

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2009-0893-AIR-E TCEQ ID: RN102320850 CASE NO.: 37778**  
**RESPONDENT NAME: Chevron Phillips Chemical Company LP**

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>  |   |  |
| <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                    |  |
| <b>CASE TYPE:</b>   |   |  |
| <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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Philtex Ryton Plant, located two miles northeast on a private road from the intersection of State Highway Spurs 119 and 245, Borger, Hutchinson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-0396-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 9, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Mr. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387<br/> <b>Respondent:</b> Mr. Todd Williams, Environmental Team Leader, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008<br/> Mr. D. P. Digman, Borger Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|---|---|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 30, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 4, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to report an emissions event within twenty-four hours after the discovery. Specifically, the Respondent had an emissions event on November 4, 2008 that was not reported until November 13, 2008 [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions during an event that occurred on November 4, 2008. Specifically, the Respondent released 38 pounds ("lbs") of unauthorized 1,3-butadiene, 634 lbs of unauthorized sulfur dioxide, 3.8 lbs of unauthorized carbon monoxide, and 0.7 lbs of unauthorized nitrogen oxides from a waste dumpster into the atmosphere during the thirty minute event. The event occurred due to the reaction of two or more Class I non-hazardous waste substances in a dumpster. Since the emissions event was reported late, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review ("NSR") Flexible Permit No. 21918, Special Condition 1].</p> | <p><b>Total Assessed:</b> \$6,994</p> <p><b>Total Deferred:</b> \$1,398<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$5,596</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On January 28, 2009, updated language in the Borger Plant Safety and Health Standards: Release Notification concerning the responsibility for agency notifications to include deadlines and instructions on when to report unauthorized releases; and</p> <p>b. On March 11, 2009, incorporated information on waste segregation and identified responsible Plant personnel throughout the various stages of managing the waste in the internal waste management policy overview.</p> |

Additional ID No(s): HW0013C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

|              |                 |             |                  |             |                |             |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| <b>DATES</b> | <b>Assigned</b> | 8-Jun-2009  | <b>Screening</b> | 11-Jun-2009 | <b>EPA Due</b> | 28-Feb-2009 |
|              | <b>PCW</b>      | 11-Jun-2009 |                  |             |                |             |

## RESPONDENT/FACILITY INFORMATION

|                             |                                      |                           |       |
|-----------------------------|--------------------------------------|---------------------------|-------|
| <b>Respondent</b>           | Chevron Phillips Chemical Company LP |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN102320850                          |                           |       |
| <b>Facility/Site Region</b> | 1-Amarillo                           | <b>Major/Minor Source</b> | Major |

## CASE INFORMATION

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 37778           | <b>No. of Violations</b>     | 2                  |
| <b>Docket No.</b>                      | 2009-0893-AIR-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Kirk Schoppe       |
|  |                 | <b>EC's Team</b>             | Enforcement Team 4 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$10,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 11-Jun-2009

Docket No. 2009-0893-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 37778

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

**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)  | 5                 | 25%     |
|                               | Other written NOVs   | 8                 | 16%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 8                 | 160%    |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)                                       | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 5                 | -5%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 1                 | -2%     |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 194%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced due to five NOVs for similar violations, eight NOVs for non-similar violations, and eight 1660-style orders. The penalty was reduced due to five NOIs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 194%

**Screening Date** 11-Jun-2009 **Docket No.** 2009-0893-AIR-E **PCW**  
**Respondent** Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*  
**Case ID No.** 37778 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102320850  
**Media [Statute]** Air  
**Enf. Coordinator** Kirk Schoppe  
**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to report an emissions event within twenty-four hours after the discovery. Specifically, the Respondent had an emissions event on November 4, 2008 that was not reported until November 13, 2008.  
**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

| Release   | Harm                 |                      |                      | Percent                         |
|-----------|----------------------|----------------------|----------------------|---------------------------------|
|           | Major                | Moderate             | Minor                |                                 |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="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"/> | <input type="text" value="1%"/> |

