EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1550-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 31084

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: Sweeny Refinery, Highway 35 and Farm-to-Market 524, Old Ocean, Brazoria County

TYPE OF OPERATION: Refinery

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two pending enforcement action regarding this facility location, Docket Nos. 2006-2030-AIR-E and 2005-1212-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 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768

TCEQ Enforcement Coordinator: Ms. Jessica Rhodes, Enforcement Division, Enforcement Section III, MC 149, (512) 239-2879; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Ms. Cynthia Jordy, Environmental Team Leader, ConocoPhillips Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701
Mr. T. J. Rich, General Manager, Sweeny General Manager, 701 Brazos Street, Suite 1050, Austin, Texas 78701

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 _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** July 13, 2006 **Dates of NOVs/NOEs Relating to this Case:** August 16, 2006, August 25, 2006, and August 29, 2006 (NOE) **Background Facts:** This was a routine investigation. Five violations were documented. **AIR** 1) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 5920A Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to submit an emissions event report within 24 hours of the discovery of the event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.0825(b)]. 3) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 5920A, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to submit an emissions event report within 24 hours of the discovery of the event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 115.112(a)(2), NSR Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $46,416 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $23,208 **Total Paid to General Revenue:** $23,208 **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:** The violation is a gross deviation from a standard of conduct common in a given industry defined as an absence of management practices designed to ensure compliance.	**Corrective Actions Taken:** 1) The Executive Director recognizes that on June 27, 2006, in response to the May 25, 2006 and June 1, 2006 emissions events, ConocoPhillips provided employee training to insure that bypass valves are not inadvertently left open during future startups of the Vacuum Distillation Unit. On July 5, 2006, in response to the June 14, 2006 emissions event, ConocoPhillips provided training to operating personnel for the loading and dumping of fresh and spent caustic from the Merichem system. ConocoPhillips also updated operating procedures to include instructions to prevent extreme conditions that would lead to future seal failure. The Executive Director further recognizes that ConocoPhillips submitted emission event reports for the May 25, 2006 and June 1, 2006 emission events to the Houston Regional Office on June 7, 2006 and June 12, 2006, respectively. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A) 3) The Order will also require the Respondent to: a. Immediately upon the effective date of this Agreed Order, design and implement improvements to procedures to ensure the timely reporting of emissions events; and b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a.

Attachment A
Docket Number: 2006-1550-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ConocoPhillips Company**
Payable Penalty Amount:	**Forty-Six Thousand Four Hundred Sixteen Dollars ($46,416)**
SEP Amount:	**Twenty-Three Thousand Two Hundred Eight Dollars ($23,208)**
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:	**Brazoria 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

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision April 25, 2006*

DATES					
Assigned	21-Aug-2006				
PCW	19-Oct-2006	Screening	06-Sep-2006	EPA Due	13-May-2007

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.	31084	No. of Violations	5
Docket No.	2006-1550-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Jessica Rhodes
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* $20,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 408% Enhancement *Subtotals 2, 3, & 7* $82,416

Notes: Penalty enhancement due to six 1660-style Agreed Orders, three Findings Orders, 24 NOVs for the same or similar violations, 32 NOVs for unrelated violations, and one Consent Decree/Court Order. Penalty reduction due to one Notice of Audit.

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 does not meet the good faith criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$10
Approx. Cost of Compliance	$3,500

SUM OF SUBTOTALS 1-7 Final Subtotal $102,616

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 $102,616

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $46,416

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 since this is a Findings Order.

PAYABLE PENALTY $46,416

Screening Date 06-Sep-2006 **Docket No.** 2006-1550-AIR-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 31084 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN101619179
Media [Statute] Air Quality
Enf. Coordinator Jessica Rhodes

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)*	24	120%
	Other written NOVs	32	64%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	6	120%
	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	3	75%
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)*	1	30%
	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*	1	-1%
	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) **408%**

>> 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 six 1660-style Agreed Orders, three Findings Orders, 24 NOVs for the same or similar violations, 32 NOVs for unrelated violations, and one Consent Decree/Court Order. Penalty reduction due to one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **408%**

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date	06-Sep-2006
Docket No.	2006-1550-AIR-E
Respondent	ConocoPhillips Company
Case ID No.	31084
Reg. Ent. Reference No.	RN101619179
Media [Statute]	Air Quality
Enf. Coordinator	Jessica Rhodes

