# EXECUTIVE SUMMARY - ENFORCEMENT MATTER



**DOCKET NO.:** 2007-1730-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 34854

**RESPONDENT NAME:** ConocoPhillips Company

| **ORDER TYPE:** | | |
|---|---|---|
| _X_1660 AGREED ORDER | __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:** ConocoPhillips Sweeny Refinery, Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria County

**TYPE OF OPERATION:** Refinery

**SMALL BUSINESS:** ___ Yes _X_ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is one pending enforcement action regarding this facility location, Docket No. 2007-1194-AIR-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 April 28, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Audra Ruble, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3126; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

**Respondent:** Ms. Cynthia Jordy, Environmental Team Leader, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480
Mr. David Huffman, Refinery Plant 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:**<br>___ Complaint<br>___ Routine<br>___ Enforcement Follow-up<br>_X_ Records Review<br><br>**Date(s) of Complaints Relating to this Case:** None<br><br>**Date of Investigation Relating to this Case:** August 21, and September 12, 2007<br><br>**Date of NOV/NOE Relating to this Case:** September 26, and October 12, 2007 (NOEs)<br><br>**Background Facts:** These were routine record reviews.<br><br>**AIR**<br><br>1) Failed to prevent unauthorized emissions. Specifically, during an emissions event July 18, 2007 through July 23, 2007 at Unit 56, the Wastewater Treatment Unit emitted 858 pounds ("lbs") of volatile organic compounds, for a total of 119 hours and 29 minutes. The permit does not authorize any upset emissions. 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) and (b)(2)(F), New Source Review ("NSR") Permit No. 21265 General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].<br><br>2) Failed to prevent unauthorized emissions. Specifically, during an emissions event on June 10, 2007 at Unit 28-Sulfur Recovery Complex, the Sour Water Stripper Flare, EPN 28.1-61-10, emitted 5,212 lbs of sulfur dioxide ("$SO_2$") and 56 lbs of hydrogen sulfide ("$H_2S$"), for a total of 29 minutes. The permit allows 0.40 pounds per hour ("lbs/hr") $SO_2$ and 0.01 lbs/hr $H_2S$. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met, as reported in an investigation on September 12, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and | **Total Assessed:** $26,225<br><br>**Total Deferred:** $5,245<br>_X_ Expedited Settlement<br><br>__ Financial Inability to Pay<br><br>**SEP Conditional Offset:** $0<br><br>**Total Paid to General Revenue:** $20,980<br><br>**Site Compliance History Classification**<br>___ **High** _X_ **Average** __ **Poor**<br><br>**Person Compliance History Classification**<br>__ **High** _X_ **Average** __ **Poor**<br><br>**Major Source:** _X_ Yes ___ No<br><br>**Applicable Penalty Policy:** September 2002 | **Ordering Provisions:**<br><br>The Order will require the Respondent to:<br><br>a. Within 30 days after the effective date of this Agreed Order, design and implement improvements to procedures to address the emissions events that occurred on June 10, 2007 and July 18, 2007 and to prevent the reoccurrence of similar incidents; and<br><br>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a. |

| | | |
|---|---|---|
| 101.20(3), NSR Permit No. 5920A/PSD-TX-103M3 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. | | |

Additional ID No(s).: BL0042G

# Penalty Calculation Worksheet (PCW)

TCEQ

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

| DATES | | | | | |
|---|---|---|---|---|---|
| Assigned | 1-Oct-2007 | | | | |
| PCW | 28-Nov-2007 | Screening | 22-Oct-2007 | EPA Due | 8-Jul-2008 |

**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. | 34854 | No. of Violations | 2 |
| Docket No. | 2007-1730-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Enf. Coordinator | Jessica Rhodes |
| Multi-Media | | EC's Team | EnforcementTeam 4 |
| Admin. Penalty $ Limit Minimum | $0 | Maximum | $10,000 |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** — *Subtotal 1* **$7,500**

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

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

**Compliance History** — **549%** Enhancement — *Subtotals 2, 3, & 7* **$41,175**

Notes: Penalty enhancement due to six Agreed Orders with denial of liability, seven Agreed Orders without denial, 36 NOVs for same or similar violations, 23 NOVs for unrelated violations, and one Consent Decree/Court Order. Penalty reduction given for two environmental audits without disclosure of violations.