**Matrix Notes**

**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 type="text"/>                |
| semiannual   | <input type="text"/>                |
| annual       | <input type="text"/>                |
| single event | <input checked="" type="checkbox"/> |

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction  **Before NOV** **NOV to EDPRP/Settlement Offer**

|               |                                     |                      |
|---------------|-------------------------------------|----------------------|
| Extraordinary | <input type="text"/>                | <input type="text"/> |
| Ordinary      | <input checked="" type="checkbox"/> | <input type="text"/> |
| N/A           | <input type="text"/>                | (mark with x)        |

**Notes**

**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** Chevron Phillips Chemical Company LP

**Case ID No.** 37778

**Reg. Ent. Reference No.** RN102320850

**Media** Air

**Violation No.** 1

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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    | \$250 | 4-Nov-2008 | 28-Jan-2009 | 0.23 | \$3 | n/a | \$3 |
| 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 cost for additional oversight and management practices designed to ensure proper reporting procedures are followed. Date Required is based on the date the notification was due and the Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

|                                   |       |              |     |
|-----------------------------------|-------|--------------|-----|
| <b>Approx. Cost of Compliance</b> | \$250 | <b>TOTAL</b> | \$3 |
|-----------------------------------|-------|--------------|-----|

|  |  |            |
|--|--|------------|
| <b>Screening Date</b> 11-Jun-2009                      | <b>Docket No.</b> 2009-0893-AIR-E  | <b>PCW</b> |
| <b>Respondent</b> Chevron Phillips Chemical Company LP | <small>Policy Revision 2 (September 2002)</small>  |            |
| <b>Case ID No.</b> 37778                               | <small>PCW Revision October 30, 2009</small>   |            |
| <b>Reg. Ent. Reference No.</b> RN102320850             |  |            |
| <b>Media [Statute]</b> Air                             |  |            |
| <b>Enf. Coordinator</b> Kirk Schoppe                   |  |            |
| <b>Violation Number</b> 2                              |  |            |
| <b>Rule Cite(s)</b>                                    | 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Flexible Permit No. 21918, Special Condition 1   |            |
| <b>Violation Description</b>                           | Failed to prevent unauthorized emissions during an event that occurred on November 4, 2008, as documented during an investigation conducted on April 30, 2009. Specifically, the Respondent released 38 pounds ("lbs") of unauthorized 1,3-butadiene, 634 lbs of unauthorized sulfur dioxide, 3.8 lbs of unauthorized carbon monoxide, and 0.7 lbs of unauthorized nitrogen oxides from a waste dumpster into the atmosphere during the thirty minute event. The event occurred due to the reaction of two or more Class I non-hazardous waste substances in a dumpster. Since the emissions event was reported late, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222. |            |
| <b>Base Penalty</b>                                    | \$10,000   |            |

**>> Environmental, Property and Human Health Matrix**

|           |                  |              |                 |                    |              |
|-----------|------------------|--------------|-----------------|--------------------|--------------|
| <b>OR</b> | <b>Harm</b>      |              |                 |                    |              |
|           | <b>Release</b>   | <b>Major</b> | <b>Moderate</b> |                    | <b>Minor</b> |
|           | <b>Actual</b>    |              |                 |                    | x            |
|           | <b>Potential</b> |              |                 |                    |              |
|           |                  |              |                 | <b>Percent</b> 25% |              |

**>> Programmatic Matrix**

|                      |              |                 |              |                   |
|----------------------|--------------|-----------------|--------------|-------------------|
|                      | <b>Major</b> | <b>Moderate</b> | <b>Minor</b> |                   |
| <b>Falsification</b> |              |                 |              | <b>Percent</b> 0% |

**Matrix Notes** The emissions event resulted in the release of an insignificant amount of pollutants which did not exceed levels protective of human health and/or the environment.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events  Number of violation days

|  |  |              |   |
|--|--|--------------|---|
| <small>mark only one with an x</small> |  | daily        |   |
|  |  | weekly       |   |
|  |  | monthly      |   |
|  |  | quarterly    | x |
|  |  | semiannual   |   |
|  |  | annual       |   |
|  |  | single event |   |

**Violation Base Penalty** \$2,500

One quarterly event is recommended based on the emissions event.

