

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0523-AIR-E TCEQ ID: RN100825249 CASE NO.: 37477
RESPONDENT NAME: Chevron Phillips Chemical Company LP

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: Chevron Phillips Chemical Swecny Complex, 21689 Highway 35, Old Ocean, Brazoria County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input 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. 2009-1023-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, SEP 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. Murali Ramamoorthy, Environmental Engineer, Chevron Phillips Chemical Company LP, 21689 Highway 35, Old Ocean, Texas 77480-1000 Mr. C. W. McDowell, Plant Manager, 21689 Highway 35, Old Ocean, Texas 77480-1000 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: January 19, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 30, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to submit an annual compliance certification ("ACC") with all of the correct information. Specifically, the ACC submitted for the period October 1, 2007 through September 30, 2008 failed to specify the first six months as part of the compliance period, even though the information for that period was included in the certification [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), Federal Operating Permit No. O-2151 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent visible emissions from flares. Specifically, visible emissions from Flares 10 and 12 in Unit 22 experienced continuous visible emissions for 18 minutes on May 3, 2008, while visible emissions are not permitted to exceed five minutes in any two consecutive hours [30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(2), 101.20(3), 111.111(a)(4)(A), and 116.715(a), New Source Review Permit No. 22690/PSD-TX-751M1 Special Condition 16, 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(1) and 63.11(b)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,370</p> <p>Total Deferred: \$2,074 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,148</p> <p>Total Paid to General Revenue: \$4,148</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 submitted a corrected ACC for the period October 1, 2007 through September 30, 2008 on February 2, 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) Within 30 days after the effective date of this Agreed Order, implement improvements to oversight and/or procedures designed to prevent a reoccurrence of the visible emissions that occurred on May 3, 2008; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): BL0758C

Attachment A
Docket Number: 2009-0523-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP
Payable Penalty Amount: Eight Thousand Two Hundred Ninety-Six Dollars (\$8,296)
SEP Amount: Four Thousand One Hundred Forty-Eight Dollars (\$4,148)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP: Brazoria County

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 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay 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. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP 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 payment of the SEP 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 Amount.

Chevron Phillips Chemical Company LP
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	6-Apr-2009	Screening	16-Apr-2009	EPA Due	25-Dec-2009
	PCW	26-Jun-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN100825249		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37477	No. of Violations	2
Docket No.	2009-0523-AIR-E	Order Type	1860
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	\$5,100
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	295.0% Enhancement	Subtotals 2, 3, & 7	\$15,045
Notes	The penalty was enhanced by 20 NOVs for same or similar violations, one NOV for dissimilar violations, nine 1860-style agreed orders, and one findings agreed order. The penalty was reduced by six NOAs and three DOVs.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$25
Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
Total EB Amounts	\$81	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,500		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$20,120
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
		Final Penalty Amount	\$20,120
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$10,370
DEFERRAL	20.0% Reduction	Adjustment	-\$2,074
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			\$8,296

Screening Date 16-Apr-2009

Docket No. 2009-0523-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 37477

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825249

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 <i>(number of NOVs meeting criteria)</i>	20	100%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	9	180%
	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	1	25%
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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	3	-6%
<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) 295%

>> **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 20 NOVs for same or similar violations, one NOV for dissimilar violations, nine 1660-style agreed orders, and one findings agreed order. The penalty was reduced by six NOAs and three DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 295%

Screening Date: 16-Apr-2009 **Docket No.:** 2009-0523-AIR-E **PCW**
Respondent: Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*
Case ID No.: 37477 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN100825249
Media [Statute]: Air
Enf. Coordinator: Terry Murphy

Violation Number: 1
Rule Cite(s): 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Federal Operating Permit No. O-2151 General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)
Violation Description: Failed to submit an annual compliance certification ("ACC") with all of the correct information, as documented during an investigation conducted on January 19, 2009. Specifically, the ACC submitted for the period October 1, 2007 through September 30, 2008 failed to specify the first six months as part of the compliance period, even though the information for that period was included in the certification.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				X	1%

Matrix Notes: Less than 30% of the required information was not submitted.

Adjustment: \$9,900

\$100

Violation Events

Number of Violation Events: 1 96 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$100

One single event is recommended, based on the one deficient report.

Good Faith Efforts to Comply

25.0% Reduction **\$25**

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

Notes: The Respondent submitted a corrected report on February 2, 2009, and the NOE is dated March 30, 2009.

