

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 7
DOCKET NO.: 2009-0129-AIR-E **TCEQ ID:** RN102495884 **CASE NO.:** 37094
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: Borger Refinery, Spur 119 North, Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1156-AIR-E.</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 26, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SBP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Andrew Stow, Environmental Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Mr. Brian K. Lever, Refinery Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 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: October 7, 2008 and April 24, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 16 and May 26, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to comply with permitted emissions limits. Specifically, during an emissions event on June 1, 2008, a tube failure occurred on Boiler 2.4 causing a steam system upset impacting most of the Plant: the gas oil hydrodesulfurizer hydrocarbons ("GOHDS HC") Flare (Emissions Point Number ["EPN"] 66FL12), the Cat Flare (EPN 66FL3), Unit 40 Fluid Catalytic Cracking Unit ("FCCU") (EPN 40PI), Unit 34 Sulfur Recovery Unit ("SRU") Incinerator (EPN 34I1), and Unit 43 SRU (EPN 43I1) emitted 5,882 pounds ("lbs") of sulfur dioxide ("SO₂"), 3,986 lbs of volatile organic compounds ("VOC"), 14,777 lbs of carbon monoxide ("CO"), 323 lbs of nitrogen oxides ("NOx"), 2,000 lbs of particulate matter ("PM"), 128 lbs of ammonia, 107 lbs of hydrogen sulfide ("H₂S"), 0.046 lb of lead, 0.4 lb of nickel, and experienced 79% opacity over a 13.5 hour period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), 111.111(a)(1), and 101.20(3), New Source Review Flexible Air Permit ("NSRFAP") No. 9868A/PSD-TX-102M6, Special Conditions ("SC") 1 and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$304,126</p> <p>Total Deferred: \$60,825 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$121,650</p> <p>Total Paid to General Revenue: \$121,651</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) On September 22, 2008, installed a new boiler as an additional steam supply source designed to prevent a reoccurrence of the emissions event that occurred on June 1, 2008;</p> <p>b) By September 26, 2008, developed a one point lesson on the importance of amine reflux purge, used it to train operators on the importance of the purge stream, and issued instructions to not block it in, in order to prevent a reoccurrence of the emissions event that occurred on June 29, 2008;</p> <p>c) By July 20, 2008, initiated daily sampling of the hydrogen source for purity and hydrocarbon content, increased frequency of carbon filter replacement on the hydrogen system, and increased frequency of draining of the stripper accumulator to prevent the hydrocarbon buildup, in order to prevent the reoccurrence of the emissions event that occurred on July 19, 2008;</p> <p>d) By October 20, 2008, updated standard operating procedures, other unit procedures, and reviewed them for accuracy, in order to prevent the reoccurrence of the emissions event that occurred on July 29, 2008;</p> <p>e) By November 21, 2008, submitted notifications to the Amarillo Regional Office of the TCEQ, pursuant to 30 TEX. ADMIN. CODE § 106.533, for remediation activities at:</p> <ul style="list-style-type: none"> i. Patton Creek; ii. Area 1; iii. Area 4; iv. HP-7; v. Jackson's Hole;

<p>2) Failure to comply with permitted emissions limits. Specifically, during an emissions event on June 29, 2008, hydrocarbon contamination of the Central Still Amine Absorber caused a shut down, and the Unit 34 SRU Incinerator (EPN 3411) emitted 464 lbs of SO₂, 175 lbs of H₂S, 2.1 lbs of NO_x, and 0.55 lb of CO over a 34 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with permitted emissions limits. Specifically, during an emissions event on July 19, 2008, the Unit 34 Tail Gas Treatment Unit stripper foamed, causing a unit shut down, and the Unit 34 SRU Incinerator (EPN 3411) emitted 716 lbs of SO₂, 7.62 lbs of H₂S, 1.53 lbs of NO_x, and 0.38 lb of CO over a 23 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to comply with permitted emissions limits. Specifically, during an emissions event on July 29, 2008, flaring occurred at the atmospheric residual desulfurization ("ARDS") Flare (EPN 66FL12) due to a pressure increase in the first stage suction scrubber in the Flash Gas Compressor in Unit 41, and the flare emitted 639 lbs of SO₂, 7 lbs of H₂S, 0.86 lb of NO_x, 1.03 lbs of CO, and 3.37 lbs of VOC over a 20 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating</p>		<p>vi. Old Canyon Dam;</p> <p>vii. Lot 7; and</p> <p>viii. Old Caustic Pond.</p> <p>f) On December 1, 2008, completed equipment improvements and submitted the required documents to authorize continued remediation activities at the Plant's Area 3;</p> <p>g) By May 9, 2008, completed a review of the oversight and adequacy of instrument functioning, in order to prevent the reoccurrence of the failure to instrument monitor the Non-Corrosive Flare's pilot flame on December 22, 2007, March 3, May 7, and May 8, 2008;</p> <p>h) By October 31, 2008, completed additional training and procedural improvements designed to prevent the reoccurrence of operating flares with visible emissions;</p> <p>i) By June 13, 2008, completed equipment improvements and procedural training designed to prevent the reoccurrence of operating the SRU Tail Gas Incinerator with visible emissions;</p> <p>j) By November 13, 2007, instituted a practice of providing startup notices to TCEQ when flame temperature cannot be maintained during startup, in order to prevent the reoccurrence of Unit 43 A's Thermal Reactor not maintaining the required flame and temperature on November 12, 2007;</p> <p>k) By April 24, 2008, instituted a practice of providing startup notices to TCEQ when maintenance work requires the SRU 43 sulfur pit's vapor collection system to be bypassed, in order to address the vapor collection system not being operational on January 2 and April 9, 2008;</p> <p>l) By March 10, 2008, re-evaluated the fuel gas system, and as a result of that evaluation, set points (e.g., flowrates and pressure limits) were established and oversight/management (balance) of the fuel gas system was assigned to one operating area, in order to prevent the reoccurrence of the fuel gas H₂S exceedances that occurred on August 9, 2007 and March 9;</p> <p>m) Shut down, repaired, and retested</p>
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<p>remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Patton Creek area without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 1 (also known as North Coble) without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to have authorization to operate a source of air emissions. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 3 without notice or authorization. Emissions data subsequently submitted by the Respondent on November 21, 2008, in connection with attempting to claim Permit by Rule authorization for the system, established that emissions were above those authorized by Permit by Rule [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p> <p>8) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 4 without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's HP-7 remediation site without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>10) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Jackson's Hole remediation site without notifying the Amarillo Regional</p>		<p>Engine 47 in Unit 12 (EPN 12E7). The retest, performed December 18, 2007, demonstrated compliance with NO_x limits;</p> <p>n) By April 28, 2008, made a decision to reduce or eliminate the stockpiling of coke, and for occasions when stockpiling is unavoidable, purchased laboratory equipment and provided for an accelerated sampling process designed to prevent the failure to take samples, as well as to ensure the proper moisture content of the stockpiles;</p> <p>o) Adjusted the Unit 29 FCCU catalyst regenerator and retested it on March 26, 2008. The test showed the unit compliant with its PM emissions limit; and</p> <p>p) On May 22, 2009, submitted a plan for corrective actions that address the emissions event that occurred on January 17, 2009.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A.)</p> <p>2) The Order will also require the Respondent to:</p> <p>a) By March 1, 2012, complete the corrective actions outlined in the May 22, 2009 submittal, in order to address the causes that led to the emissions event that occurred on January 17, 2009; and</p> <p>b) By March 15, 2012, submit written certification that provides detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>
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<p>Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>11) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Canyon Dam (also known as Area 3A) without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>12) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Lot 7 remediation site without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>13) Failure to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Caustic Pond remediation site without notifying the Amarillo Regional Office [30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>14) Failure to maintain instrument monitoring of the flare pilot flame. Specifically, the Non-Corrosive Flare's (EPN 66FL4) pilot flame was not monitored by instrument on the following dates: December 22, 2007, March 3, May 7, and May 8, 2008 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 2B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>15) Failure to operate flares with no visible emission, except for periods not to exceed a total of five minutes during any two consecutive hours. Specifically, those conditions were exceeded at the 100M Sour Water Treater Brine Flare Pit (EPN 66FL10) on March 13, 2008, at the ARDS Emergency Sulfur Flare (EPN 66FL13) on May 23, 2008, and at the Natural Gas Liquids Non-Corrosive Flare (EPN 66FL4) on March 7 and June 16, 2008 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-</p>		
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102M6, SC 2C, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16) Failure to operate the SRU Tail Gas Incinerator with no visible emissions, except for uncombined steam. Specifically, visible emissions were observed from the SRU Unit 43 incinerator stack on January 11 and April 2, 2008 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17) Failure to operate the SRU thermal reactor at all times with a stable flame and to maintain the flame temperature at not less than 2,000 degrees Fahrenheit. Specifically, Unit 43 A's Thermal Reactor did not maintain the required flame and temperature on November 12, 2007 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18) Failure to maintain the SRU 43 sulfur pit connected to a vapor collection system which routes the recovered vapors back into the process. Specifically, the SRU Unit 43 vapor collection system was not operational on January 2 and April 9, 2008 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19) Failure to limit the fuel gas used to fire all of the Plant's heaters, boilers, and TGIs to a short term H₂S concentration of no more than 162 parts per million volume. Specifically, the fuel gas exceeded that concentration on August 9, 2007 and March 9, 2008 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20) Failure to limit NO_x emissions from an engine. Specifically, Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the NO_x emissions limit of 2.0 grams per horsepower hour during a stack test on October 2, 2007 [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 41, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21) Failure to ensure that a minimum coke moisture content of 6 percent by weight was maintained during coke handling and

storage operations. Specifically, 60 samples taken between December 3, 2007 and December 23, 2008 showed moisture content between 0.7 and 5.95% [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 55, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

22) Failure to take samples and perform moisture analyses of coke piles. Specifically, the Respondent failed to do the sampling and analyses on the following dates: November 27, December 13, December 21, December 23, and December 27, 2007, January 30, February 4, April 21, and April 26, 2008 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 59B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

23) Failure to limit PM emissions from the Unit 29 FCCU catalyst regenerator to no more than 1.0 kilograms per megagram (2.0 lb/ton). Specifically, a test conducted on December 6, 2007 showed that limit was exceeded [30 TEX. ADMIN. CODE § 101.20(1), 40 CODE OF FEDERAL REGULATIONS § 60.102(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

24) Failure to comply with permitted emissions limits. Specifically, during an emissions event on January 17, 2009, contaminated amine caused a temperature excursion and shut-down of the SRU 34 Feed Heater due to faulty level transmitters and the design of the level gauges, which made it difficult for Plant operations to see the actual level of the absorbers. This condition, in turn, resulted in the following unauthorized emissions from the SRU incinerator (BPN 34I1): 0.38 lb of CO, 7.62 lbs of H₂S, 1.53 lbs of NO_x, and 683 lbs of SO₂ over a 28 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), 111.111(a)(1), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1 and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Attachment A
Docket Number: 2009-0129-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Penalty Amount:	Two Hundred Forty-Three Thousand Three Hundred One Dollars (\$243,301)
SEP Offset Amount:	One Hundred Twenty-One Thousand Six Hundred Fifty Dollars (\$121,650)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA -- <i>Clean School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 211

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* in Hutchinson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	20-Jan-2009	Screening	28-Jan-2009	EPA Due	13-Oct-2009
	PCW	7-Jul-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN102495884
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37094	No. of Violations	24
Docket No.	2009-0129-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		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	\$86,100
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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	243.0% Enhancement	Subtotals 2, 3, & 7	\$209,223
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Notes: The penalty was enhanced by ten NOVs for same or similar violations, two NOVs for dissimilar violations, six 1660-style agreed orders, and one findings agreed order; one EPA agreed order without a denial of liability, and one EPA final judgment with a denial of liability. The penalty was reduced by seven NOAs and two DOVs.

