

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0602-AIR-E TCEQ ID: RN100229319 CASE NO.: 37657
RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Gulf Coast Fractionators, 9500 Farm-to-Market Road 1942, Mont Belvieu, Chambers County</p> <p>TYPE OF OPERATION: Natural gas liquids fractionation plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 5, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Marshall C. Honeyman, Plant Superintendent, ConocoPhillips Company, 9500 Farm-to-Market Road 1942, Mont Belvieu, Texas 77580 Mr. Vivek Gopal, Environmental Engineer, ConocoPhillips Company, 9500 Farm-to-Market Road 1942, Mont Belvieu, Texas 77580 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 23, 2009</p> <p>Date of NOV Relating to this Case: April 24, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, the Respondent failed to prevent the shutdown of the incinerator, resulting in the release of 13.48 pounds of benzene and 2,433.59 pounds of other volatile organic compounds over a 17 hour period on November 5, 2008. Since the emissions event was avoidable due to inadequate maintenance practices, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 21593 Special Condition 1, and TEX. HEALTH & SAFETY CODE §382.085(b)].</p> <p>2) Failure to report all compounds involved in the emissions event occurring during a 17 hour period on November 5, 2008. Specifically, the Respondent reported that the only contaminant released during the event was benzene [30 TEX. ADMIN. CODE § 101.201(b)(1))(G) and TEX. HEALTH & SAFETY CODE §382.085(b)].</p>	<p>Total Assessed: \$4,900</p> <p>Total Deferred: \$980 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,920</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement procedures designed to improve reporting, and the maintenance practices that address the causes leading to the emissions event that occurred on November 5, 2008; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s):: CI0042R



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	4-May-2009			
	PCW	20-May-2009	Screening	20-May-2009	EPA Due

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

CASE INFORMATION			
Enf./Case ID No.	37657	No. of Violations	2
Docket No.	2009-0602-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Juliet Morgan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	40.0% Enhancement	Subtotals 2, 3, & 7	\$1,400
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Notes: The penalty was enhanced due to four similar NOVs, two non-similar NOVs and one 1660 Order. Penalty reduction due to two NOIs and one audit disclosure.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$130
Approx. Cost of Compliance: \$2,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,900
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$4,900
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,900
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DEFERRAL	20.0% Reduction	Adjustment	-\$980
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,920
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Screening Date 20-May-2009

Docket No. 2009-0602-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 37657

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100229319

Media [Statute] Air

Enf. Coordinator Juliet Morgan

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	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)	1	-2%
<i>Please Enter Yes or No</i>			
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) 40%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced due to four similar NOVs, two non-similar NOVs and one 1660 Order. Penalty reduction due to two NOIs and one audit disclosure.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 20-May-2009	Docket No. 2009-0602-AIR-E	PCW
Respondent ConocoPhillips Company	Policy Revision 2 (September 2002)	
Case ID No. 37657	PCW Revision October 30, 2008	
Reg. Ent. Reference No. RN100229319		
Media [Statute] Air		
Enf. Coordinator Juliet Morgan		
Violation Number 1		

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

Violation Description
 Failed to prevent unauthorized emissions, as documented during an investigation on February 23, 2009. Specifically, the Respondent failed to prevent the shutdown of the incinerator, resulting in the release of 13.48 pounds of benzene and 2,433.59 pounds of other volatile organic compounds over a 17 hour period on November 5, 2008. Since the emissions event was avoidable due to inadequate maintenance practices, the demonstrations for affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual		x	
Potential			25%	

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$3,500

This violation Final Assessed Penalty (adjusted for limits) \$3,500

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 37657
Reg. Ent. Reference No. RN100229319
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	5-Nov-2008	20-Nov-2009	1.04	\$104	n/a	\$104

Notes for DELAYED costs

Estimated cost of the changes to maintenance policies and procedures to prevent future emissions events. The date required was the date of the emissions event. The final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$104
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Screening Date 20-May-2009	Docket No. 2009-0602-AIR-E	PCW	
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37657		<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN100229319			
Media [Statute] Air			
Enf. Coordinator Juliet Morgan			
Violation Number <input type="text" value="2"/>			
Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to report all compounds involved in the emissions event occurring during a 17 hour period on November 5, 2008, as documented during an investigation conducted on February 23, 2009. Specifically, the Respondent reported that the only contaminant released during the event was benzene.		
	Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text" value="x"/>	Percent <input type="text" value="10%"/>
Matrix Notes	The Respondent failed to comply with 30% to 70% of the rule requirement.		
	Adjustment	<input type="text" value="\$9,000"/>	
			<input type="text" value="\$1,000"/>
Violation Events			
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	
	One single event is recommended.		
Good Faith Efforts to Comply			<input type="text" value="\$0"/>
	0.0% Reduction		
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount <input type="text" value="\$26"/>	Violation Final Penalty Total	<input type="text" value="\$1,400"/>
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,400"/>

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37657
Reg. Ent. Reference No.: RN100229319
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	5-Nov-2008	20-Nov-2009	1.04	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to correct reporting errors. The date required is the date of the emissions event. The final date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$26

