

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2007-0053-AIR-E TCEQ ID: RN100229319 CASE NO.: 32171**  
**RESPONDENT NAME: CONOCOPHILLIPS COMPANY**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 9500 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County</p> <p><b>TYPE OF OPERATION:</b> natural gas fractionation 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 no record of additional pending enforcement actions regarding this facility location.</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 December 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 20px;"><b>TCEQ Attorney:</b> Mr. Shawn Slack, Litigation Division, MC 175, (512) 239-0063  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p style="margin-left: 20px;"><b>SEP Coordinator:</b> Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223</p> <p style="margin-left: 20px;"><b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Air Enforcement Section, MC 128, (512) 239-1044</p> <p style="margin-left: 20px;"><b>TCEQ Regional Contact:</b> Mr. Joel Anderson, Houston Regional Office, MC R-12, (713) 767-3750</p> <p style="margin-left: 20px;"><b>Respondent:</b> Mr. Marshall Honeyman, Operations Manager, ConocoPhillips Company, 9500 FM 1982, Mont Belvieu, Texas, 77580</p> <p style="margin-left: 20px;"><b>Respondent's Attorney:</b> Mr. David D. Duncan, 600 North Dairy Ashford, ML2112, Houston, Texas 77079</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> November 3, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 21, 2006</p> <p><b>Background Facts:</b> A signed Agreed Order and payment were received on or about November 1, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>AIR:</b></p> <p>1. Failed to control volatile organic compound ("VOC") emissions from the TEG vent, EPN ME-103, and exceeded the maximum allowable emission rates ("MAER") for VOC at the TEG vent [30 TEX. ADMIN. CODE § 115.121(a)(1), § 116.115(c), Permit No. 21593, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2. Failed to report all reportable and recordable emissions events and excess TEG vent emissions on the deviation reports dated December 16, 2005, and June 20, 2006 [30 TEX. ADMIN. CODE § 122.145(2)(A) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)]</p>	<p><b>Total Assessed:</b> \$135,538</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$67,769</p> <p><b>Total Paid to General Revenue:</b> \$67,769</p> <p>The Respondent has paid \$67,769 of the assessed penalty.</p> <p>The remaining balance of \$67,769 shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project (SEP).</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>Corrective Action(s) Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <ol style="list-style-type: none"> <li>On December 20, 2006, ConocoPhillips started including all emission events and the uncontrolled Triethylene Glycol ("TEG") vent emissions in its semiannual deviation reports at the Plant.</li> <li>ConocoPhillips received a standard permit and installed a TEG vent control device by August 1, 2007.</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) as described in Attachment A of the Agreed Order.</p>

Attachment A  
Docket Number: 2007-0053-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** ConocoPhillips Company

**Penalty Amount:** One hundred thirty-five thousand five hundred thirty-eight dollars (\$135,538)

**SEP Amount:** Sixty-seven thousand seven hundred sixty-nine dollars (\$67,769)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") *Clean Cities/Clean Vehicles Program*

**Location of SEP:** Chambers County

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

1. **Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in accordance with the Supplemental Environmental Project Agreement between AERCO and the Texas Commission on Environmental Quality for the *Clean Cities/Clean Vehicles Program* in Chambers County. SEP monies will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap.

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

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental

Projection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

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

**2. Performance Schedule**

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

Houston-Galveston Area Council (AERCO)  
Attention: Shelley Whitworth  
P.O. Box 22777  
Houston, TX 77227-2777

**3. Records and Reporting**

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

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

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due with the notation "SEP Refund" and the docket number of the case, and shall send it to "Texas Commission on Environmental Quality" and mailed to:

ConocoPhillips Company  
Agreed Order SEP Attachment A

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

<b>DATES</b>	<b>Assigned</b>	3-Jan-2007			
	<b>PCW</b>	12-Apr-2007	<b>Screening</b>	10-Jan-2007	<b>EPA Due</b> 17-Sep-2007

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	ConocoPhillips Company				
<b>Reg. Ent. Ref. No.</b>	RN100229319				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	32171	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2007-0053-AIR-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Air Quality	<b>Enf. Coordinator</b>	Miriam Hall		
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 5		
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$80,200</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	19% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$15,238</b>
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**Notes**  
The penalty was enhanced for four similar and one unrelated NOV's. Penalty was reduced for one notice of audit and one disclosure of violations under an audit.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes**  
Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

<b>Total EB Amounts</b>	\$103,476	<b>50% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$40,100</b>
<b>Approx. Cost of Compliance</b>	\$605,250	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$135,538</b>
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### OTHER FACTORS AS JUSTICE MAY REQUIRE

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

<b>Adjustment</b>	<b>\$0</b>
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**Notes**

<b>Final Penalty Amount</b>	<b>\$135,538</b>
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### STATUTORY LIMIT ADJUSTMENT

<b>Final Assessed Penalty</b>	<b>\$135,538</b>
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### DEFERRAL

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

0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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**Notes**

Deferral not recommended due to failure to settle in a timely manner.

