

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0916-AIR-E **TCEQ ID:** RN102320850 **CASE NO.:** 36000  
**RESPONDENT NAME:** Chevron Phillips Chemical Company LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Philtex Ryton Plant, located at Spur 119 North, three miles northeast of Borger, Hutchinson County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0230-IHW-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 17, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Todd Williams, Environmental Team Leader, Chevron Phillips Chemical Company LP, 10001 Six Pines Drive, The Woodlands, Texas 77380  Mr. D. P. Digman, Borger Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008-0968  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 22, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 2, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number FL-1]. Specifically, 559 pounds of sulfur dioxide and eight pounds of other pollutants (hydrogen sulfide, sulfur dioxide, carbon monoxide and tert-butyl mercaptan 75-66-1) were released in a one hour and ten minute period on March 1, 2008 [30 TEX. ADMIN. CODE § 116.715(a) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$7,425</p> <p><b>Total Deferred:</b> \$1,485  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$5,940</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of the unauthorized emission event that occurred on March 1, 2008; and</p> <p>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.</p>

Additional ID No(s): HW0013C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

**TCEQ**

DATES	Assigned	2-Jun-2008	Screening	4-Jun-2008	EPA Due	2-Mar-2009
	PCW	16-Jun-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Chevron Phillips Chemical Company LP.
Reg. Ent. Ref. No.	RN102320850
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36000	No. of Violations	1
Docket No.	2008-0916-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.
Admin. Penalty \$	Limit Minimum \$0	EC's Team	Enforcement Team 3
	Maximum \$10,000		

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History**  **Subtotals 2, 3, & 7**

Notes:

**Culpability**   **Subtotal 4**

Notes:

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

**PAYABLE PENALTY**

Screening Date 4-Jun-2008

Docket No. 2008-0916-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP.

Policy Revision 2 (September 2002)

Case ID No. 36000

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	3	15%
	Other written NOV's	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
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) 197%

>> 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 was issued three NOV's with the same/similar type of violations, eight NOV's without the same/similar type of violations, one Court Order with denial of liability, seven 1660 Agreed Orders with denial of liability, self reported one effluent violation, and submitted four Notices of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 197%

<b>Screening Date</b> 4-Jun-2008	<b>Docket No.</b> 2008-0916-AIR-E	<b>PCW</b>												
<b>Respondent</b> Chevron Phillips Chemical Company LP.	<small>Policy Revision 2 (September 2002)</small>													
<b>Case ID No.</b> 36000	<small>PCW Revision June 12, 2008</small>													
<b>Reg. Ent. Reference No.</b> RN102320850														
<b>Media [Statute]</b> Air														
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.														
<b>Violation Number</b> <input type="text" value="1"/>														
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 116.715(a) and Tex. Health &amp; Safety Code § 382.085(b)"/>													
<b>Violation Description</b>	<input ")="" (="" 1,="" 101.222(b)."="" 2008.="" 30="" 559="" 75-66-1)="" a="" admin.="" affirmative="" an="" and="" avoided="" been="" by="" carbon="" code="" could="" defense="" demonstrations="" design,="" dioxide="" dioxide,="" eight="" emissions="" emissions,="" epn="" failed="" fl-1].="" for="" foreseen="" good="" have="" hour="" hydrogen="" in="" maintenance="" march="" meet="" mercaptan="" minimize="" minute="" monoxide,="" of="" on="" one="" operation="" other="" period="" pollutants="" pounds="" practices="" released="" respondent="" since="" specifically,="" sulfide,="" sulfur="" ten="" tert-butyl="" tex.="" the="" these="" to="" type="text" value="Failed to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number (" were="" §=""/>													
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>													
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
<b>OR</b>	<b>Harm</b>													
<b>Release</b>	Major      Moderate      Minor													
Actual	<input type="text"/>	<input type="text" value="X"/>												
Potential	<input type="text"/>	<input type="text"/>												
	<b>Percent</b>	<input type="text" value="25%"/>												
<b>&gt;&gt; Programmatic Matrix</b>														
	<b>Falsification</b> Major      Moderate      Minor													
	<input type="text"/>	<input type="text" value="0%"/>												
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environmental receptors as a result of the violation."/>													
<b>Adjustment</b>	<input type="text" value="\$7,500"/>													
	<input type="text" value="\$2,500"/>													
<b>Violation Events</b>														
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="1"/> <b>Number of violation days</b>												
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text" value="X"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text" value="X"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text" value="X"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
		<input type="text" value="\$2,500"/>												
	<input type="text" value="One quarterly event is recommended."/>													
<b>Good Faith Efforts to Comply</b>														
	<input type="text" value="0.0%"/> <b>Reduction</b>	<input type="text" value="\$0"/>												
	<small>Before NOV      NOV to EDPRP/Settlement Offer</small>													
Extraordinary	<input type="text"/>													
Ordinary	<input type="text"/>													
N/A	<input type="text" value="X"/> (mark with x)													
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>													
<b>Violation Subtotal</b>	<input type="text" value="\$2,500"/>													
<b>Economic Benefit (EB) for this violation</b>														
<b>Estimated EB Amount</b>	<input type="text" value="\$46"/>	<b>Violation Final Penalty Total</b>												
		<input type="text" value="\$7,425"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>													
	<input type="text" value="\$7,425"/>													