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	\$20,900
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Economic Benefit	50.0% Enhancement*	Subtotal 6	\$37,285
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Total EB Amounts \$37,285
 Approx. Cost of Compliance \$126,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$311,708
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$311,708
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$304,126
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DEFERRAL	20.0% Reduction	Adjustment	-\$60,825
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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	\$243,301
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Screening Date: 28-Jan-2009

Docket No.: 2009-0129-AIR-E

PCW

Respondent: ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No.: 37094

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102495884

Media [Statute]: Air

Enf. Coordinator: Terry Murphy

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)	10	50%
	Other written NOVs	2	4%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

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) 243%

>> **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 by ten NOVs for same or similar violations, two NOVs for dissimilar violations, six 1660-style agreed orders, and one findings agreed order; one EPA agreed order without a denial of liability, and one EPA final judgment with a denial of liability. The penalty was reduced by seven NOAs and two DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 243%

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW		
Respondent: ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37094	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102495884				
Media [Statute]: Air				
Enf. Coordinator: Terry Murphy				
Violation Number: 1				
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), 111.111(a)(1), and 101.20(3), New Source Review Flexible Air Permit ("NSRFAP") No. 9868A/PSD-TX-102M6, Special Conditions ("SC") 1 and 23, and Tex. Health & Safety Code § 382.085(b)			
Violation Description:	Failed to comply with permitted emissions limits, as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on June 1, 2008, a tube failure occurred on Boiler 2.4 causing a steam system upset impacting most of the Plant: the gas oil hydrodesulfurizer hydrocarbons ("GOHDS HC") Flare [Emissions Point Number ("EPN") 66FL12], the Cat Flare (EPN 66FL3), Unit 40 Fluid Catalytic Cracking Unit ("FCCU") (EPN 40PI), Unit 34 Sulfur Recovery Unit ("SRU") Incinerator (EPN 34I1), and Unit 43 SRU (EPN 43I1) emitted 5,882 pounds ("lbs") of sulfur dioxide ("SO2"), 3,986 lbs of volatile organic compounds ("VOC"), 14,777 lbs of carbon monoxide ("CO"), 323 lbs of nitrogen oxides ("NOx"), 2,000 lbs of particulate matter ("PM"), 128 lbs of ammonia, 107 lbs of hydrogen sulfide ("H2S"), 0.046 lb of lead, 0.4 lb of nickel, and experienced 79% opacity over a 13.5 hour period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).			
Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent
				50%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent
				0%
Matrix Notes	Human health or the environment was exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors.			
Adjustment	\$5,000			
			\$5,000	
Violation Events				
	Number of Violation Events	1	Number of violation days	
		1		
	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
<i>mark only one with an x</i>			Violation Base Penalty	
			\$5,000	
One monthly event is recommended, based on the June 1, 2008 emissions event.				
Good Faith Efforts to Comply		25.0% Reduction	\$1,250	
		Before NOV	NOV to EDRP/Settlement Offer	
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
	Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	N/A	<input type="checkbox"/>	(mark with x)	
Notes	The Respondent returned to compliance on September 22, 2008, and the NOE is dated January 16, 2009.			
Violation Subtotal			\$3,750	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$650	Violation Final Penalty Total	\$17,454	
This violation Final Assessed Penalty (adjusted for limits)			\$10,000	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$30,000	1-Jun-2008	22-Sep-2008	0.31	\$31	\$619	\$650
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide for an alternate, back-up source of steam. The Date Required is the date of the event, and the Final Date is the date the Respondent installed the back-up boiler.

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

\$30,000

TOTAL

\$650

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW		
Respondent: ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37094	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102495884				
Media [Statute]: Air				
Enf. Coordinator: Terry Murphy				
Violation Number: 2				
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and Tex. Health & Safety Code § 382.085(b)			
Violation Description:	Failed to comply with permitted emissions limits, as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on June 29, 2008, hydrocarbon contamination of the Central Still Amine Absorber caused a shut down, and the Unit 34 SRU Incinerator (EPN 3411) emitted 464 lbs of SO ₂ , 175 lbs of H ₂ S, 2.1 lbs of NO _x , and 0.55 lb of CO over a 34 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).			
Base Penalty:		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		25%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes:	Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.			
Adjustment:		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events: <input type="text" value="1"/>		Number of violation days: <input type="text" value="1"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$2,600"/>	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended, based on the June 29, 2008 emissions event.				
Good Faith Efforts to Comply		25.0% Reduction	\$625	
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	(mark with x)			
Notes:	The Respondent returned to compliance on September 26, 2008, and the NOE is dated January 16, 2009.			
Violation Subtotal:		\$1,875		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount: <input type="text" value="\$34"/>		Violation Final Penalty Total: <input type="text" value="\$9,504"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,504"/>		

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
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)	\$2,000	29-Jun-2008	26-Sep-2008	0.24	\$2	\$33	\$34
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide additional personnel training. The Date Required is the date of the event, and the Final Date is the date the additional training was completed.

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

\$2,000

TOTAL

\$34

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW		
Respondent: ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37094	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102495884				
Media [Statute]: Air				
Enf. Coordinator: Terry Murphy				
Violation Number: 3				
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102MB, SC 1, and Tex. Health & Safety Code § 382.085(b)			
Violation Description:	Failed to comply with permitted emissions limits, as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on July 19, 2008, the Unit 34 Tail Gas Treatment Unit stripper foamed, causing a unit shut down, and the Unit 34 SRU Incinerator (EPN 3411) emitted 716 lbs of SO ₂ , 7.62 lbs of H ₂ S, 1.53 lbs of NO _x , and 0.38 lb of CO over a 23 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).			
Base Penalty:	\$10,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	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 not exceeding levels protective of human health or environmental receptors.			
				Adjustment: \$7,500
				\$2,500
Violation Events				
	Number of Violation Events:	1	Number of violation days:	1
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty: \$2,500
One quarterly event is recommended, based on the July 19, 2008 emissions event.				
Good Faith Efforts to Comply			25.0% Reduction	\$625
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A		(mark with x)		
Notes:	The Respondent returned to compliance on July 20, 2008, and the NOE is dated January 16, 2009.			
				Violation Subtotal: \$1,875
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount:	\$1	Violation Final Penalty Total:	\$9,504
			This violation Final Assessed Penalty (adjusted for limits):	\$9,504

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 37094
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 3

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)	\$5,000	19-Jul-2008	20-Jul-2008	0.00	\$0	\$1	\$1
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated costs to analyze and institute improved management practices. The Date Required is the date of the event, and the Final Date is the date the Respondent implemented the improved practices.

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 \$5,000 **TOTAL** \$1

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW	
Respondent: ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.: 37094	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.: RN102495884			
Media [Statute]: Air			
Enf. Coordinator: Terry Murphy			
Violation Number: 4			
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and Tex. Health & Safety Code § 382.085(b)		
Violation Description:	Failed to comply with permitted emissions limits, as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on July 29, 2008, flaring occurred at the atmospheric residual desulfurization ("ARDS") Flare (EPN 66FL12) due to a pressure increase in the first stage suction scrubber in the Flash Gas Compressor in Unit 41, and the flare emitted 639 lbs of SO2, 7 lbs of H2S, 0.86 lb of NOX, 1.03 lbs of CO, and 3.37 lbs of VOC over a 20-minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).		
Base Penalty:	\$10,000		
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent:	25%		
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent:	0%		
Matrix Notes:	Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.		
Adjustment:	\$7,500		
			\$2,500
Violation Events			
Number of Violation Events:	1		Number of violation days:
	1		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty:
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
One quarterly event is recommended, based on the July 29, 2008 emissions event.			\$2,500
Good Faith Efforts to Comply			\$625
25.0% Reduction			
Before NOV NOV to EDRP/PS/ Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	(mark with x)		
Notes:	The Respondent returned to compliance by October 20, 2008, and the NOE is dated January 16, 2009.		
Violation Subtotal:			\$1,875
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount:	\$64		Violation Final Penalty Total:
			\$9,504
This violation Final Assessed Penalty (adjusted for limits):			\$9,504

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 4

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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Item Description: No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,000	29-Jul-2008	20-Oct-2008	0.23	\$3	\$61	\$64
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to implement improved operational procedures. The Date Required is the date of the event, and the Final Date is the date the Respondent completed the improvements.

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	\$4,000	TOTAL:	\$64
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Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW														
Respondent: ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>														
Case ID No.: 37094		<i>PCW Revision October 30, 2008</i>														
Reg. Ent. Reference No.: RN102495884																
Media [Statute]: Air																
Enf. Coordinator: Terry Murphy																
Violation Number: 5																
Rule Cite(s):	30 Tex. Admin. Code § 106.533(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)															
Violation Description:	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Patton Creek area without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.															
	Base Penalty:	\$10,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Major Moderate Minor															
Actual	<input type="text"/>	<input type="text"/>														
Potential	<input type="text"/>	<input type="text"/>														
	Percent:	0%														
>> Programmatic Matrix																
	Falsification															
	Major Moderate Minor															
	<input type="text"/> <input checked="" type="text"/> <input type="text"/>	<input type="text"/>														
	Percent:	25%														
Matrix Notes:	The Respondent failed to comply with 100% of the rule.															
	Adjustment:	\$7,500														
		\$2,500														
Violation Events																
	Number of Violation Events: <input type="text" value="1"/>	Number of violation days: <input type="text" value="46"/>														
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text"/>	Violation Base Penalty: <input type="text" value="\$2,500"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="text"/>															
	One single event is recommended, based on the one notice not provided.															
Good Faith Efforts to Comply																
	25.0% Reduction	<input type="text" value="\$625"/>														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	<input checked="" type="text"/>	<input type="text"/>														
N/A	<input type="text"/>	(mark with x)														
Notes:	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.															
	Violation Subtotal:	\$1,875														
Economic Benefit (EB) for this violation																
	Estimated EB Amount: <input type="text" value="\$13,455"/>	Violation Final Penalty Total: <input type="text" value="\$9,504"/>														
	Statutory Limit Test															
	This violation Final Assessed Penalty (adjusted for limits): <input type="text" value="\$9,504"/>															

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 6

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

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	\$4,000	1-Jan-1993	21-Nov-2008	15.90	\$3,180	n/a	\$3,180
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to prepare notification and supporting documentation to start remediation activities. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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	\$2,000	1-Jan-2004	21-Nov-2008	4.89	\$489	\$9,786	\$10,276
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: Estimated costs to provide for increased environmental compliance oversight for all of the remediation sites (Violations 5 - 13). The Date Required is the date the first of the remediation violations began, and the Final Date is the date the Respondent provided for the additional oversight.

