Penalty (adjusted for limits) $329

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25411
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
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				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	08-Oct-2004	20-Oct-2004	0.0	$0	n/a	$0

Notes for DELAYED costs The estimated cost of preparing the report. The event was required to be reported within 24 hours of 10/07/04, and the final date was the date the report was actually submitted.

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 $100

TOTAL $0

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**

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

Case ID No. 25411 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and Air Permit No. 5682A/PSD-TX-103M2 Special Condition (SC) 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Unauthorized emissions from an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1. The emissions were sent to the Low Pressure (LP) Emergency Flare which has the following maximum allowable emission rates: 0.12 pounds per hour (lbs/hr) for CO and 0.06 lbs/hr for NO_x. During the event, the emissions were approximately 838.2 lbs/hr for CO and 288 lbs/hr for NO_x. Since the event was not reported properly, the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The total unauthorized emissions for the event, which lasted 5 hr, 23 minutes (min), were 4510.35 lbs of CO and 1550.68 lbs of NO_x.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $2,500

One event was documented during the investigation conducted on December 30, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $8,225

This violation Final Assessed Penalty (adjusted for limits) $8,225

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25411
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Violation No. 2

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				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	07-Oct-2004	07-Oct-2004	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost of taking corrective actions during the event. The event began and ended on the same day.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $0

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**

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

Case ID No. 25411 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to submit initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at the Hydrogen Purification Unit (Unit 26.2). The initial notification was submitted on November 1, 2004.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: The respondent complied with 70% of the rule requirement.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $100

One violation was documented during the investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $329

This violation Final Assessed Penalty (adjusted for limits) $329

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25411
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Violation No. 3

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				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	30-Oct-2004	01-Nov-2004	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost for submitting the report. The date required is 24 hours from the date of discovery, and the final date is the date the report was submitted.						
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 $100

TOTAL $0

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**

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

Case ID No. 25411 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(c)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2. The final report was submitted on November 19, 2004.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: The respondent complied with 70% of the rule requirement.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $100

One violation was documented during the investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $329

This violation Final Assessed Penalty (adjusted for limits) $329

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25411
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Violation No. 4

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				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	13-Nov-2004	19-Nov-2004	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost for preparing and submitting the report from the date required (14 days after end of event) to the date it was actually submitted.						
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 $100

TOTAL $0

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**

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

Case ID No. 25411 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and Air Permit No. 5682A/PSD-TX-103M2 SC 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Unauthorized emissions due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004. The emissions were sent to the LP Emergency Flare which has the following maximum allowable emission rates: 0.12 lbs/hr for CO, 0.06 lbs/hr for NO_x, and 21.25 lbs/hr for sulfur dioxide (SO_2). During the event, the emissions were approximately 73.8 lbs/hr for CO, 12.6 lbs/hr for NO_x, and 239.4 lbs/hr for SO_2. Since these emissions were avoidable and were not reported timely, the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The total unauthorized emissions for the event, which lasted 2 hr, 17 min, were 167.73 lbs of CO, 28.86 lbs of NO_x and 497.48 lbs of SO_2.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $2,500

One violation was documented during the investigation conducted on February 10, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $8,225

This violation Final Assessed Penalty (adjusted for limits) $8,225

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25411
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Violation No. 5

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				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	See Violation No. 6.						
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

Screening Date 11-Apr-2005 **Docket No.** 2005-1212-AIR-E **PCW**

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

Case ID No. 25411 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and Air Permit No. 5682A/PSD-TX-103M2 SC 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Unauthorized emissions due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004. The emissions were sent to the LP Emergency Flare which has the following maximum allowable emission rates: 0.12 lbs/hr for CO, 0.06 lbs/hr for NO_x, and 21.25 lbs/hr for SO_2. During the event, the emissions were approximately 318 lbs/hr for CO, 81 lbs/hr for NO_x, and 4889 lbs/hr for SO_2. Since these emissions were avoidable, the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The total unauthorized emissions for the event, which lasted 1 hr, 17 min, were 407.85 lbs of CO, 103.92 lbs of NO_x and 6247.73 lbs of SO_2.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $2,500