Violation Subtotal: \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$7

Violation Final Penalty Total: \$370

This violation Final Assessed Penalty (adjusted for limits): \$370

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 37477
Reg. Ent. Reference No. RN100825249
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

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	\$500	30-Oct-2008	2-Feb-2009	0.28	\$7	n/a	\$7
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 to prepare and submit a corrected ACC. Date required is the date the ACC was due, and Final date is the date the corrected ACC was submitted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$7
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Screening Date	16-Apr-2009	Docket No.	2009-0523-AIR-E	PCW
Respondent	Chevron Phillips Chemical Company LP			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	37477			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN100825249			
Media [Statute]	Air			
Enf. Coordinator	Terry Murphy			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1), 101.20(2), 102.20(3), 111.111(a)(4)(A), and 116.715(a); New Source Review Permit No. 22690/PSD-TX-751M1 Special Condition 16, 40 Code of Federal Regulations §§ 60.18(c)(1) and 63.11(b)(4); and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent visible emissions from flares, as documented during an investigation conducted on January 19, 2009. Specifically, visible emissions from Flares 10 and 12 in Unit 22 experienced continuous visible emissions for 18 minutes on May 3, 2008, while visible emissions are not permitted to exceed five minutes in any two consecutive hours.			
	Base Penalty			\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					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	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty

Two quarterly events are recommended, based on the two flares.

Good Faith Efforts to Comply

	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

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.: 37477
Reg. Ent. Reference No.: RN100825249
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

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	\$1,000	3-May-2008	1-Nov-2009	1.50	\$75	n/a	\$75
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 improve the oversight and/or procedures designed to prevent a reoccurrence of the visible emissions that occurred on May 3, 2008. The Date Required is the date of the visible emissions, and the Final Date is the date improvements are expected to be completed.

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

\$75

Compliance History Report

Customer/Respondent/Owner-Operator: CN600303614 Chevron Phillips Chemical Company, LP Classification: AVERAGE Rating: 3.12

Regulated Entity: RN100825249 CHEVRON PHILLIPS CHEMICAL Classification: AVERAGE Site Rating: 5.06
SWEENEY COMPLEX

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0758C
AIR OPERATING PERMITS	PERMIT	2151
AIR OPERATING PERMITS	PERMIT	52061
AIR NEW SOURCE PERMITS	AFS NUM	4803900145
AIR NEW SOURCE PERMITS	REGISTRATION	75473
AIR NEW SOURCE PERMITS	REGISTRATION	75479
AIR NEW SOURCE PERMITS	REGISTRATION	75447
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0758C
AIR NEW SOURCE PERMITS	REGISTRATION	75072
AIR NEW SOURCE PERMITS	PERMIT	22690
AIR NEW SOURCE PERMITS	REGISTRATION	75059
AIR NEW SOURCE PERMITS	REGISTRATION	50960
AIR NEW SOURCE PERMITS	REGISTRATION	86119
AIR NEW SOURCE PERMITS	REGISTRATION	87901
AIR NEW SOURCE PERMITS	REGISTRATION	86895
AIR NEW SOURCE PERMITS	REGISTRATION	87245
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039834
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86586

Location: 21689 HIGHWAY 35, OLD OCEAN, TX, 77463

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 07, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 07, 2004 to April 07, 2009

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

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

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: 04/14/2006 ADMINORDER 2006-1709-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: No. 22690 and and PSD-TX-751M1 SC. #1 PA
 Description: Failed to prevent unauthorized emissions during an avoidable emissions event that occurred on February 28, 2005.

Effective Date: 02/05/2007 ADMINORDER 2006-0904-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: TCEQ Flexible Permit #22690, SC#1 PERMIT
 Description: Failure to prevent unauthorized emissions during an April 15, 2006 emissions event.

Effective Date: 12/20/2007 ADMINORDER 2006-0093-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 1 PERMIT
Description: failed to prevent the unauthorized release of air contaminants into the atmosphere.

Effective Date: 01/12/2008 ADMINORDER 2006-0675-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)
5C THC Chapter 382, SubChapter D 382.085(b)
Description:
Failed to complete CEMS required testing and report submission within 60 days.

Effective Date: 02/25/2008 ADMINORDER 2007-1419-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: TCEQ Flexible Permit No. 22690, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions as documented during a record review conducted on July 19, 2007. Specifically, 3,422 pounds ("lbs") of ethylene was released when the Chevron Phillips failed to close an open bleeder valve, resulting in an emissions event, as documented during a record review investigation.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Chevron failed to submit a final emissions event report within two weeks after the end of the event. The report was due on May 29, 2007, but was not submitted until May 30, 2007.

Effective Date: 04/14/2008 ADMINORDER 2007-1079-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: TCEQ Air Flexible Permit No. 22690, SC#1 PERMIT
Description: Chevron failed to prevent pluggage in the lower tap of the sight glass, creating a faulty low-level indication, causing a shutdown of Ethylene Unit 33, resulting in 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: TCEQ Flexible Permit No. 22690, SC No. 1 PERMIT
Description: Maintenance activities due to human error are not covered under SSM rules. Therefore, this unplanned maintenance activity is now classified as an emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THSC Chapter 382 382.085(b)
Description: CPChem completely failed to report an emissions event as required by 30 TAC 101.201(a)(1)(B) and 101.201(b).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 22690 and PSD- tx-751M1 PA
Description: Failure to clear debris from the instrument air valve.