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), NSR Permit No. 5920A, Special Condition 1
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, on May 25, 2006, over a period of 59 hours, the Coker Flare (EPN 29-61-1) located in the Vacuum Distillation Unit, emitted 3,698 pounds (lbs) of carbon monoxide (CO), 652 lbs of nitrogen oxides (NOx), 15,583 lbs of sulfur dioxide (SO2), 169 lbs of hydrogen sulfide (H2S) and 4,186 lbs of volatile organic compounds (VOC). Since this emissions event report was not timely submitted and the event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense as described 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 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to significant amounts of hazardous air pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events: 1

3 Number of violation days

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

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $25,400

This violation Final Assessed Penalty (adjusted for limits) $25,400

Economic Benefit Worksheet

Respondent	ConocoPhillips Company
Case ID No.	31084
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	$700	25-May-2006	27-Jun-2006	0.1	$3	n/a	$3
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	Cost to establish procedures, and implement training to ensure compliance. Date Required is based on the date of the emissions event and Final Date is the date of compliance.						
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: $700

TOTAL: $3

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date	06-Sep-2006
Docket No.	2006-1550-AIR-E
Respondent	ConocoPhillips Company
Case ID No.	31084
Reg. Ent. Reference No.	RN101619179
Media [Statute]	Air Quality
Enf. Coordinator	Jessica Rhodes
Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B)
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)
Violation Description	Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 25, 2006 at 3:00 a.m., but was not reported until June 7, 2006 at 12:05 p.m.

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: At least 70% of the requirements were met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

13 Number of violation days

mark only one use a small 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 $1

Statutory Limit Test

Violation Final Penalty Total $508

This violation Final Assessed Penalty (adjusted for limits) $508

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 31084
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)	$300	25-May-2006	07-Jun-2006	0.0	$0	$1	$1
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure that emissions events are properly reported. Date required based on the date the report should have been submitted. Final date is the date the Respondent achieved compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $300

TOTAL: $1

Screening Date 06-Sep-2006 **Docket No.** 2006-1550-AIR-E **PCW**

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

Case ID No. 31084 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Jessica Rhodes

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 5920A, Special Condition 1

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

Violation Description Failed to prevent unauthorized emissions. Specifically, on June 1, 2006, over a period of 19 hours, the Coker flare (EPN 29-61-1) located in Unit 29.1 (the Vacuum Distillation Unit) emitted 1,478 lbs of CO, 218 lbs of NOx, 17,157 lbs of SO2, 186 lbs of H2S and 1,822 lbs of VOC. Since reporting requirements were not satisfied, the Respondent failed to meet the demonstrations for an affirmative defense as described 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 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to significant amounts of hazardous air pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

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

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $25,400

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

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 31084
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	$500	01-Jun-2006	01-Jun-2006	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	$700	01-Jun-2006	27-Jun-2006	0.1	$2	n/a	$2
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	Cost to make equipment improvements, establish procedures, and implement training to ensure compliance. Date Required is based on the date of the emissions event and Final Date is the date of compliance.						
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: $1,200

TOTAL: $2

PCW

Screening Date	06-Sep-2006
Docket No.	2006-1550-AIR-E
Respondent	ConocoPhillips Company
Case ID No.	31084
Reg. Ent. Reference No.	RN101619179
Media [Statute]	Air Quality
Enf. Coordinator	Jessica Rhodes

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Violation Number	4
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B)
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)
Violation Description	Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on June 1, 2006 at 2:00 a.m., but was not reported until June 12, 2006 at 4:48 p.m.

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: At least 70% of the requirements were met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

11 Number of violation days

mark only one use a small 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 $1

Statutory Limit Test

Violation Final Penalty Total $508

This violation Final Assessed Penalty (adjusted for limits) $508

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 31084
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)	$300	01-Jun-2006	12-Jun-2006	0.0	$0	$1	$1
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to implement measures designed to ensure that emissions events are properly reported. Date required based on the date the report should have been submitted. Final date is the date the Respondent achieved compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $300

TOTAL $1

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date	06-Sep-2006
Docket No.	2006-1550-AIR-E
Respondent	ConocoPhillips Company
Case ID No.	31084
Reg. Ent. Reference No.	RN101619179
Media [Statute]	Air Quality
Enf. Coordinator	Jessica Rhodes
Violation Number	5
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F), 115.112(a)(2) and NSR Permit No. 21265, General Condition 8
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, on June 14, 2006, over a period of 5 hours and 50 minutes, an engineer failed to close Control Valve 6414 allowing backflow of liquefied petroleum gas to Tank 96, located in the Merichem Unit, causing 8,262 lbs of VOC, including 4,740 lbs of benzene, to be released from the tank. The emissions from Tank 96 are not authorized by the permit. Since the emissions event was avoidable, the Respondent 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

Matrix Notes: Human health or the environment was exposed to significant amounts of hazardous air pollutants which exceeded levels protective of human health or environmental receptors as a result of the violation.