One event was documented during the investigation conducted on February 22, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $152

Statutory Limit Test

Violation Final Penalty Total $8,225

This violation Final Assessed Penalty (adjusted for limits) $8,225

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 25411
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Violation No. 6

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				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	21-Oct-2004	30-Apr-2006	1.5	$152	n/a	$152

Notes for DELAYED costs: The estimated cost of pumping liquid out of the knockout drum, restarting the compressor and taking other actions during the events in Violation Nos. 5 and 6, and the cost of developing procedures to prevent the recurrence of the events. The begin date is the date the violation started and the final date is the projected compliance date.

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,000

TOTAL $152

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.010
Regulated Entity:	RN101619179	SWEENY REFINERY	Classification: AVERAGE	Site Rating: 4.94

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	20580
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50186
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD048210645
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
WASTEWATER	PERMIT	WQ0000721000
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	TX0007536
AIR NEW SOURCE PERMITS	PERMIT	53552
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0042G
AIR NEW SOURCE PERMITS	PERMIT	43038
AIR NEW SOURCE PERMITS	PERMIT	42367
AIR NEW SOURCE PERMITS	PERMIT	40944
AIR NEW SOURCE PERMITS	PERMIT	39026
AIR NEW SOURCE PERMITS	PERMIT	35780
AIR NEW SOURCE PERMITS	PERMIT	35506
AIR NEW SOURCE PERMITS	PERMIT	35367
AIR NEW SOURCE PERMITS	PERMIT	33153
AIR NEW SOURCE PERMITS	PERMIT	30513
AIR NEW SOURCE PERMITS	PERMIT	25434
AIR NEW SOURCE PERMITS	PERMIT	26533
AIR NEW SOURCE PERMITS	PERMIT	24162
AIR NEW SOURCE PERMITS	PERMIT	24717
AIR NEW SOURCE PERMITS	PERMIT	25004
AIR NEW SOURCE PERMITS	PERMIT	24161
AIR NEW SOURCE PERMITS	PERMIT	22086
AIR NEW SOURCE PERMITS	PERMIT	21265
AIR NEW SOURCE PERMITS	PERMIT	18601
AIR NEW SOURCE PERMITS	PERMIT	18142
AIR NEW SOURCE PERMITS	PERMIT	8402A
AIR NEW SOURCE PERMITS	PERMIT	7754A
AIR NEW SOURCE PERMITS	PERMIT	7467A
AIR NEW SOURCE PERMITS	PERMIT	6624A
AIR NEW SOURCE PERMITS	PERMIT	5920A
AIR NEW SOURCE PERMITS	PERMIT	5689A
AIR NEW SOURCE PERMITS	PERMIT	5679G
AIR NEW SOURCE PERMITS	PERMIT	2849A
AIR NEW SOURCE PERMITS	PERMIT	1514A
AIR NEW SOURCE PERMITS	PERMIT	1486A
AIR NEW SOURCE PERMITS	PERMIT	1314A
AIR NEW SOURCE PERMITS	PERMIT	1313A
AIR NEW SOURCE PERMITS	PERMIT	13978
AIR NEW SOURCE PERMITS	PERMIT	13929
AIR NEW SOURCE PERMITS	PERMIT	13744
AIR NEW SOURCE PERMITS	PERMIT	12993
AIR NEW SOURCE PERMITS	PERMIT	12344
AIR NEW SOURCE PERMITS	PERMIT	10779
AIR NEW SOURCE PERMITS	PERMIT	5689
AIR NEW SOURCE PERMITS	PERMIT	74130
AIR NEW SOURCE PERMITS	PERMIT	53563
AIR NEW SOURCE PERMITS	PERMIT	52705
AIR NEW SOURCE PERMITS	PERMIT	54666
AIR NEW SOURCE PERMITS	PERMIT	22690
AIR NEW SOURCE PERMITS	PERMIT	PSDTX998
AIR NEW SOURCE PERMITS	PERMIT	49140
AIR NEW SOURCE PERMITS	PERMIT	70113
AIR NEW SOURCE PERMITS	PERMIT	PSDTX103M2
AIR NEW SOURCE PERMITS	PERMIT	PSDTX103M
AIR NEW SOURCE PERMITS	AFS NUM	0010
AIR NEW SOURCE PERMITS	REGISTRATION	75864

