EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0670-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 33292

RESPONDENT NAME: ConocoPhillips Company

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

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

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: A complaint was received on January 19, 2007, alleging a compressor had shut down and was causing all vents to flare from 3:15 a.m. to 5:00 a.m. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1194-AIR-E and 2007-1730-AIR-E.

INTERESTED PARTIES: A complaint was received but the complainant has not expressed a desire to protest this action or to speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 22, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Ms. Cynthia W. Jordy, Environmental Team Leader, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480
Mr. T. J. Rich, General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: X Complaint X Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** January 19, 2007 **Date of Investigation Relating to this Case:** September 6, 2006, December 8 and December 20, 2006, January 22 and January 31, 2007, February 12, 2007, and March 13 and March 26, 2007 **Date of NOV/NOE Relating to this Case:** February 28, March 1, April 5, April 17, April 27, 2007 and July 26, 2007 (NOE) **Background Facts:** There was one complaint investigation, six routine investigations, and four records reviews. **AIR** 1) Failure to prevent unauthorized emissions. Specifically, 23,306 pounds ("lbs") of Sulfur Dioxide ("SO2") were released from the DEA Stripper Flare (EPN 28.1-61-9), Incinerator Stack (EPN 28.2-36-2), and the Sour Water Stripper Flare (EPN 28.1-61-10) during an emissions event that began on June 27, 2006 and lasted for 4 hours and 51 minutes (Incident No. 77745). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY Code § 382.085(b)]. 2) Failure to prevent unauthorized emissions. Specifically, 250 lbs of Hydrogen Sulfide ("H2S") were released from the DEA Stripper Flare (EPN 28.1-61-9) and the Sour Water Stripper Flare (EPN 28.1-61-10) during an emissions event that began on June 27, 2006 and lasted for 4 hours and 51 minutes (Incident No. 77745). Since this emissions event was avoidable and determined to be	**Total Assessed:** $325,120 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $162,560 **Total Paid to General Revenue:** $162,560 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** Unauthorized emissions which are excessive emission events.	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See Attachment A) 2) The Order will also require the Respondent to: a) Within 30 days after the effective date of this Agreed Order: i. Implement measures designed to prevent the recurrence of emissions events due to the same causes as the emissions events that began on October 16, 2006, November 21, 2006, November 23, 2006, January 7, 2007, January 19, 2007 and January 21, 2007; and ii. Implement measures designed to ensure proper reporting of emissions events. b) Comply with the TCEQ request letters dated March 1 and July 26, 2007 for submittal of corrective action plans ("CAPs") to address the excessive emissions events that occurred on June 27 and September 17, 2006; c) Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAPs within 15 days after the date of such requests, or by other deadline specified in writing; d) Upon Commission approval, implement the CAPs in accordance with the approved schedule; e) Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provision b. through d. as described in Ordering Provision f. f) 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.

excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to prevent unauthorized emissions. Specifically, 1,597 lbs of SO2, 209 lbs of Volatile Organic Compounds ("VOCs") 88 lbs of Carbon Monoxide ("CO"), 17 lbs of H2S, and 10 lbs of Nitrogen Oxides ("NOx")were released from Flare 29 (EPN 29-61-1) during an emissions event that began on October 16, 2006 and lasted for 1 hour and 5 minutes (Incident No. 82688). Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failure to prevent unauthorized emissions. Specifically, 10,050 lbs of SO2 were released from Flare 29 (EPN 29-61-1) and the DEA Stripper Flare (EPN 28.1-61-9) during an emissions event that began on November 21, 2006 and lasted for 9 hours and 27 minutes (Incident No. 84158). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failure to prevent unauthorized emissions. Specifically, 1,686 lbs of CO, 285 lbs of H2S, and 6,331 lbs of VOCs [including 135 lbs of the Highly Reactive Volatile Organic Compound ("HRVOC") Propylene and 45 lbs of the HRVOC Ethylene] were released from Flare 29 (EPN 29-61-1), Tank 257 (EPN 68-95-257), and Flare 17 (EPN 56-61-17) during an emissions event that began on November 21, 2006 and lasted for 9 hours and 27 minutes (Incident No. 84158). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH &		

SAFETY CODE § 382.085(b)]. 6) Failure to prevent unauthorized emissions. Specifically, 3,370 lbs of VOCs [including 2 lbs of the Hazardous Air Pollutant ("HAP") 1,3 Butadiene and 1,016 lbs of the HAP Hexane] were released from Flare 29 (EPN 29-61-1) during an emissions event that began on November 23, 2006 and lasted for 2 hours and 9 minutes (Incident No. 84171). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failure to prevent unauthorized emissions. Specifically, 1,313 lbs of SO2, 443 lbs of the HRVOC Propylene, and 122 lbs of the HRVOC Ethylene were released from Flare 29 (EPN 29-61-1) during an emissions event that began on November 23, 2006 and lasted for 2 hours and 9 minutes (Incident No. 84171). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failure to prevent unauthorized emissions. Specifically, 1,146 lbs of SO2 were released from Flare 29 (EPN 29-61-1) during an emissions event that began on January 7, 2007 and lasted for 1 hour and 3 minutes (Incident No. 85724). Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 9) Failure to prevent unauthorized emissions. Specifically, 2,707 lbs of SO2, 392 lbs of VOCs, 345 lbs of CO, 29 lbs of H2S, and 7 lbs of the HRVOC Ethylene were released from Flare 29 (EPN 29-61-1) during an emissions event that began on January 19, 2007 and lasted for 2 hours (Incident No. 86210). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary		

to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 10) Failure to prevent unauthorized emissions. Specifically, 2,261 lbs of SO2 were released from Flare 29 (EPN 29-61-1) during an emissions event that began on January 21, 2007 and lasted for 2 hours and 12 minutes (Incident No. 86278). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 11) Failure to prevent unauthorized emissions. Specifically, 106,309 lbs of SO2 were released from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A, PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 12) Failure to prevent unauthorized emissions. Specifically, 19,922 lbs of VOCs (including 2,374 lbs of the HRVOC Propylene and 410 lbs of the HRVOC Ethylene) were released from Flare 29 (EPN 29-61-1), Flare 16 (EPN 56-61-16), and Flare 17 (EPN 56-61-17) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 13) Failure to prevent unauthorized emissions. Specifically, 12,146 lbs of CO were released from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an		

emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 14) Failure to prevent unauthorized emissions. Specifically, 2,239 lbs of NOx were released from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 15) Failure to prevent unauthorized emissions. Specifically, 1,154 lbs of H2S were released from Flare 29 (EPN 29-61-1), Flare 16 (EPN 56-61-16), and Flare 17 (EPN 56-61-17) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 16) Failure to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007. Specifically, the final report for the October 16, 2006 emissions event did not include all emissions released from the flare, and the final report for the January 7, 2007 emissions event did not include the authorized emissions limits for the facilities involved in the emissions event [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 17) Failure to comply with the permitted		

emission rate of 2.44 lbs of particulate matter ("PM") per 1,000 lbs of coke burn-off. Specifically, during a reference method stack test conducted on October 4, 2006, it was determined that front-half PM emissions from the Unit 3 FCC Regenerator (EPN 3-95-3) were 3.06lbs/1,000 lbs of coke burn-off [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 49140, Special Condition No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: BL0042G