Approx. Cost of Compliance	\$6,000	TOTAL	\$13,455
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Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW				
Respondent: ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>					
Case ID No.: 37094	<small>PCW Revision October 30, 2008</small>					
Reg. Ent. Reference No.: RN102495884						
Media [Statute]: Air						
Enf. Coordinator: Terry Murphy						
Violation Number: 6						
Rule Cite(s):	30 Tex. Admin. Code § 106.533(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)					
Violation Description:	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 1 (also known as North Coble) without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.					
Base Penalty		\$10,000				
>> Environmental, Property and Human Health Matrix						
OR	Harm			Percent		
	Major	Moderate	Minor			
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%		
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
>> Programmatic Matrix						
Falsification			Major	Moderate	Minor	
<input type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent			25%			
Matrix Notes	The Respondent failed to comply with 100% of the rule.					
Adjustment				\$7,500		
\$2,500						
Violation Events						
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		1	.46 Number of violation days			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>				
	weekly	<input type="checkbox"/>				
	monthly	<input type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
	single event	<input checked="" type="checkbox"/>				
Violation Base Penalty						\$2,500
One single event is recommended, based on the one notice not provided.						
Good Faith Efforts to Comply		25.0% Reduction		\$625		
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
N/A	<input type="checkbox"/>	<small>(mark with x)</small>				
Notes	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.					
Violation Subtotal					\$1,875	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		\$3,780		Violation Final Penalty Total		
				\$9,504		
This violation Final Assessed Penalty (adjusted for limits)					\$9,504	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 6

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	\$4,000	1-Jan-1990	21-Nov-2008	18.90	\$3,780	n/a	\$3,780
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare notification and supporting documentation to start remediation activities. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$4,000

TOTAL

\$3,780

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$2,500	7-Oct-2008	1-Dec-2008	0.15	\$1	\$25	\$26
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	\$4,000	7-Oct-2008	1-Dec-2008	0.15	\$30	n/a	\$30
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare and submit documents to authorize on-going remediation activities and to provide abatement equipment. The Date Required is the date of the investigation, and the Final Date is the date the Respondent completed equipment improvements and submitted the required authorization documents.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$6,500

TOTAL

\$57

Screening Date 28-Jan-2009	Docket No. 2009-0129-AIR-E	PCW	
Respondent ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37094	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN102495884			
Media [Statute] Air			
Enf. Coordinator Terry Murphy			
Violation Number 8			
Rule Cite(s)	30 Tex. Admin. Code § 106.533(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 4 without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			0%
>> Programmatic Matrix			
	Major	Moderate	Minor
	Falsification	Major	Moderate
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			25%
Matrix Notes	The Respondent failed to comply with 100% of the rule.		
Adjustment		\$7,500	
			\$2,500
Violation Events			
Number of Violation Events		1	Number of violation days
		46	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
		\$2,500	
One single event is recommended based, on the one notice not provided.			
Good Faith Efforts to Comply		25.0% Reduction	\$625
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	(mark with x)		
Notes	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.		
Violation Subtotal		\$1,875	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$3,780	Violation Final Penalty Total	\$9,504
		This violation Final Assessed Penalty (adjusted for limits)	
		\$9,504	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 8

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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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	\$4,000	1-Jan-1990	21-Nov-2008	18.90	\$3,780	n/a	\$3,780
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare notification and supporting documentation to start remediation activities. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$4,000

TOTAL

\$3,780

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW		
Respondent: ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>		
Case ID No.: 37094		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.: RN102495884				
Media [Statute]: Air				
Enf. Coordinator: Terry Murphy				
Violation Number: 9				
Rule Cite(s):	30 Tex. Admin. Code § 106.533(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)			
Violation Description:	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's HP-7 remediation site without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="25%"/>
Matrix Notes	The Respondent failed to comply with 100% of the rule.			
	Adjustment			\$7,500
				\$2,500
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="46"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		Violation Base Penalty <input type="text" value="\$2,500"/>
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
One single event is recommended based, on the one notice not provided.				
Good Faith Efforts to Comply				
		25.0% Reduction	\$625	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes:	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.			
Violation Subtotal				\$1,875
Economic Benefit (EB) for this violation				
		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$25"/>	Violation Final Penalty Total	\$9,504	
This violation Final Assessed Penalty (adjusted for limits)				\$9,504

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$4,000	7-Oct-2008	21-Nov-2008	0.12	\$25	n/a	\$25
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare notification and supporting documentation. The Date Required is the date of the investigation, and the Final Date is the date the Respondent submitted documentation to support ongoing activities at the site to the Regional Office.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$4,000

TOTAL:

\$25

Screening Date 28-Jan-2009		Docket No. 2009-0129-AIR-E		PCW	
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37094		<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102495884					
Media [Statute] Air					
Enf. Coordinator Terry Murphy					
Violation Number	10				
Rule Cite(s)	30 Tex. Admin. Code § 106.533(i)(1)(B) and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Jackson's Hole remediation site without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.				
Base Penalty				\$10,000	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
Matrix Notes	The Respondent failed to comply with 100% of the rule.				
Adjustment				\$7,500	
				\$2,500	
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value=".46"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
Violation Base Penalty				\$2,500	
One single event is recommended, based on the one notice not provided.					
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction	\$625	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)			
Notes	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.				
Violation Subtotal				\$1,875	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$1,779"/>	Violation Final Penalty Total	<input type="text" value="\$9,504"/>		
This violation Final Assessed Penalty (adjusted for limits)				\$9,504	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 10

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

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	\$4,000	1-Jan-2000	21-Nov-2008	8.90	\$1,779	n/a	\$1,779
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare notification and supporting documentation to start remediation activities. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$4,000

TOTAL

\$1,779

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW		
Respondent: ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37094	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN102495884				
Media [Statute]: Air				
Enf. Coordinator: Terry Murphy				
Rule Cite(s):	11 30 Tex. Admin. Code § 106.583(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)			
Violation Description:	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Canyon Dam (also known as Area 3A) without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.			
Base Penalty:		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
>> Programmatic Matrix				
Falsification				
Major Moderate Minor				
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
Percent				25%
Matrix Notes:	The Respondent failed to comply with 100% of the rule.			
Adjustment:		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events:		1	Number of violation days:	
		48		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty:	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Violation Base Penalty:			\$2,500	
One single event is recommended, based on the one notice not provided.				
Good Faith Efforts to Comply		25.0% Reduction	\$625	
		Before NOV NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes:	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.			
Violation Subtotal:		\$1,875		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:	\$3,780	Violation Final Penalty Total:	\$9,504	
		This violation Final Assessed Penalty (adjusted for limits):		
		\$9,504		

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 11

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

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	\$4,000	1-Jan-1990	21-Nov-2008	18.90	\$3,780	n/a	\$3,780
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare notification and supporting documentation to start remediation activities. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$4,000

TOTAL

\$3,780

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW
Respondent: ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>
Case ID No.: 37094		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.: RN102495884		
Media [Statute]: Air		
Enf. Coordinator: Terry Murphy		
Violation Number: 12		
Rule Cite(s):	30 Tex. Admin. Code § 106.533(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)	
Violation Description:	Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Lot 7 remediation site without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Major Moderate Minor	
Release	Major	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	0%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	25%
Matrix Notes	The Respondent failed to comply with 100% of the rule.	
	Adjustment	\$7,500
		\$2,500
Violation Events		
Number of Violation Events	1	46 Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>
	Violation Base Penalty	\$2,500
One single event is recommended, based on the one notice not provided.		
Good Faith Efforts to Comply		
	25.0% Reduction	\$625
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	<input type="checkbox"/> (mark with x)
Notes	The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.	
	Violation Subtotal	\$1,875
Economic Benefit (EB) for this violation		
Estimated EB Amount	\$1,579	Violation Final Penalty Total \$9,504
	This violation Final Assessed Penalty (adjusted for limits)	\$9,504

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 12

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

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	\$4,000	1-Jan-2001	21-Nov-2008	7.89	\$1,579	n/a	\$1,579
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to prepare notification and supporting documentation to start remediation activities. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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: Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance	\$4,000	TOTAL	\$1,579
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Screening Date: 28-Jan-2009 **Docket No.:** 2009-0129-AIR-E **PCW**
Respondent: ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No.: 37094 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102495884
Media [Statute]: Air
Enf. Coordinator: Terry Murphy

Violation Number: 13
Rule Cite(s): 30 Tex. Admin. Code § 106.533(j)(1)(B) and Tex. Health & Safety Code § 382.085(b)
Violation Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Caustic Pond remediation site without notifying the Amarillo Regional Office, as documented during an investigation conducted on October 7, 2008.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			25%

Matrix Notes: The Respondent failed to comply with 100% of the rule.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 Number of violation days: 46

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty: \$2,500

One single event is recommended, based on the one notice not provided.

Good Faith Efforts to Comply: 25.0% Reduction \$825

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

Notes: The Respondent returned to compliance on November 21, 2008, and the NOE is dated January 16, 2009.

Violation Subtotal: \$1,875

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$4,781 **Violation Final Penalty Total:** \$9,504

This violation Final Assessed Penalty (adjusted for limits): \$9,504

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 13

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

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	\$4,000	1-Jan-1985	21-Nov-2008	23.90	\$4,781	n/a	\$4,781
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare notification and supporting documentation. The Date Required is the date the system began operating, and the Final Date is the date the Respondent submitted documentation to support on-going activities at the site to the Regional Office.

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

Avoided costs are included in economic benefit for violation no. 5.