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP.  
**Case ID No.** 36000  
**Reg. Ent. Reference No.** RN102320850  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Mar-2008	1-Feb-2009	0.92	\$46	n/a	\$46

Notes for DELAYED costs: Estimated cost to maintain an emission rate below the maximum allowable emission limits by developing and implementing measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of emission events. Date Required is the date of the emission event, Final Date is the expected compliance date.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$46

## Compliance History

Customer/Respondent/Owner-Operator:	CN600303614	CHEVRON PHILLIPS CHEMICAL COMPANY LP	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN102320850	PHILTEX RYTON PLANT	Classification: AVERAGE	Site Rating: 11.57
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD041516709
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30131
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50254
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50254
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50018
	AIR NEW SOURCE PERMITS	PERMIT		39927
	AIR NEW SOURCE PERMITS	PERMIT		40813
	AIR NEW SOURCE PERMITS	PERMIT		41609
	AIR NEW SOURCE PERMITS	PERMIT		45470
	AIR NEW SOURCE PERMITS	PERMIT		45708
	AIR NEW SOURCE PERMITS	PERMIT		46022
	AIR NEW SOURCE PERMITS	PERMIT		46698
	AIR NEW SOURCE PERMITS	PERMIT		47618
	AIR NEW SOURCE PERMITS	PERMIT		47873
	AIR NEW SOURCE PERMITS	PERMIT		48389
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HW0013C
	AIR NEW SOURCE PERMITS	PERMIT		7172
	AIR NEW SOURCE PERMITS	PERMIT		7173A
	AIR NEW SOURCE PERMITS	PERMIT		7719A
	AIR NEW SOURCE PERMITS	PERMIT		8144A
	AIR NEW SOURCE PERMITS	PERMIT		3251A
	AIR NEW SOURCE PERMITS	PERMIT		18508
	AIR NEW SOURCE PERMITS	PERMIT		19952
	AIR NEW SOURCE PERMITS	PERMIT		20304
	AIR NEW SOURCE PERMITS	PERMIT		21918
	AIR NEW SOURCE PERMITS	PERMIT		31409
	AIR NEW SOURCE PERMITS	PERMIT		55433
	AIR NEW SOURCE PERMITS	REGISTRATION		70021
	AIR NEW SOURCE PERMITS	AFS NUM		4823300004
	AIR NEW SOURCE PERMITS	PERMIT		71299
	AIR NEW SOURCE PERMITS	PERMIT		54297
	AIR NEW SOURCE PERMITS	PERMIT		53267
	AIR NEW SOURCE PERMITS	PERMIT		53320
	AIR NEW SOURCE PERMITS	PERMIT		50537
	AIR NEW SOURCE PERMITS	REGISTRATION		72623
	AIR NEW SOURCE PERMITS	REGISTRATION		74568
	AIR NEW SOURCE PERMITS	REGISTRATION		75050
	AIR NEW SOURCE PERMITS	REGISTRATION		81490
	AIR NEW SOURCE PERMITS	REGISTRATION		83284
	AIR NEW SOURCE PERMITS	REGISTRATION		84319
	AIR NEW SOURCE PERMITS	REGISTRATION		83292
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW381
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW067
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW068
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW219
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW325
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HW0013C
	AIR OPERATING PERMITS	PERMIT		2164
	AIR OPERATING PERMITS	PERMIT		2165
	AIR OPERATING PERMITS	PERMIT		2166
	AIR OPERATING PERMITS	PERMIT		1440
	WASTEWATER	PERMIT		WQ0002484000
	WASTEWATER	PERMIT		TPDES0095869
	WASTEWATER	PERMIT		TX0095869
	STORMWATER	PERMIT		TXR157330

IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30131
INDUSTRIAL AND HAZARDOUS WASTE	(SWR)	
COMPLIANCE PLANS	PERMIT	50254

Location:	SPUR 119 N 3 MILES NE OF, BORGER, TX, 79007	Rating Date: September 01 07	Repeat Violator:
		NO	
TCEQ Region:	REGION 01 - AMARILLO		
Date Compliance History Prepared:	June 02, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 02, 2003 to June 02, 2008		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

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

Effective Date: 08/12/2003

COURTORDER

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(a)  
40 CFR Part 63, Subpart G 63.117(a)  
40 CFR Part 63, Subpart G 63.152(b)

Description: Failed to submit NOCs for unit 45.

Classification: Minor

Citation: 40 CFR Part 63, Subpart H 63.182(c)  
Description: Failed to timely submit NOCs for sulfolane chemical group.

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)  
Description: Failed to submit complete semiannual reports for 1995-1999.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.422(a)  
Description: Failed to timely notify trucking company of each non-vapor tight gasoline tank loaded.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.422(d)  
Description: Failed to have thermal oxidizer operational by compliance date of 12/15/97.

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(e)  
40 CFR Part 63, Subpart R 63.424(b)

Description: Monthly leak detection records for 1998 and 1999 were incomplete;

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(b)  
Description: Failed to maintain a temperature of 1240 degrees F in the thermal oxidizer during the loading process.

Classification: Minor

Citation: 40 CFR Part 63, Subpart R 63.428(b)  
Description: Annual certification report for tightness of cargo tank were incomplete.

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(f)  
Description: NOCs submitted for leak equipment was incomplete.

Classification: Minor

Citation: 40 CFR Part 63, Subpart R 63.428(g)  
Description: Failed to have available documents to support the 5 leaks reported in the semiannual report dated 7/30/99

Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(h)  
Description: Incomplete excess emission report dated 7/30/99.

Effective Date: 11/06/2005 ADMINORDER 2005-0704-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT  
Description: Failed to operate the North Flare (EPN FL-1) in the manner designed to prevent the release of unauthorized emissions during Incident No. 48675. Since this emissions event was foreseeable and avoidable, and the air pollution control equipment was not operated in a manner consistent with good practice for minimizing emi

Effective Date: 11/06/2005 ADMINORDER 2004-0231-AIR-E

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

Rqmt Prov: 21918 PERMIT  
Special Condition 2 PERMIT

Description: Chevron Phillips Chemical Company LP, Philtex Ryton Plant failed to meet the plant wide SO2 emission CAP of Flexible Permit no. 21918, during emission testing of the North H2S Flare (FL-1), the South HC Flare (FL-2) and the Sulfolene Flaker Scrubber Stack (M2A) from July 9, 2003 through July 18, 2003.