Attachment A
Docket Number: 2007-0670-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ConocoPhillips Company**
Payable Penalty Amount:	**Three Hundred Twenty-Five Thousand One Hundred Twenty Dollars ($325,120)**
SEP Amount:	**One Hundred Sixty-Two Thousand Five Hundred Sixty Dollars ($162,560)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Brazoria County**

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Brazoria County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 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:

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

DATES					
Assigned	5-Mar-2007				
PCW	12-Nov-2007	Screening	24-Apr-2007	EPA Due	25-Nov-2007

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	33292	No. of Violations	17
Docket No.	2007-0670-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $200,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **460%** Enhancement — *Subtotals 2, 3, & 7* $920,920

Notes: Penalty enhancement due to 29 NOVs issued for the same or similar violations, 33 NOVs issued for unrelated violations (including 25 self-reported effluent violations), six agreed orders with a denial of liability, four agreed orders without a denial of liability, and one federal order with a denial of liability. Penalty reduction for one Notice of Audit letter.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$2,734
Approx. Cost of Compliance	$53,200

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $1,121,120

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes:

Final Penalty Amount $1,121,120

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $325,120

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $325,120

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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*)	29	145%
	Other written NOVs	33	66%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 460%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to 29 NOVs issued for the same or similar violations, 33 NOVs issued for unrelated violations (including 25 self-reported effluent violations), six agreed orders with a denial of liability, four agreed orders without a denial of liability, and one federal order with a denial of liability. Penalty reduction for one Notice of Audit letter.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 460%

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 23,306 pounds ("lbs") of Sulfur Dioxide ("SO2") were released from the DEA Stripper Flare (EPN 28.1-61-9), Incinerator Stack (EPN 28.2-36-2), and the Sour Water Stripper Flare (EPN 28.1-61-10) during an emissions event that began on June 27, 2006 and lasted for 4 hours and 51 minutes (Incident No. 77745). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation. Screen3 Modeling predicted the fence line ambient air concentrations of SO2 would be above the TCEQ 30-minute State Property Line Standard.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $443

Statutory Limit Test

Violation Final Penalty Total $56,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
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				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)	$5,600	27-Jun-2006	25-Jan-2008	1.6	$443	n/a	$443
Notes for DELAYED costs	Estimated cost to train operations personnel on proper procedures for regulating fuel gas during maintenance events, developing procedures outlining the steps for shutting down an incinerator burner, and evaluating and installing equipment necessary to prevent the emissions event. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
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: $5,600

TOTAL: $443

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 250 lbs of Hydrogen Sulfide ("H2S") were released from the DEA Stripper Flare (EPN 28.1-61-9) and the Sour Water Stripper Flare (EPN 28.1-61-10) during an emissions event that began on June 27, 2006 and lasted for 4 hours and 51 minutes (Incident No. 77745). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $14,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	See Economic Benefit for Violation No. 1.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Air Permit No. 75864, Permit Representations, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,597 lbs of SO2, 209 lbs of Volatile Organic Compounds ("VOCs"), 88 lbs of Carbon Monoxide ("CO"), 17 lbs of H2S, and 10 lbs of Nitrogen Oxides ("NOx") were released from Flare 29 (EPN 29-61-1) during an emissions event that began on October 16, 2006 and lasted for 1 hour and 5 minutes (Incident No. 82688). Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $198

Statutory Limit Test

Violation Final Penalty Total $14,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$3,100	16-Oct-2006	25-Jan-2008	1.3	$198	n/a	$198
Notes for DELAYED costs	Estimated cost to revise operating procedures to allow the manual override of the automatic refilling of the water seal. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
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: $3,100

TOTAL: $198

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 10,050 lbs of SO2 were released from Flare 29 (EPN 29-61-1) and the DEA Stripper Flare (EPN 28.1-61-9) during an emissions event that began on November 21, 2006 and lasted for 9 hours and 27 minutes (Incident No. 84158). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

1 | 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $295

Statutory Limit Test

Violation Final Penalty Total $28,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,000	21-Nov-2006	25-Jan-2008	1.2	$295	n/a	$295

Notes for DELAYED costs: Estimated cost to provide contractor oversight to ensure proper fabrication, inspection, and installation of equipment. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.

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: $5,000

TOTAL: $295

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,686 lbs of CO, 285 lbs of H2S, and 6,331 lbs of VOCs [including 135 lbs of the Highly Reactive Volatile Organic Compound ("HRVOC") Propylene and 45 lbs of the HRVOC Ethylene] were released from Flare 29 (EPN 29-61-1), Tank 257 (EPN 68-95-257), and Flare 17 (EPN 56-61-17) during an emissions event that began on November 21, 2006 and lasted for 9 hours and 27 minutes (Incident No. 84158). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $28,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 5

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	See Economic Benefit for Violation No. 4.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

	6
Rule Cite(s)	30 Tex. Admin. Code § 116.615(2), Air Permit No. 75864, Permit Representations, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, 3,370 lbs of VOCs [including 2 lbs of the Hazardous Air Pollutant ("HAP") 1,3 Butadiene and 1,016 lbs of the HAP Hexane] were released from Flare 29 (EPN 29-61-1) during an emissions event that began on November 23, 2006 and lasted for 2 hours and 9 minutes (Incident No. 84171). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $270

Statutory Limit Test

Violation Final Penalty Total $28,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$4,600	23-Nov-2006	25-Jan-2008	1.2	$270	n/a	$270

Notes for DELAYED costs: Estimated cost for operations personnel to review procedures regarding piping line-ups involving the slop system and the Fractionator Bottom pumps. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.