**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 | $337 |
| Approx. Cost of Compliance | $6,500 |

**SUM OF SUBTOTALS 1-7** — *Final Subtotal* **$48,675**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

*Final Penalty Amount* **$48,675**

**STATUTORY LIMIT ADJUSTMENT** — *Final Assessed Penalty* **$26,225**

**DEFERRAL** — **20%** Reduction — *Adjustment* **-$5,245**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **$20,980**

**Screening Date** 22-Oct-2007 **Docket No.** 2007-1730-AIR-E **PCW**

**Respondent** ConocoPhillips Company

**Case ID No.** 34854

**Reg. Ent. Reference No.** RN101619179

**Media [Statute]** Air

**Enf. Coordinator** Jessica Rhodes

*Policy Revision 2 (September 2002)*

*PCW Revision September 19, 2007*

## 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*) | 36 | 180% |
| | Other written NOVs | 23 | 46% |
| 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 | 7 | 175% |
| 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*) | 2 | -2% |
| | 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)*** 549%

>> **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 six Agreed Orders with denial of liability, seven Agreed Orders without denial, 36 NOVs for same or similar violations, 23 NOVs for unrelated violations, and one Consent Decree/Court Order. Penalty reduction given for two environmental audits without disclosure of violations.

***Total Adjustment Percentage (Subtotals 2, 3, & 7)*** 549%

**Screening Date** 22-Oct-2007 **Docket No.** 2007-1730-AIR-E **PCW**

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

**Case ID No.** 34854 *PCW Revision September 19, 2007*

**Reg. Ent. Reference No.** RN101619179

**Media [Statute]** Air

**Enf. Coordinator** Jessica Rhodes

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c) and (b)(2)(F), New Source Review ("NSR") Permit No. 21265 General Condition 8, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, during an emissions event July 18, 2007 through July 23, 2007 at Unit 56, the Wastewater Treatment Unit emitted 858 pounds ("lbs") of volatile organic compounds, for a total of 119 hours and 29 minutes. Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met, as reported in an investigation on August 21, 2007.

**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 was exposed to insignificant amounts of pollutants which do not exceed levels 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 | 5 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** $72

## Statutory Limit Test

**Violation Final Penalty Total** $16,225

**This violation Final Assessed Penalty (adjusted for limits)** $16,225

# Economic Benefit Worksheet

**Respondent** ConocoPhillips Company
**Case ID No.** 34854
**Reg. Ent. Reference No.** RN101619179
**Media** Air
**Violation No.** 1

| 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) | $1,500 | 18-Jul-2007 | 1-Jul-2008 | 1.0 | $72 | n/a | $72 |

**Notes for DELAYED costs**: Estimated cost to implement changes to procedures to prevent the buildup of solids containing hydrocarbons in the equalizations tanks, which caused the emissions event on July 18, 2007. Date required is based on the day of the emissions event. Final date is based on the projected compliance date.

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

**Notes for AVOIDED costs**:

**Approx. Cost of Compliance** $1,500

TOTAL $72

**PCW**

*Policy Revision 2 (September 2002)*

*PCW Revision September 19, 2007*

**Screening Date** 22-Oct-2007 **Docket No.** 2007-1730-AIR-E

**Respondent** ConocoPhillips Company

**Case ID No.** 34854

**Reg. Ent. Reference No.** RN101619179

**Media [Statute]** Air

**Enf. Coordinator** Jessica Rhodes

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 101.20(3), NSR Permit No. 5920A/PSD-TX-103M3 Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, during an emissions event on June 10, 2007 at Unit 28-Sulfur Recovery Complex, the Sour Water Stripper Flare, EPN 28.1-61-10, emitted 5,212 lbs of sulfur dioxide ('SO2") and 56 lbs of hydrogen sulfide ("H2S"), for a total of 29 minutes. The permit allows 0.40 pounds per hour ("lbs/hr") SO2 and 0.01 lbs/hr H2S. Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met, as reported in an investigation on September 12, 2007.

**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 was exposed to significant amounts of pollutants which do not exceed levels 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** $265

## Statutory Limit Test

**Violation Final Penalty Total** $32,450

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

# Economic Benefit Worksheet

**Respondent** ConocoPhillips Company
**Case ID No.** 34854
**Reg. Ent. Reference No.** RN101619179
**Media** Air
**Violation No.** 2