Effective Date: 02/20/2006 ADMINORDER 2005-0094-AIR-E

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

Rqmt Prov: General Condition No. 1 PERMIT  
Description: Failed to maintain an emission rate below represented levels during Incident No. 39918. Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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

Rqmt Prov: General Condition No. 1 PERMIT  
Description: Failed to maintain an emission rate below represented levels during Incident No. 40338. Since these emissions were avoidable the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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

Description: Failed to submit the initial report for Incident No. 39918 within 24 hours after discovery.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to identify all compounds known to have been released during Incident No. 42118 on the final report.

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

Rqmt Prov: General Condition No. 1 PERMIT  
Description: Failed to maintain an emission rate below represented levels during Incident No. 42118. Since these emissions were incompletely reported the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Effective Date: 04/29/2006 ADMINORDER 2005-1638-AIR-E

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

Rqmt Prov: Special Condition No. 2 PERMIT  
Description: Failed to comply with permitted emissions limits.

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

Rqmt Prov: Special Condition No. 2 PERMIT  
Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 17.C. PERMIT

Description: Failed to keep complete records.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 32 PERMIT

Description: Failed to control vapors from a loading operation.

Classification: Moderate

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

Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT

Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service

Classification: Moderate

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

Rqmt Prov: Special Condition No. 46 PERMIT

Description: Failed to use data required by the permit in emissions calculations.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include all instances of deviations in a report.

Effective Date: 05/12/2006

ADMINORDER 2004-0958-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.

Classification: Moderate

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

Description: Failed to submit the initial upset report for Incident No. 33418 in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
40 CFR Part 63, Subpart A 63.11(b)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 2 PERMIT

Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.

Classification: Major

Citation: 30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart F 63.104(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart A 63.11(b)(5)  
40 CFR Part 63, Subpart H 63.172(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to accurately report the number of valves monitored in August and November of 2003 on the semiannual report for the period of July 1 through December 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(4)  
40 CFR Part 63, Subpart R 63.422(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to cross-check the tank identification numbers (Trailers Groendyke No. 356, BAFU 888703-6, and NATX 36035) with the tank vapor tightness documentation, and failed to notify the owners of trucks with invalid truck tightness documentation within the required time frames after the tanks were loaded.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(5)  
40 CFR Part 63, Subpart R 63.422(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to assure that a nonvapor-tight tank (Groendyke No. 35, loaded on July 10 and August 25, 2003) would not be reloaded before obtaining vapor tightness documentation.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)  
40 CFR Part 63, Subpart R 63.425(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to conduct a visual inspection of the internal floating roof and the seal of Tank H-6 after the tank was emptied on February 20, 2003.

Effective Date: 07/22/2006

ADMINORDER 2006-0189-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 67916.

Effective Date: 03/08/2008

ADMINORDER 2007-0993-AIR-E

Classification: Minor

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

Rqmt Prov: Special Condition No. 8D PERMIT

Description: Failed to note the date and time of each AVO check for hydrogen sulfide leaks in the operator's log

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report in writing all instances of deviations to the Executive Director

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.0518(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.0518(a)