**Good Faith Efforts to Comply**

**25.0%** Reduction

|                      |   |                              |                                      |
|----------------------|---|------------------------------|--------------------------------------|
|                      |   | <b>Before NOV</b>            | <b>NOV to EDFRP/Settlement Offer</b> |
| <b>Extraordinary</b> |   |                              |                                      |
| <b>Ordinary</b>      | x |                              |                                      |
| <b>N/A</b>           |   | <small>(mark with x)</small> |                                      |

**Notes** The Respondent returned to compliance on March 11, 2009 and the NOE is dated June 4, 2009.

**Violation Subtotal** \$1,875

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$26

**Violation Final Penalty Total** \$6,725

**This violation Final Assessed Penalty (adjusted for limits)** \$6,725

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 37778  
**Reg. Ent. Reference No.** RN102320850  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |         |            |             |      |      |     |      |
|--------------------------|---------|------------|-------------|------|------|-----|------|
| Equipment                |         |            |             | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |         |            |             | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |         |            |             | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |         |            |             | 0.00 | \$0  | \$0 | \$0  |
| Land                     |         |            |             | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |         |            |             | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        |         |            |             | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |         |            |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |         |            |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$1,500 | 4-Nov-2008 | 11-Mar-2009 | 0.35 | \$26 | n/a | \$26 |

**Notes for DELAYED costs**

Estimated cost for additional oversight and management practices designed to ensure proper operation and maintenance practices are followed. Date Required is based on the date of the emissions event and the Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

TOTAL \$26

# Compliance History Report

|                                     |   |                                      |                         |                   |
|-------------------------------------|---|--------------------------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600303614                               | Chevron Phillips Chemical Company LP | Classification: AVERAGE | Rating: 3.12      |
| Regulated Entity:                   | RN102320850                               | PHILTEX RYTON PLANT                  | Classification: AVERAGE | Site Rating: 8.07 |
| ID Number(s):                       | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID                               |                         | TXD041516709      |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR)     |                         | 30131             |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE STORAGE    | PERMIT                               |                         | 50254             |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE STORAGE    | PERMIT                               |                         | 50254             |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE STORAGE    | PERMIT                               |                         | 50018             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 39927             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 40813             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 41609             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 45470             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 45708             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 46022             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 46698             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 47618             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 47873             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 48389             |
|                                     | AIR NEW SOURCE PERMITS                    | ACCOUNT NUMBER                       |                         | HW0013C           |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 7172              |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 7173A             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 7719A             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 21918             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 31409             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 55433             |
|                                     | AIR NEW SOURCE PERMITS                    | REGISTRATION                         |                         | 70021             |
|                                     | AIR NEW SOURCE PERMITS                    | AFS NUM                              |                         | 4823300004        |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 71299             |
|                                     | AIR NEW SOURCE PERMITS                    | REGISTRATION                         |                         | 88312             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 54297             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 53267             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 53320             |
|                                     | AIR NEW SOURCE PERMITS                    | PERMIT                               |                         | 50537             |
|                                     | AIR NEW SOURCE PERMITS                    | REGISTRATION                         |                         | 72623             |

|                                |                                     |              |
|--------------------------------|-------------------------------------|--------------|
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 74568        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 75050        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 81490        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 83284        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 84319        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 87362        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 85444        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 83292        |
| AIR NEW SOURCE PERMITS         | REGISTRATION                        | 85574        |
| UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW381       |
| UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW067       |
| UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW068       |
| UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW219       |
| AIR OPERATING PERMITS          | ACCOUNT NUMBER                      | HW0013C      |
| AIR OPERATING PERMITS          | PERMIT                              | 2164         |
| AIR OPERATING PERMITS          | PERMIT                              | 2165         |
| AIR OPERATING PERMITS          | PERMIT                              | 2166         |
| AIR OPERATING PERMITS          | PERMIT                              | 1440         |
| WASTEWATER                     | PERMIT                              | WQ0002484000 |
| WASTEWATER                     | PERMIT                              | TPDES0095869 |
| WASTEWATER                     | PERMIT                              | TX0095869    |
| IHW CORRECTIVE ACTION          | SOLID WASTE REGISTRATION #<br>(SWR) | 30131        |
| INDUSTRIAL AND HAZARDOUS WASTE | PERMIT                              | 50254        |

