EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2030-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 31781

RESPONDENT NAME: ConocoPhillips Company

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

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

TYPE OF OPERATION: Refinery

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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 April 23, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Audra Ruble, Enforcement Division, Enforcement Section III, MC R-14, (361) 825-3126; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
Respondent: Mr. Tom J. Rich, Sweeny General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480
Ms. Cynthia Jordy, Environmental Team Leader, 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 _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** March 8, 2006 **Date of NOE Relating to this Case:** November 2, 2006 (NOE) **Background Facts:** This was a routine investigation. One violation was documented. **AIR** Failed to prevent unauthorized emissions which occurred on December 16, 2005 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 5920A, Special Condition 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b)].	**Total Assessed:** $10,000 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $10,000 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The violation involves unauthorized emissions which are excessive emissions events.	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, submit a plan that identifies operational changes the owner or operator will take to prevent or minimize emissions events similar to the December 16, 2005 incident; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision November 17, 2006*

DATES					
Assigned	13-Nov-2006				
PCW	21-Nov-2006	Screening	21-Nov-2006	EPA Due	27-Oct-2006

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	31781	No. of Violations	1
Docket No.	2006-2030-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **402%** Enhancement — *Subtotals 2, 3, & 7* **$40,200**

Notes: The Respondent has received one federal consent decree, six 1660 Orders, three findings orders, 22 NOVs for the same or similar violations, 34 NOVs for non-similar violations including 30 self-reported effluent violations, and has submitted one notice of audit letter in the past five years.

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

Notes: Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$122
Approx. Cost of Compliance	$1,500

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$50,200**

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 **$50,200**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$10,000**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$10,000**

Screening Date 21-Nov-2006 **Docket No.** 2006-2030-AIR-E **PCW**

Respondent ConocoPhillips Company

Case ID No. 31781

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

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*)	22	110%
	Other written NOVs	34	68%
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 submitted*)	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) 402%

>> 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 has received one federal consent decree, six 1660 Orders, three findings orders, 22 NOVs for the same or similar violations, 34 NOVs for non-similar violations including 30 self-reported effluent violations, and has submitted one notice of audit letter in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 402%

Screening Date 21-Nov-2006 **Docket No.** 2006-2030-AIR-E **PCW**

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

Case ID No. 31781 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 5920A, Special Condition 1, and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions which occurred on December 16, 2005. Specifically, emission estimates from the sour water flare indicate that approximately 32 lbs of hydrogen sulfide (H2S) and 2,948 lbs of sulfur dioxide (SO2) were released during a 55 minute event. The permit limits are 0.01 lbs/hr and 0.40 lbs/hr, respectively. Emission estimates from the DEA flare indicate that approximately 353 lbs of H2S and 32,518 lbs of SO2 were released during a two hour event. The permit limits are 0.01 lbs/hr and 0.85 lbs/hr, respectively. Emission estimates from the Tail Gas Incinerator Stack indicate that approximately 271 lbs of SO2 were released over a total duration of four hours, with a permit limit of 115.42 lbs/hr. Since the emissions event was avoidable and excessive it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and/or the environment have been exposed to a significant amount of pollutants which exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
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 $122

Statutory Limit Test

Violation Final Penalty Total $50,200

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 31781
Reg. Ent. Reference No. RN101619179
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$1,500	16-Dec-2005	1-Aug-2007	1.6	$122	n/a	$122
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 provide refresher training to operations personnel. Date required is the date of the emission event and final date is when compliance is expected to be achieved.

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: $1,500

TOTAL: $122

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 20, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 20, 2001 to November 20, 2006

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

Name: Audra Ruble Phone: 361-825-3126

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

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.)