Adjustment $0

Base Penalty Subtotal $10,000

Violation Events

Number of Violation Events: 1

1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $50,800

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

Economic Benefit Worksheet

Respondent	ConocoPhillips Company
Case ID No.	31084
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	$1,000	14-Jun-2006	05-Jul-2006	0.1	$3	n/a	$3
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	Cost to establish procedures and implement training to ensure compliance. Date Required is based on the date of the emissions event and Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $1,000

TOTAL: $3

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.73
Regulated Entity:	RN101619179	SWEENY REFINERY	Classification: AVERAGE	Site Rating: 5.76

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD048210645
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30048
	AIR NEW SOURCE PERMITS	PERMIT	5689
	AIR NEW SOURCE PERMITS	PERMIT	10779
	AIR NEW SOURCE PERMITS	PERMIT	12344
	AIR NEW SOURCE PERMITS	PERMIT	12993
	AIR NEW SOURCE PERMITS	PERMIT	13744
	AIR NEW SOURCE PERMITS	PERMIT	13929
	AIR NEW SOURCE PERMITS	PERMIT	13978
	AIR NEW SOURCE PERMITS	PERMIT	1313A
	AIR NEW SOURCE PERMITS	PERMIT	1314A
	AIR NEW SOURCE PERMITS	PERMIT	1486A
	AIR NEW SOURCE PERMITS	PERMIT	1514A
	AIR NEW SOURCE PERMITS	PERMIT	2849A
	AIR NEW SOURCE PERMITS	PERMIT	5679G
	AIR NEW SOURCE PERMITS	PERMIT	5689A
	AIR NEW SOURCE PERMITS	PERMIT	5920A
	AIR NEW SOURCE PERMITS	PERMIT	7467A
	AIR NEW SOURCE PERMITS	PERMIT	7754A
	AIR NEW SOURCE PERMITS	PERMIT	8402A
	AIR NEW SOURCE PERMITS	PERMIT	18142
	AIR NEW SOURCE PERMITS	PERMIT	18601
	AIR NEW SOURCE PERMITS	PERMIT	21265
	AIR NEW SOURCE PERMITS	PERMIT	22086
	AIR NEW SOURCE PERMITS	PERMIT	24161
	AIR NEW SOURCE PERMITS	PERMIT	25004
	AIR NEW SOURCE PERMITS	PERMIT	24717
	AIR NEW SOURCE PERMITS	PERMIT	24162
	AIR NEW SOURCE PERMITS	PERMIT	26533
	AIR NEW SOURCE PERMITS	PERMIT	25434
	AIR NEW SOURCE PERMITS	PERMIT	30513
	AIR NEW SOURCE PERMITS	PERMIT	33153
	AIR NEW SOURCE PERMITS	PERMIT	35367
	AIR NEW SOURCE PERMITS	PERMIT	35506
	AIR NEW SOURCE PERMITS	PERMIT	35780
	AIR NEW SOURCE PERMITS	PERMIT	39026
	AIR NEW SOURCE PERMITS	PERMIT	40944
	AIR NEW SOURCE PERMITS	PERMIT	42367
	AIR NEW SOURCE PERMITS	PERMIT	43038
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0042G
	AIR NEW SOURCE PERMITS	PERMIT	53552
	AIR NEW SOURCE PERMITS	REGISTRATION	72035
	AIR NEW SOURCE PERMITS	REGISTRATION	72036
	AIR NEW SOURCE PERMITS	REGISTRATION	55489
	AIR NEW SOURCE PERMITS	REGISTRATION	75616
	AIR NEW SOURCE PERMITS	REGISTRATION	75905
	AIR NEW SOURCE PERMITS	REGISTRATION	75713
	AIR NEW SOURCE PERMITS	REGISTRATION	75864
	AIR NEW SOURCE PERMITS	AFS NUM	0010
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX103M2
	AIR NEW SOURCE PERMITS	PERMIT	70113
	AIR NEW SOURCE PERMITS	PERMIT	49140
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX998
	AIR NEW SOURCE PERMITS	PERMIT	22690
	AIR NEW SOURCE PERMITS	PERMIT	54666
	AIR NEW SOURCE PERMITS	PERMIT	52705
	AIR NEW SOURCE PERMITS	PERMIT	53563
	AIR NEW SOURCE PERMITS	PERMIT	74130
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M
	AIR NEW SOURCE PERMITS	REGISTRATION	76644
	AIR NEW SOURCE PERMITS	REGISTRATION	76731