| 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) | $5,000 | 10-Jun-2007 | 1-Jul-2008 | 1.1 | $265 | n/a | $265 |
| Notes for DELAYED costs | Estimated cost to implement changes to procedures to prevent the malfunction of the sour knock-out drum level switch, which caused the emissions event on June 10, 2007. Date required is based on the day of the emissions event. Final date is based on the projected compliance date. | | | | | | |
| **Avoided Costs** | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) | | | | | | |
| Disposal | | | | 0.0 | $0 | $0 | $0 |
| Personnel | | | | 0.0 | $0 | $0 | $0 |
| Inspection/Reporting/Sampling | | | | 0.0 | $0 | $0 | $0 |
| Supplies/equipment | | | | 0.0 | $0 | $0 | $0 |
| Financial Assurance [2] | | | | 0.0 | $0 | $0 | $0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | $0 | $0 | $0 |
| Other (as needed) | | | | 0.0 | $0 | $0 | $0 |
| Notes for AVOIDED costs | | | | | | | |

| | | | |
|---|---|---|---|
| Approx. Cost of Compliance | $5,000 | TOTAL | $265 |

# Compliance History

| | | | | |
|---|---|---|---|---|
| Customer/Respondent/Owner-Operator: | CN601674351 | ConocoPhillips Company | Classification: | Rating: 2.78 |
| Regulated Entity: | RN101619179 | CONOCOPHILLIPS SWEENY REFINERY | Classification: | Site Rating: 7.39 |

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 | 54666 |
| AIR NEW SOURCE PERMITS | PERMIT | 52705 |
| AIR NEW SOURCE PERMITS | PERMIT | 53563 |
| AIR NEW SOURCE PERMITS | PERMIT | 22690 |
| AIR NEW SOURCE PERMITS | PERMIT | 74130 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX103M |
| 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 | 76731 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76644 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX103M3 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77648 |
| 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 | REGISTRATION | 78566 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79552 |
| AIR NEW SOURCE PERMITS | PERMIT | 80806 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81104 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 82689 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 82601 |
| AIR QUALITY NON PERMITTED | ACCOUNT NUMBER | BL0042G |
| AIR OPERATING PERMITS | PERMIT | 1626 |
| AIR OPERATING PERMITS | ACCOUNT NUMBER | BL0042G |
| AIR OPERATING PERMITS | PERMIT | 2151 |
| WASTEWATER | PERMIT | TX0007536 |
| WASTEWATER | PERMIT | TX0007536000 |
| WASTEWATER | PERMIT | WQ0000721000 |
| PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 20580 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30048 |
| INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS | PERMIT | 50186 |
| INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE | PERMIT | 50186 |
| WASTEWATER LICENSING | LICENSE | WQ0000721000 |

Location: HIGHWAY 35 AND FM 524, OLD OCEAN, TX, 77463

Rating Date: September 01 07
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 06, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 06, 2002 to November 06, 2007

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

Name: Jessica Rhodes Phone: (512) 239-2879

## Site Compliance History Components

| | |
|---|---|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | ConocoPhillips Company |
| 4. If Yes, who was/were the prior owner(s)? | Chevron Phillips Chemical Company LP |
| 5. When did the change(s) in ownership occur? | 12/31/2002<br>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

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)

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)
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)

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)

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.

Effective Date: 05/25/2007 ADMINORDER 2005-1212-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 initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at Unit 26.2.

Classification: Minor

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

Description: Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2

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: #5682 and PSD-TX-103M2, S.C. #1 PERMIT
Description: failed to control unauthorized emissions at the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004

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 # 5862A/PSD-TX-103M2 PERMIT
Description: Failed to control unauthorized emissions from the LP Emergency Flare during an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1

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: #5682A and PSD-TX-103M2, S.C. #1 PERMIT
Description: failed to control unauthorized emissions from the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.211(a)

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

Description: Failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup of Unit 26.1 exceeded the initial estimates in the startup notification.

Effective Date: 06/29/2007 ADMINORDER 2006-1550-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: General Condition 8 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 an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 25, 2006 at 3:00 a.m., but was not reported until June 7, 2006 at 12:05 p.m.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 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 an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on June 1, 2006 at 2:00 a.m., but was not reported until June 12, 2006 at 4:48 p.m.

Effective Date: 07/13/2007 ADMINORDER 2006-2030-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: Special Condition 1 PERMIT
Description: Failure to prevent an avoidable emissions event.

