EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1514-AIR-E **TCEQ ID:** RN100209857 **CASE NO.:** 34634

RESPONDENT NAME: Chevron Phillips Chemical Company LP

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: Chevron Phillips Chemical Port Arthur Facility, 2001 Gulfway Drive, Port Arthur, Jefferson County

TYPE OF OPERATION: Ethylene production plant

SMALL BUSINESS: ___ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0885-AIR-E, 2006-1598-AIR-E, and 2006-1028-IHW-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 31, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Adrian Stovall, Environmental Manager, Chevron Phillips Chemical Company LP, P.O. Box 1547, Port Arthur, Texas 77641

Mr. James T. Becker, Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 1547, Port Arthur, Texas 77641

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 14, 2007 **Date of NOV/NOE Relating to this Case:** August 28, 2007 (NOE) **Background Facts:** This was a routine record review. **AIR** 1) Failed to comply with permitted emissions limits. Since these emissions events could have been avoided, they failed to meet the demonstrations for affirmitive defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit 21101, Special Condition No. 8]. 2) Failed to list the compound descriptive type for an emissions event and to furnish the correct authorized emission limit on the initial and final reports [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H), and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $16,344 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $16,344 **Site Compliance History Classification** _X_ **High** __ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The Respondent has three repeated enforcement actions over the prior five year period for the same violation.	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, develop and implement improvements to training, design, operation, and/or maintenance procedures, in order to address the emissions events that occurred on May 12, 2007 and May 21, 2007 and to prevent the reoccurrence of same or similar incidents; b. Within 30 days after the effective date of this Agreed Order, develop and implement improvements to reporting and recordkeeping procedures, in order to address the insufficient initial and final reports from the May 12, 2007 and May 21, 2007 emissions events and to prevent the reoccurrence of same or similar incidents; and c. 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 Provisions a. and b.

Additional ID No(s).: JE0508W

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision September 19, 2007*

DATES					
Assigned	4-Sep-2007				
PCW	21-Sep-2007	Screening	17-Sep-2007	EPA Due	10-Mar-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN100209857		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34634	No. of Violations	3
Docket No.	2007-1514-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Samuel Short
Multi-Media		EC's Team	EnforcementTeam 3
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $7,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **144%** Enhancement — *Subtotals 2, 3, & 7* $10,944

Notes: Change in penalty amount is recommended for having three NOVs for the same or similar violations, one NOV for non-similar violations, four Agreed Orders with Denial, two Agreed Orders without Denial, and three NOIs.

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	$411
Approx. Cost of Compliance	$8,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $18,544

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $18,544

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $16,344

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 $16,344

Screening Date 17-Sep-2007 **Docket No.** 2007-1514-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 34634 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Samuel Short

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*)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	4	80%
	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	3	-3%
	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) 144%

>> **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

Change in penalty amount is recommended for having three NOVs for the same or similar violations, one NOV for non-similar violations, four Agreed Orders with Denial, two Agreed Orders without Denial, and three NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 144%

Screening Date 17-Sep-2007 **Docket No.** 2007-1514-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 34634 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit 21101, Special Condition No. 8

Violation Description Failed to comply with permitted emissions limits. Specifically, an emissions event occurred on May 12, 2007 at Flare 24 (Emission Point No. E-24-FLARE) at the Ethylene Unit 1544, which lasted for 24 hours, resulting in the release of 111.99 pounds ("lbs") of Ethylene, 298.39 lbs of nitrogen oxides ("NOx"), and 74 lbs of carbon monoxide ("CO"). The authorized emissions for this Emission Point is 1.08 pounds per hour ("lbs/hr") for volatile organic compounds, 0.30 lbs/hr for NOx, and 1.28 lbs/hr for CO. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment 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 $385

Statutory Limit Test

Violation Final Penalty Total $6,100

This violation Final Assessed Penalty (adjusted for limits) $6,100

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 34634
Reg. Ent. Reference No. RN100209857
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)	$7,500	12-May-2007	21-May-2008	1.0	$385	n/a	$385

Notes for DELAYED costs: The estimated cost for additional oversight and management practices to ensure proper maintenance and operation practices are followed. Date required is the date of the first emissions event. Final date is the projected date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance $7,500