N/A

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	10/28/2005	(418688)
129	07/10/2006	(482038)
130	07/11/2006	(483052)
131	01/10/2003	(20972)
132	10/06/2004	(333805)
133	06/27/2006	(480331)
134	05/27/2003	(296409)
135	10/23/2002	(160697)
136	03/03/2005	(349462)
137	09/01/2004	(280584)
138	11/03/2006	(514125)
139	11/07/2006	(487028)
140	05/25/2004	(296410)
141	11/06/2006	(453818)
142	08/04/2003	(133826)
143	07/20/2005	(399359)
144	12/28/2004	(277696)
145	12/09/2002	(13725)
146	05/22/2006	(463514)
147	02/21/2005	(349952)
148	11/22/2004	(333524)
149	08/30/2005	(402698)
150	03/03/2005	(371965)
151	12/22/2004	(340482)
152	05/16/2006	(462319)
153	04/20/2006	(458139)
154	11/07/2003	(253887)
155	11/29/2004	(336272)
156	02/21/2005	(351188)
157	09/23/2002	(160694)
158	10/06/2004	(333698)
159	07/23/2003	(296413)
160	06/30/2006	(482027)
161	07/24/2006	(465685)
162	04/12/2005	(375119)
163	07/31/2006	(484998)
164	06/23/2006	(480400)
165	12/11/2004	(342577)
166	01/10/2003	(19275)
167	02/23/2006	(453702)
168	02/10/2005	(343557)
169	11/15/2006	(432050)
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	(IE0008773003002)
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 and failed to prevent unauthorized emissions.

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.

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: 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.

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.

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) and failed to prevent unauthorized emissions.

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.

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)
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 o 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

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)

Description: Failure to submit a final notification of an emissions event in a timely manner and failing to prevent unauthorized emissions.

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, and failure to prevent unauthorized emissions.

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.

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.:
CASE RESULT:	Final Order With Penalty	PROGRAM:	Permit Requirements
		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
CASE RESULT:	Final Order With Penalty	PROGRAM:	State Implementation Plan
		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
CASE RESULT:	Final Order With Penalty	PROGRAM:	NESHAPs
		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
CASE RESULT:	Final Order With Penalty	PROGRAM:	NSPS
		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. 2006-2030-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 refinery located at Highway 35 and Farm-to-Market Road 524 in 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 March 8, 2006, TCEQ staff documented that ConocoPhillips failed to prevent unauthorized emissions which occurred on December 16, 2005. Specifically, emission estimates from the sour water flare indicate that approximately 32 pounds ("lbs") of hydrogen sulfide ("H_2S") and 2,948 lbs of sulfur dioxide ("SO_2") were released during a 55 minute event. The permit limits are 0.01 pounds per hour ("lbs/hr") and 0.40 lbs/hr, respectively. Emission estimates from the DEA flare indicate that approximately 353 lbs of H_2S and 32,518 lbs of SO_2 were released during a two hour event. The permit limits are 0.01 lbs/hr and 0.85 lbs/hr, respectively. Emission estimates from the Tail Gas Incinerator Stack indicate that approximately 271 lbs of SO_2 were released over a total duration of four hours, with a permit limit of 115.42 lbs/hr. Since the emissions event was avoidable and excessive it does not meet the demonstrations for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222(b)(1-11).

4. ConocoPhillips received notice of the violations on November 7, 2006.

II. CONCLUSIONS OF LAW

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

2. As evidenced by Findings of Fact No. 3, ConocoPhillips failed to prevent unauthorized emissions which occurred on December 16, 2005, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 5920A, Special Condition 1, and TEX. HEALTH AND SAFETY CODE § 382.085(b).

3. 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.

4. An administrative penalty in the amount of Ten Thousand Dollars ($10,000) 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 Ten Thousand Dollar ($10,000) 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 Ten Thousand Dollars ($10,000) as set forth in Section II, Paragraph 4 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. 2006-2030-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, submit a plan that identifies operational changes the owner or operator will take to prevent or minimize emissions events similar to the December 16, 2005 incident; and

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Quality Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
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 the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If ConocoPhillips fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ConocoPhillips' failure to comply is not a violation of this Agreed Order. ConocoPhillips shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ConocoPhillips shall notify the Executive Director within seven days after ConocoPhillips 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

_____ 5/11/07
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.

_____ 2/12/07
Signature Date

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

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