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|---|---|---|
| 1 | 11/27/2002 | (160701) |
| 2 | 12/09/2002 | (13725) |
| 3 | 12/20/2002 | (160705) |
| 4 | 12/23/2002 | (14220) |
| 5 | 01/07/2003 | (18532) |
| 6 | 01/09/2003 | (20971) |
| 7 | 01/10/2003 | (16787) |
| 8 | 01/10/2003 | (20972) |
| 9 | 01/10/2003 | (19275) |
| 10 | 01/24/2003 | (21424) |

| | | |
|---|---|---|
| 11 | 02/26/2003 | (20393) |
| 12 | 02/28/2003 | (160670) |
| 13 | 02/28/2003 | (19809) |
| 14 | 03/07/2003 | (21233) |
| 15 | 03/11/2003 | (160709) |
| 16 | 03/25/2003 | (160673) |
| 17 | 04/04/2003 | (23918) |
| 18 | 04/04/2003 | (23919) |
| 19 | 04/23/2003 | (160678) |
| 20 | 04/23/2003 | (33899) |
| 21 | 05/02/2003 | (10852) |
| 22 | 05/12/2003 | (27507) |
| 23 | 05/27/2003 | (296409) |
| 24 | 06/05/2003 | (17956) |
| 25 | 06/16/2003 | (33521) |
| 26 | 06/17/2003 | (34943) |
| 27 | 06/23/2003 | (160685) |
| 28 | 07/10/2003 | (119447) |
| 29 | 07/16/2003 | (36390) |
| 30 | 07/23/2003 | (296413) |
| 31 | 07/26/2003 | (61517) |
| 32 | 08/04/2003 | (133826) |
| 33 | 08/23/2003 | (61968) |
| 34 | 08/27/2003 | (296415) |
| 35 | 09/24/2003 | (296417) |
| 36 | 10/21/2003 | (296419) |
| 37 | 10/27/2003 | (282874) |
| 38 | 11/06/2003 | (249501) |
| 39 | 11/07/2003 | (253887) |
| 40 | 11/24/2003 | (254187) |
| 41 | 11/24/2003 | (296420) |
| 42 | 11/25/2003 | (254294) |
| 43 | 12/22/2003 | (296421) |
| 44 | 12/31/2003 | (255587) |
| 45 | 01/22/2004 | (296422) |
| 46 | 01/30/2004 | (259125) |
| 47 | 01/30/2004 | (261337) |
| 48 | 02/02/2004 | (250745) |
| 49 | 02/23/2004 | (296404) |
| 50 | 03/17/2004 | (257314) |
| 51 | 03/22/2004 | (296406) |
| 52 | 03/22/2004 | (264254) |
| 53 | 04/06/2004 | (257342) |
| 54 | 04/08/2004 | (258257) |
| 55 | 04/22/2004 | (296407) |
| 56 | 05/07/2004 | (266127) |
| 57 | 05/25/2004 | (296410) |
| 58 | 06/21/2004 | (352588) |
| 59 | 06/30/2004 | (273454) |
| 60 | 06/30/2004 | (271507) |
| 61 | 07/01/2004 | (275993) |
| 62 | 07/02/2004 | (278283) |
| 63 | 07/12/2004 | (259068) |
| 64 | 07/12/2004 | (258107) |
| 65 | 07/16/2004 | (352589) |
| 66 | 08/18/2004 | (282244) |
| 67 | 08/23/2004 | (352590) |
| 68 | 08/23/2004 | (352593) |
| 69 | 08/24/2004 | (260558) |
| 70 | 08/25/2004 | (261423) |
| 71 | 08/31/2004 | (271547) |
| 72 | 08/31/2004 | (273961) |
| 73 | 09/01/2004 | (289795) |