TOTAL $385

Screening Date 17-Sep-2007 **Docket No.** 2007-1514-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 34634 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit 21101, Special Condition No. 8

Violation Description Failed to comply with permitted emissions limits. Specifically, an emissions event occurred on May 21, 2007, at Flare 24 (Emission Point No. E-24-FLARE) at the Ethylene Unit 1544, which lasted for 7 hours, resulting in the release of 20.71 lbs of Benzene, 9,632.45 lbs of VOCs, 9,751.27 lbs of CO, and 1,275.03 lbs of NOx. The authorized emissions for this Emission Point is 1.08 pounds per hour ("lbs/hr") for volatile organic compounds, 0.30 lbs/hr for NOx, and 1.28 lbs/hr for CO. Since this emissions event could have been avoided, it failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual		x	
	Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment 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 $12,200

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

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 34634
Reg. Ent. Reference No. RN100209857
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				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	Economic Benefit is included in 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 17-Sep-2007 **Docket No.** 2007-1514-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 34634 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Samuel Short

Violation Number 3

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 list the compound descriptive type for an emission event and to furnish the correct authorized emission limit. Specifically, the initial and final reports did not contain the carbon monoxide emissions for the May 12, 2007 reportable emissions event and the initial and final reports for the May 12, 2007 and May 21, 2007 emissions events stated that the authorized limit for volatile organic compounds ("VOC") was 4.47 pounds per hour ("lbs/hr") but the permitted limit for VOCs is 1.08 lbs/hr.

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: Less than 30% of the rule requirement was not met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $244

This violation Final Assessed Penalty (adjusted for limits) $244

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 34634
Reg. Ent. Reference No. RN100209857
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	$500	15-May-2007	21-May-2008	1.0	$25	n/a	$25
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 properly report emissions events. Date required is the date the first report was submitted. Final date is the projected date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $25

Compliance History

Customer/Respondent/Owner-Operator:	CN600303614	Chevron Phillips Chemical Company LP	Classification: AVERAGE	Rating: 3.03
Regulated Entity:	RN100209857	CHEVRON PHILLIPS CHEMICAL PORT ARTHUR FACILITY	Classification: AVERAGE	Site Rating: 21.11

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0508W
AIR OPERATING PERMITS	PERMIT	1235
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0508W
AIR NEW SOURCE PERMITS	PERMIT	5215A
AIR NEW SOURCE PERMITS	PERMIT	18568
AIR NEW SOURCE PERMITS	PERMIT	21101
AIR NEW SOURCE PERMITS	PERMIT	24266
AIR NEW SOURCE PERMITS	PERMIT	32713
AIR NEW SOURCE PERMITS	REGISTRATION	76323
AIR NEW SOURCE PERMITS	REGISTRATION	76324
AIR NEW SOURCE PERMITS	REGISTRATION	76321
AIR NEW SOURCE PERMITS	AFS NUM	4824500162
AIR NEW SOURCE PERMITS	REGISTRATION	73945
AIR NEW SOURCE PERMITS	REGISTRATION	78071
AIR NEW SOURCE PERMITS	REGISTRATION	77954
AIR NEW SOURCE PERMITS	REGISTRATION	78021
AIR NEW SOURCE PERMITS	REGISTRATION	78162
AIR NEW SOURCE PERMITS	REGISTRATION	78143
AIR NEW SOURCE PERMITS	REGISTRATION	79030
AIR NEW SOURCE PERMITS	REGISTRATION	79446
AIR NEW SOURCE PERMITS	REGISTRATION	79568
AIR NEW SOURCE PERMITS	REGISTRATION	80459
AIR NEW SOURCE PERMITS	REGISTRATION	80392
AIR NEW SOURCE PERMITS	REGISTRATION	80781
AIR NEW SOURCE PERMITS	REGISTRATION	80939
AIR NEW SOURCE PERMITS	REGISTRATION	81433
AIR NEW SOURCE PERMITS	REGISTRATION	81329
AIR NEW SOURCE PERMITS	REGISTRATION	81205
AIR NEW SOURCE PERMITS	REGISTRATION	80886
AIR NEW SOURCE PERMITS	REGISTRATION	82603
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000004390
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83963
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83963

Location: 2001 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 17, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 17, 2002 to September 17, 2007

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

Name: Samuel Short Phone: (512) 239-5363

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 12/21/2003 ADMINORDER 2002-0786-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: SC 5 PERMIT
Description: Failure to operate Flare 17 with a pilot flame at all times.