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

Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants

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	06/06/2003	(320182)
2	07/07/2003	(320183)
3	07/08/2003	(126195)
4	08/05/2003	(147327)
5	08/05/2003	(147335)
6	08/05/2003	(147317)
7	08/12/2003	(320184)
8	08/14/2003	(149297)
9	08/21/2003	(150748)
10	08/29/2003	(153034)
11	09/11/2003	(320185)
12	10/17/2003	(320186)
13	11/12/2003	(253161)
14	11/12/2003	(253165)
15	11/12/2003	(253166)
16	11/19/2003	(320187)
17	12/16/2003	(320188)
18	01/09/2004	(255887)
19	01/09/2004	(256581)
20	01/09/2004	(256582)
21	01/12/2004	(259367)
22	01/12/2004	(259565)
23	01/20/2004	(320189)
24	01/30/2004	(261502)
25	01/30/2004	(261425)
26	01/30/2004	(261511)
27	02/13/2004	(320178)
28	02/27/2004	(264406)
29	03/04/2004	(263430)
30	03/16/2004	(250901)
31	03/16/2004	(320179)
32	03/26/2004	(266447)
33	03/26/2004	(266444)
34	03/26/2004	(266437)
35	04/16/2004	(320180)
36	05/24/2004	(362754)
37	06/07/2004	(362755)
38	06/16/2004	(266883)
39	06/16/2004	(274162)
40	06/16/2004	(266957)
41	07/12/2004	(362756)
42	07/16/2004	(281204)
43	07/16/2004	(281245)
44	07/19/2004	(281318)
45	08/07/2004	(281128)
46	08/12/2004	(288970)
47	08/20/2004	(362757)
48	09/02/2004	(291233)
49	09/02/2004	(291242)
50	09/07/2004	(291422)
51	09/08/2004	(291216)
52	09/09/2004	(362758)
53	10/08/2004	(362759)
54	10/15/2004	(337419)
55	10/15/2004	(337435)
56	10/15/2004	(337438)

125	01/31/2007	(538435)
126	02/09/2007	(587244)
127	02/26/2007	(541686)
128	02/27/2007	(541900)
129	02/27/2007	(541861)
130	03/05/2007	(587245)
131	03/09/2007	(542571)
132	03/09/2007	(542559)
133	03/23/2007	(554148)
134	03/26/2007	(553818)
135	03/26/2007	(553892)
136	04/11/2007	(556514)
137	04/11/2007	(556504)
138	04/11/2007	(556516)
139	04/13/2007	(556570)
140	04/13/2007	(556572)
141	04/13/2007	(556569)
142	04/16/2007	(587246)
143	04/30/2007	(556728)
144	05/03/2007	(587247)
145	05/17/2007	(555906)
146	06/01/2007	(561465)
147	06/08/2007	(587248)
148	07/16/2007	(604964)
149	08/06/2007	(569756)
150	08/08/2007	(604965)
151	09/20/2007	(604966)
152	09/24/2007	(595458)
153	09/24/2007	(595445)
154	09/24/2007	(595457)
155	10/03/2007	(594741)
156	10/16/2007	(626933)
157	10/30/2007	(597142)
158	11/20/2007	(626934)
159	12/07/2007	(626935)
160	01/04/2008	(610798)
161	01/04/2008	(610787)
162	01/16/2008	(676035)
163	01/18/2008	(610441)
164	01/31/2008	(600338)
165	02/12/2008	(617665)
166	02/14/2008	(612360)
167	02/15/2008	(676033)
168	03/03/2008	(618707)
169	03/03/2008	(618712)
170	03/03/2008	(618691)
171	03/11/2008	(613242)
172	03/17/2008	(676034)
173	04/07/2008	(641601)
174	04/17/2008	(646530)
175	04/29/2008	(653798)
176	05/13/2008	(657400)
177	05/30/2008	(681736)
178	05/30/2008	(680205)
179	05/30/2008	(671606)
180	05/31/2008	(680219)

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

Date:	06/30/2003	(320183)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/10/2004	(250901)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)			
Description:	The review of information for two incidents reported by Chevron-Phillips			