Approx. Cost of Compliance

\$4,000

TOTAL

\$4,781

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW				
Respondent: ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>					
Case ID No.: 37094	<small>PCW Revision October 30, 2008</small>					
Reg. Ent. Reference No.: RN102495884						
Media [Statute]: Air						
Enf. Coordinator: Terry Murphy						
Violation Number: 14						
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 2B, and Tex. Health & Safety Code § 382.085(b)					
Violation Description:	Failed to maintain instrument monitoring of the flare pilot flame. Specifically, the Non-Corrosive Flare's (EPN 88FL4) pilot flame was not monitored by instrument on the following dates: December 22, 2007, March 3, May 7, and May 8, 2008.					
Base Penalty:		\$10,000				
>> Environmental, Property and Human Health Matrix						
OR	Harm			Percent		
	Release	Major	Moderate		Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		1%
Matrix Notes	The Respondent failed to comply with less than 30% of the flare operational parameters.					
Adjustment:					\$9,900	
					\$100	
Violation Events						
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="4"/>	Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	Violation Base Penalty		
	weekly	<input type="text"/>	<input type="text"/>			\$100
	monthly	<input type="text"/>	<input type="text"/>			
	quarterly	<input type="text"/>	<input type="text"/>			
	semiannual	<input type="text"/>	<input type="text"/>			
	annual	<input type="text"/>	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>	<input type="text"/>			
One single event is recommended, based on the December 22, 2007, March 3, May 7, and May 8, 2008 violations.						
Good Faith Efforts to Comply		25.0% Reduction		\$25		
	<small>Before NOV</small>	<small>NOV to EDPR/Settlement Offer</small>				
Extraordinary	<input type="text"/>	<input type="text"/>				
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>				
N/A	<input type="text"/>	<small>(mark with x)</small>				
Notes	The Respondent returned to compliance by May 9, 2008, and the NOE is dated January 16, 2009.					
Violation Subtotal:					\$75	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount:			\$19	Violation Final Penalty Total:		
				\$1,872		
This violation Final Assessed Penalty (adjusted for limits):					\$1,872	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No: 37094
Reg. Ent. Reference No: RN102495884
Media: Air
Violation No.: 14

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,000	22-Dec-2007	9-May-2008	0.38	\$19	n/a	\$19
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to review oversight and adequacy of instrument functioning. The Date Required is the date of the first monitoring instrument failure, and the Final Date is the date the Respondent completed the review.

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	\$1,000	TOTAL	\$19
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Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW	
Respondent: ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>	
Case ID No.: 37094		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No.: RN102495884			
Media [Statute]: Air			
Enf. Coordinator: Terry Murphy			
Violation Number: 15			
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 2G, and Tex. Health & Safety Code § 382.085(b)		
Violation Description:	Failed to operate flares with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hours. Specifically, those conditions were exceeded at the 100M Sour Water Treater Brine Flare Pit (EPN 66FL10) on March 13, 2008, at the ARDS Emergency Sulfur Flare (EPN 66FL13) on May 23, 2008, and at the Natural Gas Liquids Non-Corrosive Flare (EPN 66FL4) on March 7 and June 16, 2008.		
	Base Penalty:	\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Release	Major	Moderate
	Actual		X
	Potential		
		Percent:	25%
>> Programmatic Matrix			
	Falsification	Major	Moderate
		Percent:	0%
Matrix Notes:	Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.		
	Adjustment:	\$7,500	
		Subtotal:	\$2,500
Violation Events			
	Number of Violation Events:	4	Number of violation days: 4
<small>mark only one with an x</small>	daily		Violation Base Penalty: \$10,000
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		
	Four quarterly events are recommended, one for EPN 66FL10, one for EPN 66FL13, and two for EPN 66FL4.		
Good Faith Efforts to Comply		25.0% Reduction	\$2,500
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A		<small>(mark with x)</small>	
Notes:	The Respondent returned to compliance on October 31, 2008, and the NOE is dated January 16, 2009.		
	Violation Subtotal:	\$7,500	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount:	\$222	Violation Final Penalty Total:	\$33,354
	This violation Final Assessed Penalty (adjusted for limits):		\$33,354

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	13-Mar-2008	31-Oct-2008	0.64	\$11	\$212	\$222
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to provide for additional flare operational procedures. The Date Required is the date of the first visible emissions event, and the Final Date is the date the Respondent completed additional training and procedural improvements.

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	\$5,000	TOTAL:	\$222
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Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW	
Respondent: ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>	
Case ID No.: 37094		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No.: RN102495884			
Media [Statute]: Air			
Enf. Coordinator: Terry Murphy			
Violation Number: 16			
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 10, and Tex. Health & Safety Code § 382.085(b)		
Violation Description:	Failed to operate the SRU Tail Gas Incinerator with no visible emissions, except for uncombined steam. Specifically, visible emissions were observed from the SRU Unit 43 incinerator stack on January 11 and April 2, 2008, as documented during an investigation conducted on October 7, 2008.		
	Base Penalty:	\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	25%
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Minor	<input type="checkbox"/>
		Percent	0%
Matrix Notes	Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.		
	Adjustment:	\$7,500	
		Subtotal:	\$2,500
Violation Events			
	Number of Violation Events:	1	Number of violation days:
		2	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty:
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	One quarterly event is recommended from January 11 to April 2, 2008.		\$2,500
Good Faith Efforts to Comply			
	25.0% Reduction		\$625
	Before NOV	NOV to EOPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	(mark with x)		
Notes:	The Respondent returned to compliance on June 13, 2008, and the NOE is dated January 16, 2009.		
	Violation Subtotal:	\$1,875	
Economic Benefit (EB) for this violation			
	Estimated EB Amount:	\$148	Statutory Limit Test
			Violation Final Penalty Total:
			\$9,504
		This violation Final Assessed Penalty (adjusted for limits):	
		\$9,504	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 16

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)	\$5,000	11-Jan-2008	13-Jun-2008	0.42	\$7	\$141	\$148
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide for additional equipment improvements and procedural training. The Date Required is the date of the first visible emissions event, and the Final Date is the date the Respondent completed the improvements and training.

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

\$5,000

TOTAL

\$148

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW				
Respondent: ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>					
Case ID No.: 37094	<small>PCW Revision October 30, 2008</small>					
Reg. Ent. Reference No.: RN102495884						
Media [Statute]: Air						
Enf. Coordinator: Terry Murphy						
Violation Number: 17						
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3); NSRFAP No. 9868A/PSD-TX-102M6, SC 11, and Tex. Health & Safety Code § 382.085(b)					
Violation Description:	Failed to operate the SRU thermal reactor at all times with a stable flame and to maintain the flame temperature at not less than 2,000 degrees Fahrenheit. Specifically, Unit 43 A's Thermal Reactor did not maintain the required flame and temperature on November 12, 2007, as documented during an investigation conducted on October 7, 2008.					
Base Penalty:		\$10,000				
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Major	Moderate	Minor			
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>		
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
>> Programmatic Matrix						
			Major	Moderate	Minor	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failure to maintain a stable flame and appropriate temperature could expose human health or the environment to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.					
Adjustment: \$9,000						
\$1,000						
Violation Events						
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		<input type="text" value="1"/>	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$1,000"/>			
	weekly	<input type="checkbox"/>				
	monthly	<input type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
	single event	<input checked="" type="checkbox"/>				
One single event is recommended based on the November 12, 2007 violation.						
Good Faith Efforts to Comply						
		25.0% Reduction			\$250	
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
N/A	<input type="checkbox"/>		<small>(mark with x)</small>			
Notes	The Respondent returned to compliance on November 13, 2007, and the NOE is dated January 16, 2009.					
Violation Subtotal:					\$750	
Economic Benefit (EB) for this violation						
Statutory Limit Test						
Estimated EB Amount:		<input type="text" value="\$1"/>	Violation Final Penalty Total:		\$4,734	
This violation Final Assessed Penalty (adjusted for limits):					\$4,734	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 17

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

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)	\$5,000	12-Nov-2007	13-Nov-2007	0.00	\$0	\$1	\$1
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to provide for additional reactor operational procedures. The Date Required is the date of the flame deficiency, and the Final Date is the date the Respondent implemented additional operational procedures.

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 \$5,000 TOTAL \$1

Screening Date: 28-Jan-2009 **Docket No.:** 2009-0129-AIR-E **PCW**
Respondent: ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No.: 37094 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102495884
Media [Statute]: Air
Enf. Coordinator: Terry Murphy

Violation Number: 18
Rule Cite(s): 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 14, and Tex. Health & Safety Code § 382.085(b)
Violation Description: Failed to maintain the SRU 43 sulfur pit connected to a vapor collection system which routes the recovered vapors back into the process. Specifically, the SRU Unit 43 vapor collection system was not operational on January 2 and April 9, 2008, as documented during an investigation conducted on October 7, 2008.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Failure to abate emissions from the SRU could expose human health or the environment to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors.

Adjustment: \$7,500
Subtotal: \$2,500

Violation Events

Number of Violation Events: 2 **Number of violation days:** 2
mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty: \$5,000

Two quarterly events are recommended, based on the January 2 and April 9, 2008 violations.

Good Faith Efforts to Comply 25.0% Reduction **\$1,250**

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

Notes: The Respondent returned to compliance on April 24, 2008, and the NOV is dated January 16, 2009.
Violation Subtotal: \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$108 **Violation Final Penalty Total:** \$17,454
This violation Final Assessed Penalty (adjusted for limits): \$17,454

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 18

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)	\$5,000	2-Jan-2008	24-Apr-2008	0.31	\$5	\$103	\$108
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide for additional SRU vapor recovery operational oversight. The Date Required is the date of the first failure to have the vapor recovery system operational, and the Final Date is the date the Respondent provided the additional operational oversight.

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

\$5,000

TOTAL

\$108

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW
Respondent: ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>
Case ID No.: 37094		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No.: RN102495884		
Media [Statute]: Air		
Enf. Coordinator: Terry Murphy		
Violation Number: 19		
Rule Cite(s):	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 28, and Tex. Health & Safety Code § 382.085(b)	
Violation Description:	Failed to limit the fuel gas used to fire all of the Plant's heaters, boilers, and TGIs to a short term H2S concentration of no more than 162 parts per million volume. Specifically, the fuel gas exceeded that concentration on August 9, 2007 and March 9, 2008, as documented during an investigation conducted on October 7, 2008.	
	Base Penalty:	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent: <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent: <input type="text" value="0%"/>

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.

Adjustment:

Violation Events

Number of Violation Events: Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty:

Two quarterly events are recommended, based on the August 9, 2007 and the March 9, 2008 violations.

Good Faith Efforts to Comply

25.0% Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	<small>(mark with x)</small>

Notes: The Respondent returned to compliance by March 10, 2008, and the NOE is dated January 16, 2009.