AIR NEW SOURCE PERMITS	REGISTRATION	76776
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX998
AIR NEW SOURCE PERMITS	REGISTRATION	77153
AIR NEW SOURCE PERMITS	REGISTRATION	77156
AIR NEW SOURCE PERMITS	REGISTRATION	77157
AIR NEW SOURCE PERMITS	REGISTRATION	77168
AIR NEW SOURCE PERMITS	REGISTRATION	77152
AIR NEW SOURCE PERMITS	REGISTRATION	77154
AIR NEW SOURCE PERMITS	REGISTRATION	77155
AIR NEW SOURCE PERMITS	REGISTRATION	77312
AIR NEW SOURCE PERMITS	REGISTRATION	77336
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M3
AIR NEW SOURCE PERMITS	REGISTRATION	77648
AIR NEW SOURCE PERMITS	REGISTRATION	77840
AIR NEW SOURCE PERMITS	REGISTRATION	78566
AIR NEW SOURCE PERMITS	REGISTRATION	79552
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	2151
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	20580
WASTEWATER	PERMIT	TX0007536
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	WQ0000721000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50186
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50186
WASTEWATER LICENSING	LICENSE	WQ0000721000

Location: Highway 35 & FM 524, Old Ocean, TX

Rating Date: September 01 06
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 13, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 13, 2001 to November 13, 2006

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

Name: Jessica Rhodes Phone: 512-239-2879

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)? Chevron Phillips Chemical Company LP
5. When did the change(s) in ownership occur? 12/31/2002
   04/22/2004

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: 01/26/2006 ADMINORDER 2005-0163-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)

Rqmt Prov: No. 5682 & PSD-TX-103M2, S.C. #1 PERMIT
Description: Failure to prevent an unplanned shutdown of an incinerator resulting in unauthorized emissions.

Effective Date: 07/14/2006 ADMINORDER 2005-1904-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)

Rqmt Prov: 7467A SC 1 PERMIT
Permit No. 5920A and PSD-TX-103M2, SC 1 PA

Description: RE failed to prevent avoidable emissions events.

Effective Date: 06/09/2005 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)

Rqmt Prov: 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 (EPN 43) 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)

Rqmt Prov: 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)

Rqmt Prov: 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: 09/30/2005 ADMINORDER 2004-1617-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #5682A, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 05/23/2005 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)

Rqmt Prov: 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)

Rqmt Prov: 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)

Rqmt Prov: 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)

Rqmt Prov: 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: 04/14/2006 ADMINORDER 2005-1660-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit # 49140 PA
Description: RE failed to prevent an avoidable emissions event.

Effective Date: 08/30/2004 ADMINORDER 2002-1028-IWD-E

Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Rqmt Prov: 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.

Effective Date: 08/29/2003 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)

Rqmt Prov: 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]

Rqmt Prov: SC 1 PERMIT
Description: Failure to prevent unauthorized discharge of emissions on May 23, 2002.

Effective Date: 09/21/2006 ADMINORDER 2006-0252-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 5682A, SC1 PERMIT
Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit # 5682A & PSD-TX-103M2, SC 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate final report after an emissions event

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit No. 5920A PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event.

See addendum for information regarding federal actions.