<b>PAYABLE PENALTY</b>	<b>\$135,538</b>
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Screening Date 10-Jan-2007

Docket No. 2007-0053-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 32171

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100229319

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	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)	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) 19%

>> **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 penalty was enhanced for four similar and one unrelated NOVs. Penalty was reduced for one notice of audit and one disclosure of violations under an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 19%

Screening Date 10-Jan-2007

Docket No. 2007-0053-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 32171

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100229319

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 115.121(a)(1), 116.115(c), Permit No. 21593, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to control volatile organic compound ("VOC") emissions from the Triethylene Glycol ("TEG") vent, EPN ME-103, and exceeded the maximum allowable emission rates ("MAERs") for VOC at the TEG vent. Specifically, the VOC MAERs for the TEG vent are 1.13 pounds per hour ("lbs/hr") and 5.0 tons per year ("tpy"). Actual emissions are approximately 6.95 lbs/hr and 30.4 tpy based on samples collected on August 23, 2005 and revised emission calculations self-reported to TCEQ on September 20, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The estimated excess emissions are 25.4 tpy of VOC.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 16 Number of violation days 477

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$80,000

Sixteen monthly events are recommended from date of discovery (9/20/05) to screening date (1/10/07).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$103,211

Violation Final Penalty Total \$135,200

This violation Final Assessed Penalty (adjusted for limits) \$135,200

## Economic Benefit Worksheet

**Respondent:** ConocoPhillips Company  
**Case ID No.:** 32171  
**Reg. Ent. Reference No.:** RN100229319  
**Media:** Air Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$600,000	20-Sep-2005	29-Feb-2008	2.4	\$4,888	\$97,753	\$102,641
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$5,000	20-Sep-2005	31-Dec-2007	2.3	\$570	n/a	\$570
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of engineering and installing control equipment and estimated cost for a permit amendment calculated from date of discovery to projected compliance date.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$605,000	TOTAL	\$103,211
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Screening Date 10-Jan-2007

Docket No. 2007-0053-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 32171

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100229319

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all reportable and recordable emissions events and excess TEG vent emissions on the deviation reports dated December 16, 2005 and June 20, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes The Respondent complied with more than 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 2

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$200

Two single events were documented during the investigation conducted November 3, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$265

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

## Economic Benefit Worksheet

**Respondent** ConocoPhillips Company  
**Case ID No.** 32171  
**Reg. Ent. Reference No.** RN100229319  
**Media** Air Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### 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	\$250	16-Dec-2005	20-Dec-2006	1.0	\$13	\$253	\$265
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

Estimated cost of including all the required information in the deviation reports from date of first report to compliance date. (The Respondent began reporting the vent emissions and all emissions events in the deviation report dated 12/20/2006.)

Approx. Cost of Compliance

\$250

**TOTAL**

\$265

# Compliance History

Customer/Respondent/Owner-Operator: CN601674351 ConocoPhillips Company Classification: AVERAGE Rating: 2.73  
 Regulated Entity: RN100229319 GULF COAST FRACTIONATORS Classification: AVERAGE Site Rating: 0.86

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0042R	
	AIR OPERATING PERMITS	PERMIT	831	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD118482447	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33690	
	AIR NEW SOURCE PERMITS	PERMIT	12776A	
	AIR NEW SOURCE PERMITS	PERMIT	21593	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0042R	
	AIR NEW SOURCE PERMITS	AFS NUM	0028	
	AIR NEW SOURCE PERMITS	PERMIT	21593	
	AIR NEW SOURCE PERMITS	REGISTRATION	75262	
	AIR NEW SOURCE PERMITS	REGISTRATION	80630	
	Location:	9500 FM 1942, MONT BELVIEU, TX, 77580		Rating Date: 9/1/2006 Repeat Violator: NO
	TCEQ Region:	REGION 12 - HOUSTON		
	Date Compliance History Prepared:	January 08, 2007		
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 08, 2002 to January 08, 2007			