Classification: Moderate

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

Rqmt Prov: SC 14 PERMIT
Description: Failure to operate Flare 24 with a pilot flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 5 PERMIT
Description: Failure to operate Flare 17 w/out visible emissions.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor pressure relief valves on a quarterly basis.
Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT
Description: Failure to monitor valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.356(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(3)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT
Description: Failure to keep a master component list that included all pressure relief valves.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
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 4C PERMIT
Description: Failure to repair a leak w/in 15 days and/or during the first shutdown after a leak was detected.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(1)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(h)(2)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT
Description: Failure to monitor difficult to monitor valves on an annual basis.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.219(f)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT
Description: Failure to maintain records.

Classification: Moderate

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

Rqmt Prov: SC 8 PERMIT
Description: Failure to conduct H2S fuel gas sampling on a monthly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)[G]
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)[G]
40 CFR Part 61, Subpart J 61.112(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1A, 2A, 2B, and 17F PERMIT
Description: Failure to monitor valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)[G]
40 CFR Part 61, Subpart J 61.112(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 17H PERMIT
SC 1A, 2A, 2B PERMIT

Description: Failure to repair valves w/in 15 days after a leak was detected.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT
Description: Failure to comply with the emission limits set in the MAERT for permit 21101.

Classification: Moderate

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

Rqmt Prov: SC 6 PERMIT
Description: Failure to comply with the 1 hr maximum firing rates as required in permit 21101.

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 A 382.085(b)

Rqmt Prov: SC 5 PERMIT
Description: Failure to operate Flare 17 w/out visible emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify on the nonreportable upset report the individually listed compounds involved in the upset which occurred on 4/25/02.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101, Special Condition 14 PERMIT
Description: Failed to prevent visible emissions and maitain emission rates below the allowable emission limits for CO, NOx and VOCs at Ethylene Unit 1544.

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)(3)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emission event at the Cumene Feed Prep Unit 1740 on September 20, 2002 from 9:00 am to 9:35 am.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to prevent unauthorized emissions released at the Cumene Feed Prep Unit 1740 on September 20, 2002 and at the 11 Pump House on January 20, 2003.

Classification: Moderate

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

Rqmt Prov: 32713, Special Condition 15 PERMIT
Description: Failure to submit annual summaries for criteria pollutants for CYs 2001 and 2002.

Classification: Moderate

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

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

Rqmt Prov: 5215A, Special Condition 5 PERMIT
Description: Failure to operate the Cumene Unit process flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

30 TAC Chapter 101, SubChapter F 101.201(b)(9)
30 TAC Chapter 101, SubChapter F 101.211(b)(10)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 21101, Special Condition 14 PERMIT
Description: Failure to properly notify the TCEQ regional office of unauthorized emissions at the Ethylene Unit.

Classification: Moderate

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

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT
Description: Failure to maintain emission rates below the allowable emissions limits at the Cumene Unit - #17 Flare on October 29, 2002, October 31, 2002 and March 2, 2003.

Classification: Moderate

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions at the Cumene Unit - #3 Flare on January 22, 2003.

Classification: Moderate

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

Rqmt Prov: 18568 PERMIT
Description: Failure to report the VOC concentration from the exhaust of the 2001 air stripping testing system and/or the corresponding pounds of strippable VOC per gallon of cooling water for tower 169.

Classification: Moderate

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

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

Rqmt Prov: 18568 PERMIT
18568, Special Condition 17B PERMIT

Description: Failed to comply with permitted VOC emission limits and repair/maintain equipment associated with cooling tower 169.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)(i)

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

Description: Failure to determine the annual benzene waste generated at Cooling Towers 169 and 294.
Classification: Moderate

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

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

Rqmt Prov: 21101, Special Condition 1 PERMIT
Description: Failed to prevent authorized emissions on August 18, 2003 at the #24 Flare.