AIR NEW SOURCE PERMITS	REGISTRATION	75713
AIR NEW SOURCE PERMITS	REGISTRATION	75905
AIR NEW SOURCE PERMITS	REGISTRATION	75616
AIR NEW SOURCE PERMITS	REGISTRATION	55489
AIR NEW SOURCE PERMITS	REGISTRATION	72036
AIR NEW SOURCE PERMITS	REGISTRATION	72035
AIR OPERATING PERMITS	PERMIT	2151
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
WASTEWATER LICENSING	LICENSE	WQ0000721000
WASTEWATER	PERMIT	TX0007536
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	WQ0000721000
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200237
WATER LICENSING	LICENSE	0200237

Location: Highway 35 & FM 524, Old Ocean, TX Rating Date: 9/1/04 Repeat Violator: No

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 13, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 13, 2000 to July 13, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? Yes

3. If Yes, who is the current owner? ConocoPhillips Company

4. If Yes, who was/were the prior owner(s)? Phillips Petroleum Co.
Chevron Phillips Chemical Co. L.P.

5. When did the change(s) in ownership occur? 4/22/04, 12/31/02

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: 6/9/05 ADMINORDER 2003-0446-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 21265 SC 4B, C PERMIT
Description: Failed to submit the semi-annual reports for the wastewater unit (EPN 56 and 56.1) and the copper treater unit(EPN43) from January 1998 to December 2002.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 30513 SC 4 PERMIT
Description: Failed to implement a fugitive monitoring program for the Continuous Catalyst Reformer Unit No. 35 within 180 days after the initial start up on August 2, 2000.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include an explanation for the delay in repairing leaking components when repairs are required within 15 days of discovery in semi-annual reports for the periods of July - December 2000, January - June 2001, July - December 2001, and January - July 2002.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit semi-annual reports for Unit 35 to the TCEQ due in February 2001, August 2001, and February 2002.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 5682A SC 18 PERMIT
Description: Failed to perform the initial compliance certification test on the Hydrogen Sulfide Continuous Emissions Monitoring System within 30 days of performance testing of the unit, conducted on March 16, 2001.

Effective Date: 5/23/05 ADMINORDER 2004-0704-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Permit # 5682A /PSD-TX-103M2, SC 19B PA
Description: Failure to conduct successive quarterly cylinder gas audits (CGAs) on the Continuous Emission Monitoring System (CEMS) associated with Unit 27.1 Regenerator Stack (EPN 27.1-36-RE).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: NSR Permit # 30513 SC # 2 PA
Description: Failed to calibrate, certify, maintain, and operate a CEMS capable of continuously monitoring and recording the concentration of H2S in all fuel gases before being burned at the Unit 35 Furnace (EPN 35-36-1).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: NSR Permit # 30513, SC # 26C PA
Description: Failed to conduct a valid audit on the CEMS associated with the Unit 35 Furnace (EPN 35-36-1) during the September 11, 2003 quarterly CGA schedule.
Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to note daily observations in the flare (EPN 56-61-17) operation log.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 14H PERMIT
Description: Failed to comply with the 5 and 15 day requirements for leaking valves in Units 4, 20, 27.2, and 35.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to demonstrate compliance with the required primary seal inspection for Tank (EPN 68-95-32) associated with Unit 15 - Hexane Isomerization.

Effective Date: 8/29/03 ADMINORDER 2002-0467-AIR-E
Classification: Minor
Citation: 5B THC Chapter 370, SubChapter B 370.008[G]
Description: Failure to include compound descriptive and compound amount in the final report to the agency.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Citation: SP17 PERMIT
Description: Failure to conduct sampling of the TGI according to permit SP.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
Description: Failure to submit Final Record for the May 23, 2002 upset w/in two wks of upset.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.11(a)[G]
Citation: SC 1 PERMIT
Description: Failure to prevent unauthorized discharge of emissions on May 23, 2002.