Effective Date: 06/05/2008 ADMINORDER 2007-1581-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: Special Condition 1 PERMIT
Description: Failure to maintain liquid level in D-14, which led to moisture breakthrough in Primary Dryers and consequent unauthorized flaring.

Effective Date: 06/19/2008 ADMINORDER 2007-1861-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: Flex Permit No. 22690, SC #1 PERMIT
Description: Chevron failed to prevent a boiler feed water pressure disturbance which changed the control scheme from automatic to manual. This caused a release of unauthorized contaminants to the atmosphere.

Effective Date: 10/23/2008 ADMINORDER 2008-0551-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

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)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 15 PERMIT

Description: Failed to comply with permitted emissions limits and failed to maintain a flame present at all times on a flare. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and on November 25, 2007, Flare 4 (Emissions Point Number 56-61-4) in Unit 18 emitted 3 lbs of nitrogen oxides, 20 lbs of carbon monoxide, and 851 lbs of volatile organic compounds over a 1.3 hour period.

Effective Date: 02/08/2009

ADMINORDER 2007-0286-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 2F OP

Description: Failed to create a final record for a non-reportable emissions event, within two weeks after the end of the emissions event, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 1A OP

Description: Failed to conduct leak detection and repair monitoring in accordance with 40 Code of Federal Regulations, Part 60, Appendix A, Method 21, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 115, SubChapter H 115.782(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22690 and PSD-TX-751M1, SC 14H PERMIT
O-02151, Special Condition 16A OP
O-02151, Special Condition 1A OP

Description: Failed to adequately identify leaking components site wide from October 4, 2005 to October 20, 2005, as reported in the December 15, 2005 deviation report.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22690 and PSD-TX-751M1, SC 19 PERMIT

Description: Failed to maintain a constant pilot flame at all times, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22690 and PSD-TX-751M1, SC 11 PERMIT
22690 and PSD-TX-751M1, SC 12B PERMIT

Description: Failed to conduct calibrations for CEMS, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(1)(A)
5C THSC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent the 24-hour rolling average concentration of carbon monoxide emissions from exceeding 400 parts per million by volume at 3.0% oxygen, dry basis, on 23 furnaces in Units 22, 23 and 33, as reported in the December 15, 2005 deviation report.

Classification: Moderate

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

Description: Failed to record daily flare observations on July 21 and 22, 2005, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)
5C THSC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent abrasive blasting usage from exceeding one ton per day, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter S 106.433(7)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent Volatile Organic Compound ("VOC") emissions due to painting activities from exceeding six pounds per hour averaged over a five-hour period on July 28 and August 18, 2005, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to repair Highly Reactive VOC ("HRVOC") components leaking greater than 10,000 parts per million within a timely manner, as reported in the December 15, 2005 deviation report.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(g)(1)
30 TAC Chapter 115, SubChapter H 115.781(g)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the times and dates on paper logs for LDAR monitoring events as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 1A OP

Description: Failed to monitor fourteen leaking valves in Unit 24 from September 1, 2005 to October 20, 2005, after the initial detection of the leak as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22890 and PSD-TX-751M1, SC 14F PERMIT
O-02151, Special Condition 16A OP

Description: Failed to properly monitor when conducting repairs and maintenance on thirteen components site wide, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain and repair seals, as reported in the December 15, 2005 deviation report.

Classification: Moderate

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

Rqmt Prov: O-02151, Special Condition (3)(C)(iii) OP

Description: Failed to demonstrate that quarterly visible emissions observations of stationary vents, buildings, and other structures were conducted site wide during May 29, 2005 and June 29, 2005, as documented in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct extraordinary repair effort within fourteen days on a valve placed on DOR, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 1A OP

Description: Failed to monitor valves which were over the 3% allowable on a quarterly basis in Unit 33, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22890 and PSD-TX-751M1, SC 23 PERMIT
O-02151, Special Condition 16A OP

Description: Failed to monitor cooling tower VOC concentrations, as reported in the June 24 and December 15, 2005 deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 1A OP

Description: Failed to prevent visible emissions from the flare (EPN 56-61-10) from exceeding five minutes in a two hour period on June 4, 2005, as reported in the December 15, 2005 deviation report.

Classification: Minor

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

Rqmt Prov: AMOC 2003-01, Special Condition 7 PERMIT
AMOC 2003-01, Special Condition 9 PERMIT
O-02151, Special Condition 26 OP

Description: Failed to record the steam flow in Unit 24 from June 3, 2005 to June 16, 2005, and also failed to record the steam pressure and steam flow rate for seven furnaces (EPNs 24-36-1, 24-36-2, 24-36-3, 24-36-4, 24-36-5, 24-36-6, 24-36-9) in Unit 24 from December 7, 2004 to January 31, 2005, as reported in the December 15, 2005 deviation report.