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.95																																	
Regulated Entity:	RN100229319	GULF COAST FRACTIONATORS	Classification: AVERAGE	Site Rating: 4.40																																	
ID Number(s):	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 25%;">ACCOUNT NUMBER</td> <td style="width: 25%;">CI0042R</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>831</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD118482447</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>33690</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>12776A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>21593</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>CI0042R</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4807100028</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75262</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80630</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81879</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0042R	AIR OPERATING PERMITS	PERMIT	831	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD118482447	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	33690	AIR NEW SOURCE PERMITS	PERMIT	12776A	AIR NEW SOURCE PERMITS	PERMIT	21593	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0042R	AIR NEW SOURCE PERMITS	AFS NUM	4807100028	AIR NEW SOURCE PERMITS	REGISTRATION	75262	AIR NEW SOURCE PERMITS	REGISTRATION	80630	AIR NEW SOURCE PERMITS	REGISTRATION	81879
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AIR NEW SOURCE PERMITS	REGISTRATION	81879																																			
Location:	9500 FM 1942, MONT BELVIEU, TX, 77580																																				
TCEQ Region:	REGION 12 - HOUSTON																																				
Date Compliance History Prepared:	June 25, 2009																																				
Agency Decision Requiring Compliance History:	Enforcement																																				
Compliance Period:	April 28, 2004 to April 28, 2009																																				
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																					
Name:	Juliet Morgan	Phone:	(512) 239-0735																																		

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 02/25/2008 | ADMINORDER 2007-0053-AIR-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1) | |
| 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| 5C THC Chapter 382, SubChapter D 382.085(b) | |
| Rqmt Prov: Special Condition 1 PERMIT | |
| Description: Failing to control volatile organic compound ("VOC") emissions from the TEG vent, EPN ME-103, and exceeded the maximum allowable emission rates ("MAERs") for VOC at the TEG vent. Specifically, the VOC MAERs for the TEG vent are 1.13 pounds per hour ("lbs/hr") and 5.0 tons per year ("tpy"). Actual emissions are approximately 6.95 lbs/hr and 30.4 tpy based on samples collected on August 23, 2005 and revised emission calculations self-reported to TCEQ on September 20, 2005. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A) | |
| 5C THC Chapter 382, SubChapter D 382.085(b) | |
| Description: Failing to report all reportable and recordable emissions events and excess TEG vent emissions on the deviation reports dated December 16, 2005 and June 20, 2006. | |
- 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 | 08/31/2004 | (250263) |
| 2 | 10/15/2004 | (337844) |
| 3 | 12/09/2004 | (337699) |
| 4 | 12/09/2004 | (337969) |
| 5 | 12/10/2004 | (283423) |
| 6 | 03/16/2005 | (371408) |
| 7 | 07/11/2005 | (395097) |
| 8 | 07/15/2005 | (395296) |
| 9 | 08/01/2005 | (401818) |
| 10 | 08/02/2005 | (401995) |
| 11 | 08/02/2005 | (402444) |

12	08/02/2005	(402495)
13	08/03/2005	(402999)
14	08/24/2005	(404694)
15	07/28/2006	(463487)
16	08/04/2006	(488879)
17	09/01/2006	(484556)
18	12/21/2006	(512688)
19	07/31/2007	(566750)
20	01/25/2008	(615992)
21	04/29/2008	(637526)
22	06/09/2008	(682341)
23	07/10/2008	(685813)
24	08/29/2008	(636735)
25	02/04/2009	(724843)
26	04/01/2009	(739207)
27	04/08/2009	(739196)
28	04/24/2009	(736511)

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

Date: 08/31/2004 (250263)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(c)
O-00831 OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
O-00831 OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 21593 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GG 60.332(a)(2)

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

Date: 12/10/2004 (283423)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ AIR PERMIT 21593, SC#1 PERMIT

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

Date: 08/24/2005 (404694)

Self Report? NO Classification: Minor

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

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

Date: 07/28/2006 (463487)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit #21593, SC #1 PERMIT

Description: Failure to prevent an avoidable emissions event.

Date: 08/28/2008 (636735)

Self Report? NO Classification: Minor

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

Description: Failure to submit a semi annual deviation report within the required time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the PCC report within the required time frame.

Date: 02/04/2009 (724843)

Self Report? NO Classification: Moderate

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

Special Terms and Conditions PERMIT

Description: Failure to prevent the unauthorized emissions event.

F. Environmental audits.

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

Disclosure Date: 04/26/2005

Viol. Classification: Minor

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

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

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

Description: Failed to prepare and submit an initial notification to the EPA Region to include a list of the eight affected facilities, initial construction dates, initial startup dates and the methods the facility has chosen to comply with the vent control requirements. In the case of GCF, each of the affected columns vents to a flare for control with the flow indicator handled by the DCS logging of the control valve position on each vent line and the flare header flow meter.

Viol. Classification: Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8

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

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

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

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

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

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

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

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

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

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

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

Viol. Classification: Minor

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

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

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

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

Notice of Intent Date: 08/24/2007 (594324)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN100229319

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0602-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 natural gas liquids fractionation plant located at 9500 Farm-to-Market Road 1942 in Mont Belvieu, Chambers 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 April 29, 2009.
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 Four Thousand Nine Hundred Dollars (\$4,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Twenty Dollars (\$3,920) of the

administrative penalty and Nine Hundred Eighty Dollars (\$980) 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 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), New Source Review Permit No. 21593 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation on February 23, 2009. Specifically, the Respondent failed to prevent the shutdown of the incinerator, resulting in the release of 13.48 pounds of benzene and 2,433.59 pounds of other volatile organic compounds over a 17 hour period on November 5, 2008. Since the emissions event was avoidable due to inadequate maintenance practices, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
2. Failed to report all compounds involved in the emissions event occurring during a 17 hour period on November 5, 2008, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 23, 2009. Specifically, the Respondent reported that the only contaminant released during the event was benzene.

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. 2009-0602-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, implement procedures designed to improve reporting, and the maintenance practices that address the causes leading to the emissions event that occurred on November 5, 2008; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

9/3/2009
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.

Marshall Honeyman
Signature

7/27/2009
Date

Marshall C. Honeyman
Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

Plant Superintendent
Title

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