#### COMPLIANCE PLANS

Location: FROM INTX OF SH SPURS 119 & 245 GO 2 MI NE ON PRIVATE RD

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: June 09, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 09, 2004 to June 09, 2009

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

Name: Kirk Schoppe Phone: 239 - 0489

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

## Components (Multimedia) for the Site :

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

Effective Date: 11/06/2005

ADMINORDER 2005-0704-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to operate the North Flare (EPN FL-1) in the manner designed to prevent the release of unauthorized emissions during Incident No. 48675. Since this emissions event was foreseeable and avoidable, and the air pollution control equipment was not operated in a manner consistent with good practice for minimizing emi

Effective Date: 02/20/2006

ADMINORDER 2005-0094-AIR-E

Classification: Moderate

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

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 39918. Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 40338. Since these emissions were avoidable the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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

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

Description: Failed to submit the initial report for Incident No. 39918 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)

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

Description: Failed to identify all compounds known to have been released during Incident No. 42118 on the final report.

Classification: Moderate

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

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 42118. Since these emissions were incompletely reported the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Effective Date: 04/29/2006

ADMINORDER 2005-1638-AIR-E

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 No. 2 PERMIT  
Description: Failed to comply with permitted emissions limits.  
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 No. 2 PERMIT  
Description: Failed to comply with permitted emissions limits.  
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 No. 17.C. PERMIT  
Description: Failed to keep complete records.  
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 No. 32 PERMIT  
Description: Failed to control vapors from a loading operation.  
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 Nos. 35.F. and 35.I. PERMIT  
Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") 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 No. 46 PERMIT  
Description: Failed to use data required by the permit in emissions calculations.  
Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Description: Failed to include all instances of deviations in a report.

Effective Date: 05/12/2006

ADMINORDER 2004-0958-AIR-E

Classification: Moderate  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.  
Classification: Moderate  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to submit the initial upset report for Incident No. 33418 in a timely manner.  
Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
40 CFR Part 63, Subpart A 63.11(b)(5)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 2 PERMIT  
Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.  
Classification: Major  
Citation: 30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 63, Subpart F 63.104(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart A 63.11(b)(5)  
40 CFR Part 63, Subpart H 63.172(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(l)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to accurately report the number of valves monitored in August and November of 2003 on the semiannual report for the period of July 1 through December 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(4)  
40 CFR Part 63, Subpart R 63.422(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to cross-check the tank identification numbers (Trailers Groendyke No. 356, BAFU 888703-6, and NATX 36035) with the tank vapor tightness documentation, and failed to notify the owners of trucks with invalid truck tightness documentation within the required time frames after the tanks were loaded.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(5)  
40 CFR Part 63, Subpart R 63.422(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to assure that a nonvapor-tight tank (Groendyke No. 35, loaded on July 10 and August 25, 2003) would not be reloaded before obtaining vapor tightness documentation.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)  
40 CFR Part 63, Subpart R 63.425(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to conduct a visual inspection of the internal floating roof and the seal of Tank H-6 after the tank was emptied on February 20, 2003.

Effective Date: 07/22/2006

ADMINORDER 2006-0189-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 67916.

Effective Date: 11/06/2008

ADMINORDER 2008-0230-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized disposal of industrial hazardous waste.

Effective Date: 12/04/2008

ADMINORDER 2008-0916-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number ("EPN") FL-1]. Specifically, 559 pounds of sulfur dioxide and eight pounds of other pollutants (hydrogen sulfide, sulfur dioxide, carbon monoxide and tert-butyl mercaptan 75-66-1) were release in a one hour and ten minute period on March 1, 2008.