Effective Date: 02/05/2006 ADMINORDER 2004-1533-AIR-E

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 A 60.7(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special condition 1B and 1C PERMIT
Special Condition 2A and 2C PERMIT

Description: Failed to provide notification of start up, notification of specific provision applicability, or initial and periodic reports.
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 NNN 60.665(b)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(g)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(h)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(j)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(g)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(h)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(j)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1B and 1C PERMIT
Special Condition 2A and 2C PERMIT

Description: Failed to keep up-to-date, readily accessible records.
Classification: Minor

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 A 60.18(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5215A, Special Condition 5 PA
Description: Failure to operate a flare with a pilot flame lit at all times.

Classification: Minor

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Allowed unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)

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

Description: Failed to satisfy a Permit by Rule condition.
Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.8[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain, and make readily available for review, required records.
Classification: Major

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

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

Description: Failed to obtain authorization for air emissions.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
30 TAC Chapter 101, SubChapter F 101.201(b)(2)

30 TAC Chapter 101, SubChapter F 101.201(b)(3)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.211(b)(1)
30 TAC Chapter 101, SubChapter F 101.211(b)(2)
30 TAC Chapter 101, SubChapter F 101.211(b)(3)
30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide complete records of 72 non-reportable events and 40 maintenance activities that occurred from March 13, 2003 to August 31, 2004.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT
Description: Failed to limit emissions from Flare 24 (EPN F-24-flare) to those authorized by the permit.

Effective Date: 02/20/2006 ADMINORDER 2005-0406-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PI-8 PERMIT
Description: Failed to limit emissions from Flare-17 (EPN F-17-Flare) in Cyclohexane Unit 1741 to those authorized by a Permit by Rule.

Effective Date: 04/29/2006 ADMINORDER 2005-1808-AIR-E

Classification: Minor

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101, General Condition 8 PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 07/14/2006 ADMINORDER 2006-0023-AIR-E

Classification: Minor

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

Description: Failed to submit notification of an emissions event within 24 hrs. of discovery (Inc. No. 65155).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: 21101 PERMIT
Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere

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 10/15/2002 (12166)
2 10/15/2002 (12157)
3 10/15/2002 (12182)
4 11/18/2002 (15927)
5 11/18/2002 (15941)
6 11/18/2002 (15970)
7 02/26/2003 (25119)
8 02/27/2003 (26123)
9 02/27/2003 (26116)
10 02/27/2003 (26141)
11 03/31/2003 (26407)
12 03/31/2003 (26418)
13 03/31/2003 (26453)
14 05/09/2003 (31101)
15 07/08/2003 (23118)
16 07/08/2003 (28601)
17 07/08/2003 (28462)
18 08/20/2003 (150079)
19 08/20/2003 (140828)
20 08/22/2003 (112392)
21 10/09/2003 (251686)
22 10/16/2003 (251648)
23 11/06/2003 (254079)
24 12/17/2003 (255857)
25 12/31/2003 (256375)
26 01/13/2004 (255882)
27 01/28/2004 (260394)