Classification: Moderate

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

Rqmt Prov: AMOC 2003-01, Special Condition 13 PERMIT
AMOC 2003-01, Special Condition 5 PERMIT
O-02151, Special Condition 26 OP

Description: Failed to ensure that the steam flow is within permitted limits and that prompt corrective action was taken when the alarm was activated in Unit 24 on November 20, 2005 as reported in the December 15, 2005 deviation report. Chevron Phillips also failed to continuously supply steam to a wedge plug valve at or greater than 80 pounds per square inch gauge ("psig") for one furnace EPN 24-36-9 in Unit 24 during the time period November 29, 2004 until May 19, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22690 and PSD-TX-751M1, SC 14E PERMIT
22690 and PSD-TX-751M1, SC 3B OP

Description: Failed to seal open-ended lines in VOC service, as reported in the December 15, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.782(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 22690 and PSD-TX-751M1, SC 14F PERMIT
O-02151, Special Condition 16A OP
O-02151, Special Condition 1A OP

Description: Failed to monitor 488 site wide components on a quarterly basis from November 29, 2004 to December 5, 2005, as reported in the December 15, 2005 deviation report.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 17 OP

Description: Failed to obtain preconstruction authorization and keep records for two portable diesel engines, as reported in the June 24, 2005 deviation report.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02151, Special Condition 17 OP

Description: Failed to obtain authorization for abrasive blasting and painting activities being conducted at the site, as reported in the June 24, 2005 deviation report.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Part 61, Subpart FF 61.356(g)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the quarterly junction box inspections, as reported in the June 24, 2005 deviation report.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(i)
30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the tank truck identification and leak test date during an unloading operation of a truck on November 20, 2004, as reported in the June 24, 2005 deviation report.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit No. 22690, SC #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: TCEQ Air Flexible Permit #22690, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

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	05/05/2004	(265440)	70	05/17/2006	(458185)
2	06/30/2004	(275987)	71	05/22/2006	(464707)
3	06/30/2004	(276008)	72	05/23/2006	(466215)
4	07/12/2004	(258432)	73	06/14/2006	(466748)
5	08/23/2004	(258527)	74	07/06/2006	(457725)
6	08/31/2004	(275582)	75	07/07/2006	(483754)
7	08/31/2004	(275640)	76	07/20/2006	(486881)
8	08/31/2004	(275727)	77	08/04/2006	(487670)
9	10/29/2004	(293172)	78	08/24/2006	(480002)
10	11/14/2004	(273790)	79	09/28/2006	(511672)
11	12/13/2004	(335727)	80	10/19/2006	(511690)
12	12/13/2004	(335760)	81	12/13/2006	(518692)
13	12/13/2004	(339619)	82	12/13/2006	(519123)
14	12/14/2004	(339248)	83	01/03/2007	(518929)
15	01/07/2005	(289178)	84	01/09/2007	(533451)
16	01/07/2005	(289620)	85	01/10/2007	(535946)
17	01/07/2005	(289641)	86	01/11/2007	(534901)
18	01/07/2005	(339259)	87	02/05/2007	(538166)
19	02/21/2005	(345241)	88	02/06/2007	(512451)
20	02/21/2005	(345242)	89	02/14/2007	(535930)
21	02/21/2005	(345244)	90	02/14/2007	(536814)
22	03/31/2005	(374023)	91	02/28/2007	(539690)
23	04/27/2005	(378280)	92	04/20/2007	(539694)
24	05/19/2005	(378004)	93	05/16/2007	(555914)
25	05/25/2005	(379870)	94	05/16/2007	(559164)
26	07/26/2005	(401365)	95	05/21/2007	(560418)
27	08/02/2005	(402542)	96	05/25/2007	(561001)
28	08/22/2005	(405938)	97	05/31/2007	(560629)
29	08/26/2005	(397897)	98	06/08/2007	(555170)
30	08/30/2005	(398784)	99	06/15/2007	(561008)
31	09/28/2005	(405189)	100	07/26/2007	(563100)
32	10/31/2005	(434581)	101	08/17/2007	(568455)
33	12/05/2005	(433634)	102	08/24/2007	(532612)
34	12/05/2005	(434398)	103	09/14/2007	(571669)
35	12/05/2005	(434458)	104	10/11/2007	(567347)
36	01/17/2006	(450657)	105	10/15/2007	(593848)