Violation Subtotal:

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount:

Violation Final Penalty Total:

This violation Final Assessed Penalty (adjusted for limits):

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 19

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

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)	\$1,000	9-Aug-2007	10-Mar-2008	0.59	\$2	\$39	\$41
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide for additional fuel gas H2S concentration oversight. The Date Required is the date of the first H2S exceedance, and the Final Date is the date the Respondent provided the additional oversight.

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

\$1,000

TOTAL

\$41

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW			
Respondent: ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>			
Case ID No.: 37094		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No.: RN102495884					
Media [Statute]: Air					
Enf. Coordinator: Terry Murphy					
Violation Number: 20					
Rule Cite(s):	30 Tex. Admin. Code §§ 116.716(a), 116.716(e)(7), and 101.20(3), NSRFAP No. 9568/PSD-TX-102M6, SC-41, and Tex. Health & Safety Code § 382.085(b)				
Violation Description:	Failed to limit NOx emissions from an engine. Specifically, Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the NOx emissions limit of 2.0 grams per horsepower-hour during a stack test on October 2, 2007, as documented during an investigation conducted on October 7, 2008.				
	Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	Percent
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%
Matrix Notes:	Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.				
	Adjustment	\$7,500			
					\$2,500
Violation Events					
	Number of Violation Events	1	78	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<input type="checkbox"/>	Violation Base Penalty	
	weekly	<input type="checkbox"/>	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>		
	annual	<input type="checkbox"/>	<input type="checkbox"/>		
single event	<input type="checkbox"/>	<input type="checkbox"/>	\$2,500		
One quarterly event is recommended from the date of the failed test (October 2, 2007) to the date the Respondent returned to compliance (December 18, 2007).					
Good Faith Efforts to Comply					
	25.0% Reduction				\$625
	Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
N/A	<input type="checkbox"/>	(mark with x)			
Notes:	The Respondent returned to compliance on December 18, 2007, and the NOE is dated January 16, 2009.				
Violation Subtotal					\$1,875
Economic Benefit (EB) for this violation					
Statutory Limit Test					
	Estimated EB Amount	\$74	Violation Final Penalty Total	\$9,504	
This violation Final Assessed Penalty (adjusted for limits)					\$9,504

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 20

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

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)	\$5,000	2-Oct-2007	18-Dec-2007	0.21	\$4	\$70	\$74
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to make engine adjustments and retest. The Date Required is the date of the failed test, and the Final Date is the date the Respondent returned to 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	\$5,000	TOTAL	\$74
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Screening Date 28-Jan-2009	Docket No. 2009-0129-AIR-E	PCW	
Respondent ConocoPhillips Company	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37094	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102495884			
Media [Statute] Air			
Enf. Coordinator Terry Murphy			
Violation Number 21			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 55, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to ensure that a minimum coke moisture content of 6 percent by weight was maintained during coke handling and storage operations. Specifically, 60 samples taken between December 3, 2007 and December 23, 2008 showed moisture content between 0.7 and 5.95%, as documented during an investigation conducted on October 7, 2008.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Percent			25%
>> Programmatic Matrix			
Falsification			
Major			Moderate
Minor			
<input type="checkbox"/>			<input type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>
Percent			0%
Matrix Notes	The failure to minimize emissions from coke handling and storage could result in the exposure of human health or the environment to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors.		
Adjustment			\$7,500
			\$2,500
Violation Events			
Number of Violation Events		4	Number of violation days
		60	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Four quarterly events are recommended for violations during the following quarters: December 2007 through February 2008, March through May 2008, September through November 2008, and December 2008.			\$10,000
Good Faith Efforts to Comply		25.0% Reduction	\$2,500
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	<small>(mark with x)</small>		
Notes	The Respondent returned to compliance on April 28, 2008, and the NOE is dated January 16, 2009.		
Violation Subtotal			\$7,500
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$147	Violation Final Penalty Total
			\$33,354
This violation Final Assessed Penalty (adjusted for limits)			\$33,354

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 21

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

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)	\$5,000	27-Nov-2007	28-Apr-2008	0.42	\$7	\$140	\$147
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to provide for additional coke pile emissions control oversight. The Date Required is the date of the first sampling violation (see Violation 22). The delayed economic benefits and corrective actions for both Violations 21 and 22 are concomitant, and the Final Date is the date the Respondent implemented corrective actions.

Avoided Costs

ANNUALIZE (f) 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	\$5,000	TOTAL	\$147
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Screening Date	28-Jan-2009	Docket No.	2009-0129-AIR-E	PCW
Respondent	ConocoPhillips Company			Policy Revision 2 (September 2002)
Case ID No.	37094			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN102495884			
Media [Statute]	Air			
Enf. Coordinator	Terry Murphy			
Violation Number	22			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(a) and 101.20(3); NSRFAP No. 9868A/PSD-TX-102M6, SC 59B, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to take samples and perform moisture analyses of coke piles. Specifically, the Respondent failed to do the sampling and analyses on the following dates: November 27, December 13, December 21, December 23, and December 27, 2007, January 30, February 4, April 21, and April 26, 2008, as documented during an investigation conducted on October 7, 2008.			
	Base Penalty	\$10,000		

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential	x		25%

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes
The failure to sample, analyze, and consequently adjust moisture, could result in the exposure of human health or the environment to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended for violations during the following quarters: December 2007 through February 2008 and April through June 2008.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes
The Respondent returned to compliance on April 28, 2008, and the NOE is dated January 16, 2009.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$533

Violation Final Penalty Total \$17,454

This violation Final Assessed Penalty (adjusted for limits) \$17,454

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 22

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed economic benefits for this violation are included in Violation 21.

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]	\$500	27-Nov-2007	26-Apr-2008	1.33	\$33	\$500	\$533
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated costs for the nine samples not taken. The Date Required is the date of the first missed sample, and the Final Date is the date of the last missed sample.

Approx. Cost of Compliance

\$500

TOTAL

\$533

Screening Date: 28-Jan-2009	Docket No.: 2009-0129-AIR-E	PCW
Respondent: ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>
Case ID No.: 37094		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No.: RN102495884		
Media [Statute]: Air		
Enf. Coordinator: Terry Murphy		
Violation Number: 23		
Rule Cite(s):	39 Tex. Admin. Code § 101.20(1), 40 Code of Federal Regulations § 80.102(a)(1), and Tex. Health & Safety Code § 382.085(b)	
Violation Description:	Failed to limit PM emissions from the Unit 29 FCCU catalyst regenerator to no more than 1.0 kilograms per megagram (2.0 lb/ton). Specifically, a test conducted on December 6, 2007 showed that limit was exceeded, as documented during an investigation conducted on October 7, 2008.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release 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 not exceeding levels protective of human health or environmental receptors.	
	Adjustment	\$7,500
		\$2,500
Violation Events		
Number of Violation Events:	2	Number of violation days: 111
<small>mark only one with an x</small>	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	
	Violation Base Penalty	\$5,000
	Two quarterly events are recommended from December 6, 2007 to March 26, 2008.	
Good Faith Efforts to Comply		
	25.0% Reduction	\$1,250
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary	X	
N/A	(mark with x)	
Notes	The Respondent returned to compliance on March 26, 2008, and the NOE is dated January 16, 2009.	
	Violation Subtotal	\$3,750
Economic Benefit (EB) for this violation		
	Estimated EB Amount	\$43
	Violation Final Penalty Total	\$17,454
	This violation Final Assessed Penalty (adjusted for limits) \$17,454	

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 37094
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 23

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

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)	\$2,000	6-Dec-2007	28-Mar-2008	0.30	\$2	\$41	\$43
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to adjust the regenerator. The Date Required is the date of the failed test, and the Final Date is the date by which adjustments were made and retesting demonstrated 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

\$2,000

TOTAL

\$43

Screening Date: 28-Jan-2009 **Docket No.:** 2009-0129-AIR-E **PCW**
Respondent: ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No.: 37094 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102495884
Media [Statute]: Air
Enf. Coordinator: Terry Murphy

Violation Number: 24
Rule Cite(s): 30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), 111.111(a)(1), and 101.20(3); NSRFAP No. 9868A/PSD-TX-102M6, SC 1 and 23; and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to comply with permitted emissions limits, as documented during an investigation conducted on April 24, 2009. Specifically, during an emissions event on January 17, 2009, contaminated amine caused a temperature excursion and shut-down of the SRU 34 Feed Heater due to faulty level transmitters and the design of the level gauges, which made it difficult for Plant operations to see the actual level of the absorbers. This condition, in turn, resulted in the following unauthorized emissions from the SRU Incinerator (EPN 3411): 0.38 lb of CO, 7.62 lbs of H2S, 1.53 lbs of NOX, and 683 lbs of SO2 over a 28 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-1.1).

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.

Adjustment: \$7,500

Violation Events \$2,500

Number of Violation Events: Number of violation days

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, based on the January 17, 2009 emissions event.

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: \$2,184 **Violation Final Penalty Total:** \$10,129

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

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37094
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 24

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10,000	17-Jan-2009	1-Mar-2012	3.12	\$104	\$2,080	\$2,184
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to design and install improved equipment. The Date Required is the date of the event, and the Final Date is the date of expected compliance.