Effective Date: 05/03/2009

ADMINORDER 2008-1771-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 7719A PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 218 pounds of 1,4-dichlorobenzene were released when the operator erroneously changed the set point from manual to a remote set point at the Lights Column kettle, causing the column temperature and pressure to rise and the relief valve to lift, resulting in an emissions event which began on July 10, 2008. (The unauthorized emissions were released during an emissions event which did not meet all affirmative defense criteria.)

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

N/A

C. Chronic excessive emissions events.

N/A

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

|    |            |          |
|----|------------|----------|
| 1  | 06/16/2004 | (266883) |
| 2  | 06/16/2004 | (266957) |
| 3  | 06/16/2004 | (274162) |
| 4  | 07/12/2004 | (362756) |
| 5  | 07/16/2004 | (281204) |
| 6  | 07/16/2004 | (281245) |
| 7  | 07/19/2004 | (281318) |
| 8  | 08/07/2004 | (281128) |
| 9  | 08/12/2004 | (288970) |
| 10 | 08/20/2004 | (362757) |
| 11 | 09/02/2004 | (291233) |
| 12 | 09/02/2004 | (291242) |
| 13 | 09/07/2004 | (291422) |
| 14 | 09/08/2004 | (291216) |
| 15 | 09/09/2004 | (362758) |
| 16 | 10/08/2004 | (362759) |
| 17 | 10/15/2004 | (337419) |
| 18 | 10/15/2004 | (337435) |
| 19 | 10/15/2004 | (337438) |
| 20 | 10/16/2004 | (335621) |
| 21 | 11/05/2004 | (339445) |

|    |            |          |
|----|------------|----------|
| 22 | 11/16/2004 | (387907) |
| 23 | 12/28/2004 | (340368) |
| 24 | 12/28/2004 | (340456) |
| 25 | 12/29/2004 | (345469) |
| 26 | 01/05/2005 | (387908) |
| 27 | 01/07/2005 | (346404) |
| 28 | 01/07/2005 | (346409) |
| 29 | 02/07/2005 | (425539) |
| 30 | 02/16/2005 | (350931) |
| 31 | 03/03/2005 | (345470) |
| 32 | 03/03/2005 | (372687) |
| 33 | 03/03/2005 | (372692) |
| 34 | 03/03/2005 | (372701) |
| 35 | 03/14/2005 | (425540) |
| 36 | 04/13/2005 | (425541) |
| 37 | 05/16/2005 | (425542) |
| 38 | 06/02/2005 | (394562) |
| 39 | 06/06/2005 | (425543) |
| 40 | 06/17/2005 | (396391) |
| 41 | 07/22/2005 | (446091) |
| 42 | 08/05/2005 | (446092) |
| 43 | 08/26/2005 | (400663) |
| 44 | 09/07/2005 | (446093) |
| 45 | 09/08/2005 | (431139) |
| 46 | 09/08/2005 | (431163) |
| 47 | 09/08/2005 | (431180) |
| 48 | 10/11/2005 | (478290) |
| 49 | 11/10/2005 | (478291) |
| 50 | 12/15/2005 | (478292) |
| 51 | 01/05/2006 | (451244) |
| 52 | 01/05/2006 | (451253) |
| 53 | 01/05/2006 | (451257) |
| 54 | 01/23/2006 | (478293) |
| 55 | 02/06/2006 | (478288) |
| 56 | 02/13/2006 | (455043) |
| 57 | 02/16/2006 | (435821) |
| 58 | 02/16/2006 | (454969) |
| 59 | 03/10/2006 | (478289) |
| 60 | 03/13/2006 | (458844) |
| 61 | 03/23/2006 | (459163) |
| 62 | 04/20/2006 | (504534) |
| 63 | 04/25/2006 | (463313) |
| 64 | 04/25/2006 | (463321) |
| 65 | 04/25/2006 | (463322) |
| 66 | 05/08/2006 | (504535) |
| 67 | 05/22/2006 | (467041) |
| 68 | 05/25/2006 | (463016) |
| 69 | 06/07/2006 | (526852) |
| 70 | 08/04/2006 | (526854) |
| 71 | 08/18/2006 | (509410) |
| 72 | 09/06/2006 | (526853) |
| 73 | 09/18/2006 | (526855) |
| 74 | 10/03/2006 | (513312) |
| 75 | 10/03/2006 | (513315) |
| 76 | 10/03/2006 | (513316) |
| 77 | 10/03/2006 | (514853) |
| 78 | 10/03/2006 | (514870) |
| 79 | 10/03/2006 | (514879) |