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: $4,600

TOTAL: $270

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Air Permit No. 75864, Permit Representations, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,313 lbs of SO2, 443 lbs of the HRVOC Propylene, and 122 lbs of the HRVOC Ethylene were released from Flare 29 (EPN 29-61-1) during an emissions event that began on November 23, 2006 and lasted for 2 hours and 9 minutes (Incident No. 84171). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $14,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit for Violation No. 6.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $0

TOTAL: $0

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,146 lbs of SO2 were released from Flare 29 (EPN 29-61-1) during an emissions event that began on January 7, 2007 and lasted for 1 hour and 3 minutes (Incident No. 85724). Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $273

Statutory Limit Test

Violation Final Penalty Total $14,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,200	7-Jan-2007	25-Jan-2008	1.0	$273	n/a	$273
Notes for DELAYED costs	Estimated cost to train operations personnel on preventing similar incidents in the future and to design and install a second water refill line. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
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: $5,200

TOTAL: $273

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Air Permit No. 75864, Permit Representations, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 2,707 lbs of SO2, 392 lbs of VOCs, 345 lbs of CO, 29 lbs of H2S, and 7 lbs of the HRVOC Ethylene were released from Flare 29 (EPN 29-61-1) during an emissions event that began on January 19, 2007 and lasted for 2 hours (Incident No. 86210). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $239

Statutory Limit Test

Violation Final Penalty Total $28,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 9

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)	$4,700	19-Jan-2007	25-Jan-2008	1.0	$239	n/a	$239
Notes for DELAYED costs	Estimated cost to train operations personnel on proper procedures for draining bypass lines following unit shutdowns. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
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: $4,700

TOTAL: $239

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Air Permit No. 75864, Permit Representations, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 2,261 lbs of SO2 were released from Flare 29 (EPN 29-61-1) during an emissions event that began on January 21, 2007 and lasted for 2 hours and 12 minutes (Incident No. 86278). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $258

Statutory Limit Test

Violation Final Penalty Total $28,000

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$5,100	21-Jan-2007	25-Jan-2008	1.0	$258	n/a	$258

Notes for DELAYED costs: Estimated cost to provide refresher training to operations personnel on proper unit startup procedures. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.

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: $5,100

TOTAL: $258

PCW

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E

Respondent ConocoPhillips Company

Case ID No. 33292

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 106,309 lbs of SO2 were released from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 7

7 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $70,000

Seven daily events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $590

Statutory Limit Test

Violation Final Penalty Total $392,000

This violation Final Assessed Penalty (adjusted for limits) $70,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				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)	$8,700	17-Sep-2006	25-Jan-2008	1.4	$590	n/a	$590
Notes for DELAYED costs	Estimated cost to provide operator training, revise operating procedures, and conduct maintenance necessary to prevent C-103 from shutdown due to damage from operating problems with the lube/seal oil system. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
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: $8,700

TOTAL: $590

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 19,922 lbs of VOCs (including 2,374 lbs of the HRVOC Propylene and 410 lbs of the HRVOC Ethylene) were released from Flare 29 (EPN 29-61-1), Flare 16 (EPN 56-61-16), and Flare 17 (EPN 56-61-17) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 7 | 7 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $70,000

Seven daily events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $392,000

This violation Final Assessed Penalty (adjusted for limits) $70,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit For Violation No. 11.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $0

TOTAL: $0

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 12,146 lbs of CO were released from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 7 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $28,000

This violation Final Assessed Penalty (adjusted for limits) $28,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit For Violation No. 11.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $0

TOTAL: $0

PCW

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E

Respondent ConocoPhillips Company

Case ID No. 33292

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 2,239 lbs of NOx were released from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

7 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $28,000

This violation Final Assessed Penalty (adjusted for limits) $28,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 14

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	See Economic Benefit For Violation No. 11.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$0	TOTAL	$0

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,154 lbs of H2S were released from Flare 29 (EPN 29-61-1), Flare 16 (EPN 56-61-16), and Flare 17 (EPN 56-61-17) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 7 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $14,000

This violation Final Assessed Penalty (adjusted for limits) $14,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 15

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	See Economic Benefit For Violation No. 11.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and (H) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007. Specifically, the final report for the October 16, 2006 emissions event did not include all emissions released from the flare, and the final report for the January 7, 2007 emissions event did not include the authorized emissions limits for the facilities involved in the emissions event.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended (one event for each report).

Economic Benefit (EB) for this violation

Estimated EB Amount $74

Statutory Limit Test

Violation Final Penalty Total $1,120

This violation Final Assessed Penalty (adjusted for limits) $1,120

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	$1,200	30-Oct-2006	25-Jan-2008	1.2	$74	n/a	$74
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement measures designed to ensure accurate reporting of emissions events. Date required is the date the final report for the October 16, 2006 emissions event was submitted. Final date is the projected date of corrective action completion.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,200

TOTAL: $74

Screening Date 24-Apr-2007 **Docket No.** 2007-0670-AIR-E **PCW**

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

Case ID No. 33292 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 17

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 49140, Special Condition No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the permitted emission rate of 2.44 lbs of particulate matter ("PM") per 1,000 lbs of coke burn-off. Specifically, during a reference method stack test conducted on October 4, 2006, it was determined that front-half PM emissions from the Unit 3 FCC Regenerator (EPN 3-95-3) were 3.06lbs/1,000 lbs of coke burn-off.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 70 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended from October 4, 2006, the date the stack test was conducted, through December 13, 2006, the date a second stack test demonstrated compliance with permitted emissions rates.

Economic Benefit (EB) for this violation

Estimated EB Amount $96

Statutory Limit Test

Violation Final Penalty Total $14,000

This violation Final Assessed Penalty (adjusted for limits) $14,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 33292
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$10,000	4-Oct-2006	13-Dec-2006	0.2	$96	n/a	$96

Notes for DELAYED costs: Estimated cost to make adjustments necessary to achieve permitted rates. Date required is the date of the initial stack test. Final date is the date a second stack test demonstrated compliance with permitted emission rates.