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 03/07/2003 (21233)
2 04/23/2003 (160678)

3	12/23/2002	(14220)
4	04/24/2002	(160677)
5	08/19/2002	(4924)
6	08/25/2002	(8594)
7	07/15/2005	(400176)
8	09/10/2004	(333346)
9	01/30/2006	(453505)
10	08/24/2004	(260558)
11	06/16/2003	(33521)
12	03/16/2005	(343615)
13	01/10/2003	(16787)
14	03/25/2003	(160673)
15	08/25/2004	(261423)
16	08/15/2005	(404591)
17	05/16/2006	(462220)
18	07/26/2003	(61517)
19	08/24/2005	(406619)
20	01/17/2005	(286211)
21	04/04/2003	(23918)
22	03/25/2002	(160672)
23	05/07/2004	(266127)
24	07/10/2006	(480119)
25	05/17/2006	(463612)
26	08/09/2002	(3092)
27	03/20/2006	(278774)
28	11/29/2004	(341065)
29	10/31/2005	(433354)
30	05/22/2006	(434378)
31	04/04/2003	(23919)
32	03/28/2006	(433648)
33	02/28/2003	(160670)
34	12/30/2004	(345626)
35	06/30/2006	(463704)
36	03/16/2006	(433352)
37	06/27/2006	(480326)
38	07/11/2005	(398367)
39	05/17/2006	(461841)
40	04/23/2003	(33899)
41	12/17/2004	(288102)
42	02/22/2002	(160669)
43	10/28/2005	(403331)
44	10/27/2003	(282874)
45	03/16/2006	(438820)
46	12/30/2004	(287859)
47	07/28/2006	(484927)
48	11/29/2004	(340915)
49	10/30/2006	(511381)
50	08/31/2004	(271547)
51	02/14/2005	(349255)
52	01/07/2003	(18532)
53	06/24/2005	(374887)
54	03/28/2006	(451496)
55	02/27/2006	(440305)
56	06/24/2005	(397011)
57	10/02/2006	(511382)
58	04/20/2006	(460114)
59	02/23/2006	(455205)
60	05/31/2006	(460763)
61	06/05/2003	(17956)
62	11/06/2003	(249501)
63	11/22/2004	(338077)
64	04/25/2006	(461497)
65	02/13/2006	(440416)
66	07/02/2004	(278283)
67	12/29/2004	(289466)
68	01/30/2004	(259125)

69	02/08/2006	(440116)
70	03/16/2005	(373194)
71	09/01/2004	(289795)
72	03/11/2003	(160709)
73	08/19/2002	(8203)
74	10/30/2006	(289180)
75	08/29/2006	(485092)
76	07/19/2006	(484922)
77	08/15/2002	(5279)
78	08/25/2002	(4904)
79	02/21/2006	(449529)
80	08/18/2004	(282244)
81	01/24/2002	(160708)
82	08/04/2006	(483248)
83	08/21/2006	(497477)
84	08/25/2006	(484989)
85	07/19/2002	(1849)
86	02/08/2006	(440354)
87	02/25/2005	(350491)
88	11/03/2006	(514242)
89	11/25/2003	(254294)
90	03/13/2006	(453717)
91	09/05/2006	(481595)
92	07/12/2004	(259068)
93	11/12/2004	(287686)
94	09/09/2002	(6311)
95	12/20/2002	(160705)
96	01/04/2005	(342579)
97	08/16/2006	(485078)
98	02/22/2005	(350692)
99	06/20/2005	(396218)
100	04/12/2005	(374970)
101	03/14/2006	(453727)
102	08/16/2006	(497297)
103	02/04/2002	(160704)
104	06/21/2004	(352588)
105	02/23/2004	(296404)
106	07/16/2004	(352589)
107	11/22/2004	(335609)
108	10/20/2006	(497684)
109	12/17/2004	(341910)
110	01/30/2006	(451619)
111	08/23/2004	(352590)
112	11/22/2004	(339194)
113	10/06/2004	(333804)
114	09/16/2004	(352591)
115	07/16/2003	(36390)
116	02/23/2006	(451390)
117	03/30/2006	(458137)
118	02/24/2006	(438289)
119	08/29/2006	(485973)
120	03/22/2004	(296406)
121	10/15/2004	(352592)
122	12/01/2005	(438294)
123	11/27/2002	(160701)
124	12/28/2004	(342422)
125	08/23/2004	(352593)
126	04/22/2004	(296407)
127	11/24/2003	(254187)
128	11/20/2001	(160700)
129	10/28/2005	(418688)
130	07/10/2006	(482038)
131	07/11/2006	(483052)
132	01/10/2003	(20972)
133	10/06/2004	(333805)
134	06/27/2006	(480331)