| | | |
|---|---|---|
| 74 | 09/01/2004 | (280584) |
| 75 | 09/10/2004 | (333346) |
| 76 | 09/16/2004 | (352591) |
| 77 | 09/30/2004 | (280855) |
| 78 | 10/05/2004 | (336659) |
| 79 | 10/06/2004 | (333804) |
| 80 | 10/06/2004 | (333805) |
| 81 | 10/06/2004 | (333698) |
| 82 | 10/15/2004 | (352592) |
| 83 | 11/12/2004 | (287686) |
| 84 | 11/19/2004 | (575777) |
| 85 | 11/22/2004 | (338077) |
| 86 | 11/22/2004 | (335609) |
| 87 | 11/22/2004 | (339194) |
| 88 | 11/22/2004 | (333524) |
| 89 | 11/29/2004 | (341065) |
| 90 | 11/29/2004 | (340915) |
| 91 | 11/29/2004 | (336272) |
| 92 | 11/29/2004 | (340851) |
| 93 | 11/29/2004 | (340359) |
| 94 | 11/29/2004 | (340845) |
| 95 | 11/30/2004 | (340792) |
| 96 | 12/06/2004 | (283487) |
| 97 | 12/11/2004 | (342577) |
| 98 | 12/11/2004 | (342599) |
| 99 | 12/16/2004 | (382048) |
| 100 | 12/17/2004 | (288102) |
| 101 | 12/17/2004 | (341910) |
| 102 | 12/17/2004 | (340488) |
| 103 | 12/20/2004 | (289506) |
| 104 | 12/22/2004 | (340482) |
| 105 | 12/22/2004 | (342153) |
| 106 | 12/28/2004 | (342422) |
| 107 | 12/28/2004 | (277696) |
| 108 | 12/29/2004 | (289466) |
| 109 | 12/30/2004 | (345626) |
| 110 | 12/30/2004 | (287859) |
| 111 | 12/30/2004 | (345294) |
| 112 | 12/30/2004 | (345296) |
| 113 | 12/30/2004 | (345297) |
| 114 | 12/30/2004 | (342412) |
| 115 | 01/04/2005 | (342579) |
| 116 | 01/07/2005 | (345295) |
| 117 | 01/07/2005 | (345299) |
| 118 | 01/17/2005 | (286211) |
| 119 | 01/27/2005 | (343576) |
| 120 | 02/10/2005 | (343557) |
| 121 | 02/14/2005 | (349255) |
| 122 | 02/21/2005 | (349952) |
| 123 | 02/21/2005 | (351188) |
| 124 | 02/22/2005 | (350692) |
| 125 | 02/23/2005 | (382045) |
| 126 | 02/23/2005 | (382046) |
| 127 | 02/23/2005 | (382047) |
| 128 | 02/25/2005 | (350491) |
| 129 | 03/03/2005 | (349462) |
| 130 | 03/03/2005 | (371965) |
| 131 | 03/09/2005 | (372280) |
| 132 | 03/09/2005 | (345300) |
| 133 | 03/16/2005 | (343615) |
| 134 | 03/16/2005 | (373194) |
| 135 | 03/21/2005 | (575759) |
| 136 | 03/29/2005 | (372022) |

| | | |
|---|---|---|
| 137 | 03/31/2005 | (350563) |
| 138 | 04/12/2005 | (374970) |
| 139 | 04/12/2005 | (375119) |
| 140 | 05/19/2005 | (378252) |
| 141 | 05/20/2005 | (375132) |
| 142 | 05/23/2005 | (575764) |
| 143 | 06/20/2005 | (396218) |
| 144 | 06/22/2005 | (575766) |
| 145 | 06/23/2005 | (349036) |
| 146 | 06/24/2005 | (374887) |
| 147 | 06/24/2005 | (397011) |
| 148 | 07/11/2005 | (398367) |
| 149 | 07/11/2005 | (396156) |
| 150 | 07/15/2005 | (400176) |
| 151 | 07/20/2005 | (575772) |
| 152 | 07/20/2005 | (399359) |
| 153 | 07/20/2005 | (575770) |
| 154 | 07/26/2005 | (400458) |
| 155 | 08/02/2005 | (402413) |
| 156 | 08/15/2005 | (404591) |
| 157 | 08/22/2005 | (406298) |
| 158 | 08/24/2005 | (406619) |
| 159 | 08/30/2005 | (402698) |
| 160 | 08/30/2005 | (418482) |
| 161 | 09/26/2005 | (575773) |
| 162 | 10/12/2005 | (345293) |
| 163 | 10/21/2005 | (433893) |
| 164 | 10/24/2005 | (575775) |
| 165 | 10/28/2005 | (403331) |
| 166 | 10/28/2005 | (418688) |
| 167 | 10/31/2005 | (433354) |
| 168 | 11/21/2005 | (575778) |
| 169 | 12/01/2005 | (438294) |
| 170 | 12/22/2005 | (575780) |
| 171 | 01/02/2006 | (439019) |
| 172 | 01/23/2006 | (575782) |
| 173 | 01/30/2006 | (453505) |
| 174 | 01/30/2006 | (451619) |
| 175 | 01/30/2006 | (440119) |
| 176 | 02/07/2006 | (453152) |
| 177 | 02/08/2006 | (440116) |
| 178 | 02/08/2006 | (440354) |
| 179 | 02/13/2006 | (440416) |
| 180 | 02/21/2006 | (449529) |
| 181 | 02/23/2006 | (455205) |
| 182 | 02/23/2006 | (451390) |
| 183 | 02/23/2006 | (453702) |
| 184 | 02/23/2006 | (575757) |
| 185 | 02/24/2006 | (438289) |
| 186 | 02/27/2006 | (440305) |
| 187 | 03/13/2006 | (453717) |
| 188 | 03/14/2006 | (453727) |
| 189 | 03/16/2006 | (433352) |
| 190 | 03/16/2006 | (438820) |
| 191 | 03/16/2006 | (450930) |
| 192 | 03/17/2006 | (438894) |
| 193 | 03/20/2006 | (278774) |
| 194 | 03/21/2006 | (345285) |
| 195 | 03/22/2006 | (575760) |
| 196 | 03/28/2006 | (433648) |
| 197 | 03/28/2006 | (451496) |
| 198 | 03/30/2006 | (458137) |
| 199 | 03/30/2006 | (458160) |