37	01/19/2006	(449735)	106	10/25/2007	(595189)
38	01/20/2006	(434431)	107	01/25/2008	(615884)
39	01/25/2006	(438519)	108	01/28/2008	(613165)
40	01/30/2006	(449589)	109	01/28/2008	(614877)
41	01/30/2006	(450728)	110	01/29/2008	(613651)
42	01/30/2006	(451081)	111	01/30/2008	(616327)
43	01/30/2006	(451165)	112	03/13/2008	(638830)
44	01/30/2006	(451420)	113	03/24/2008	(613029)
45	02/03/2006	(452920)	114	03/28/2008	(639042)
46	02/08/2006	(451286)	115	04/09/2008	(641467)
47	02/16/2006	(434647)	116	04/21/2008	(639678)
48	02/16/2006	(452146)	117	04/29/2008	(725879)
49	02/23/2006	(451616)	118	05/14/2008	(654055)
50	02/23/2006	(455308)	119	05/14/2008	(656842)
51	02/24/2006	(449980)	120	05/19/2008	(671031)
52	02/24/2006	(455128)	121	06/03/2008	(679905)
53	02/28/2006	(456109)	122	06/04/2008	(657098)
54	03/14/2006	(435096)	123	06/09/2008	(682372)
55	03/23/2006	(439922)	124	06/18/2008	(682442)
56	03/23/2006	(456133)	125	06/18/2008	(682771)
57	03/27/2006	(381420)	126	06/27/2008	(684487)
58	04/06/2006	(456117)	127	06/30/2008	(680043)
59	04/06/2006	(456167)	128	07/02/2008	(684203)
60	04/17/2006	(437247)	129	07/08/2008	(685572)
61	04/20/2006	(462475)	130	07/25/2008	(684655)
62	05/12/2006	(457714)	131	08/13/2008	(688231)
63	05/12/2006	(457729)	132	09/22/2008	(701000)
64	05/12/2006	(457753)	133	10/02/2008	(700011)
65	05/12/2006	(457763)	134	10/03/2008	(704494)
66	05/12/2006	(457767)	135	12/05/2008	(708375)
67	05/12/2006	(457770)	136	01/09/2009	(723176)
68	05/12/2006	(457773)	137	02/12/2009	(709036)
69	05/15/2006	(457756)	138	02/16/2009	(726472)
			139	03/04/2009	(722252)
			140	03/23/2009	(739365)
			141	03/30/2009	(724013)

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

Date: 05/06/2004 (265440)

Self Report? NO Classification: Moderate

Citation: 22690 and PSD-TX-751M1, SC14E PA
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Description: Chevron Phillips Chemical Company, (CPCC) failed to cap or plug valve nos., 16, and 425 in unit 24.1, Debutarized Aromatic Concentrate,(DAC) Hydrotreater. All valves are in VOC service and without the required cap or plug.

Self Report? NO Classification: Moderate

Citation: 22690, and PSD-TX-751M1, SC 14H PA
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: During the record review, it was discovered that in 2000, CPCC failed to make attempt repair on leaky valves with tag nos 1522, 4956, 4377, 4469, 5030, 5270, 1670. Also, in 2001 attempt repairs were not made on valve nos. 678, 02893, and 4560.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: During the record review, it was discovered that in 2000, CPCC failed to make first attempt repair on the leaky valves with tag nos 1522, 4956, 4377, 4469, 5030, 5270, 1670. Also, in 2001 first attempt repairs were not made on valve nos. 678, 02893, and 4560.

Self Report? NO Classification: Moderate

Citation: 22690, and PSD-TX-751M1, SC 114H PA
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)

Description: It was discovered that in 2000, CPCC failed to make attempt at repair on leaky valves with tag nos 1522, 4956, 4377, 4469, 5030, 5270, 1670. Also, in 2001, attempt repairs were not made on valve nos. 678, 02893, and 4560 within 15 days before these valves were placed on unit Shutdown list.

Self Report? NO Classification: Moderate

Citation: 22690, and PSD-TX-751M1, SC 3C PA
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter B 115.142(1)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136(e)(1)(i)

Description: CPCC failed to equip process drain nos. 84, 89, 93,95, 100, 112, 624, 1527, with required water seal controls or a tightly sealed cap or plug (each drain found to be emitting volatile organic compound (VOC) in excess of 500 ppm)

Date: 07/12/2004 (258432)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ AIR PERMIT #22690, SC #1 PERMIT

Description: Exceeded VOC permit limits during an avoidable emissions event.

Date: 08/23/2004 (259527)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Flexible Permit No. 22690, SC 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Date: 11/14/2004 (273790)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Flex Air Permit #22690, SC #1 PERMIT

Description: Exceeded VOC permit limit during an avoidable emissions event.

Date: 09/28/2005 (405189)

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(9)

Description: Failure to identify in the final record of a scheduled maintenance, startup, or shutdown activity with unauthorized emissions, the preconstruction authorization number governing the facility involved in the scheduled maintenance, startup, or shutdown activity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Special Condition 1 PERMIT

Description: Failure to comply with any and all general and special conditions contained in a flexible permit.

Date: 01/25/2006 (438519)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Flexible Permit #22690, SC #1 PERMIT

Description: Chevron failed to prevent contact with the remote electrical control panel.

Date: 02/14/2006 (452146)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 TCEQ Permit # 22690, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Date: 04/07/2006 (456117)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Flexible Permit #22690 PERMIT

Description: Chevron failed to properly maintain the primary and secondary vacuum condensate pumps.

Date: 05/16/2006 (486731)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(I). Testing was completed, but not within 60 days following startup of Furnace 1 (EPN 22-36-1.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 2 (EPN 22-36-2.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 3 (EPN 22-36-3.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 4 (EPN 22-36-4.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 6 (EPN 22-36-6.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 7 (EPN 22-36-7.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of Furnace 8 (EPN 22-36-8.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(II)

Description: Violation of 30 TAC 117. 520 (c)(2)(A)(i)(II). Testing was completed, but not within 60 days following startup of the Turbine Bypass Stack (EPN 22-95-27.)