Effective Date: 8/30/04 ADMINORDER 2002-1028-IWD-E
Classification: Moderate
Citation: TWC Chapter 26 26.121(a)(1)
Citation: NOT LISTED PERMIT
Description: Failure to comply w/the daily avg. and daily max. selenium limits of TCEQ WQ Permit 00721 for outfall 001. SNC violations are those which exceed the permitted limit by 40% for conv. pollutants & 20% for toxics.
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter J 335.323[G]
5B THC Chapter 361, SubChapter A 361.134[G]
Description: Failed to pay all non-hazardous waste generation fees for TCEQ Account Nos. 0301117N and 0308495N, based on a record review of the TCEQ Fee Database conducted on November 7, 2002.

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	01/10/2001	(97647)	51	07/20/2000	(97606)	101	04/12/2005	(374970)
2	11/13/2000	(97646)	52	07/20/2000	(97605)	102	11/22/2004	(335609)
3	03/07/2003	(21233)	53	07/26/2003	(61517)	103	12/17/2004	(341910)
4	01/10/2001	(97648)	54	06/27/2001	(97664)	104	11/22/2004	(339194)
5	11/13/2000	(97645)	55	01/17/2005	(286211)	105	10/06/2004	(333804)
6	01/17/2001	(97649)	56	04/04/2003	(23918)	106	06/27/2001	(97673)
7	11/13/2000	(97644)	57	05/07/2004	(266127)	107	07/16/2003	(36390)
8	07/21/2000	(97614)	58	06/27/2001	(97665)	108	06/27/2001	(97674)
9	10/05/2000	(97643)	59	08/09/2002	(3092)	109	12/28/2004	(342422)
10	09/21/2000	(97642)	60	11/29/2004	(341065)	110	11/24/2003	(254187)
11	12/23/2002	(14220)	61	04/04/2003	(23919)	111	06/27/2001	(97675)
12	08/31/2000	(97641)	62	12/30/2004	(345626)	112	01/10/2003	(20972)
13	07/21/2000	(97613)	63	07/11/2005	(398367)	113	06/27/2001	(97676)
14	01/19/2001	(97650)	64	12/17/2004	(288102)	114	10/06/2004	(333805)
15	08/30/2000	(97640)	65	10/27/2003	(282874)	115	03/03/2005	(349462)
16	08/19/2002	(4924)	66	12/30/2004	(287859)	116	09/01/2004	(280584)
17	02/09/2001	(97651)	67	06/27/2001	(97666)	117	08/04/2003	(133826)
18	08/21/2000	(97639)	68	11/29/2004	(340915)	118	07/05/2001	(97677)
19	02/09/2001	(97652)	69	06/27/2001	(97667)	119	07/20/2001	(97678)
20	08/21/2000	(97638)	70	08/31/2004	(271547)	120	12/28/2004	(277696)
21	02/16/2001	(97653)	71	02/14/2005	(349255)	121	12/09/2002	(13725)
22	07/20/2000	(97612)	72	01/07/2003	(18532)	122	02/21/2005	(349952)
23	08/25/2002	(8594)	73	06/24/2005	(374887)	123	11/22/2004	(333524)
24	08/21/2000	(97637)	74	06/24/2005	(397011)	124	07/25/2001	(97679)
25	02/16/2001	(97654)	75	06/27/2001	(97668)	125	03/03/2005	(371965)
26	08/21/2000	(97636)	76	06/05/2003	(17956)	126	12/22/2004	(340482)
27	03/19/2001	(97655)	77	11/06/2003	(249501)	127	07/25/2001	(97680)
28	08/21/2000	(97635)	78	11/22/2004	(338077)	128	07/27/2001	(97681)
29	04/05/2001	(97656)	79	06/27/2001	(97669)	129	11/07/2003	(253887)
30	07/20/2000	(97611)	80	07/02/2004	(278283)	130	11/29/2004	(336272)
31	08/21/2000	(97634)	81	12/29/2004	(289466)	131	07/27/2001	(97682)
32	04/11/2001	(97657)	82	01/30/2004	(259125)	132	02/21/2005	(351188)
33	08/21/2000	(97633)	83	03/16/2005	(373194)	133	08/02/2001	(97683)
34	04/30/2001	(97658)	84	09/01/2004	(289795)	134	10/06/2004	(333698)
35	08/16/2000	(97632)	85	08/19/2002	(8203)	135	08/03/2001	(97684)
36	09/10/2004	(333346)	86	06/27/2001	(97670)	136	04/12/2005	(375119)
37	07/20/2000	(97610)	87	08/15/2002	(5279)	137	08/14/2000	(97631)
38	08/24/2004	(260558)	88	08/25/2002	(4904)	138	12/11/2004	(342577)
39	04/30/2001	(97659)	89	08/18/2004	(282244)	139	01/10/2003	(19275)
40	05/02/2001	(97660)	90	06/27/2001	(97671)	140	08/11/2000	(97630)
41	06/16/2003	(33521)	91	07/19/2002	(1849)	141	02/10/2005	(343557)
42	07/20/2000	(97609)	92	02/25/2005	(350491)	142	08/11/2000	(97629)
43	03/16/2005	(343615)	93	06/27/2001	(97672)	143	12/31/2003	(255587)
44	05/15/2001	(97661)	94	11/25/2003	(254294)	144	08/11/2000	(97628)
45	01/10/2003	(16787)	95	07/12/2004	(259068)	145	12/11/2004	(342599)
46	07/20/2000	(97608)	96	11/12/2004	(287686)	146	03/31/2005	(350563)
47	06/20/2001	(97662)	97	09/09/2002	(6311)	147	05/20/2005	(375132)
48	07/20/2000	(97607)	98	01/04/2005	(342579)	148	08/11/2000	(97627)
49	06/25/2001	(97663)	99	02/22/2005	(350692)	149	08/31/2004	(273961)
50	08/25/2004	(261423)	100	06/20/2005	(396218)	150	03/29/2005	(372022)