| | | |
|---|---|---|
| 200 | 04/20/2006 | (460114) |
| 201 | 04/20/2006 | (458139) |
| 202 | 04/24/2006 | (575762) |
| 203 | 04/25/2006 | (461497) |
| 204 | 05/04/2006 | (461458) |
| 205 | 05/16/2006 | (462220) |
| 206 | 05/16/2006 | (462319) |
| 207 | 05/17/2006 | (463612) |
| 208 | 05/17/2006 | (461841) |
| 209 | 05/18/2006 | (575765) |
| 210 | 05/22/2006 | (434378) |
| 211 | 05/22/2006 | (463514) |
| 212 | 05/25/2006 | (458131) |
| 213 | 05/31/2006 | (460763) |
| 214 | 06/22/2006 | (575767) |
| 215 | 06/23/2006 | (480400) |
| 216 | 06/23/2006 | (480579) |
| 217 | 06/27/2006 | (480326) |
| 218 | 06/27/2006 | (480331) |
| 219 | 06/30/2006 | (463704) |
| 220 | 06/30/2006 | (482027) |
| 221 | 07/07/2006 | (460719) |
| 222 | 07/10/2006 | (480119) |
| 223 | 07/10/2006 | (482038) |
| 224 | 07/11/2006 | (483052) |
| 225 | 07/19/2006 | (484922) |
| 226 | 07/21/2006 | (486875) |
| 227 | 07/21/2006 | (575768) |
| 228 | 07/24/2006 | (465685) |
| 229 | 07/28/2006 | (484927) |
| 230 | 07/31/2006 | (484998) |
| 231 | 08/04/2006 | (483248) |
| 232 | 08/07/2006 | (484904) |
| 233 | 08/07/2006 | (483230) |
| 234 | 08/16/2006 | (485078) |
| 235 | 08/16/2006 | (497297) |
| 236 | 08/21/2006 | (497477) |
| 237 | 08/21/2006 | (497714) |
| 238 | 08/22/2006 | (575771) |
| 239 | 08/25/2006 | (484989) |
| 240 | 08/29/2006 | (485092) |
| 241 | 08/29/2006 | (485973) |
| 242 | 09/01/2006 | (487285) |
| 243 | 09/05/2006 | (481595) |
| 244 | 09/05/2006 | (487182) |
| 245 | 09/18/2006 | (575774) |
| 246 | 10/02/2006 | (511382) |
| 247 | 10/20/2006 | (497684) |
| 248 | 10/23/2006 | (575776) |
| 249 | 10/24/2006 | (516622) |
| 250 | 10/30/2006 | (511381) |
| 251 | 10/30/2006 | (289180) |
| 252 | 11/03/2006 | (514242) |
| 253 | 11/03/2006 | (514125) |
| 254 | 11/03/2006 | (513963) |
| 255 | 11/06/2006 | (453818) |
| 256 | 11/07/2006 | (487028) |
| 257 | 11/15/2006 | (432050) |
| 258 | 11/21/2006 | (514771) |
| 259 | 11/21/2006 | (514871) |
| 260 | 11/22/2006 | (575779) |
| 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 | 12/22/2006 | (575781) |
| 267 | 12/28/2006 | (533933) |
| 268 | 01/05/2007 | (514904) |
| 269 | 01/10/2007 | (534506) |
| 270 | 01/19/2007 | (575783) |
| 271 | 01/25/2007 | (531232) |
| 272 | 01/25/2007 | (535014) |
| 273 | 01/29/2007 | (531242) |
| 274 | 01/29/2007 | (534512) |
| 275 | 02/05/2007 | (536784) |
| 276 | 02/05/2007 | (516120) |
| 277 | 02/05/2007 | (538614) |
| 278 | 02/22/2007 | (516368) |
| 279 | 02/22/2007 | (516309) |
| 280 | 02/22/2007 | (516228) |
| 281 | 02/22/2007 | (538168) |
| 282 | 02/22/2007 | (516413) |
| 283 | 02/26/2007 | (575758) |
| 284 | 02/28/2007 | (541083) |
| 285 | 02/28/2007 | (534513) |
| 286 | 02/28/2007 | (535042) |
| 287 | 03/01/2007 | (489392) |
| 288 | 03/23/2007 | (508787) |
| 289 | 03/23/2007 | (575761) |
| 290 | 03/28/2007 | (554903) |
| 291 | 03/28/2007 | (555356) |
| 292 | 03/30/2007 | (541806) |
| 293 | 04/04/2007 | (553900) |
| 294 | 04/05/2007 | (554567) |
| 295 | 04/12/2007 | (555765) |
| 296 | 04/18/2007 | (535818) |
| 297 | 04/20/2007 | (541785) |
| 298 | 04/23/2007 | (575763) |
| 299 | 04/27/2007 | (536863) |
| 300 | 04/27/2007 | (538234) |
| 301 | 05/02/2007 | (557193) |
| 302 | 05/08/2007 | (536805) |
| 303 | 05/16/2007 | (556084) |
| 304 | 05/16/2007 | (543939) |
| 305 | 05/21/2007 | (560688) |
| 306 | 05/29/2007 | (560939) |
| 307 | 05/30/2007 | (558665) |
| 308 | 05/31/2007 | (557887) |
| 309 | 05/31/2007 | (557814) |
| 310 | 05/31/2007 | (558933) |
| 311 | 05/31/2007 | (558165) |
| 312 | 05/31/2007 | (561604) |
| 313 | 06/08/2007 | (563044) |
| 314 | 06/18/2007 | (564174) |
| 315 | 06/20/2007 | (563448) |
| 316 | 06/27/2007 | (564004) |
| 317 | 06/27/2007 | (564948) |
| 318 | 07/06/2007 | (562320) |
| 319 | 07/06/2007 | (566372) |
| 320 | 07/10/2007 | (566109) |
| 321 | 07/12/2007 | (566817) |
| 322 | 07/18/2007 | (564160) |
| 323 | 07/18/2007 | (562884) |
| 324 | 07/18/2007 | (565411) |
| 325 | 07/20/2007 | (575769) |