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: $10,000

TOTAL: $96

Compliance History

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

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD048210645
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30048
AIR NEW SOURCE PERMITS	PERMIT	5689
AIR NEW SOURCE PERMITS	PERMIT	10779
AIR NEW SOURCE PERMITS	PERMIT	12344
AIR NEW SOURCE PERMITS	PERMIT	12993
AIR NEW SOURCE PERMITS	PERMIT	13744
AIR NEW SOURCE PERMITS	PERMIT	13929
AIR NEW SOURCE PERMITS	PERMIT	13978
AIR NEW SOURCE PERMITS	PERMIT	1313A
AIR NEW SOURCE PERMITS	PERMIT	1314A
AIR NEW SOURCE PERMITS	PERMIT	1486A
AIR NEW SOURCE PERMITS	PERMIT	1514A
AIR NEW SOURCE PERMITS	PERMIT	2849A
AIR NEW SOURCE PERMITS	PERMIT	5679G
AIR NEW SOURCE PERMITS	PERMIT	5689A
AIR NEW SOURCE PERMITS	PERMIT	5920A
AIR NEW SOURCE PERMITS	PERMIT	7467A
AIR NEW SOURCE PERMITS	PERMIT	7754A
AIR NEW SOURCE PERMITS	PERMIT	8402A
AIR NEW SOURCE PERMITS	PERMIT	18142
AIR NEW SOURCE PERMITS	PERMIT	18601
AIR NEW SOURCE PERMITS	PERMIT	21265
AIR NEW SOURCE PERMITS	PERMIT	22086
AIR NEW SOURCE PERMITS	PERMIT	24161
AIR NEW SOURCE PERMITS	PERMIT	25004
AIR NEW SOURCE PERMITS	PERMIT	24717
AIR NEW SOURCE PERMITS	PERMIT	24162
AIR NEW SOURCE PERMITS	PERMIT	26533
AIR NEW SOURCE PERMITS	PERMIT	25434
AIR NEW SOURCE PERMITS	PERMIT	30513
AIR NEW SOURCE PERMITS	PERMIT	33153
AIR NEW SOURCE PERMITS	PERMIT	35367
AIR NEW SOURCE PERMITS	PERMIT	35506
AIR NEW SOURCE PERMITS	PERMIT	35780
AIR NEW SOURCE PERMITS	PERMIT	39026
AIR NEW SOURCE PERMITS	PERMIT	40944
AIR NEW SOURCE PERMITS	PERMIT	42367
AIR NEW SOURCE PERMITS	PERMIT	43038
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0042G
AIR NEW SOURCE PERMITS	REGISTRATION	72035
AIR NEW SOURCE PERMITS	REGISTRATION	72036
AIR NEW SOURCE PERMITS	REGISTRATION	55489
AIR NEW SOURCE PERMITS	REGISTRATION	75616
AIR NEW SOURCE PERMITS	REGISTRATION	75905
AIR NEW SOURCE PERMITS	REGISTRATION	75713
AIR NEW SOURCE PERMITS	AFS NUM	4803900010
AIR NEW SOURCE PERMITS	PERMIT	PSDTX103M2
AIR NEW SOURCE PERMITS	PERMIT	70113
AIR NEW SOURCE PERMITS	PERMIT	49140
AIR NEW SOURCE PERMITS	PERMIT	22690
AIR NEW SOURCE PERMITS	PERMIT	54666
AIR NEW SOURCE PERMITS	PERMIT	52705
AIR NEW SOURCE PERMITS	PERMIT	53563
AIR NEW SOURCE PERMITS	PERMIT	74130
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M
AIR NEW SOURCE PERMITS	REGISTRATION	76644
AIR NEW SOURCE PERMITS	REGISTRATION	76731
AIR NEW SOURCE PERMITS	REGISTRATION	76776
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX998

AIR NEW SOURCE PERMITS	REGISTRATION	77153
AIR NEW SOURCE PERMITS	REGISTRATION	77156
AIR NEW SOURCE PERMITS	REGISTRATION	77157
AIR NEW SOURCE PERMITS	REGISTRATION	77152
AIR NEW SOURCE PERMITS	REGISTRATION	77154
AIR NEW SOURCE PERMITS	REGISTRATION	77155
AIR NEW SOURCE PERMITS	REGISTRATION	77336
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M3
AIR NEW SOURCE PERMITS	REGISTRATION	77648
AIR NEW SOURCE PERMITS	REGISTRATION	78566
AIR NEW SOURCE PERMITS	REGISTRATION	79552
AIR NEW SOURCE PERMITS	PERMIT	80806
AIR NEW SOURCE PERMITS	REGISTRATION	81104
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	2151
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	20580
WASTEWATER	PERMIT	TX0007536
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	WQ0000721000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50186
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50186
WASTEWATER LICENSING	LICENSE	WQ0000721000

Location: HIGHWAY 35 AND FM 524, OLD OCEAN, TX, 77463 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 24, 2002 to April 24, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

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

Components (Multimedia) for the Site :

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

Effective Date: 08/29/2003 ADMINORDER 2002-0467-AIR-E

Classification: Minor

Citation: 5B THC Chapter 370, SubChapter B 370.008[G]

Description: Failure to include compound descriptive and compound amount in the final report to the agency.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: SP17 PERMIT

Description: Failure to conduct sampling of the TGI according to permit SP.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)

Description: Failure to submit Final Record for the May 23, 2002 upset w/in two wks of upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.11(a)[G]

Rqmt Prov: SC 1 PERMIT

Description: Failure to prevent unauthorized discharge of emissions on May 23, 2002.

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

Classification: Moderate

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

Rqmt Prov: NOT LISTED PERMIT

Description: Failure to comply w/the daily avg. and daily max. selenium limits of TCEQ WQ Permit 00721 for outfall 001. SNC violations are those which exceed the permitted limit by 40% for conv. pollutants & 20% for toxics.

Effective Date: 05/23/2005 ADMINORDER 2004-0704-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit # 5682A /PSD-TX-103M2, SC 19B PA

Description: Failure to conduct successive quarterly cylinder gas audits (CGAs) on the Continuous Emission Monitoring System (CEMS) associated with Unit 27.1 Regenerator Stack (EPN 27.1-36-RE).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit # 30513 SC # 2 PA

Description: Failed to calibrate, certify, maintain, and operate a CEMS capable of continuously monitoring and recording the concentration of H2S in all fuel gases before being burned at the Unit 35 Furnace (EPN 35-36-1).

Classification: Moderate

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

Rqmt Prov: NSR Permit # 30513, SC # 26C PA

Description: Failed to conduct a valid audit on the CEMS associated with the Unit 35 Furnace (EPN 35-36-1) during the September 11, 2003 quarterly CGA schedule.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to note daily observations in the flare (EPN 56-61-17) operation log.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 14H PERMIT

Description: Failed to comply with the 5 and 15 day requirements for leaking valves in Units 4, 20, 27.2, and 35.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to demonstrate compliance with the required primary seal inspection for Tank (EPN 68-95-32) associated with Unit 15 - Hexane Isomerization.

Effective Date: 06/09/2005 ADMINORDER 2003-0446-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21265 SC 4B, C PERMIT

Description: Failed to submit the semi-annual reports for the wastewater unit (EPN 56 and 56.1) and the copper treater unit (EPN 43) from January 1998 to December 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 30513 SC 4 PERMIT

Description: Failed to implement a fugitive monitoring program for the Continuous Catalyst Reformer Unit No. 35 within 180 days after the initial start up on August 2, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include an explanation for the delay in repairing leaking components when repairs are required within 15 days of discovery in semi-annual reports for the periods of July - December 2000, January - June 2001, July - December 2001, and January - July 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit semi-annual reports for Unit 35 to the TCEQ due in February 2001, August 2001, and February 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5682A SC 18 PERMIT

Description: Failed to perform the initial compliance certification test on the Hydrogen Sulfide Continuous Emissions Monitoring System within 30 days of performance testing of the unit, conducted on March 16, 2001.

Effective Date: 09/30/2005 ADMINORDER 2004-1617-AIR-E

Classification: Major

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

Rqmt Prov: TCEQ Air Permit #5682A, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 01/26/2006 ADMINORDER 2005-0163-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 5682 & PSD-TX-103M2, S.C. #1 PERMIT

Description: Failure to prevent an unplanned shutdown of an incinerator resulting in unauthorized emissions.

Effective Date: 04/14/2006 ADMINORDER 2005-1660-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit # 49140 PA

Description: RE failed to prevent an avoidable emissions event.

Effective Date: 07/14/2006 ADMINORDER 2005-1904-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: RE failed to prevent avoidable emissions events.