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

Name: Miriam Hall Phone: (512) 239-1044

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? ConocoPhillips Company
4. If Yes, who was/were the prior owner(s)? Conoco Inc.  
ConocoPhillips Company
5. When did the change(s) in ownership occur? 12/31/2002  
05/01/2003

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- 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 07/18/2002 (4537)
  - 2 08/25/2003 (151149)
  - 3 08/01/2005 (401818)
  - 4 08/31/2004 (250263)
  - 5 01/24/2002 (68503)
  - 6 01/24/2002 (68502)
  - 7 07/11/2005 (395097)
  - 8 08/04/2006 (488879)
  - 9 08/24/2005 (404694)
  - 10 12/09/2004 (337969)
  - 11 12/10/2004 (283423)
  - 12 07/28/2006 (463487)
  - 13 12/09/2004 (337699)
  - 14 07/30/2003 (11636)

15 03/16/2005 (371408)  
 16 09/01/2006 (484556)  
 17 12/21/2006 (512688)  
 18 10/02/2002 (12711)  
 19 08/02/2005 (401995)  
 20 08/02/2005 (402495)  
 21 12/11/2003 (248725)  
 22 07/15/2005 (395296)  
 23 10/15/2004 (337844)  
 24 08/03/2005 (402999)  
 25 08/02/2005 (402444)

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

1. Date: 12/11/2003 (248725)

Self Report? NO Classification: Moderate

Citation: 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: Failure to report an emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
 Description: Failure to submit a timely final report for a reportable emissions event.

2. Date: 08/31/2004 (250263)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(c)

Rqmt Prov: OP IA

Description: The RE failed to submit a monitoring plan for the boiler:BO-103

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

Description: The RE failed to monitor the pilot flame of the flare

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Rqmt Prov: OP IA

Description: The RE failed to include the 11-15-2003 emission event on the corresponding deviation report

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description: The RE failed to include in the deviation reports the nine emission events that occurred during the reporting period

Self Report? NO 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 GG 60.332(a)(2)

Rqmt Prov: PERMIT IA

Description: The RE failed to control emissions associated with the stationary gas turbines

3. Date: 07/28/2006 (463487)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT IA

Description: Failure to prevent an avoidable emissions event.

4. Date: 12/10/2004 (283423)

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: The company failed to prevent hot gas from leaking onto the insulation of Boiler BO-202, thus melting the insulation on the conduit causing the boiler to shutdown.

5. Date: 08/24/2005 (404694)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

Description: Flares shall be operated with a flame present at all times.

F. Environmental audits.

Notice of Intent Date: 10/22/2004 (345882)

Disclosure Date: 04/26/2005

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.7(a)(3)

Description: Failed to prepare and submit an initial notification to the EPA Region to include a list of the eight affected facilities, initial construction dates, initial startup dates and the methods the facility has chosen to comply with the vent control requirements. In the case of GCF, each of the affected columns vents to a f

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.18(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(d)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(e)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(e)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(e)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(e)(3)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(e)(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(e)[G]

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8(f)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A  
60.8[G]

Description: Failed to determine if the flare testing conducted meets the requirements under 60.18. Provide testing results as part of the Initial Notification.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(b)(3)

Description: Failed to maintain flare testing report onsite and accessible as part of the NSPS NNN compliance files.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.663(b)(1)

Description: Failed to monitor the presence of flare pilot flame continuously.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(f)

Description: Failed to maintain up-to-date, readily accessible, continuous (at least every 15 min.) records of the flare pilot flame.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.663(b)(2)

Description: Failed to monitor the presence of vent gas flow to the flare at least once/hr for each affected facility.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(d)

Description: Failed to maintain up-to-date, readily accessible, continuous records for the flow indication and records of all periods of operations with no flow and any bypass of the flare.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(l)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(l)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN  
60.665(l)(4)

Description: Failed to prepare and submit semiannual reports that include flow records for the flare for all eight affected facilities and records of the flare pilot flame monitoring indicating when the pilot flame was absent.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CONOCOPHILLIPS COMPANY,  
RN100229319

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-0053-AIR-E**  
**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("ConocoPhillips") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and ConocoPhillips, appear before the Commission and together stipulate that:

1. ConocoPhillips owns and operates a natural gas fractionation plant at 9500 Farm-to-Market Road 1942 in Mont Belvieu, Chambers County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and ConocoPhillips agree that the Commission has jurisdiction to enter this Agreed Order, and ConocoPhillips is subject to the Commission's jurisdiction.
4. ConocoPhillips received notice of the violations alleged in Section II ("Allegations") on or about December 26, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ConocoPhillips of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of one hundred thirty-five thousand five hundred thirty-eight dollars (\$135,538.00) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations"). ConocoPhillips has paid sixty-seven thousand seven hundred and sixty nine dollars (\$67,769.00) of the administrative penalty. Sixty-seven thousand seven hundred and sixty nine dollars (\$67,769.00) shall be conditionally offset by ConocoPhillips's completion of a Supplemental Environmental Project.