57	10/16/2004	(335621)
58	11/05/2004	(339445)
59	11/16/2004	(387907)
60	12/28/2004	(340368)
61	12/28/2004	(340456)
62	12/29/2004	(345469)
63	01/05/2005	(387908)
64	01/07/2005	(346409)
65	01/07/2005	(346404)
66	02/07/2005	(425539)
67	02/16/2005	(350931)
68	03/03/2005	(345470)
69	03/03/2005	(372701)
70	03/03/2005	(372692)
71	03/03/2005	(372687)
72	03/14/2005	(425540)
73	04/13/2005	(425541)
74	05/16/2005	(425542)
75	06/02/2005	(394562)
76	06/06/2005	(425543)
77	06/17/2005	(396391)
78	07/22/2005	(446091)
79	08/05/2005	(446092)
80	08/26/2005	(400663)
81	09/07/2005	(446093)
82	09/08/2005	(431180)
83	09/08/2005	(431139)
84	09/08/2005	(431163)
85	10/11/2005	(478290)
86	11/10/2005	(478291)
87	12/15/2005	(478292)
88	01/05/2006	(451253)
89	01/05/2006	(451244)
90	01/05/2006	(451257)
91	01/23/2006	(478293)
92	02/06/2006	(478288)
93	02/13/2006	(455043)
94	02/16/2006	(435821)
95	02/16/2006	(454969)
96	03/10/2006	(478289)
97	03/13/2006	(458844)
98	03/23/2006	(459163)
99	04/20/2006	(504534)
100	04/25/2006	(463313)
101	04/25/2006	(463322)
102	04/25/2006	(463321)
103	05/08/2006	(504535)
104	05/22/2006	(467041)
105	05/25/2006	(463016)
106	06/07/2006	(526852)
107	08/04/2006	(526854)
108	08/18/2006	(509410)
109	09/06/2006	(526853)
110	09/18/2006	(526855)
111	10/03/2006	(514879)
112	10/03/2006	(514853)
113	10/03/2006	(513315)
114	10/03/2006	(513316)
115	10/03/2006	(514870)
116	10/03/2006	(513312)
117	10/06/2006	(550824)
118	10/16/2006	(515500)
119	10/31/2006	(517537)
120	11/03/2006	(550825)
121	12/15/2006	(534378)
122	12/20/2006	(534635)
123	01/04/2007	(535636)
124	01/08/2007	(587249)

indicated that the facility was in violation of the provisions of the New Source Review (NSR) permit No. 21918 by failing to satisfy the criteria specified in the provisions of §101.222.

Date: 03/23/2006 (459163)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT Effluent Limitations and Monitoring  
Description: Failure to meet effluent limitations for pH, at outfall 001.

Date: 04/26/2006 (463322)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
Rqmt Prov: PERMIT XI. Additional Requirements E.  
Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463321)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
Rqmt Prov: PERMIT XI. Additional Requirements E.  
Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463313)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
Rqmt Prov: PERMIT XI. Additional Requirements  
Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 05/25/2006 (463016)  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)  
Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)  
40 CFR Part 60, Subpart Kb 60.112b(a)(3)  
Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-2  
Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-5  
Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-6  
Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-7  
Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: The facility failed to comply with the provisions of the special condition No. 35 of the permit number 21918 by failing to monitor valves associated with the closed vent system for the North Flare.

Date: 12/20/2006 (534635)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
Description: failure to keep cold solvent cleaner lid closed

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)  
Description: failure to label cold solvent cleaner

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Description: failure to test mercaptan loading dock scrubber every five years

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Description: failure to include sulfur compounds in 2005 annual flare test for FL-2

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)		
Description:	failure to include deviation in deviation report		
Date:	01/31/2008 (600338)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)		
Description:	failure to make first attempt to repair a pump within 5 days		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)		
Description:	failure to make first attempt to repair three valves within 5 days		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)		
Description:	failure to make first attempt to repair one valve within 5 days		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to continuously monitor H2S Flare (FL-1) for SO2		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to monitor various components as required by the applicable fugitive monitoring program		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)		
Description:	failure to conduct monthly fugitive monitoring for one pump		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)		
Description:	failure to conduct monthly fugitive monitoring for various valves		
Self Report?	NO	Classification:	Minor
Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)		
Description:	failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)		
Description:	failure to repair a leak no later than 15 days after detection		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Part 63, Subpart H 63.167		
Description:	failure to prevent open-ended valves or lines		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)		
Description:	failure to report all instances of deviations on deviation reports		
Date:	02/12/2008 (617665)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 331, SubChapter D 331.64(d)(2)		
Description:	Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).		
Date:	03/11/2008 (613242)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(c)(7) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to prevent the release of unauthorized emissions to the atmosphere		

during an emissions event (which did not meet all affirmative defense criteria)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101; SubChapter F 101.201(a)(1)(B)  
 Description: Failure to submit initial notification within 24 hours of discovery of an emissions event  
 Date: 04/17/2008 (646530)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: PERMIT 7719A  
 Description: Failure to limit the Hydrogen Sulfide mass emission rate to 0.10 lbs/hr or less.