80 10/06/2006 (550824)  
81 10/16/2006 (515500)  
82 10/31/2006 (517537)  
83 11/03/2006 (550825)  
84 12/15/2006 (534378)  
85 12/20/2006 (534635)  
86 01/04/2007 (535636)  
87 01/08/2007 (587249)  
88 01/31/2007 (538435)  
89 02/09/2007 (587244)  
90 02/26/2007 (541686)  
91 02/27/2007 (541861)  
92 02/27/2007 (541900)  
93 03/05/2007 (587245)  
94 03/09/2007 (542559)

95 03/09/2007 (542571)  
96 03/23/2007 (554148)  
97 03/26/2007 (553818)  
98 03/26/2007 (553892)  
99 04/11/2007 (556504)  
100 04/11/2007 (556514)  
101 04/11/2007 (556516)  
102 04/13/2007 (556569)  
103 04/13/2007 (556570)  
104 04/13/2007 (556572)  
105 04/16/2007 (587246)  
106 04/30/2007 (556728)  
107 05/03/2007 (587247)  
108 05/17/2007 (555906)  
109 06/01/2007 (561465)  
110 06/08/2007 (587248)  
111 07/16/2007 (604964)  
112 08/06/2007 (569756)  
113 08/08/2007 (604965)  
114 09/20/2007 (604966)  
115 09/24/2007 (595445)  
116 09/24/2007 (595457)  
117 09/24/2007 (595458)  
118 10/03/2007 (594741)  
119 10/16/2007 (626933)  
120 11/20/2007 (626934)  
121 12/07/2007 (626935)  
122 01/04/2008 (610787)  
123 01/04/2008 (610798)  
124 01/16/2008 (676035)  
125 01/18/2008 (610441)  
126 01/31/2008 (600338)  
127 02/12/2008 (617665)  
128 02/15/2008 (676033)  
129 03/03/2008 (618691)  
130 03/03/2008 (618707)  
131 03/03/2008 (618712)  
132 03/11/2008 (613242)  
133 03/17/2008 (676034)  
134 04/07/2008 (641601)  
135 04/10/2008 (694409)  
136 04/17/2008 (646530)  
137 04/29/2008 (653798)

138 05/13/2008 (657400)  
139 05/14/2008 (694410)  
140 05/30/2008 (671606)  
141 05/30/2008 (680205)  
142 05/30/2008 (681736)  
143 05/31/2008 (680219)  
144 06/16/2008 (715805)  
145 07/14/2008 (694411)  
146 08/11/2008 (715806)  
147 09/04/2008 (700758)  
148 09/08/2008 (715807)  
149 09/29/2008 (702980)  
150 09/29/2008 (702990)  
151 09/29/2008 (702995)  
152 09/30/2008 (702026)  
153 09/30/2008 (702027)