135	05/27/2003	(296409)
136	10/23/2002	(160697)
137	03/03/2005	(349462)
138	09/01/2004	(280584)
139	11/03/2006	(514125)
140	11/07/2006	(487028)
141	05/25/2004	(296410)
142	11/06/2006	(453818)
143	08/04/2003	(133826)
144	07/20/2005	(399359)
145	12/28/2004	(277696)
146	12/09/2002	(13725)
147	05/22/2006	(463514)
148	02/21/2005	(349952)
149	11/22/2004	(333524)
150	08/30/2005	(402698)
151	03/03/2005	(371965)
152	12/22/2004	(340482)
153	05/16/2006	(462319)
154	04/20/2006	(458139)
155	11/07/2003	(253887)
156	11/29/2004	(336272)
157	02/21/2005	(351188)
158	09/23/2002	(160694)
159	10/06/2004	(333698)
160	07/23/2003	(296413)
161	06/30/2006	(482027)
162	07/24/2006	(465685)
163	04/12/2005	(375119)
164	07/31/2006	(484998)
165	06/23/2006	(480400)
166	12/11/2004	(342577)
167	01/10/2003	(19275)
168	02/23/2006	(453702)
169	02/10/2005	(343557)
170	08/22/2005	(406298)
171	05/04/2006	(461458)
172	12/31/2003	(255587)
173	08/22/2002	(160691)
174	08/27/2003	(296415)
175	07/26/2005	(400458)
176	07/22/2002	(IE000877300300
177	12/11/2004	(342599)
178	03/31/2005	(350563)
179	05/20/2005	(375132)
180	02/07/2006	(453152)
181	08/31/2004	(273961)
182	03/29/2005	(372022)
183	03/17/2006	(438894)
184	07/22/2002	(160688)
185	06/17/2003	(34943)
186	10/21/2005	(433893)
187	05/02/2003	(10852)
188	03/22/2004	(264254)
189	11/03/2006	(513963)
190	09/24/2003	(296417)
191	05/19/2005	(378252)
192	06/23/2005	(349036)
193	08/30/2005	(418482)
194	07/21/2006	(486875)
195	11/30/2004	(340792)
196	12/22/2004	(342153)
197	08/25/2002	(8582)
198	10/31/2002	(14828)
199	12/17/2004	(340488)
200	08/07/2006	(484904)

201	11/29/2004	(340851)
202	02/26/2003	(20393)
203	01/02/2006	(439019)
204	03/17/2004	(257314)
205	10/21/2003	(296419)
206	06/23/2003	(160685)
207	10/12/2005	(345293)
208	06/23/2006	(480579)
209	01/27/2005	(343576)
210	12/30/2004	(345294)
211	06/30/2004	(273454)
212	06/24/2002	(2475)
213	03/21/2006	(345285)
214	02/23/2005	(382045)
215	08/23/2003	(61968)
216	11/24/2003	(296420)
217	06/25/2002	(160684)
218	04/08/2004	(258257)
219	09/30/2004	(280855)
220	01/07/2005	(345295)
221	01/30/2006	(440119)
222	02/23/2005	(382046)
223	02/02/2004	(250745)
224	10/07/2002	(11565)
225	12/22/2003	(296421)
226	02/23/2005	(382047)
227	12/30/2004	(345296)
228	07/07/2006	(460719)
229	01/09/2003	(20971)
230	02/28/2003	(19809)
231	12/16/2004	(382048)
232	12/30/2004	(345297)
233	10/05/2004	(336659)
234	07/11/2005	(396156)
235	06/30/2004	(271507)
236	01/22/2004	(296422)
237	12/06/2004	(283487)
238	11/29/2004	(340359)
239	09/01/2006	(487285)
240	12/20/2004	(289506)
241	01/24/2003	(21424)
242	05/12/2003	(27507)
243	08/21/2006	(497714)
244	01/07/2005	(345299)
245	05/25/2006	(458131)
246	07/10/2003	(119447)
247	08/31/2002	(9933)
248	03/16/2006	(450930)
249	07/12/2004	(258107)
250	05/23/2002	(160681)
251	08/07/2006	(483230)
252	03/09/2005	(372280)
253	03/09/2005	(345300)
254	12/30/2004	(342412)
255	07/01/2004	(275993)
256	10/24/2006	(516622)
257	09/05/2006	(487182)
258	11/29/2004	(340845)
259	08/02/2005	(402413)
260	01/30/2004	(261337)
261	04/06/2004	(257342)
262	03/30/2006	(458160)

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

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: 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: 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: 03/18/2003 (27507)

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: 11/13/2002 (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: 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: 03/22/2006 (438894)

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: Failure to properly control the torch oil atomizing steam injection rate resulting in an emissions event.