Avoided Costs

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

	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

\$10,000

TOTAL

\$2,184

Compliance History Report

Customer/Respondent/Owner-Operator: CN601674351 ConocoPhillips Company Classification: AVERAGE Rating: 2.95
 Regulated Entity: RN102495884 BORGER REFINERY Classification: AVERAGE Site Rating: 26.09

ID Number(s):	WASTEWATER	PERMIT	WQ0001064000
	WASTEWATER	PERMIT	TX0009148000
	WASTEWATER	PERMIT	TX0009148
	AIR NEW SOURCE PERMITS	PERMIT	9868A
	AIR NEW SOURCE PERMITS	PERMIT	11042A
	AIR NEW SOURCE PERMITS	PERMIT	11449A
	AIR NEW SOURCE PERMITS	PERMIT	11935A
	AIR NEW SOURCE PERMITS	PERMIT	11429A
	AIR NEW SOURCE PERMITS	PERMIT	14441A
	AIR NEW SOURCE PERMITS	PERMIT	19042
	AIR NEW SOURCE PERMITS	PERMIT	22777
	AIR NEW SOURCE PERMITS	PERMIT	34417
	AIR NEW SOURCE PERMITS	PERMIT	43073
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0018P
	AIR NEW SOURCE PERMITS	AFS NUM	4823300015
	AIR NEW SOURCE PERMITS	REGISTRATION	71385
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M6
	AIR NEW SOURCE PERMITS	PERMIT	71385
	AIR NEW SOURCE PERMITS	PERMIT	80799
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1119
	AIR NEW SOURCE PERMITS	REGISTRATION	82659
	AIR NEW SOURCE PERMITS	REGISTRATION	84720
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1158
	AIR NEW SOURCE PERMITS	PERMIT	85872
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M7
	AIR NEW SOURCE PERMITS	REGISTRATION	87158
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0018P
	AIR OPERATING PERMITS	PERMIT	1440
	AIR OPERATING PERMITS	PERMIT	2166
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30111
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980626774
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW380
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW382
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW325
	WASTEWATER LICENSING	LICENSE	WQ0001064000
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50078
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30111
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670002
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50078

Location: SPUR 119 NORTH, BORGER, TX, 79008

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: January 30, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 30, 2004 to January 30, 2009

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

Name: Terry Murphy Phone: (512) 239-5025

Description: Failure to use the proper preservation temperature for submitting samples from the cooling towers. Specifically, their records showed that the temps. rose above the required 4 degrees C. on 4/26/00 (9 deg. C), 7/14/00 (23 deg. C) & 8/9/00 (19 deg. C).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 61, Subpart FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 3 PERMIT

Description: Failure to conduct quarterly visual inspection of the vacuum trucks in 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(2)
40 CFR Part 60, Subpart Kb 60.115b(d)(3)
40 CFR Part 61, Subpart FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC Nos. 2 & 3 PERMIT

Description: Failure to submit complete quarterly reports. Specifically, the reports submitted on 5/31 and 8/30/01 failed to include the # of times the flare pilot flame was absent.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to timely submit the semi-annual certification showing that all inspections had been conducted for the period of 4/8 - 10/7/01. Specifically, the report was due 12/8/01. The rpt. was received on 2/5/02 (i. e. 59 days late).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 11165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 686.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC No. 2 PERMIT

Description: Failure to repair valve No. 1035.000 at Unit 19.3 within 15 days of the leak being detected. Specifically, the leak was detected on 4/21/01, and was repaired on 6/28/01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M, SC 2 PERMIT

Description: Discharging into the atmosphere SO2 with a 12 hr. rolling average concentration in excess of 250 ppm by volume at 0% excess air. Specifically, a review of the CEM data for 00 and 01 shows that Unit 43 exceeded the SO2 concentration allowable 74 times during 00 & 01.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 50E PERMIT

Description: Failure to submit a copy of the final sampling report for Unit 40 Air Cooler engine w/in 45 days after sampling was completed. Specifically, the testing was completed on July 31, 2001The final rpt. was submitted in November 6, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 5C PERMIT

Description: Failure to operate the Acid Gas Flare with no visible emissions. Specifically, during the stack test conducted on 12/14/00, visible emissions were observed from the Acid Gas Flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 51B PERMIT

Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on Engines 41, 42, 43, 44, 45, and 47.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 48 PERMIT

Description: Failure to change the oxygen sensors for the affected engines 41, 42, 43, 44, 45, and 47 quarterly, as required by the provisions of permit No. 9868A.

Classification: Moderate

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

30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to timely submit the initial/final upset reports. Specifically, the initial rpt. for Incident No. 17283 was due on 3/12/03, and was received on 3/13/03, and the final rpts. for Inc. Nos. 25555 & 29549 were due on 8/23/03, & were rec'd. on 8/25/03.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)

30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to submit complete upset reports. Specifically, the reports submitted for emission events which occurred on 11/7/02, 1/27/03, 2/22/03, 2/17/03, 4/26/03, 6/27/03, & 7/20/03 failed to include sufficient information for the cause of the emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)

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

Description: Failed to submit the final report for the emission event which occurred on June 21-23, 2004 within 14 days. Specifically, the final rpt. was due on 7/7/04 & was received on 7/8/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710

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

Description: Emitted into the atmosphere the following unauthorized pollutants during an emissions event which occurred June 21-23, 2004: CO-53 lbs, hydrogen sulfide-4.20 lbs, sulfur dioxide-369.10 lbs, and VOCs-139.9 lbs. Since this event was reported late, an affirmative defense, may not be claimed for the emissions.

Classification: Moderate

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

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

Description: Failed to submit the initial emission events reports w/in 24 hrs. of discovery for the events which occurred on 11/25/03, 12/7 and 9/03, and 2/18/04.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to obtain authorization for the unauthorized emissions during 37 emission events which did not qualify for an affirmative defense to an enforcement action.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: 9868A & PSD-TX-102M4, Sp. Cond. No. 1 PERMIT

Description: Emitting into the atmosphere unauthorized pollutants during 12 emission events.

Effective Date: 11/18/2006

ADMINORDER 2006-0646-AIR-E

Classification: Moderate

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 11/09/2007

ADMINORDER 2005-0717-UIC-E

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter A 331.7(a)

Rqmt Prov: VIIA - Waste Streams Prohibited ... OP

Description: Failed to prevent the unauthorized injection of a characteristically hazardous waste into a class I non-hazardous injection well, according to permit provision VII.A.

Effective Date: 11/19/2007

ADMINORDER 2005-1251-AIR-E

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340

40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(d)

40 CFR Part 61, Subpart FF 61.356(g)

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

Description: Failed to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C, 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)
40 CFR Part 61, Subpart FF 61.357(d)(8)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.424(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.428(h)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all required information in the fourth quarterly report of excess emissions for year 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.462-7
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with leak repair requirements for valve No. 2205.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.466(b)
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain tags for leaking components Specifically, valves No. 14005, 14254, and 14264 were not tagged as required.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate the flare with flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003.

Classification: Moderate

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

Description: Failed to report all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004.

Effective Date: 11/19/2007

ADMINORDER 2006-0087-MLM-E ✓

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4 which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362).

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

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

Rqmt Prov: Special Condition 5.B. PERMIT

Description: Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 5.D. PERMIT

Description: Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 9 PERMIT

Description: Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 11 PERMIT

Description: Failed to consistently maintain the required temperatures and oxygen concentrations for Unit 34 and 43.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 20 PERMIT

Description: Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 26 PERMIT

Description: Failed to consistently maintain the CO concentration below 500 parts per million volume ("ppmv") from Fluid Catalytic Cracking Units 29 and 40.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 30 PERMIT

Description: Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on between December 23 and 25, 2004 and January 16 and April 16, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 37.D. PERMIT

Description: Failed to annually inspect Tank 5550 for seal integrity verification in 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 41.I. PERMIT

Description: Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 42.H. PERMIT

Description: Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Classification: Moderate

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

Rqmt Prov: Special Conditions 41.E. PERMIT

Description: Failed to seal 22 open ended valves in volatile organic compounds service.

Classification: Moderate

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

Rqmt Prov: Special Condition 48 PERMIT

Description: Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 50 PERMIT

Description: Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 51.A. PERMIT

Description: Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 54 PERMIT

Description: Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 59 PERMIT

Description: Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2.

Classification: Moderate

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

Rqmt Prov: Special Condition 8 PERMIT

Description: Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr").

Classification: Moderate

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

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million british thermal units per hour on March 2 and 11, 2004.

Classification: Moderate

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

Rqmt Prov: FOP No. O-01440, General Terms and Cond. PERMIT

Description: Failed to include all deviations on the semi-annual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
30 TAC Chapter 335, SubChapter A 335.4(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.35
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1

Description: Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 101, SubChapter A 101.27(c)(1)

30 TAC Chapter 21 21.4

Description: Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623).

Effective Date: 12/20/2007

ADMINORDER 2007-0567-MLM-E

Classification: Major

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

30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial waste into or adjacent to the waters in the state.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to submit a complete final report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Description: Failed to include the names of all affected facilities on the emissions event report for Incident No. 79367.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008

ADMINORDER 2007-0558-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring.

Classification: Moderate

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

Description: Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 23 PERMIT

Description: Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 30 PERMIT

Description: Failed to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Part 60, Subpart A 60.18(c)(2)
40 CFR Part 63, Subpart A 63.11(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

40 CFR Part 60, Subpart A 60.18(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPN and 66FL2 on 3 occasions between June 6 and 9, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, HDS, and Col. 39, respectively, within 15 days after discovering a leak.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 28, 2006. Repairs were made between one and 31 days late.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006.

Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(6)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

Description: Failed to operate the flare with a constant pilot flame.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 10 PERMIT

Description: Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(1)
40 CFR Part 63, Subpart A 63.11(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 in Units 34 and 43 on August 6 and December 15, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart Kb 60.115b(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)

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. (CEDS Inv. Track. No.)

1	04/05/2004	(268105)	101	10/02/2006	(514550)
2	04/14/2004	(269208)	102	10/02/2006	(514675)
3	04/16/2004	(267682)	103	10/11/2006	(515667)
4	05/25/2004	(436469)	104	10/25/2006	(536054)
5	06/07/2004	(274624)	105	11/03/2006	(518149)
6	08/05/2004	(284515)	106	11/03/2006	(518237)
7	08/06/2004	(283088)	107	11/03/2006	(518272)
8	08/17/2004	(288901)	108	11/30/2006	(532446)
9	09/05/2004	(333340)	109	01/22/2007	(537059)
10	09/08/2004	(333632)	110	02/23/2007	(540568)
11	09/22/2004	(335158)	111	03/06/2007	(542490)
12	09/22/2004	(335170)	112	03/16/2007	(517551)
13	09/22/2004	(335175)	113	04/09/2007	(554950)
14	09/23/2004	(335211)	114	05/08/2007	(557892)
15	10/20/2004	(338199)	115	05/11/2007	(558928)
16	10/20/2004	(338419)	116	05/17/2007	(559988)
17	10/20/2004	(338428)	117	05/25/2007	(560211)
18	10/20/2004	(338456)	118	06/04/2007	(557890)
19	11/05/2004	(340388)	119	06/12/2007	(561959)
20	11/05/2004	(340397)	120	07/23/2007	(568756)
21	11/05/2004	(340401)	121	07/23/2007	(569200)
22	01/06/2005	(346260)	122	07/23/2007	(569278)
23	01/06/2005	(346265)	123	08/28/2007	(573763)
24	01/06/2005	(346272)	124	08/29/2007	(567645)
25	01/08/2005	(346044)	125	09/04/2007	(571794)
26	01/20/2005	(347728)	126	09/04/2007	(571799)
27	01/27/2005	(342485)	127	09/04/2007	(573098)
28	01/31/2005	(348389)	128	09/04/2007	(573119)
29	02/02/2005	(348485)	129	09/04/2007	(573126)
30	03/16/2005	(335811)	130	09/04/2007	(573132)
31	03/18/2005	(335817)	131	09/04/2007	(573137)
32	06/17/2005	(396298)	132	09/04/2007	(573145)
33	07/01/2005	(377888)	133	09/28/2007	(596149)
34	08/26/2005	(402145)	134	10/15/2007	(596734)
35	08/29/2005	(418249)	135	12/04/2007	(610826)
36	08/29/2005	(418255)	136	12/06/2007	(610871)
37	08/29/2005	(418264)	137	12/07/2007	(610766)
38	08/29/2005	(418278)	138	12/13/2007	(610872)
39	08/29/2005	(418284)	139	12/18/2007	(599297)
40	09/16/2005	(431894)	140	02/05/2008	(617236)
41	09/19/2005	(398612)	141	02/22/2008	(618682)
42	09/19/2005	(418617)	142	03/03/2008	(619078)
43	09/21/2005	(432528)	143	03/04/2008	(610874)
44	09/27/2005	(432573)	144	03/10/2008	(637208)
45	10/05/2005	(398603)	145	03/10/2008	(637850)
46	10/27/2005	(435707)	146	03/12/2008	(638570)
47	10/28/2005	(435763)	147	03/31/2008	(637441)
48	10/31/2005	(436015)	148	04/04/2008	(640052)
49	11/08/2005	(436544)	149	04/04/2008	(641113)
50	11/09/2005	(437151)	150	04/04/2008	(641120)
51	11/16/2005	(398003)	151	04/04/2008	(641123)
52	11/16/2005	(436047)	152	04/04/2008	(641124)
53	12/12/2005	(439539)	153	04/04/2008	(641262)
54	12/14/2005	(439324)	154	04/08/2008	(641450)
55	12/19/2005	(449774)	155	04/11/2008	(639948)