154 09/30/2008 (702481)  
155 10/06/2008 (702239)  
156 10/20/2008 (702286)  
157 10/21/2008 (731482)  
158 10/22/2008 (706153)  
159 10/22/2008 (706189)  
160 10/22/2008 (706211)  
161 11/18/2008 (708165)  
162 11/24/2008 (731483)  
163 12/08/2008 (709727)  
164 12/22/2008 (731484)  
165 01/16/2009 (723360)  
166 01/16/2009 (723370)  
167 01/16/2009 (723381)  
168 01/29/2009 (724335)  
169 01/29/2009 (724397)  
170 01/29/2009 (724493)  
171 02/02/2009 (723517)  
172 02/18/2009 (709614)  
173 02/19/2009 (735565)  
174 03/02/2009 (723467)  
175 03/03/2009 (709311)  
176 04/21/2009 (743029)  
177 05/25/2009 (746209)  
178 06/03/2009 (721715)

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

Date: 03/23/2006 (459163) CN600303614  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Effluent Limitations and Monitoring PERMIT  
Description: Failure to meet effluent limitations for pH, at outfall 001.

Date: 04/26/2006 (463322) Classification: Minor  
Self Report? NO  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
XI. Additional Requirements E. PERMIT  
Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463321) CN600303614

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
XI. Additional Requirements E. PERMIT  
Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005  
by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463313)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
XI. Additional Requirements PERMIT  
Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating  
year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 05/25/2006 (463016)

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)  
Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)  
40 CFR Part 60, Subpart Kb 60.112b(a)(3)

Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-2

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-5

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-7

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: The facility failed to comply with the provisions of the special condition No. 35 of  
the permit number 21918 by failing to monitor valves associated with the closed  
vent system for the North Flare.

Date: 12/20/2006 (534635)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)

Description: failure to keep cold solvent cleaner lid closed

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)

Description: failure to label cold solvent cleaner

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: failure to test mercaptan loading dock scrubber every five years

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: failure to include sulfur compounds in 2005 annual flare test for FL-2

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: failure to include deviation in deviation report

Date: 01/31/2008 (600338)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: failure to place a fresh canister as the new polishing canister within 4 hours of  
breakthrough

Self Report? NO Classification: Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

**Description:** failure to make first attempt to repair a pump within 5 days  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

**Description:** failure to make first attempt to repair three valves within 5 days  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

**Description:** failure to make first attempt to repair one valve within 5 days  
**Self Report?** NO **Classification:** Moderate

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

**Description:** failure to continuously monitor H2S Flare (FL-1) for SO2  
**Self Report?** NO **Classification:** Moderate

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

**Description:** failure to monitor various components as required by the applicable fugitive monitoring program  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

**Description:** failure to conduct monthly fugitive monitoring for one pump  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

**Description:** failure to conduct monthly fugitive monitoring for various valves  
**Self Report?** NO **Classification:** Minor

**Citation:** 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(l)(1)

**Description:** failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

**Description:** failure to repair a leak no later than 15 days after detection  
**Self Report?** NO **Classification:** Moderate

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

**Description:** failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process  
**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Part 63, Subpart H 63.167

**Description:** failure to prevent open-ended valves or lines  
**Self Report?** NO **Classification:** Minor

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

**Description:** failure to report all instances of deviations on deviation reports

**Date:** 02/12/2008 (617665) **CN600303614**

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 331, SubChapter D 331.64(d)(2)

**Description:** Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).

**Date:** 03/11/2008 (613242)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THSC Chapter 382 382.085(b)

**Description:** Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event (which did not meet all affirmative defense criteria)

**Self Report?** NO **Classification:** Moderate

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

**Description:** Failure to submit initial notification within 24 hours of discovery of an emissions event

Date: 05/31/2008 (715805) CN600303614  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/02/2009 (723517) CN600303614  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Effluent limitations and Monitoring PERMIT  
 Description: Failure to meet permit effluent limitations for Total suspended Solids (TSS) during a discharge at outfall 001.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Effluent Limitations and Monitoring PERMIT  
 Description: Failure to collect samples and analyze for Total Dissolved Solids (TDS) as permit required at outfall 003 (when discharging) and to correctly report the analysis results on the monthly Discharge Monitoring Reports.

Date: 02/20/2009 (735565)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to prevent unauthorized emissions. The release of unauthorized emissions occurred during an emissions event (which did not meet all affirmative defense criteria).