| | | |
|---|---|---|
| 326 | 07/26/2007 | (534491) |
| 327 | 07/30/2007 | (570079) |
| 328 | 08/13/2007 | (562652) |
| 329 | 08/20/2007 | (572167) |
| 330 | 08/24/2007 | (570711) |
| 331 | 09/05/2007 | (572989) |
| 332 | 09/26/2007 | (594057) |
| 333 | 10/12/2007 | (594704) |
| 334 | 10/12/2007 | (595919) |
| 335 | 10/12/2007 | (595879) |
| 336 | 10/15/2007 | (557764) |
| 337 | 10/16/2007 | (597749) |
| 338 | 11/02/2007 | (571706) |
| 339 | 11/06/2007 | (599098) |

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

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

Date: 02/28/2003 (160673)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
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)
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)
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)
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)

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)

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)

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)

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)

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)

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). Due to the late submittal of the initial report, the incident did not meet the criteria necessary to present an affirmative defense for the unauthorized emissions that resulted from this incident.

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, resulting in unauthorized emissions.

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)

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)
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)
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)
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)
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)
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
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)
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)
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, and the resulting unauthorized emissions failed to meet the affirmative defense.

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, and the resulting unauthorized emissions failed to meet the affirmative defense.

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)

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, resulting in excess opacity.

Date: 05/04/2006 (461458)

Self Report? NO Classification: Minor

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

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 resulting in excess opacity.

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 resulting in an emissions event.

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 which resulted in an emissions event.

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 resulting in an emissions event.

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: 04/26/2007 (542918)

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 prevent a coke conveyor belt fire.

Date: 05/22/2007 (555841)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter D 382.085(b)

Description: ConocoPhillips Sweeny refinery caused nuisance dust emissions as a result of transportation of Coker product in uncovered railcars.

Date: 05/31/2007 (558665)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Conoco failed to properly maintain the governor valve on the C-111 compressor in Unit 26.2 resulting in unauthorized emissions.

Date: 07/06/2007 (543586)

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
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 GGG 60.592(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 30513, Special Condition 15F
PERMIT Permit 49140, Special Condition 6F
PERMIT Permit 5920A, Special Condition 16F

Description: Failure to perform initial Method 21 monitoring of 38 new LDAR components.