151 06/17/2003 (34943)
152 05/02/2003 (10852)
153 03/22/2004 (264254)
154 07/28/2000 (97626)
155 05/19/2005 (378252)
156 06/23/2005 (349036)
157 07/28/2000 (97625)
158 11/30/2004 (340792)
159 12/22/2004 (342153)
160 08/25/2002 (8582)
161 10/31/2002 (14828)
162 07/28/2000 (97624)
163 12/17/2004 (340488)
164 11/29/2004 (340851)
165 02/26/2003 (20393)
166 03/17/2004 (257314)
167 07/28/2000 (97623)
168 01/27/2005 (343576)
169 12/30/2004 (345294)
170 06/30/2004 (273454)
171 06/24/2002 (2475)
172 08/23/2003 (61968)
173 07/28/2000 (97622)
174 04/08/2004 (258257)
175 09/30/2004 (280855)
176 01/07/2005 (345295)
177 02/02/2004 (250745)
178 10/07/2002 (11565)
179 07/28/2000 (97621)
180 12/30/2004 (345296)
181 01/09/2003 (20971)
182 02/28/2003 (19809)
183 12/30/2004 (345297)
184 10/05/2004 (336659)
185 07/11/2005 (396156)
186 06/30/2004 (271507)
187 07/28/2000 (97620)
188 12/06/2004 (283487)
189 11/29/2004 (340359)
190 07/28/2000 (97619)
191 12/20/2004 (289506)
192 01/24/2003 (21424)
193 05/12/2003 (27507)
194 07/27/2000 (97618)
195 01/07/2005 (345299)
196 07/10/2003 (119447)
197 08/31/2002 (9933)
198 07/12/2004 (258107)
199 03/09/2005 (372280)
200 03/09/2005 (345300)
201 07/21/2000 (97617)
202 12/30/2004 (342412)
203 07/01/2004 (275993)
204 07/21/2000 (97616)
205 11/29/2004 (340845)
206 01/30/2004 (261337)
207 04/06/2004 (257342)
208 07/21/2000 (97615)
209 04/23/2003 (160678)
210 04/24/2002 (160677)
211 04/24/2001 (160676)
212 03/25/2003 (160673)
213 03/25/2002 (160672)
214 03/26/2001 (160671)
215 02/28/2003 (160670)
216 07/25/2002 (3447)
217 04/23/2003 (33899)
218 02/22/2002 (160669)
219 02/22/2001 (160668)
220 03/11/2003 (160709)
221 01/24/2002 (160708)
222 01/22/2001 (160707)
223 12/20/2002 (160705)
224 02/04/2002 (160704)
225 06/21/2004 (352588)
226 02/23/2004 (296404)
227 07/16/2004 (352589)
228 02/06/2001 (160703)
229 08/23/2004 (352590)
230 09/16/2004 (352591)
231 03/22/2004 (296406)
232 10/15/2004 (352592)
233 11/27/2002 (160701)
234 08/23/2004 (352593)
235 04/22/2004 (296407)
236 11/20/2001 (160700)
237 11/27/2000 (160699)
238 05/27/2003 (296409)
239 10/23/2002 (160697)
240 05/25/2004 (296410)
241 10/24/2001 (160696)
242 11/16/2000 (160695)
243 09/23/2002 (160694)
244 12/20/2000 (40069)
245 09/24/2001 (160693)
246 07/23/2003 (296413)
247 09/21/2000 (160692)
248 08/22/2002 (160691)
249 08/27/2003 (296415)
250 08/22/2001 (160690)
251 08/25/2000 (160689)
252 07/22/2002 (IE0008773003002)
253 07/22/2002 (160688)
254 09/24/2003 (296417)
255 08/02/2001 (160687)
256 07/26/2000 (160686)
257 10/21/2003 (296419)
258 06/23/2003 (160685)
259 02/23/2005 (382045)
260 11/24/2003 (296420)
261 06/25/2002 (160684)
262 02/23/2005 (382046)
263 12/22/2003 (296421)
264 02/23/2005 (382047)
265 06/25/2001 (160683)
266 12/16/2004 (382048)
267 01/22/2004 (296422)
268 05/23/2002 (160681)
269 05/23/2001 (160680)