28	01/30/2004	(260374)
29	02/18/2004	(262747)
30	03/26/2004	(264422)
31	03/26/2004	(266501)
32	03/26/2004	(266567)
33	03/30/2004	(264423)
34	03/30/2004	(264278)
35	05/07/2004	(264932)
36	05/12/2004	(266872)
37	05/14/2004	(268767)
38	05/21/2004	(270623)
39	05/27/2004	(269429)
40	05/27/2004	(269047)
41	07/07/2004	(277842)
42	07/07/2004	(277866)
43	07/07/2004	(278397)
44	08/31/2004	(292814)
45	10/20/2004	(334670)
46	10/20/2004	(334660)
47	10/20/2004	(335672)
48	11/12/2004	(336801)
49	12/10/2004	(341172)
50	02/02/2005	(342775)
51	02/22/2005	(371695)
52	02/23/2005	(349112)
53	02/25/2005	(346983)
54	03/29/2005	(372071)
55	03/29/2005	(349695)
56	03/29/2005	(372068)
57	04/20/2005	(375919)
58	04/20/2005	(377313)
59	04/20/2005	(378099)
60	04/20/2005	(375692)
61	04/20/2005	(375210)
62	04/20/2005	(376051)
63	04/20/2005	(375928)
64	04/20/2005	(373914)
65	04/28/2005	(350987)
66	06/07/2005	(394278)
67	06/07/2005	(394217)
68	06/15/2005	(392859)
69	07/19/2005	(397037)
70	08/31/2005	(348609)
71	11/15/2005	(435694)
72	12/21/2005	(436261)
73	12/22/2005	(450202)
74	02/28/2006	(437666)
75	04/26/2006	(406843)
76	05/30/2006	(463478)
77	08/28/2006	(488322)
78	08/28/2006	(489560)
79	08/31/2006	(488575)
80	08/31/2006	(458241)
81	11/28/2006	(517158)
82	11/29/2006	(514240)
83	11/29/2006	(516808)
84	12/05/2006	(519672)
85	12/11/2006	(532265)
86	12/28/2006	(341362)
87	12/28/2006	(534760)
88	12/28/2006	(374971)
89	01/11/2007	(486288)
90	05/14/2007	(554939)
91	05/16/2007	(555965)
92	05/21/2007	(556453)
93	05/21/2007	(556743)

94 05/23/2007 (559175)
95 07/09/2007 (560572)
96 08/28/2007 (563168)

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

Date 01/30/2004 (260374)

Self Report? NO Classification Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure by Chevron Phillips Chemical Port Arthur Facility to prevent the discharge of wastewater into or adjacent to waters in the state.

Date 05/21/2004 (270623)

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)

Rqmt Prov: PERMIT 21101

Description: Failure to comply with MAER limits.

Date 11/29/2006 (514240)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 Special Condition 1A
PERMIT Permit 21101 Special Condition 1

Description: Failure to report a flare pilot outage on an NSPS semi-annual report. Minor C,3

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 Special Condition 1A
PERMIT Permit 21101/Special Condition 14

Description: Failure to operate Flare 24 with a pilot flame at all times. MOD,B18

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 Special Condition 10K
PERMIT Permit 21101 Special Condition 2C

Description: Failure to report a flare pilot outage on a NESHAP Report. Minor C,3

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 Special Condition 26

Description: Failure to submit all of the required information in the excess emissions report for the reporting period of 07/01/2005 through 12/31/2005. Minor C,3

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 Special Condition 26

Description: Failure to submit a semi-annual report in a timely manner. Minor C,3

Date 05/16/2007 (555965)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 21101 Special Condition 1A
OP FOP 1235 General Terms and Conditions

OP FOP 1235 Special Condition 21

Description: Failure to make a first attempt repair on a leaking component within five days. EIC B1 MOD 2(E)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 21101
OP FOP 1235

Description: Failure to maintain a sealing device on an open ended line. EIC C(4) MIN (3)(D)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 106, SubChapter K 106.262[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 Special Condition 22

Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B(4) MOD 2(B)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 General Terms and Conditions

Description: Failure to report deviations on two seperate semi-annual deviation reports for the reporting periods of February 16, 2006, through August 17, 2006, and August 18, 2006, through February 15, 2007. EIC B(3) MOD 2(B)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP 1235 General Terms and Conditions

Description: Failure to accurately certify an Annual Compliance Certification for the periods of February 16, 2005, through February 15, 2006, and February 16, 2006, through February 15, 2007. EIC B(3) MOD 2(B)

F. Environmental audits.

Notice of Intent Date: 09/17/2004 (347257)
No DOV Associated

Notice of Intent Date: 03/16/2005 (376225)
No DOV Associated

Notice of Intent Date: 11/06/2006 (534260)
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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CHEVRON PHILLIPS CHEMICAL	§	
COMPANY LP	§	
RN100209857	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1514-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("Chevron Phillips") 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 Chevron Phillips presented this agreement to the Commission.

Chevron Phillips 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, Chevron Phillips 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 Chevron Phillips.