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]

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: 07/12/2004 (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: 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: 05/31/2004 (352588)
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 (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, unauthorized VOC discharge, in TCEQ Air Permit 21265.
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: 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: 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

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: 05/17/2006 (462220)
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: Failed to keep regenerator flue gas opacity within permitted limits.
Date: 07/31/2006 (484998)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit the Initial Notification for an Emissions Event to the TCEQ within 24 hours of discovery.
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: Failure to prevent an avoidable emissions event.
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: 07/12/2006 (483052)
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: Failure to properly control opacity from the Regenerator resulting in the excess opacity event.
Date: 07/31/2002 (160691)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

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

Description: Failure to keep the opacity of the Regenerator Flue Gas Stream at or below 20%.

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: 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: 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: 05/04/2006 (461458)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

Description: Failure to determine if the event is a reportable emissions event within 24 hours of discovery a of a reportable emissions event and failure to notify the affected TCEQ Regional Office within 24 hours of discovery.

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: Failure to keep emissions of SO2 and CO from the Coker Flare within their Maximum Allowable Emisison Rate limits under TCEQ Air Permit No. 5920A.

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: 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: 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: 10/21/2005 (433893)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)

Description: Failed to report the opacity event within 24 hours of the start of the event.

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

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: 06/16/2006 (462319)

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: Failure to keep the opacity level at the Regenerator ESP stack within permit limits while returning the unit to full operating rates following a stack test.

Date: 06/28/2006 (480331)

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: Failure to prevent overpressures in Units 7 and 35, which resulted in an emissions event.

Date: 07/07/2006 (460719)

Self Report? NO Classification: Minor

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

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

Description: Failure to include the several light paraffins on the final report and amounts of all unauthorized pollutants released.

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: 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: 08/29/2006 (485092)

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: Failed to properly design, maintain, and operate feed stream to Unit 27, leading to interruption of the feed stream and of process operations.

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: 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: 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: 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: 06/28/2006 (480326)
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: Failed to properly design the electrostatic precipitator, resulting in excess opacity.

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.

Notice of Intent Date: 09/27/2005 (434812)
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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	ConocoPhillips	CUSTOMER NO.:	CN601674351
REGULATED ENTITY:	Sweeny Refinery	REG. ENTITY NO.:	RN101619179
REG. ENTITY ADDRESS:	Highway 35 & FM 524, Old Ocean, TX		
REG. ENTITY CITY:	Old Ocean		

Violations

EPA CASE NO.:	02-2004-0014	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20051205	STATUTE:	CAA
		SECT. OF STATUTE:	112
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR
		CITE PART:	60,61,(
		CITE SECT.:	
		PROGRAM:	Permit Requirements
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	UST Leak Detection and Repair

EPA CASE NO.:	02-2004-0014	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20051205	STATUTE:	CAA
		SECT. OF STATUTE:	165
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR
		CITE PART:	52
		CITE SECT.:	21
		PROGRAM:	State Implementation Plan
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	Prevention Of Significant Deterioration

EPA CASE NO.:	02-2004-0014	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20051205	STATUTE:	CAA
		SECT. OF STATUTE:	112
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR
		CITE PART:	61
		CITE SECT.:	Subpart FF
		PROGRAM:	NESHAPs
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	NESHAP for Benzene Waste Operations

EPA CASE NO.:	02-2004-0014	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20051205	STATUTE:	CAA
		SECT. OF STATUTE:	111
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION:	40CFR
		CITE PART:	60
		CITE SECT.:	Subparts A
		PROGRAM:	NSPS
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	Refinery NSPS Regulations

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. 2006-1550-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 they have 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 refinery located at Highway 35 and Farm-to-Market 524, 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 July 13, 2006, TCEQ staff documented that ConocoPhillips failed to maintain an emissions rate below the allowable emission limits. Specifically, on May 25, 2006, over a period of 59 hours, the Coker flare (EPN 29-61-1) located in the Vacuum Distillation Unit emitted

3,698 pounds ("lbs") of carbon monoxide ("CO"), 652 lbs of nitrogen oxides ("NOx"), 15,583 lbs of sulfur dioxide ("SO2"), 169 lbs of hydrogen sulfide ("H2S") and 4,186 lbs of volatile organic compounds ("VOC"). Since this emissions event was avoidable, ConocoPhillips failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222.