Date: 03/03/2009 (709311)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit No. 7719A PERMIT  
 Description: failure to record finding of daily inspection of Dryer A and Dryer B filter vents for visible particulate emissions

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit No. 7719A PERMIT  
 Description: failure to record the Crude NMP Condenser Scrubber liquid circulation rate at least once an hour

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: failure to comply with VOC hourly emission limit for R-V2

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit No. 7719A PERMIT  
 Description: failure of R-V2 to comply with the maximum temperature limit for outlet gas stream

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit No. 7719A PERMIT  
 Description: failure to maintain required caustic charge for R-V8

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
 Description: failure to include all instances of deviations on previous deviation reports

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit No. 7719A PERMIT  
 Description: failure to obtain authorization for H2S emissions from several facilities

F. Environmental audits.

Notice of Intent Date: 02/15/2005 (372352)

No DOV Associated

Notice of Intent Date: 02/24/2005 (374234)

No DOV Associated

Notice of Intent Date: 09/21/2005 (434811)

Disclosure Date: 03/07/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter C 305.44

Rqmt Prov: PERMIT TPDES permit 02484

Description: Failure to amend TPDES permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101

40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11

Description: Failure to adequately characterize wastewater discharge streams to ensure that any toxic pollutants do not exceed the limitations prescribed in the subpart.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)

Description: Failure to sample for all specific parameters during annual underground injection well sampling.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64

Rqmt Prov: PERMIT WDW 219

Description: Failure to adequately implement underground injection well monitoring requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)

Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failure to maintain all required waste stream documentation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to complete required weekly inspections for all < 90 day hazardous waste storage areas looking for leaks and for deterioration caused by corrosion or other factors.

Notice of Intent Date: 06/22/2006 (486718)

No DOV Associated

Notice of Intent Date: 03/09/2009 (740234)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHEVRON PHILLIPS CHEMICAL  
COMPANY LP  
RN102320850**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-0893-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 Chevron Phillips Chemical Company LP ("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 petrochemical plant located two miles northeast on a private road from the intersection of State Highway Spurs 119 and 245 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 June 9, 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 Six Thousand Nine Hundred Ninety-Four Dollars (\$6,994) is assessed by the Commission in settlement of the violations alleged in Section II

- ("Allegations"). The Respondent has paid Five Thousand Five Hundred Ninety-Six Dollars (\$5,596) of the administrative penalty and One Thousand Three Hundred Ninety-Eight Dollars (\$1,398) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. On January 28, 2009, updated language in the Borger Plant Safety and Health Standards: Release Notification concerning the responsibility for agency notifications to include deadlines and instructions on when to report unauthorized releases; and
    - b. On March 11, 2009, incorporated information on waste segregation and identified responsible Plant personnel throughout the various stages of managing the waste in the internal waste management policy overview.
  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 report an emissions event within twenty-four hours after the discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 30, 2009. Specifically, the Respondent had an emissions event on November 4, 2008 that was not reported until November 13, 2008.
2. Failed to prevent unauthorized emissions during an event that occurred on November 4, 2008, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b),

and New Source Review ("NSR") Flexible Permit No. 21918, Special Condition 1, as documented during an investigation conducted on April 30, 2009. Specifically, the Respondent released 38 pounds ("lbs") of unauthorized 1,3-butadiene, 634 lbs of unauthorized sulfur dioxide, 3.8 lbs of unauthorized carbon monoxide, and 0.7 lbs of unauthorized nitrogen oxides from a waste dumpster into the atmosphere during the thirty minute event. The event occurred due to the reaction of two or more Class I non-hazardous waste substances in a dumpster. Since the emissions event was reported late, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### 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: Chevron Phillips Chemical Company LP, Docket No. 2009-0893-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 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.
3. 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.
4. 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.
5. 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

10/12/2009  
Date

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

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

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

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

  
Signature

20 AUG 2009  
Date

DP DIGMAN  
Name (Printed or typed)  
Authorized Representative of  
Chevron Phillips Chemical Company LP

BOBBER PLANT 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.