56	12/19/2005	(449781)	156	04/15/2008	(641833)
57	12/21/2005	(434070)	157	04/15/2008	(646318)
58	12/22/2005	(450310)	158	04/16/2008	(639947)
59	01/05/2006	(451297)	159	04/16/2008	(641345)
60	01/06/2006	(451394)	160	04/16/2008	(641606)
61	01/13/2006	(451363)	161	04/21/2008	(653421)
62	01/13/2006	(452190)	162	04/22/2008	(640269)
63	01/17/2006	(437777)	163	04/22/2008	(640274)
64	01/24/2006	(452945)	164	04/23/2008	(653422)
65	01/25/2006	(452960)	165	05/05/2008	(654697)
66	01/25/2006	(453089)	166	05/14/2008	(670875)
67	01/30/2006	(453345)	167	05/14/2008	(670877)
68	01/31/2006	(453394)	168	05/15/2008	(655931)
69	01/31/2006	(453752)	169	05/19/2008	(671263)
70	02/02/2006	(453395)	170	06/13/2008	(682985)
71	02/02/2006	(453859)	171	06/15/2008	(467250)
72	02/13/2006	(455152)	172	06/17/2008	(683143)
73	02/28/2006	(457545)	173	06/17/2008	(683152)
74	03/21/2006	(459612)	174	06/17/2008	(683436)
75	03/23/2006	(458845)	175	06/24/2008	(683654)
76	03/23/2006	(460163)	176	06/24/2008	(683997)
77	04/19/2006	(462453)	177	07/08/2008	(685211)
78	04/19/2006	(462466)	178	07/08/2008	(685238)
79	04/26/2006	(463535)	179	07/28/2008	(685550)
80	05/09/2006	(465242)	180	08/07/2008	(687671)
81	05/15/2006	(463536)	181	08/07/2008	(687639)
82	05/25/2006	(465241)	182	08/29/2008	(700947)
83	05/26/2006	(480084)	183	09/03/2008	(705401)
84	05/31/2006	(480736)	184	09/10/2008	(702303)
85	06/07/2006	(481805)	185	09/11/2008	(700350)
86	06/07/2006	(481812)	186	09/11/2008	(700366)
87	06/08/2006	(481987)	187	09/11/2008	(700371)
88	06/08/2006	(481992)	188	09/11/2008	(701024)
89	06/13/2006	(482336)	189	09/16/2008	(702968)
90	06/16/2006	(481242)	190	09/30/2008	(702043)
91	06/28/2006	(482752)	191	09/30/2008	(703769)
92	06/29/2006	(482750)	192	10/16/2008	(705600)
93	07/10/2006	(485853)	193	10/17/2008	(705742)
94	08/02/2006	(484098)	194	10/28/2008	(706256)
95	08/02/2006	(488630)	195	11/12/2008	(707907)
96	09/05/2006	(511072)	196	11/18/2008	(708075)
97	09/14/2006	(512534)	197	11/18/2008	(708314)
98	09/22/2006	(511317)	198	12/12/2008	(710274)
99	09/28/2006	(514413)	199	12/18/2008	(721682)
100	09/28/2006	(514455)	200	01/16/2009	(702466)
			201	01/21/2009	(724249)
			202	01/23/2009	(724227)

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

Date: 08/26/2005 (402145)
Self Report? NO Classification: Major
Citation: Permit Conditions PERMIT
Description: Failure to prevent unauthorized discharges.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring Req PERMIT
Description: Failure to maintain effluent parameters within the permitted limits.
Date: 05/09/2008 (465242)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.710(a)
Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 71313. The incident did not meet the criteria, specified in the provisions of §§101.222(b)(2) and (b)(3).

Date: 04/09/2007 (554950)

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.

Date: 06/05/2007 (557890)

Self Report? NO Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §§101.201(b)(1)(D) and (b)(1)(G) by failing to provide the names of all affected facilities and the non-combustible emission values associated with the flaring activity for the incident No. 84788.

Self Report? NO Classification: Minor

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

Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86636.

Self Report? NO Classification: Minor

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

Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86811.

Date: 08/30/2007 (567645)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)
Monitoring and Reporting Requirements PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

Description: Failure by the facility to prevent unauthorized discharges from the collection system.

Date: 12/18/2007 (599297)

CN601674351

Self Report? NO Classification: Moderate

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

Description: The review of the deviation report, submitted on January 30, 2007 indicated that Conoco-Phillips failed to provide the required information for the non-reportable events at this facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)		
Description:	The facility failed to comply with the provisions of 40 CFR 60, §60.482-7(c)(1).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)		
Description:	The facility failed to comply with the provisions of 40 CFR 60, §60.482-2(a)(1).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §111.111(a)(4)(A), 30 TAC §116.715(a), 40 CFR 63, §63.11(b)(4), and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
Description:	The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)		
Description:	The facility failed to comply with the provisions of 30 TAC §111.111(a)(1)(B).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)		
Description:	The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1) and 40 CFR 63 Subpart CC, §63.648(a).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)		
Description:	The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(c)(1) and 40 CFR 63 Subpart CC, §63.648(a).		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)		
Description:	The facility failed to comply with the provisions of 40 CFR 63, Subpart CC, §63.643(a)(2).		
Self Report?	NO	Classification:	Moderate
Citation:	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 60.482-2(b)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)		
Description:	The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(a)(1),		

§60.483-2)(b)(2), and 40 CFR 63 Subpart CC, §63.648(a).

Date: 03/04/2008 (610874)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: The facility failed to submit the initial report within 24 hours following the discovery of the incident.

Date: 04/15/2008 (646318)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to limit the emission rate of Non-Sulfate Particulate Matter to 1.0 pound per 1,000 pounds of Coke Burn Off or less.

Date: 04/15/2008 (641833)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to limit the emission rate of Non-Sulfate Particulate Matter to 1.0 pound per 1,000 pounds of Coke Burn Off or less.

Date: 04/16/2008 (639947)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 101261.

Date: 04/16/2008 (641345)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 102617.

Date: 01/16/2009 (702466)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1090
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
Description: The facility is in violation of the provisions of 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)
Description: The facility is in violation of provisions of §60.106(j)(1).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
Description: The facility is in violation of provisions of §60.104(a)(2)(i).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Description: The facility is in violation of provisions of §63.167(a)(1) and 30 TAC §113.130.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
Description: The facility is in violation of the provisions of 30 TAC §113.340, §63.120(b)(9), and §63.646(a).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)
Description: The facility is in violation of provisions of 30 TAC §122.165(a).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
Description: The facility is in violation of provisions of 40 CFR 60, §60.7(a)(3).

F. Environmental audits.

Notice of Intent Date: 09/01/2005 (439523)
No DOV Associated

Notice of Intent Date: 12/02/2005 (450648)
Disclosure Date: 05/19/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Description: Failure to identify changes to the LDAR Component Inventory.

Notice of Intent Date: 08/11/2006 (514112)
Disclosure Date: 11/08/2006

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to meet repair deadlines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.593(d)

Description: Failure to properly identify some components in crude oil service.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6

Description: Failure to close 7 open-ended lines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

Description: Exceeded 3% cap for DTM components in Unit 45.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

Description: Failure to include all required components in LDAR program.

Notice of Intent Date: 11/13/2006 (534247)
No DOV Associated

Notice of Intent Date: 04/27/2007 (561240)
No DOV Associated

Notice of Intent Date: 07/21/2008 (700395)
No DOV Associated

Notice of Intent Date: 10/20/2008 (707547)
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: Borger Refinery	REG. ENTITY NO.: RN102495884
REG. ENTITY ADDRESS: W Spur 119, Borger, TX	
REG. ENTITY CITY: Borger	

Violations

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.: Subpart H
CASE RESULT: Final Order With Penalty	PROGRAM: NSPS
	VIOLATION TYPE: Sulfuric Acid Plant NSPS Regulations

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 Deterloration

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

EPA CASE NO.: 06-2006-4510	CLASSIFICATION: MODERATE
ORDER ISSUED DATE (YYYYMMDD): 20060217	STATUTE: CWA SECT. OF STATUTE: 311B
ENFORCEMENT ACTION TYPE: Administrative Penalty Order	CITATION: 40 CFR CITE PART: 22 CITE SECT.: 311(b)
CASE RESULT: Final Order With Penalty	PROGRAM: NPDES - Spills/SPCC
	VIOLATION TYPE: Oil Spill Violation Under CWA/OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884**

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

AGREED ORDER DOCKET NO. 2009-0129-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 petroleum refinery at Spur 119 North in Borger, Hutchinson 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 January 21, 2009 and May 31, 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 Three Hundred Four Thousand One Hundred Twenty-Six Dollars (\$304,126) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Twenty-One Thousand Six Hundred Fifty-One Dollars (\$121,651) of the administrative penalty and Sixty Thousand Eight