Date: 12/13/2006 (519123)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Flexible Permit No. 22690, SC #1 PERMIT

Description: Chevron failed to prevent a leak in a decoke process line of Ethylene Unit's 24's cracking furnace #6.

Date: 01/10/2007 (534901)

Self Report? NO 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) TCEQ Flexible Permit No. 22690, SC #1 PERMIT TCEQ Flexible Permit No. 22690, SC #15 PERMIT		
Description:	Chevron failed to maintain a flame on Unit 18 Process flare which resulted in unauthorized emissions.		
Date:	04/19/2007 (539694)		
Self Report?	NO	Classification:	Moderate
Citation:	22690 SC. 1 PA 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	RE failed to prevent unauthorized emissions from Unit 24.		
Date:	06/15/2007 (561008)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b) TCEQ Air Flexible Permit No. 22690, SC#1 PERMIT		
Description:	Chevron failed to prevent mineral deposits from fouling on the valve stems causing a release of unauthorized emissions.		
Date:	10/23/2007 (571738)		
Self Report?	NO	Classification:	Moderate
Citation:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 5C THC Chapter 382, SubChapter D 382.085(b) TCEQ AIR PERMIT #22690, SC#15 PA		
Description:	Chevron Phillips Chemical Company - Sweeny Plant failed to control the visible emissions from Unit 24 - Flare 14 and Unit 22 Flare - 12.		
Date:	05/14/2008 (656842)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) TCEQ Flexible Permit No. 22690, SC #1 PERMIT		
Description:	CP failed to maintain a flame on the flare lip.		
Self Report?	NO	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) TCEQ Flexible Permit No. 22690, SC #15 PERMIT		
Description:	CP failed to maintain a flame on a flare.		
Date:	06/30/2008 (683548)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to obtain proper permit authorizations for a portable diesel driven air compressor that was used on site for more than 12 months. (CATEGORY B19(g)(1) violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a) 5C THSC Chapter 382 382.085(b) O-02151 Special Terms and Conditions 1A OP		
Description:	Failure to properly equip sampling connection systems on unit 33-80VV with proper system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(2)(ii)(A) 5C THSC Chapter 382 382.085(b) O-02151 Special Terms and Conditions 11B OP		
Description:	Failure to maintain the flow indicators on the junction box vents.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(5) 5C THSC Chapter 382 382.085(b) O-02151 Special Terms and Conditions OP		
Description:	Failure to make corrections on the junction box vent flow indicators within 15 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.766(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02151 Special Term and Condition 10iv OP O-02151 Special Terms and Conditions 1A OP		
Description:	Failure to maintain records for the HRVOC monitoring system.		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(d)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Term and Condition 10iv OP
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to analyze samples collected for HRVOC analysis for Cooling Tower 6&7 within 72 hours.
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to complete Delay of Repair within 6 months on Pump Nos. 329 and 330.
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 8G PERMIT
 O-02151 Special Terms and Conditions 16 OP
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to repair and remove pumps from DOR list in 6 months of the date the pumps were placed on DOR.
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(e)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to monitor the relief valve within 24 hours of venting to atmosphere.
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Term and Condition 10i OP
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to maintain the flow meter for Flare #12, resulting in downtime exceeding 5% of total operating time.
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Term and Condition 10i OP
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to maintain monitoring system serving valves nos. 93-130 and 93-94, resulting in the downtime exceeding 5% of total unit operating time.
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 16 PERMIT
 O-02151 Special Terms and Conditions 16 OP
Description: Failure to control the fuel gas concentration, resulting in a greater than 160 ppmv of H2S on an hourly maximum average.
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 7B2 PERMIT
 O-02151 Special Terms and Conditions 16 OP
Description: Failure to maintain the daily calibration on CEMS for Furnace #2 and #6.
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Term and Condition 10i OP
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to conduct sampling for HRVOC flare monitoring systems on Ethylene Unit 24 and 22.
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 O-02151 Special Terms and Conditions 1A OP
Description: Failure to maintain the carbon canisters on Unit 33 and Unit 12 resulting in breakthrough.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 22690 Special Condition 15 PERMIT O-02151 Special Terms and Conditions 16 OP		
Description:	Failure to maintain net heating value of gas at 300 BTU or greater on the flares.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 22690 Special Condition 7(B)(2) PERMIT O-02151 Special Terms and Conditions 16 OP		
Description:	Failure to maintain daily auto calibration on CEMS for NOx and CO in Ethylene Units 24 and 33.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THSC Chapter 382 382.085(b) NSR 22690 Special Condition 15 PERMIT O-02151 Special Terms and Conditions 16 OP		
Description:	Failure to maintain flare pilot lights.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.726(d)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02151 Special Term and Condition 10i OP O-02151 Special Terms and Conditions 1A OP		
Description:	Failure to maintain records for the annual calibration of temperature and pressure sensors serving the flare vent line flow meter for all flares on site.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 22690 Special Condition 7F PERMIT O-02151 Special Terms and Conditions 16 OP		
Description:	Failure to maintain monitoring system serving NOx CEMS analyzer on Unit 22 and Unit 33, resulting in the downtime exceeding 5% of total unit operating time.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 5C THSC Chapter 382 382.085(b) NSR 22690 Special Condition 15 PERMIT O-02151 Special Terms and Conditions 16 OP O-02151 Special Terms and Conditions 1A OP		
Description:	Failure to maintain flare resulting in visible emissions exceeding 5 minutes in a two hour period.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02151 Special Terms and Conditions 1J OP		
Description:	Failure to maintain the 24 hour rolling average concentration of CO resulting in exceeding 400 ppmv.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) O-02151 General Terms and Conditions OP		
Description:	Failure to include all deviation in the semi-annual deviation report.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) NSR 22690 Special Condition 8M PERMIT O-02151 Special Terms and Conditions 16 OP		
Description:	Failure to monitor one LDAR component (one drain) annually since 11/29/2004.		
Self Report?	NO	Classification:	Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)
 5C THSC Chapter 382 382.085(b)
O-02151 Special Terms and Conditions 1A OP
Description: Failure to to Identify two components on the Ethylene Unit 24 in the LDAR database.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 10 PERMIT
O-02151 Special Terms and Conditions 16 OP
Description: Failure to monitor two components in Ethylene Unit 24.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)
 5C THSC Chapter 382 382.085(b)
O-02151 Special Terms and Conditions 1A OP
Description: Failure to identify a total of 198 components in Ethylene Unit 24.1 in the LDAR database.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 11B PERMIT
O-02151 Special Terms and Conditions 16 OP
Description: Failure to monitor a total of 194 components in Ethylene Unit 24.1.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.358(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 10 PERMIT
O-02151 Special Terms and Conditions 16 OP
O-02151 Special Terms and Conditions 1A OP
Description: Failure to identify 11 components in the Natural Gas Liquids (NGL) Unit 10D (10.2) in the LDAR database.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 10 PERMIT
O-02151 Special Terms and Conditions 16 OP
O-02151 Special Terms and Conditions 1A OP
Description: Failure to monitor 11 components in the Natural Gas Liquids (NGL) Unit 10D (10.2) annually