F. Environmental audits.

Notice of Intent Date: 02/15/2005 (372352)  
 No DOV Associated

Notice of Intent Date: 02/24/2005 (374234)  
 No DOV Associated

Notice of Intent Date: 09/21/2005 (434811)  
 Disclosure Date: 03/07/2006  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter C 305.44  
 Rqmt Prov: PERMIT TPDES permit 02484  
 Description: Failure to amend TPDES permit.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101  
 40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11  
 Description: Failure to adequately characterize wastewater discharge streams to ensure that any toxic pollutants do not exceed the limitations prescribed in the subpart.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)  
 Description: Failure to sample for all specific parameters during annual underground injection well sampling.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.64  
 Rqmt Prov: PERMIT WDW 219  
 Description: Failure to adequately implement underground injection well monitoring requirements.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)  
 Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter R 335.513(c)  
 Description: Failure to maintain all required waste stream documentation.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
 Description: Failure to complete required weekly inspections for all < 90 day hazardous waste storage areas looking for leaks and for deterioration caused by corrosion or other factors.  
 Notice of Intent Date: 06/22/2006 (486718)  
 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):	CHEVRON PHILLIPS CHEMICAL COMPANY L.P.	CUSTOMER NO.:	CN600303614
REGULATED ENTITY:	PHILLIPS CHEMICAL COMPANY PHILTEX RYTON COMPLEX	REG. ENTITY NO.:	RN102320850
REG. ENTITY ADDRESS:	SPUR 119 EAST		
REG. ENTITY CITY:	BORGER		

**Violations**

EPA CASE NO.:	06-1999-0173	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	19990331	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	301
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NPDES - Other Unpermitted Discharge
		VIOLATION TYPE:	Effluent Limit Viol./not otherwise spec.

EPA CASE NO.:	06-2002-1796	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20030401	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	301
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NPDES - Other Unpermitted Discharge
		VIOLATION TYPE:	Discharge/Emission/Activity w/out Permit

EPA CASE NO.:	06-2002-1796	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030401	STATUTE:	
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Stormwater Overflows

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHEVRON PHILLIPS CHEMICAL  
COMPANY LP  
RN102320850

§  
§  
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§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-0916-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at Spur 119 North, three miles northeast of Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 7, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Four Hundred Twenty-Five Dollars (\$7,425) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Nine Hundred Forty Dollars (\$5,940)

# Mathematical Induction

1. Base Case  
2. Inductive Step

1. Base Case

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1. Base Case

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1. Base Case

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1. Base Case

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1. Base Case

2. Inductive Step

1. Base Case

2. Inductive Step

of the administrative penalty and One Thousand Four Hundred Eighty-Five Dollars (\$1,485) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number ("EPN") FL-1], in violation of 30 TEX. ADMIN. CODE § 116.715(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 22, 2008. Specifically, 559 pounds of sulfur dioxide and eight pounds of other pollutants (hydrogen sulfide, sulfur dioxide, carbon monoxide and tert-butyl mercaptan 75-66-1) were released in a one hour and ten minute period on March 1, 2008.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2008-0916-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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of the unauthorized emission event that occurred on March 1, 2008; 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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 Section, Manager  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3918 Canyon Drive  
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John Srdelic*  
For the Executive Director

10/16/2008  
Date

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

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

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

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

*[Signature]*  
Signature

25 Aug 2008  
Date

DP DIGMAN  
Name (Printed or typed)  
Authorized Representative of  
Chevron Phillips Chemical Company LP

BOURGER PLANT MANAGER  
Title

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

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Handwritten text, possibly a signature or name, located in the lower-right quadrant of the page.