Hundred Twenty-Five Dollars (\$60,825) 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. One Hundred Twenty-One Thousand Six Hundred Fifty Dollars (\$121,650) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On September 22, 2008, installed a new boiler as an additional steam supply source designed to prevent a reoccurrence of the emissions event that occurred on June 1, 2008;
 - b. By September 26, 2008, developed a one point lesson on the importance of amine reflux purge, used it to train operators on the importance of the purge stream, and issued instructions to not block it in, in order to prevent a reoccurrence of the emissions event that occurred on June 29, 2008;
 - c. By July 20, 2008, initiated daily sampling of the hydrogen source for purity and hydrocarbon content, increased frequency of carbon filter replacement on the hydrogen system, and increased frequency of draining of the stripper accumulator to prevent the hydrocarbon buildup, in order to prevent the reoccurrence of the emissions event that occurred on July 19, 2008;
 - d. By October 20, 2008, updated standard operating procedures, other unit procedures, and reviewed them for accuracy, in order to prevent the reoccurrence of the emissions event that occurred on July 29, 2008;
 - e. By November 21, 2008, submitted notifications to the Amarillo Regional Office of the TCEQ, pursuant to 30 TEX. ADMIN. CODE § 106.533, for remediation activities at:
 - i. Patton Creek;
 - ii. Area 1;
 - iii. Area 4;
 - iv. HP-7;
 - v. Jackson's Hole;
 - vi. Old Canyon Dam;

- vii. Lot 7; and
- viii. Old Caustic Pond.
- f. On December 1, 2008, completed equipment improvements and submitted the required documents to authorize continued remediation activities at the Plant's Area 3;
- g. By May 9, 2008, completed a review of the oversight and adequacy of instrument functioning, in order to prevent the reoccurrence of the failure to instrument monitor the Non-Corrosive Flare's pilot flame on December 22, 2007, March 3, May 7, and May 8, 2008;
- h. By October 31, 2008, completed additional training and procedural improvements designed to prevent the reoccurrence of operating flares with visible emissions;
- i. By June 13, 2008, completed equipment improvements and procedural training designed to prevent the reoccurrence of operating the Sulfur Recovery Unit ("SRU") Tail Gas Incinerator with visible emissions;
- j. By November 13, 2007, instituted a practice of providing startup notices to TCEQ when flame temperature cannot be maintained during startup, in order to prevent the reoccurrence of Unit 43 A's Thermal Reactor not maintaining the required flame and temperature on November 12, 2007;
- k. By April 24, 2008, instituted a practice of providing startup notices to TCEQ when maintenance work requires the SRU 43 sulfur pit's vapor collection system to be bypassed, in order to address the vapor collection system not being operational on January 2 and April 9, 2008;
- l. By March 10, 2008, re-evaluated the fuel gas system, and as a result of that evaluation, set points (e.g., flowrates and pressure limits) were established and oversight/management (balance) of the fuel gas system was assigned to one operating area, in order to prevent the reoccurrence of the fuel gas hydrogen sulfide exceedances that occurred on August 9, 2007 and March 9;
- m. Shut down, repaired, and retested Engine 47 in Unit 12 (Emissions Point Number ["EPN"] 12E7). The retest, performed December 18, 2007, demonstrated compliance with NO_x limits;
- n. By April 28, 2008, made a decision to reduce or eliminate the stockpiling of coke, and for occasions when stockpiling is unavoidable, purchased laboratory equipment and provided for an accelerated sampling process designed to prevent the failure to take samples, as well as to ensure the proper moisture content of the stockpiles;
- o. Adjusted the Unit 29 Fluid Catalytic Cracking Unit ("FCCU") catalyst regenerator and retested it on March 26, 2008. The test showed the unit compliant with its particulate matter ("PM") emissions limit; and

- p. On May 22, 2009, submitted a plan for corrective actions that address the emissions event that occurred on January 17, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), 111.111(a)(1), and 101.20(3), New Source Review Flexible Air Permit ("NSRFAP") No. 9868A/PSD-TX-102M6, Special Conditions ("SC") 1 and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on June 1, 2008, a tube failure occurred on Boiler 2.4 causing a steam system upset impacting most of the Plant: the gas oil hydrodesulfurizer hydrocarbons ("GOHDS HC") Flare (EPN 66FL12), the Cat Flare (EPN 66FL3), Unit 40 FCCU (EPN 40PI), Unit 34 SRU Incinerator (EPN 34I1), and Unit 43 SRU (EPN 43I1) emitted 5,882 pounds ("lbs") of sulfur dioxide ("SO₂"), 3,986 lbs of volatile organic compounds ("VOC"), 14,777 lbs of carbon monoxide ("CO"), 323 lbs of nitrogen oxides ("NO_x"), 2,000 lbs of PM, 128 lbs of ammonia, 107 lbs of hydrogen sulfide ("H₂S"), 0.046 lb of lead, 0.4 lb of nickel, and experienced 79% opacity over a 13.5 hour period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
2. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on June 29, 2008, hydrocarbon contamination of the Central Still Amine Absorber caused a shut down, and the Unit 34 SRU Incinerator (EPN 34I1) emitted 464 lbs of SO₂, 175 lbs of H₂S, 2.1 lbs of NO_x, and 0.55 lb of CO over a 34 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
3. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on July 19, 2008, the Unit 34 Tail

Gas Treatment Unit stripper foamed, causing a unit shut down, and the Unit 34 SRU Incinerator (EPN 34I1) emitted 716 lbs of SO₂, 7.62 lbs of H₂S, 1.53 lbs of NO_x, and 0.38 lb of CO over a 23 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

4. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, during an emissions event on July 29, 2008, flaring occurred at the atmospheric residual desulfurization ("ARDS") Flare (EPN 66FL12) due to a pressure increase in the first stage suction scrubber in the Flash Gas Compressor in Unit 41, and the flare emitted 639 lbs of SO₂, 7 lbs of H₂S, 0.86 lb of NO_x, 1.03 lbs of CO, and 3.37 lbs of VOC over a 20 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
5. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Patton Creek area without notifying the Amarillo Regional Office.
6. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 1 (also known as North Coble) without notifying the Amarillo Regional Office.
7. Failed to have authorization to operate a source of air emissions, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 3 without notice or authorization. Emissions data subsequently submitted by the Respondent on November 21, 2008, in connection with attempting to claim Permit by Rule authorization for the system, established that emissions were above those authorized by Permit by Rule.
8. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 4 without notifying the Amarillo Regional Office.
9. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's HP-7 remediation site without notifying the Amarillo Regional Office.

10. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Jackson's Hole remediation site without notifying the Amarillo Regional Office.
11. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Canyon Dam (also known as Area 3A) without notifying the Amarillo Regional Office.
12. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Lot 7 remediation site without notifying the Amarillo Regional Office.
13. Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities, in violation of 30 TEX. ADMIN. CODE § 106.533(j)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Caustic Pond remediation site without notifying the Amarillo Regional Office.
14. Failed to maintain instrument monitoring of the flare pilot flame, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 2B, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Non-Corrosive Flare's (EPN 66FL4) pilot flame was not monitored by instrument on the following dates: December 22, 2007, March 3, May 7, and May 8, 2008.
15. Failed to operate flares with no visible emission, except for periods not to exceed a total of five minutes during any two consecutive hours, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 2C, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, those conditions were exceeded at the 100M Sour Water Treater Brine Flare Pit (EPN 66FL10) on March 13, 2008, at the ARDS Emergency Sulfur Flare (EPN 66FL13) on May 23, 2008, and at the Natural Gas Liquids Non-Corrosive Flare (EPN 66FL4) on March 7 and June 16, 2008.
16. Failed to operate the SRU Tail Gas Incinerator with no visible emissions, except for uncombined steam, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, visible emissions were observed from the SRU Unit 43 incinerator stack on January 11 and April 2, 2008.
17. Failed to operate the SRU thermal reactor at all times with a stable flame and to maintain the flame temperature at not less than 2,000 degrees Fahrenheit, in violation of 30 TEX. ADMIN. CODE

§§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 11, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, Unit 43 A's Thermal Reactor did not maintain the required flame and temperature on November 12, 2007.

18. Failed to maintain the SRU 43 sulfur pit connected to a vapor collection system which routes the recovered vapors back into the process, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the SRU Unit 43 vapor collection system was not operational on January 2 and April 9, 2008.
19. Failed to limit the fuel gas used to fire all of the Plant's heaters, boilers, and TGIs to a short term H₂S concentration of no more than 162 parts per million volume, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the fuel gas exceeded that concentration on August 9, 2007 and March 9, 2008.
20. Failed to limit NO_x emissions from an engine, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 41, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the NO_x emissions limit of 2.0 grams per horse-power hour during a stack test on October 2, 2007.
21. Failed to ensure that a minimum coke moisture content of 6 percent by weight was maintained during coke handling and storage operations, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 55, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, 60 samples taken between December 3, 2007 and December 23, 2008 showed moisture content between 0.7 and 5.95%.
22. Failed to take samples and perform moisture analyses of coke piles, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 59B, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, the Respondent failed to do the sampling and analyses on the following dates: November 27, December 13, December 21, December 23, and December 27, 2007, January 30, February 4, April 21, and April 26, 2008.
23. Failed to limit PM emissions from the Unit 29 FCCU catalyst regenerator to no more than 1.0 kilograms per megagram (2.0 lb/ton), in violation of 30 TEX. ADMIN. CODE § 101.20(1), 40 CODE OF FEDERAL REGULATIONS § 60.102(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 7, 2008. Specifically, a test conducted on December 6, 2007 showed that limit was exceeded.
24. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), 111.111(a)(1), and 101.20(3), NSRFAP No. 9868A/PSD-TX-102M6, SC 1 and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 24, 2009. Specifically, during an emissions event on January

17, 2009, contaminated amine caused a temperature excursion and shut-down of the SRU 34 Feed Heater due to faulty level transmitters and the design of the level gauges, which made it difficult for Plant operations to see the actual level of the absorbers. This condition, in turn, resulted in the following unauthorized emissions from the SRU incinerator (EPN 3411): 0.38 lb of CO, 7.62 lbs of H₂S, 1.53 lbs of NO_x, and 683 lbs of SO₂ over a 28 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

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. 2009-0129-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Hundred Twenty-One Thousand Six Hundred Fifty Dollars (\$121,650) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. By March 1, 2012, complete the corrective actions outlined in the May 22, 2009 submittal, in order to address the causes that led to the emissions event that occurred on January 17, 2009; and
 - b. By March 15, 2012, submit written certification as described below that provides detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 certifications 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
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. 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.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. 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.

8. 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.
9. 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



For the Executive Director

Date 10/12/2009

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.



Signature

Date 7/10/09

Brian K. Lavee

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

REFINERY MANAGER

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.

Attachment A
Docket Number: 2009-0129-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Penalty Amount:	Two Hundred Forty-Three Thousand Three Hundred One Dollars (\$243,301)
SEP Offset Amount:	One Hundred Twenty-One Thousand Six Hundred Fifty Dollars (\$121,650)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Clean School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 211

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* in Hutchinson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