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 11A PERMIT
O-02151 Special Terms and Conditions 16 OP
Description: Failure to identify 2 components in Ethylene Unit 33 and 2 components in Ethylene Unit 24 in the LDAR database.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 11B PERMIT
O-02151 Special Terms and Conditions 16 OP
Description: Failure to monitor a total of 2 components in Ethylene Unit 33 and 2 components in Ethylene Unit 24 quarterly.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 1 PERMIT
O-02151 Special Terms and Conditions 16 OP
Description: Failure to control emissions during emissions testing.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 NSR 22690 Special Condition 8E PERMIT
 O-02151 Special Terms and Conditions 16 OP
 O-02151 Special Terms and Conditions 1A OP
 Description: Failure to seal open-ended valves or lines with a cap, blind flange, plug, or a second valve. (CATEGORY C10 violation)

Date: 07/28/2008 (684655)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 TCEQ Flexible Permit No. 22690, SC#1 PERMIT

Description: Chevron failed to prevent an increase in pressure on the propylene compressor serving Ethylene Unit 22.
 Date: 08/15/2008 (688231)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 TCEQ Permit No. 22690, SC #1 PERMIT

Description: Chevron failed to prevent a composition change for Unit 12 due to a malfunctioning analyzer.
 Date: 12/05/2008 (708375)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 TCEQ Flexible Permit No. 22690, SC #1 PERMIT

Description: Chevron failed to prevent excess pressure in the refrigeration system resulting in unauthorized emissions.
 Date: 03/04/2009 (722252)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions. The regulated entity (RE) failed to prevent the power loss to a relay caused by flipping the wrong circuit breaker thus resulting in the automatic isolation of the Acetylene Reactor and the dumping of the feed to the flare header.
 Date: 03/30/2009 (724013)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6B PERMIT
 Special Term and Condition 16 OP

Description: Failure to calibrate H2S monitors daily. (CATEGORY C1 VIOLATION)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to perform the daily calibration on Cooling Tower 5. (CATEGORY C1 VIOLATION)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15 PERMIT
 Special Term and Condition 16 OP
 Special Term and Condition 1A OP

Description: Failure to maintain a continuous pilot flame on flares. (CATEGORY C4 VIOLATION)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8M PERMIT
 Special Term and Condition 16 OP
 Special Term and Condition 1A OP

Description: Failure to monitor the new piping/vent to junction box/atmospheric vent (S-02). (CATEGORY B19(g)(5) VIOLATION)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 115, SubChapter H 115.781(b)