Self Report? NO Classification: Minor

Citation: 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 GGG 60.592(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 18142, Special Condition 7H
PERMIT Permit 22086, Special Condition 6H
PERMIT Permit 49140, Special Condition 6H
PERMIT Permit 5920A Special Condition 17H

Description: Failure to repair 34 leaking components within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A

Description: Failure to make a first attempt of repair to 27 leaking components within 5 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A
OP FOP O-01626, ST&C 1N(v)

Description: Failure to repair HRVOC-service leaks within 1 business day.

Self Report? NO Classification: Minor

Citation: 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 GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 18142, Special Condtion 7E
PERMIT Permit 22086, Special Condition 6E
PERMIT Permit 30513, Special Condition 15E
PERMIT Permit 49140, Special Condition 6E
PERMIT Permit 5920A Special Condition 17E

Description: Failure to cap or plug open-ended valves/lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
PERMIT Permit 49140, Special Condition 12

Description: Failure to comply with the limit of 1.0 lbs of PM per 1000 lbs of Cokeburn.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.214(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A

Description: Failure to perform weekly ammonia sampling to the Crude Charge Heater on Unit 25.1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 49140, Special Condition 14B

Description: Failure to perform Cylinder Gas Audits.

Self Report? NO Classification: Moderate

Citation: 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 J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 5920A, Special Condition 3

Description: Failure to comply with the 162 ppm H2S limit in fuel gas streams.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
PERMIT Permit 49140, Special Condition 12

Description: Failure to comply with the 200 PPM NOX Limit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A

Description: Failure to make roof repairs to Tank 96 within the required time frames.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A

Description: Failure to submit NSPS Inspection Results letter for Tank 249.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 18142, Special Condition 7F
PERMIT Permit 49140, Special Condition 6F
PERMIT Permit 5920A, Special Condition 17F

Description: Failure to perform Method 21 monitoring to leaking components on Delay of Repair.

Self Report? NO Classification: Minor

Citation: 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 J 60.102(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 49140, Special Condition 12

Description: Failure to Comply with Opacity Emissions Limits during the second quarter of 2005..

Self Report? NO Classification: Minor

Citation: 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 J 60.105(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
OP FOP O-01626, ST&C 1A
PERMIT Permit 49140, Special Condition 14

Description: Failure to perform continuous monitoring for CO on EPN-3-95-3.

Self Report? NO Classification: Minor

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 A 382.085(b)

Rqmt Prov: OP FOP O-01626 General Terms and Conditions

Description: Failure to include all deviations in the deviation reports.

F. Environmental audits.

Notice of Intent Date: 09/27/2005 (434812)
No DOV Associated

Notice of Intent Date: 08/02/2007 (594140)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Addendum to Compliance History
## Federal Enforcement Actions

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

## Violations

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

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

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

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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

**AGREED ORDER**
**DOCKET NO. 2007-1730-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 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a 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. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 20, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Six Thousand Two Hundred Twenty-Five Dollars ($26,225) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty Thousand Nine Hundred Eighty Dollars ($20,980) of the administrative penalty and Five Thousand Two Hundred Forty-Five Dollars ($5,245) is deferred contingent upon the Respondent's timely and satisfactory compliance with all

the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

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

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c) and (b)(2)(F), New Source Review ("NSR") Permit No. 21265 General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 12, 2007. Specifically, during an emissions event July 18, 2007 through July 23, 2007 at Unit 56, the Wastewater Treatment Unit emitted 858 pounds ("lbs") of volatile organic compounds, for a total of 119 hours and 29 minutes. The permit does not authorize any upset emissions. Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

2. Failed to prevent unauthorized emissions, as reported in an investigation on September 12, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.20(3), NSR Permit No. 5920A/PSD-TX-103M3 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 12, 2007. Specifically, during an emissions event on June 10, 2007 at Unit 28-Sulfur Recovery Complex, the Sour Water Stripper Flare, EPN 28.1-61-10, emitted 5,212 lbs of sulfur dioxide ("$SO_2$") and 56 lbs of hydrogen sulfide ("$H_2S$"), for a total of 29 minutes. The permit allows 0.40 pounds per hour ("lbs/hr") $SO_2$ and 0.01 lbs/hr $H_2S$. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2007-1730-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, design and implement improvements to procedures to address the emissions events that occurred on June 10, 2007 and July 18, 2007 and to prevent the reoccurrence of similar incidents; and

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

      "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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

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

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

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

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

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 4/6/2008
For the Executive Director Date

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

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

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

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

_____ 2-7-08
Signature Date

David Huffman _____ Refinery Plant 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.