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 5682A, SC1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

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

Rqmt Prov: Permit # 5682A & PSD-TX-103M2, SC 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 5920A PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Effective Date: 12/02/2006 ADMINORDER 2006-0706-AIR-E

Classification: Minor

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

Description: Failed to submit the initial notification within 24 hours of discovery for the emission event that occurred on February 11, 2006. Specifically, the initial notification for Incident No. 71652 was submitted 46 hours after the emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, and 0.06 lbs/hr for sulfur dioxide from the Coker Flare (EPN 29-61-1) on February 11, 2006.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, 0.06 lbs/hr for sulfur dioxide, and zero lbs/hr for volatile organic compounds ("VOCs") Coker Flare [emission point number ("EPN") 29-61-1] on January 10, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1563(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 49140 Special Condition 12 PERMIT

Description: Failed to comply with the permitted emission rate of 1.0 lbs of PM per 1,000 lbs of coke burned-off. Specifically, during the stack testings of November 3-4, 2004, June 30, 2005, and December 13, 2005 PM emissions from the Fluid Catalytic Cracking Unit (FCCU") No. 3 Regenerator Vent (EPN 3-95-3) were exceeded.

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	04/24/2002	(160677)
2	05/23/2002	(160681)
3	06/24/2002	(2475)
4	06/25/2002	(160684)
5	07/19/2002	(1849)
6	07/22/2002	(IE0008773003002
7	07/22/2002	(160688)
8	08/09/2002	(3092)
9	08/15/2002	(5279)
10	08/19/2002	(4924)
11	08/19/2002	(8203)
12	08/22/2002	(160691)
13	08/25/2002	(8594)
14	08/25/2002	(4904)
15	08/25/2002	(8582)

16	08/31/2002	(9933)
17	09/09/2002	(6311)
18	09/23/2002	(160694)
19	10/07/2002	(11565)
20	10/23/2002	(160697)
21	10/31/2002	(14828)
22	11/27/2002	(160701)
23	12/09/2002	(13725)
24	12/20/2002	(160705)
25	12/23/2002	(14220)
26	01/07/2003	(18532)
27	01/09/2003	(20971)
28	01/10/2003	(16787)
29	01/10/2003	(20972)
30	01/10/2003	(19275)
31	01/24/2003	(21424)
32	02/26/2003	(20393)
33	02/28/2003	(160670)
34	02/28/2003	(19809)
35	03/07/2003	(21233)
36	03/11/2003	(160709)
37	03/25/2003	(160673)
38	04/04/2003	(23918)
39	04/04/2003	(23919)
40	04/23/2003	(160678)
41	04/23/2003	(33899)
42	05/02/2003	(10852)
43	05/12/2003	(27507)
44	05/27/2003	(296409)
45	06/05/2003	(17956)
46	06/16/2003	(33521)
47	06/17/2003	(34943)
48	06/23/2003	(160685)
49	07/10/2003	(119447)
50	07/16/2003	(36390)
51	07/23/2003	(296413)
52	07/26/2003	(61517)
53	08/04/2003	(133826)
54	08/23/2003	(61968)
55	08/27/2003	(296415)
56	09/24/2003	(296417)
57	10/21/2003	(296419)
58	10/27/2003	(282874)
59	11/06/2003	(249501)
60	11/07/2003	(253887)
61	11/24/2003	(254187)
62	11/24/2003	(296420)
63	11/25/2003	(254294)
64	12/22/2003	(296421)
65	12/31/2003	(255587)
66	01/22/2004	(296422)
67	01/30/2004	(259125)
68	01/30/2004	(261337)
69	02/02/2004	(250745)
70	02/23/2004	(296404)
71	03/17/2004	(257314)
72	03/22/2004	(296406)
73	03/22/2004	(264254)
74	04/06/2004	(257342)
75	04/08/2004	(258257)
76	04/22/2004	(296407)
77	05/07/2004	(266127)
78	05/25/2004	(296410)
79	06/21/2004	(352588)
80	06/30/2004	(273454)
81	06/30/2004	(271507)
82	07/01/2004	(275993)
83	07/02/2004	(278283)

84	07/12/2004	(259068)
85	07/12/2004	(258107)
86	07/16/2004	(352589)
87	08/18/2004	(282244)
88	08/23/2004	(352590)
89	08/23/2004	(352593)
90	08/24/2004	(260558)
91	08/25/2004	(261423)
92	08/31/2004	(271547)
93	08/31/2004	(273961)
94	09/01/2004	(289795)
95	09/01/2004	(280584)
96	09/10/2004	(333346)
97	09/16/2004	(352591)
98	09/30/2004	(280855)
99	10/05/2004	(336659)
100	10/06/2004	(333804)
101	10/06/2004	(333805)
102	10/06/2004	(333698)
103	10/15/2004	(352592)
104	11/12/2004	(287686)
105	11/22/2004	(338077)
106	11/22/2004	(335609)
107	11/22/2004	(339194)
108	11/22/2004	(333524)
109	11/29/2004	(341065)
110	11/29/2004	(340915)
111	11/29/2004	(336272)
112	11/29/2004	(340851)
113	11/29/2004	(340359)
114	11/29/2004	(340845)
115	11/30/2004	(340792)
116	12/06/2004	(283487)
117	12/11/2004	(342577)
118	12/11/2004	(342599)
119	12/16/2004	(382048)
120	12/17/2004	(288102)
121	12/17/2004	(341910)
122	12/17/2004	(340488)
123	12/20/2004	(289506)
124	12/22/2004	(340482)
125	12/22/2004	(342153)
126	12/28/2004	(342422)
127	12/28/2004	(277696)
128	12/29/2004	(289466)
129	12/30/2004	(345626)
130	12/30/2004	(287859)
131	12/30/2004	(345294)
132	12/30/2004	(345296)
133	12/30/2004	(345297)
134	12/30/2004	(342412)
135	01/04/2005	(342579)
136	01/07/2005	(345295)
137	01/07/2005	(345299)
138	01/17/2005	(286211)
139	01/27/2005	(343576)
140	02/10/2005	(343557)
141	02/14/2005	(349255)
142	02/21/2005	(349952)
143	02/21/2005	(351188)
144	02/22/2005	(350692)
145	02/23/2005	(382045)
146	02/23/2005	(382046)
147	02/23/2005	(382047)
148	02/25/2005	(350491)
149	03/03/2005	(349462)
150	03/03/2005	(371965)
151	03/09/2005	(372280)