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

Date: 01/22/2001 (97649)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: OP IA
Description: PERMIT SPECIAL CONDITION

Date: 12/30/2004 (345626)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent an inadvertent electrical short circuit resulting in unauthorized opacity.

Date: 06/27/2001 (97663-97672, 97674-97676)
Self Report? NO Classification: Moderate
Citation: 30 TAC 101.6(a)
Description: Failed to Notify TNRCC within 24 hours of an upset.
Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Unauthorized emissions.
Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Unauthorized emissions
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
Description: Failed to Notify TNRCC within 24 hours of an upset.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c), Permit 5682A
Rqmt Prov: OP IA
Description: Unauthorized emissions, exceeded MAERT
Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Unauthorized emissions.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
Description: Incomplete Notification
Self Report? NO Classification: Moderate
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
Description: Unauthorized emissions, exceeded MAERT
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)
Description: Failed to Notify TNRCC within 24 hours of an upset.
Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Unauthorized emissions.

Date: 01/14/03 (11/13/2002 in CCEDS) (20971)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Description: Inadequate maintenance resulted in an emissions event that did not meet the Demonstration Criteria.

Date: 11/25/2003 (254294)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Conoco Phillips failed to submit the initial notification within 24 hours of the start of the incident # 10377.

Date: 08/23/2003 (61968)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: ConocoPhillips failed to route unauthorized emissions from aeration tank (Tk 69) to a control device.

Date: 03/18/2004 (257314)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: Failure to maintain the emissions below the allowables in the MAERT.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)[G]
Description: Failure to conduct CGA fourth quarter audit in 2002, for unit 25.1, F-1, for pollutants NOx and CO.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA IA
Description: Failure to conduct second quarter cylinder gas audit in 2003, for unit 9, F-4 crude heater.

Date: 11/24/2003 (254187)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT IA
Description: Conoco Phillips failed to submit the initial notification within 24 hours of the start of the incident (CCEDS #17799).