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

I. FINDINGS OF FACT

1. Chevron Phillips owns and operates a ethylene production plant at 2001 Gulfway Drive in Port Arthur, Jefferson 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 a record review on June 14, 2007, TCEQ staff documented that Chevron Phillips failed to comply with permitted emissions limits. Specifically, an emissions event occurred on May 12, 2007 at Flare 24 (Emission Point No. E-24-FLARE) at the Ethylene Unit 1544, which lasted for 24 hours, resulting in the release of 111.99 pounds ("lbs") of Ethylene, 298.39 lbs of nitrogen oxides ("NOx"), and 74 lbs of carbon monoxide ("CO"). The authorized emissions for this Emission Point is 1.08 pounds per hour ("lbs/hr") for volatile organic compounds ("VOCs"), 0.30 lbs/hr for NOx, and 1.28 lbs/hr for CO.

4. During a record review on June 14, 2007, TCEQ staff documented Chevron Phillips failed to comply with permitted emissions limits. Specifically, an emissions event occurred on May 21, 2007, at Flare 24 (Emission Point No. E-24-FLARE) at the Ethylene Unit 1544, which lasted for 7 hours, resulting in the release of 20.71 lbs of Benzene, 9,632.45 lbs of VOCs, 9,751.27 lbs of CO, and 1,275.03 lbs of NOx. The authorized emissions for this Emission Point is 1.08 pounds per hour ("lbs/hr") for VOCs, 0.30 lbs/hr for NOx, and 1.28 lbs/hr for CO.

5. During a record review on June 14, 2007, TCEQ staff documented Chevron Phillips failed to list the compound descriptive type for an emission event and to furnish the correct authorized emission limit. Specifically, the initial and final reports did not contain the CO emissions for the May 12, 2007 reportable emissions event and the initial and final reports for the May 12, 2007 and May 21, 2007 emissions events stated that the authorized limit for VOCs was 4.47 pounds per hour ("lbs/hr") but the permitted limit for VOCs is 1.08 lbs/hr.

6. Chevron Phillips received notice of the violations on September 2, 2007.

II. CONCLUSIONS OF LAW

1. Chevron Phillips 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 and 4, Chevron Phillips failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit 21101, Special Condition No. 8. Since these emissions events could have been avoided, they failed to meet the demonstrations for affirmitive defense as found in 30 TEX. ADMIN. CODE § 101.222.

3. As evidenced by Findings of Fact No. 5, Chevron Phillips failed to list the compound descriptive type for an emissions event and to furnish the correct authorized emission limit on the initial and final reports, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H), and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Chevron Phillips 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.

5. An administrative penalty in the amount of Sixteen Thousand Three Hundred Forty-Four Dollars ($16,344) 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. Chevron Phillips has paid the Sixteen Thousand Three Hundred Forty-Four Dollar ($16,344) administrative penalty.

III. ORDERING PROVISIONS

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

1. Chevron Phillips is assessed an administrative penalty in the amount of Sixteen Thousand Three Hundred Forty-Four Dollars ($16,344) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Chevron Phillips' 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: Chevron Phillips Chemical Company LP, Docket No. 2007-1514-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. Chevron Phillips shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, develop and implement improvements to training, design, operation, and/or maintenance procedures, in order to address the emissions events that occurred on May 12, 2007 and May 21, 2007 and to prevent the reoccurrence of same or similar incidents;

   b. Within 30 days after the effective date of this Agreed Order, develop and implement improvements to reporting and recordkeeping procedures, in order to address the insufficient initial and final reports from the May 12, 2007 and May 21, 2007 emissions events and to prevent the reoccurrence of same or similar incidents; and

   c. 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 Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Chevron Phillips. Chevron Phillips is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

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

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Chevron Phillips shall be made in writing to the Executive Director. Extensions are not effective until Chevron Phillips receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Chevron Phillips if the

Executive Director determines that Chevron Phillips has not complied with one or more of the terms or conditions in this Agreed Order.

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

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 4/30/2008
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Chevron Phillips Chemical Company LP. I am authorized to agree to the attached Agreed Order on behalf of Chevron Phillips Chemical Company LP, 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, Chevron Phillips Chemical Company LP 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.

James T. Becker January 3, 2008
Signature Date

James T. Becker Plant Manager
Name (Printed or typed) Title
Authorized Representative of
Chevron Phillips Chemical Company LP

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.