152	03/09/2005	(345300)
153	03/16/2005	(343615)
154	03/16/2005	(373194)
155	03/29/2005	(372022)
156	03/31/2005	(350563)
157	04/12/2005	(374970)
158	04/12/2005	(375119)
159	05/19/2005	(378252)
160	05/20/2005	(375132)
161	06/20/2005	(396218)
162	06/23/2005	(349036)
163	06/24/2005	(374887)
164	06/24/2005	(397011)
165	07/11/2005	(398367)
166	07/11/2005	(396156)
167	07/15/2005	(400176)
168	07/20/2005	(399359)
169	07/26/2005	(400458)
170	08/02/2005	(402413)
171	08/15/2005	(404591)
172	08/22/2005	(406298)
173	08/24/2005	(406619)
174	08/30/2005	(402698)
175	08/30/2005	(418482)
176	10/12/2005	(345293)
177	10/21/2005	(433893)
178	10/28/2005	(403331)
179	10/28/2005	(418688)
180	10/31/2005	(433354)
181	12/01/2005	(438294)
182	01/02/2006	(439019)
183	01/30/2006	(453505)
184	01/30/2006	(451619)
185	01/30/2006	(440119)
186	02/07/2006	(453152)
187	02/08/2006	(440116)
188	02/08/2006	(440354)
189	02/13/2006	(440416)
190	02/21/2006	(449529)
191	02/23/2006	(455205)
192	02/23/2006	(451390)
193	02/23/2006	(453702)
194	02/24/2006	(438289)
195	02/27/2006	(440305)
196	03/13/2006	(453717)
197	03/14/2006	(453727)
198	03/16/2006	(433352)
199	03/16/2006	(438820)
200	03/16/2006	(450930)
201	03/17/2006	(438894)
202	03/20/2006	(278774)
203	03/21/2006	(345285)
204	03/28/2006	(433648)
205	03/28/2006	(451496)
206	03/30/2006	(458137)
207	03/30/2006	(458160)
208	04/20/2006	(460114)
209	04/20/2006	(458139)
210	04/25/2006	(461497)
211	05/04/2006	(461458)
212	05/16/2006	(462220)
213	05/16/2006	(462319)
214	05/17/2006	(463612)
215	05/17/2006	(461841)
216	05/22/2006	(434378)
217	05/22/2006	(463514)
218	05/25/2006	(458131)
219	05/31/2006	(460763)

220	06/23/2006	(480400)
221	06/23/2006	(480579)
222	06/27/2006	(480326)
223	06/27/2006	(480331)
224	06/30/2006	(463704)
225	06/30/2006	(482027)
226	07/07/2006	(460719)
227	07/10/2006	(480119)
228	07/10/2006	(482038)
229	07/11/2006	(483052)
230	07/19/2006	(484922)
231	07/21/2006	(486875)
232	07/24/2006	(465685)
233	07/28/2006	(484927)
234	07/31/2006	(484998)
235	08/04/2006	(483248)
236	08/07/2006	(484904)
237	08/07/2006	(483230)
238	08/16/2006	(485078)
239	08/16/2006	(497297)
240	08/21/2006	(497477)
241	08/21/2006	(497714)
242	08/25/2006	(484989)
243	08/29/2006	(485092)
244	08/29/2006	(485973)
245	09/01/2006	(487285)
246	09/05/2006	(481595)
247	09/05/2006	(487182)
248	10/02/2006	(511382)
249	10/20/2006	(497684)
250	10/24/2006	(516622)
251	10/30/2006	(511381)
252	10/30/2006	(289180)
253	11/03/2006	(514242)
254	11/03/2006	(514125)
255	11/03/2006	(513963)
256	11/06/2006	(453818)
257	11/07/2006	(487028)
258	11/15/2006	(432050)
259	11/21/2006	(514771)
260	11/21/2006	(514871)
261	11/30/2006	(514772)
262	12/06/2006	(514931)
263	12/08/2006	(514770)
264	12/19/2006	(531219)
265	12/21/2006	(514890)
266	12/28/2006	(533933)
267	01/05/2007	(514904)
268	01/10/2007	(534506)
269	01/25/2007	(531232)
270	01/25/2007	(535014)
271	01/29/2007	(531242)
272	01/29/2007	(534512)
273	02/05/2007	(536784)
274	02/05/2007	(516120)
275	02/05/2007	(538614)
276	02/22/2007	(516368)
277	02/22/2007	(516309)
278	02/22/2007	(516228)
279	02/22/2007	(538168)
280	02/22/2007	(516413)
281	02/28/2007	(541083)
282	02/28/2007	(534513)
283	02/28/2007	(535042)
284	03/01/2007	(489392)
285	03/23/2007	(508787)
286	03/28/2007	(554903)
287	03/28/2007	(555356)

288 03/30/2007 (541806)
289 04/04/2007 (553900)
290 04/05/2007 (554567)
291 04/12/2007 (555765)
292 04/18/2007 (535818)
293 04/20/2007 (541785)

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

Date: 04/30/2002 (160681)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2002 (160684)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2002 (160688)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2002 (160691)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2002 (160694)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2002 (160697)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

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

Date: 11/30/2002 (160705)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (160709)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (160670)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (160673)
Self Report? YES Classification: Moderat
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/18/2003 (27507)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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Description: Inadequate maintenance resulted in an emissions event that did not meet the Demonstration Criteria.
Date: 03/31/2003 (160678)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/04/2003 (23919)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
Rqmt Prov: PERMIT TCEQ AIR Permit 5682A
Description: Failure to control emissions from process operations.
Date: 04/30/2003 (296409)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2003 (296413)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/10/2003 (119447)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
Description: NOR updates are required.
Date: 07/31/2003 (296415)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 08/23/2003 (61968)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 21265
Description: ConocoPhillips failed to route unauthorized emissions from aeration tank (Tk 69) to a control device.
Date: 08/31/2003 (296417)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2003 (296419)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2003 (296420)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 11/24/2003 (254187)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT 5682A and PSD-TX-103M2, SC No. 1
Description: Conoco Phillips failed to submit the initial notification within 24 hours of the start of the incident (CCEDS #17799).
Date: 11/25/2003 (254294)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Permit No. 5682A & PSD-TX-103M2, SC 1
Description: Conoco Phillips failed to submit the initial notification within 24 hours of the start of

the incident # 10377.

Date: 11/30/2003 (296421)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 12/31/2003 (255587)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT 21265, GC #8

Description: Failure to comply with General Condition #8 o TCEQ Air Permit 21265.

Date: 12/31/2003 (296422)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 01/31/2004 (296404)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 02/29/2004 (296406)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 03/18/2004 (257314)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 5682A SC 1

Description: Failure to maintain the emissions below the allowables in the MAERT.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)[G]

Description: Failure to conduct CGA fourth quarter audit in 2002, for unit 25.1, F-1, for pollutants NOx and CO.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA 5920A SC(6)(E)

Description: Failure to conduct second quarter cylinder gas audit in 2003, for unit 9, F-4 crude heater.

Date: 03/31/2004 (296407)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 04/12/2004 (258257)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)

Rqmt Prov: PERMIT Permit No. 21265, Special Condition #4.B

Description: ConocoPhillips failed to include components associated with VOC Tank 454 in fugitive emission monitoring.