Date: 07/10/2003 (119447)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
Description: NOR updates are required.

Date: 04/12/2004 (258257)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
Rqmt Prov: PERMIT IA
Description: ConocoPhillips failed to include components associated with VOC Tank 454 in fugitive emission monitoring.

Date: 07/12/2004 (258107)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Exceeded permit emission limits during an avoidable emissions event.

Date: 12/31/2003 (255587)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Rqmt Prov: PERMIT IA
Description: Failure to comply with General Condition #8 of TCEQ Air Permit 21265.

Date: 12/30/2004 (277696)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Failure to maintain cooling water flow to debutanizer resulting in unauthorized emissions.

Date: 07/12/2004 (259068)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Failure to submit a final notification of an emissions event in a timely manner.

Date: 08/31/2004 (271547)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Failure to submit separate notification for each facility, and failure to identify correct facility names.

Date: 04/04/2003 (23919)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Rqmt Prov: PERMIT IA
Description: Failure to control emissions from process operations.

Date: 03/31/2002 (160677)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2001 (160676)
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 (160673)
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: 02/28/2002 (160672)
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 (160670)
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: 01/31/2002 (160669)
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: 01/31/2001 (160668)
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 (160709)
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: 12/31/2001 (160708)
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 (160705)
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: 11/30/2001 (160704)
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: 11/30/2000 (160703)
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 (296404)
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: 04/22/2003 (33899)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with single grab permitted effluent limits for selenium.

Date: 02/29/2004 (296406)
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 (296407)
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 (160697)
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 (296409)
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 (296410)
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 (160694)
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: 08/31/2000 (160692)
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: 12/22/2000 (40069)
Self Report? NO Classification: Minor
Rqmt Prov: OP IA
Description: FAILURE TO COMPLY

Date: 07/31/2002 (160691)
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 (296413)
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 (160688)
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: 07/31/2003 (296415)
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: 06/30/2001 (160687)
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 (296417)
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: 05/31/2002 (160684)
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 (296419)
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: 05/31/2001 (160683)
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 (382045)
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 (296420)
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 (296421)
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 (296422)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2002 (160681)
Self Report? YES Classification: Moderate

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

Date: 04/30/2001 (160680)
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 (160678)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

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

K. 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	§	
RN101619179	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-1212-AIR-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 ch. 382 and TEX. WATER CODE ch. 7. 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 owns and operates a petroleum refinery located at State Highway 35 and Farm-to-Market Road 524, near Old Ocean, Brazoria County, Texas (the "Plant").

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

3. During an investigation on December 30, 2004, TCEQ staff determined that ConocoPhillips:

a. Failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup exceeded the initial estimates in the startup notification for the Coker Naphtha/Gas Oil Desulfurization Unit ("Unit 26.1"); and

b. Failed to control unauthorized emissions from an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1. The emissions were sent to the Low Pressure ("LP") Emergency Flare which has the following maximum allowable emission rates: 0.12 pounds per hour ("lbs/hr") for carbon monoxide ("CO") and 0.06 lbs/hr for nitrogen oxides ("NO_x"). During the event, the emissions were approximately 838.2 lbs/hr for CO and 288 lbs/hr for NO_x. Since the event was not reported properly, ConocoPhillips failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. During an investigation on February 10, 2005, TCEQ staff determined that ConocoPhillips:

a. Failed to submit initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at the Hydrogen Purification Unit ("Unit 26.2");

b. Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2; and

c. Failed to control unauthorized emissions due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004. The emissions were sent to the LP Emergency Flare which has the following maximum allowable emission rates: 0.12 lbs/hr for CO, 0.06 lbs/hr for NO_x, and 21.25 lbs/hr for sulfur dioxide ("SO_2"). During the event, the emissions were approximately 73.8 lbs/hr for CO, 12.6 lbs/hr for NO_x, and 239.4 lbs/hr for SO_2. Since these emissions were avoidable and were not reported timely, ConocoPhillips failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