4. During an investigation on July 13, 2006, TCEQ staff documented that ConocoPhillips failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 25, 2006 at 3:00 a.m., but was not reported until June 7, 2006 at 12:05 p.m.

5. During an investigation on July 13, 2006, TCEQ staff documented that ConocoPhillips failed to maintain an emissions rate below the allowable emission limits. Specifically, on June 1, 2006, over a period of 19 hours, the Coker flare (EPN 29-61-1) located in Unit 29.1 (the Vacuum Distillation Unit) emitted 1,478 lbs of CO, 218 lbs of NOx, 17,157 lbs of SO2, 186 lbs of H2S and 1,822 lbs of VOC. Since reporting requirements were not satisfied, ConocoPhillips failed to meet the demonstrations for an affirmative defense as described in 30 TEX. ADMIN. CODE § 101.222.

6. During an investigation on July 13, 2006, TCEQ staff documented that ConocoPhillips failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on June 1, 2006 at 2:00 a.m., but was not reported until June 12, 2006 at 4:48 p.m.

7. During an investigation on July 13, 2006, TCEQ staff documented that ConocoPhillips failed to prevent unauthorized emissions. Specifically, on June 14, 2006, over a period of 5 hours and 50 minutes, an engineer failed to close Control Valve 6414 allowing backflow of liquefied petroleum gas to Tank 96, located in Unit 29 (the Merichem Unit), causing 8,262 lbs of VOC including 4,740 lbs of benzene to be released from the tank. The emissions from Tank 96 are not authorized by the permit. Since the emissions event was avoidable, ConocoPhillips failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

8. ConocoPhillips received notice of the violations on August 21, 2006, August 30, 2006, and September 2, 2006.

9. The Executive Director recognizes that on June 27, 2006, in response to the May 25, 2006 and June 1, 2006 emissions events, ConocoPhillips provided employee training to insure that bypass valves are not inadvertently left open during future startups of the Vacuum Distillation Unit. On July 5, 2006, in response to the June 14, 2006 emissions event, ConocoPhillips provided training to operating personnel for the loading and dumping of fresh and spent caustic from the Merichem system. ConocoPhillips also updated operating procedures to include instructions to prevent extreme conditions that would lead to future seal failure. The Executive Director further recognizes that ConocoPhillips submitted emission event reports for the May 25, 2006 and June 1, 2006 emission events to the Houston Regional Office on June 7, 2006 and June 12, 2006, respectively.

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, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 5920A Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 4, ConocoPhillips failed to submit an emissions event report within 24 hours of the discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.0825(b).

4. As evidenced by Finding of Fact No. 5, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 5920A, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. As evidenced by Finding of Fact No. 6, ConocoPhillips failed to submit an emissions event report within 24 hours of the discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

6. As evidenced by Finding of Fact No. 7, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 115.112(a)(2), NSR Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b).

7. 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.

8. An administrative penalty in the amount of Forty-Six Thousand Four Hundred Sixteen Dollars ($46,416) 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 Twenty-Three Thousand Two Hundred Eight Dollars ($23,208) of the administrative penalty and Twenty-Three Thousand Two Hundred Eight Dollars ($23,208) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

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

1. ConocoPhillips is assessed an administrative penalty in the amount of Forty-Six Thousand Four Hundred Sixteen Dollars ($46,416), as set forth in Section II, Paragraph 8 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. 2006-1550-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 implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 8, Conclusions of Law section above, Twenty-Three Thousand Two Hundred Eight Dollars ($23,208) 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's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement

3. It is further ordered that ConocoPhillips shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Agreed Order, design and implement improvements to procedures to ensure the timely reporting of emissions events; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a.

   The certifications required by Ordering Provision 3.b. shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

   "I certify that under the 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 obtained 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."

This certification should 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, Suite H
Houston, Texas 77023-1486

4. 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.

5. If Conoco Phillips 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.

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

4/12/07
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of ConocoPhillips. I am authorized to agree to the attached Agreed Order on behalf of ConocoPhillips, 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 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.

Signature

12/11/06
Date

T J Rich
Name (printed or typed)
Authorized Representative
ConocoPhillips Company

General Manager
Title

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.

Attachment A
Docket Number: 2006-1550-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ConocoPhillips Company**
Payable Penalty Amount:	**Forty-Six Thousand Four Hundred Sixteen Dollars ($46,416)**
SEP Amount:	**Twenty-Three Thousand Two Hundred Eight Dollars ($23,208)**
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:	**Brazoria 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

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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