Date: 04/30/2004 (296410)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 05/31/2004 (352588)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date: 07/12/2004 (258107)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT No. 22690 and PSD-TX-751M1, S.C. #1
Description: Exceeded permit emission limits during an avoidable emissions event.
Date: 07/12/2004 (259068)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Air Permit #5682A/PSD-TX-103M2 SC #1
Description: Failure to submit a final notification of an emissions event in a timely manner.
Date: 08/31/2004 (271547)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 5682A and PSD-TX-103M2, S.C. 1
Description: Failure to submit separate notification for each facility, and failure to identify correct facility names.
Date: 12/30/2004 (345626)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent an inadvertent electrical short circuit resulting in unauthorized opacity.
Date: 12/30/2004 (277696)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT #5682A and PSD-TX-103M2, S.C. #1
Description: Failure to maintain cooling water flow to debutanizer resulting in unauthorized emissions.
Date: 01/31/2005 (382045)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/21/2005 (433893)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
Description: Failed to report the opacity event within 24 hours of the start of the event.
Date: 03/22/2006 (438894)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT SC 12
Description: Failure to properly control the torch oil atomizing steam injection rate.
Date: 05/04/2006 (461458)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
Description: Failure to determine if the event is a reportable emissions event within 24 hours of discovery a of a reportable emissions event and failure to notify the affected TCEQ Regional Office within 24 hours of discovery.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failure to keep emissions of SO2 and CO from the Coker Flare within their Maximum Allowable Emisison Rate limits under TCEQ Air Permit No. 5920A.
Date: 05/17/2006 (462220)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failed to keep regenerator flue gas opacity within permitted limits.
Date: 06/16/2006 (462319)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 12
Description: Failure to keep the opacity level at the Regenerator ESP stack within permit limits while returning the unit to full operating rates following a stack test.
Date: 06/28/2006 (480331)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failure to prevent overpressures in Units 7 and 35.
Date: 06/28/2006 (480326)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 12
Description: Failed to properly design the electrostatic precipitator.
Date: 07/07/2006 (460719)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
Description: Failure to include the several light paraffins on the final report and amounts of all unauthorized pollutants released.
Date: 07/12/2006 (483052)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 12
Description: Failure to properly control opacity from the Regenerator resulting in the excess opacity event.
Date: 07/31/2006 (484998)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit the Initial Notification for an Emissions Event to the TCEQ within 24 hours of discovery.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failure to prevent an avoidable emissions event.
Date: 08/29/2006 (485092)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failed to properly design, maintain, and operate feed stream to Unit 27, leading to interruption of the feed stream and of process operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to keep the opacity of the Regenerator Flue Gas Stream at or below 20%.
Date: 11/30/2006 (514772)

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 Special Condition 12
Description: The RE failed to properly design the electrostatic precipitator on the Unit 3 Regenerator.
Date: 12/11/2006 (514770)

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 Special Condition 6
Description: The RE failed to route the vent stream from Aeration Tank 69 to the Regenerative Thermal Oxidizer.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to meet the affirmative defense.
Date: 12/21/2006 (514890)

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 Special Condition 12
Description: The RE failed to properly design the electrostatic precipitator in Unit 3, resulting in avoidable periods of excess opacity, and thereby failed to minimize the durations and intensities of periods of excess opacity.
Date: 01/05/2007 (514904)
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 Special Condition 1
Description: The RE failed to prevent an unnecessary maintenance event resulting in unauthorized emissions.
Date: 01/26/2007 (535014)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: CP failed to submit a complete final report.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 75864, GC #8
Description: CP failed to prevent overfilling of Drum D-1.
Date: 01/26/2007 (531232)
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 Special Condition 12
Description: The RE failed to properly design the ESP and failed to recognize, within a timely manner, the underlying causes of the event, resulting in an extended excess opacity event.
Date: 01/28/2007 (534512)
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 Special Condition 1
Description: The RE failed to prevent a leak caused by avoidable corrosion.
Date: 01/29/2007 (531242)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT General Condition 2
Description: The RE failed to promptly refill the Coker Flare water seal following a pressure spike.
Date: 03/30/2007 (541806)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 49140, SC #12
Description: Chevron failed to control excess opacity.
Date: 04/04/2007 (553900)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 75864, GC #8
Description: Conoco failed to completely remove trapped water from the bottom pumps prior to a unit startup resulting in unauthorized emissions
Date: 04/20/2007 (541785)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: The RE failed to submit an official Initial Notification within twenty-four hours of discovery.
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 Special Condition 1
Description: The RE failed to present an affirmative defense for the coke conveyor belt fire.

F. Environmental audits.

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

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History
Federal Enforcement Actions

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

Violations

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

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

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

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CONOCOPHILLIPS COMPANY	§	
RN101619179	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0670-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 ConocoPhillips Company ("ConocoPhillips") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and ConocoPhillips presented this agreement to the Commission.

ConocoPhillips understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, ConocoPhillips agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon ConocoPhillips.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. ConocoPhillips owns and operates a petroleum refinery at Highway 35 and Farm-to-Market Road 524 in Old Ocean, Brazoria County, Texas (the "Plant").

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

3. During an investigation on September 6, 2006, TCEQ staff documented that:

   a. ConocoPhillips released 23,306 pounds ("lbs") of Sulfur Dioxide ("SO2") from the DEA Stripper Flare (EPN 28.1-61-9), Incinerator Stack (EPN 28.2-36-2), and the Sour Water Stripper Flare (EPN 28.1-61-10) during an emissions event that began on June 27, 2006 and lasted for 4 hours and 51 minutes (Incident No. 77745); and

   b. ConocoPhillips released 250 lbs of Hydrogen Sulfide ("H2S") from the DEA Stripper Flare (EPN 28.1-61-9) and the Sour Water Stripper Flare (EPN 28.1-61-10) during an emissions event that began on June 27, 2006 and lasted for 4 hours and 51 minutes (Incident No. 77745).

4. During an investigation on December 20, 2006, TCEQ staff documented that ConocoPhillips released 1,597 lbs of SO2, 209 lbs of Volatile Organic Compounds ("VOCs"), 88 lbs of Carbon Monoxide ("CO"), 17 lbs of H2S, and 10 lbs of Nitrogen Oxides ("NOx") from Flare 29 (EPN 29-61-1) during an emissions event that began on October 16, 2006 and lasted for 1 hour and 5 minutes (Incident No. 82688).

5. During an investigation on January 22, 2007, TCEQ staff documented that:

   a. ConocoPhillips released 10,050 lbs of SO2 from Flare 29 (EPN 29-61-1) and the DEA Stripper Flare (EPN 28.1-61-9) during an emissions event that began on November 21, 2006 and lasted for 9 hours and 27 minutes (Incident No. 84158); and

   b. ConocoPhillips released 1,686 lbs of CO, 285 lbs of H2S, and 6,331 lbs of VOCs [including 135 lbs of the Highly Reactive Volatile Organic Compound ("HRVOC") Propylene and 45 lbs of the HRVOC Ethylene] from Flare 29 (EPN 29-61-1), Tank 257 (EPN 68-95-257), and Flare 17 (EPN 56-61-17) during an emissions event that began on November 21, 2006 and lasted for 9 hours and 27 minutes (Incident No. 84158).