5. During an investigation on February 22, 2005, TCEQ staff determined that ConocoPhillips failed to control unauthorized emissions due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004. The emissions were sent to the LP Emergency Flare which has the following maximum allowable emission rates: 0.12 lbs/hr for CO, 0.06 lbs/hr for NO_x, and 21.25 lbs/hr for SO_2. During the event, the emissions were approximately 318 lbs/hr for CO, 81 lbs/hr for NO_x, and 4889 lbs/hr for SO_2. Since these emissions were avoidable, ConocoPhillips failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

6. ConocoPhillips received notices of the violations on March 8 and 14, 2005.

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

a. On October 7, 2004, minimized flaring during pre-sulfiding by making use of the amine scrubbers, slowing the rate of the operation until an additional claus train was brought on-line at Unit 28.2, and having enough amine circulation to aid in removal of hydrogen sulfide.

The flare was maintained and operated in a manner consistent with minimizing emissions, and no control equipment or systems were placed in bypass during the start-up;

b. On October 20, 2004, submitted a notification/final report for the emissions event which occurred on October 7, 2004;

c. On October 21, 2004, the excess liquid was removed from the knockout drum, and the compressor was restarted;

d. On October 29-30, 2004, reduced steam to the Crude Tower and Depentanizer Tower to produce less overhead product, thus allowing the levels in the Crude Tower Overhead Receiver and the Depentanizer Tower Overhead Receiver to be lowered to stop transfer of liquid to the compressor knockout drum in Unit 26.2. When the level in the knockout drum was low enough to clear the shutdown condition, the compressor was restarted;

e. On November 1, 2004, submitted initial notification for the emissions event which began on October 29, 2004; and

f. On November 19, 2004, submitted the final report for the emissions event which occurred October 29-30, 2004.

II. CONCLUSIONS OF LAW

1. ConocoPhillips is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., ConocoPhillips failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup of Unit 26.1 exceeded the initial estimates in the startup notification, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1), 101.211(a), and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 3.b., ConocoPhillips failed to control unauthorized emissions from the LP Emergency Flare during an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air Permit No. 5682A/PSD-TX-103M2 Special Condition ("SC") 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Finding of Fact No. 4.a., ConocoPhillips failed to submit initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at Unit 26.2, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. As evidenced by Finding of Fact No. 4.b., ConocoPhillips failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b).

6. As evidenced by Finding of Fact No. 4.c., ConocoPhillips failed to control unauthorized emissions at the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air Permit No. 5682A/PSD-TX-103M2 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

7. As evidenced by Finding of Fact No. 5, ConocoPhillips failed to control unauthorized emissions from the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Air Permit No. 5682A/PSD-TX-103M2 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

8. 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.

9. An administrative penalty in the amount of Twenty-Five Thousand Six Hundred Sixty-Two Dollars ($25,662) 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 the Twenty-Five Thousand Six Hundred Sixty-Two Dollar ($25,662) administrative penalty.

III. ORDERING PROVISIONS

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

1. ConocoPhillips is assessed an administrative penalty in the amount of Twenty-Five Thousand Six Hundred Sixty-Two Dollars ($25,662), as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The imposition 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. 2005-1212-AIR-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 undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement improved procedures for handling different crude blends to prevent to the extent practicable the

recurrence of an emissions event due to similar causes as the ones addressed in this Agreed Order;

b. Within 60 days after the effective date of this Agreed Order, implement changes to recordkeeping and reporting processes to ensure that reporting requirements are conducted as required; and

c. Within 75 days after the effective date of this Agreed Order, submit in duplicate, certification of compliance with Ordering Provision 2.a. through 2.b. 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 that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Manager
Air Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon ConocoPhillips. ConocoPhillips is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If ConocoPhillips fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ConocoPhillips' failure to comply is not a violation of this Agreed Order. ConocoPhillips has 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.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ConocoPhillips shall be made in writing to the Executive Director. Extensions are not effective until ConocoPhillips receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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

_____ 4/12/07
For the Executive Director 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

_____ 11/16/05
Signature Date

Tom J. Rich General Manager
Name (printed or typed) Title
Authorized Representative
ConocoPhillips Company

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

Jim C. Nich

General Manager