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 ConocoPhillips have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that ConocoPhillips has implemented the following corrective measures at the Plant in response to this enforcement action:
  - a. On December 20, 2006, ConocoPhillips started including all emission events and the uncontrolled Triethylene Glycol ("TEG") vent emissions in its semiannual deviation reports at the Plant; and
  - b. ConocoPhillips received a standard permit and installed a TEG vent control device by August 1, 2007.
10. 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 ConocoPhillips has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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

ConocoPhillips is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 115.121(a)(1), 116.115(c), Permit No. 21593, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to control volatile organic compound ("VOC") emissions from the TEG vent, EPN ME-103, and exceeded the

maximum allowable emission rates ("MAERs") for VOC at the TEG vent, as documented during an investigation conducted on November 3, 2006.

2. 30 TEX. ADMIN. CODE § 122.145(2)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to report all reportable and recordable emissions events and excess TEG vent emissions on the deviation reports dated December 16, 2005, and June 20, 2006, as documented during an investigation conducted on November 3, 2006.

### III. DENIALS

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

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that ConocoPhillips pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and ConocoPhillips' 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 considering or requiring corrective action or penalties for violations which are not raised here. ConocoPhillips has paid sixty-seven thousand seven hundred and sixty nine dollars (\$67,769.00) of the administrative penalty. Sixty-seven thousand seven hundred and sixty nine dollars (\$67,769.00) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project.
2. ConocoPhillips shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, sixty-seven thousand seven hundred and sixty nine dollars (\$67,769.00) of the assessed administrative penalty shall be offset with the condition that ConocoPhillips implement the SEP defined in Attachment A, incorporated herein by reference. ConocoPhillips' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2007-0053-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

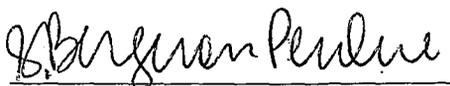
4. The provisions of this Agreed Order shall apply to and be binding upon ConocoPhillips. ConocoPhillips is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If ConocoPhillips fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ConocoPhillips' failure to comply is not a violation of this Agreed Order. ConocoPhillips shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ConocoPhillips shall notify the Executive Director within seven days after ConocoPhillips becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ConocoPhillips shall be made in writing to the Executive Director. Extensions are not effective until ConocoPhillips receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to ConocoPhillips, or three days after the date on which the Commission mails notice of the Order to ConocoPhillips,

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



\_\_\_\_\_  
For the Executive Director

12/2/07

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 ConocoPhillips' failure to comply with the Ordering Provisions, if any, in this order and/or ConocoPhillips' failure to timely pay the penalty amount, may result in:

- A negative impact on ConocoPhillips' compliance history;
- Greater scrutiny of any permit applications submitted by ConocoPhillips;
- 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 ConocoPhillips;
- Automatic referral to the Attorney General's Office of any future enforcement actions against ConocoPhillips; and
- TCEQ seeking other relief as authorized by law.

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

  
Signature

10/26/2007  
Date

MARSHALL HONEYMAN  
Name (Printed or typed)  
Authorized representative of  
ConocoPhillips Company

Operations Manager  
Title

Attachment A

Docket Number: 2007-0053-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** ConocoPhillips Company

**Penalty Amount:** One hundred thirty-five thousand five hundred thirty-eight dollars (\$135,538)

**SEP Amount:** Sixty-seven thousand seven hundred sixty-nine dollars (\$67,769)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") *Clean Cities/Clean Vehicles Program*

**Location of SEP:** Chambers County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in accordance with the Supplemental Environmental Project Agreement between AERCO and the Texas Commission on Environmental Quality for the *Clean Cities/Clean Vehicles Program* in Chambers County. SEP monies will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap.

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

B. Environmental Benefit

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental

Projection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

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

**2. Performance Schedule**

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

Houston-Galveston Area Council (AERCO)  
Attention: Shelley Whitworth  
P.O. Box 22777  
Houston, TX 77227-2777

**3. Records and Reporting**

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

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

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

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due with the notation "SEP Refund" and the docket number of the case, and shall send it to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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