6. During a record review on December 8, 2006, TCEQ staff documented that:

   a. ConocoPhillips released 3,370 lbs of VOCs [including 2 lbs of the Hazardous Air Pollutant ("HAP") 1,3 Butadiene and 1,016 lbs of the HAP Hexane] from Flare 29 (EPN 29-61-1) during an emissions event that began on November 23, 2006 and lasted for 2 hours and 9 minutes (Incident No. 84171); and

   b. ConocoPhillips released 1,313 lbs of SO2, 443 lbs of the HRVOC Propylene, and 122 lbs of the HRVOC Ethylene from Flare 29 (EPN 29-61-1) during an emissions event that began on November 23, 2006 and lasted for 2 hours and 9 minutes (Incident No. 84171).

7. During a record review on February 12, 2007, TCEQ staff documented that ConocoPhillips released 1,146 lbs of SO2 from Flare 29 (EPN 29-61-1) during an emissions event that began on January 7, 2007 and lasted for 1 hour and 3 minutes (Incident No. 85724).

8. During an investigation on January 31, 2007, TCEQ staff documented that ConocoPhillips released 2,707 lbs of SO2, 392 lbs of VOCs, 345 lbs of CO, 29 lbs of H2S, and 7 lbs of the HRVOC Ethylene from Flare 29 (EPN 29-61-1) during an emissions event that began on January 19, 2007 and lasted for 2 hours (Incident No. 86210).

9. During a record review on March 13, 2007, TCEQ staff documented that ConocoPhillips released 2,261 lbs of SO2 from Flare 29 (EPN 29-61-1) during an emissions event that began on January 21, 2007 and lasted for 2 hours and 12 minutes (Incident No. 86278).

10. During an investigation on December 20, 2006, TCEQ staff documented that:

    a. ConocoPhillips released 106,309 lbs of SO2 from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382);

    b. ConocoPhillips released 19,922 lbs of VOCs (including 2,374 lbs of the HRVOC Propylene and 410 lbs of the HRVOC Ethylene) from Flare 29 (EPN 29-61-1), Flare 16 (EPN 56-61-16), and Flare 17 (EPN 56-61-17) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382);

    c. ConocoPhillips released 12,146 lbs of CO from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382);

    d. ConocoPhillips released 2,239 lbs of NOx from Flare 29 (EPN 29-61-1) and Flare 16 (EPN 56-61-16) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382); and

    e. ConocoPhillips released 1,154 lbs of H2S from Flare 29 (EPN 29-61-1), Flare 16 (EPN 56-61-16), and Flare 17 (EPN 56-61-17) during an emissions event that began on September 17, 2006 in Unit 26.2 and lasted for 175 hours (Incident No. 81382).

11. During an investigation on December 20, 2006 and a record review on February 12, 2007, TCEQ staff documented that the final report for the October 16, 2006 emissions event did not include all emissions released from the flare, and the final report for the January 7, 2007 emissions event did not include the authorized emissions limits for the facilities involved in the emissions event.

12. During a record review on March 26, 2007, TCEQ staff documented that during a reference method stack test conducted on October 4, 2006, it was determined that front-half particulate matter ("PM") emissions from the Unit 3 FCC Regenerator (EPN 3-95-3) were 3.06lbs/1,000 lbs of coke burn-off.

13. ConocoPhillips received notices of the violations on or about March 5, March 6, April 10, April 22, May 2, and July 31, 2007.

II. CONCLUSIONS OF LAW

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

2. As evidenced by Findings of Fact Nos. 3.a. and 3.b., ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. As evidenced by Findings of Fact No. 4, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

4. As evidenced by Findings of Fact Nos. 5.a. and 5.b., ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

5. As evidenced by Findings of Fact Nos. 6.a. and 6.b., ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

6. As evidenced by Findings of Fact No. 7, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable and inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

7. As evidenced by Findings of Fact No. 8, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

8. As evidenced by Findings of Fact No. 9, ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Air Permit No. 75864, Permit Representations, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

9. As evidenced by Findings of Fact Nos. 10.a. through 10.e., ConocoPhillips failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit Nos.

5920A and PSD-TX-103M3, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

10. As evidenced by Findings of Fact No. 11, ConocoPhillips failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b).

11. As evidenced by Findings of Fact No. 12, ConocoPhillips failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 49140, Special Condition No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b).

12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against ConocoPhillips for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

13. An administrative penalty in the amount of Three Hundred Twenty-Five Thousand One Hundred Twenty Dollars ($325,120) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. ConocoPhillips has paid One Hundred Sixty-Two Thousand Five Hundred Sixty Dollars ($162,560) of the administrative penalty. One Hundred Sixty-Two Thousand Five Hundred Sixty Dollars ($162,560) shall be conditionally offset by ConocoPhillips' completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. ConocoPhillips is assessed an administrative penalty in the amount of Three Hundred Twenty-Five Thousand One Hundred Twenty Dollars ($325,120) as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and ConocoPhillips' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2007-0670-AIR-E" to:

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

2. ConocoPhillips shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 13 above, One Hundred Sixty-Two Thousand Five Hundred Sixty Dollars ($162,560) 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. ConocoPhillips shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Implement measures designed to prevent the recurrence of emissions events due to the same causes as the emissions events that began on October 16, 2006, November 21, 2006, November 23, 2006, January 7, 2007, January 19, 2007 and January 21, 2007; and

      ii. Implement measures designed to ensure proper reporting of emissions events.

   b. Comply with the TCEQ request letters dated March 1 and July 26, 2007 for submittal of corrective action plans ("CAPs") to address the excessive emissions events that occurred on June 27 and September 17, 2006, in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);

   c. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAPs within 15 days after the date of such requests, or by other deadline specified in writing;

   d. Upon Commission approval, implement the CAPs in accordance with the approved schedule;

   e. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.b. through 3.d. as described in Ordering Provision No. 3.f.; and

   f. 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. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon ConocoPhillips. ConocoPhillips is ordered to give notice of 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to ConocoPhillips if the Executive Director determines that ConocoPhillips has not complied with one or more of the terms or conditions in this Agreed Order.

8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

9. This Agreed Order, issued by the Commission, shall not be admissible against ConocoPhillips in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date 1/11/08

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

I understand that by entering into this Agreed Order, ConocoPhillips Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that 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 Date 11/13/07

TJ Rich General Manager
Name (Printed or typed) Title
Authorized Representative of
ConocoPhillips Company

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

Attachment A
Docket Number: 2007-0670-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**ConocoPhillips Company**
Payable Penalty Amount:	**Three Hundred Twenty-Five Thousand One Hundred Twenty Dollars ($325,120)**
SEP Amount:	**One Hundred Sixty-Two Thousand Five Hundred Sixty Dollars ($162,560)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Brazoria County**

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Brazoria County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality.*** SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 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:

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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