30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8E PERMIT
 Special Condition 8F PERMIT
 Special Term and Condition 16 OP
 Special Term and Condition 1A OP
Description: Failure to monitor miscellaneous fugitive components. (CATEGORY B19(g)(5) VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Special Term and Condition 1J OP

Description: Failure to stay below 30 TAC 117 limits for stationary internal combustion engines. (CATEGORY C4 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to monitor carbon canisters at proper intervals. (CATEGORY C1 VIOLATION)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to replace carbon beds in canisters in a timely manner. (CATEGORY B18 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to operate monitoring system serving atmospheric relief valve 93-117 at least 95% of the calendar year. (CATEGORY B18 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(J)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 2F OP

Description: Failure to document non-reportable events within two weeks of the incident. (CATEGORY C3 VIOLATION)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Special Term and Condition 1Q(l) OP

Description: Failure to conform to required HRVOC sampling protocols. (CATEGORY B1 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to repair leaking components within a proper time frame. (CATEGORY C4 VIOLATION)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to properly calibrate HRVOC analyzers. (CATEGORY B18 VIOLATION)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 68, SubChapter C, PT 68, SubPT G 68.150(a)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 23 OP

Description: Failure to maintain an accurate risk management plan. (CATEGORY C3 VIOLATION)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 115, SubChapter H 115.766(a)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to keep required records for cooling towers. (CATEGORY B3 VIOLATION)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to prevent open ended lines. (CATEGORY C10 VIOLATION)

F. Environmental audits.

Notice of Intent Date: 12/14/2006 (536537)

Disclosure Date: 06/13/2007

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(A)
30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 115, SubChapter D 115.354(1)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.781(a)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 115, SubChapter H 115.781(b)(6)
30 TAC Chapter 115, SubChapter H 115.781(b)(7)

Rqmt Prov: PERMIT Air Permit 22069

Description: Failure to monitor certain fugitive valves, connectors, and difficult to monitor or unsafe to monitor components in gas/vapor or light liquid service.

Notice of Intent Date: 08/15/2007 (594191)

Disclosure Date: 03/04/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.781(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(e)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022

Rqmt Prov: PERMIT 22069

Description: Failure to identify certain fugitive components.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 115, SubChapter H 115.781(b)(7)
40 CFR Part 61, Subpart V 61.242-7(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(h)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027

Rqmt Prov: PERMIT 22069

Description: Failure to monitor certain valves, connectors, and difficult to monitor components.

Notice of Intent Date: 02/22/2008 (646235)

Disclosure Date: 10/15/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.781(a)

Rqmt Prov: PERMIT 22069

Description: Failure to identify, by tagging, certain fugitive components in an electronic database, on process flow diagrams, or by other means (Units 21 and 24).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)

30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Rqmt Prov: PERMIT 22069

Description: Failure to instrument monitor certain valves, connectors, pumps, and difficult to monitor components per applicable requirements (Unit 21 and 24).

Disclosure Date: 01/29/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)
30 TAC Chapter 115, SubChapter H 115.781(a)

Rqmt Prov: PERMIT 22069

Description: Failure to identify, by tagging, certain fugitive components in an electronic database, on process flow diagrams, or by other means (Units 21 and 24).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Rqmt Prov: PERMIT 22069

Description: Failure to instrument monitor certain valves, connectors, pumps, and difficult to monitor components per applicable requirements (Unit 21 and 24).

Notice of Intent Date: 07/10/2008 (700470)
No DOV Associated

Notice of Intent Date: 11/20/2008 (722249)
No DOV Associated

Notice of Intent Date: 03/11/2009 (740247)
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
RN100825249

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0523-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 chemical manufacturing plant at 21689 Highway 35 in Old Ocean, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 4, 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 Ten Thousand Three Hundred Seventy Dollars (\$10,370) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Four Thousand One Hundred Forty-Eight Dollars (\$4,148) of the administrative penalty and Two Thousand Seventy-Four Dollars (\$2,074) 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. Four Thousand One Hundred Forty-Eight Dollars (\$4,148) 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 submitted a corrected annual compliance certification ("ACC") for the period October 1, 2007 through September 30, 2008 on February 2, 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 submit an ACC with all of the correct information, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), Federal Operating Permit No. O-2151 General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 19, 2009. Specifically, the ACC submitted for the period October 1, 2007 through September 30, 2008 failed to specify the first six months as part of the compliance period, even though the information for that period was included in the certification.
2. Failed to prevent visible emissions from flares, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(2), 101.20(3), 111.111(a)(4)(A), and 116.715(a), New Source Review Permit No. 22690/PSD-TX-751M1 Special Condition 16, 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(1) and 63.11(b)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 19, 2009. Specifically, visible emissions from

Flares 10 and 12 in Unit 22 experienced continuous visible emissions for 18 minutes on May 3, 2008, while visible emissions are not permitted to exceed five minutes in any two consecutive hours.

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. 2009-0523-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 Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand One Hundred Forty-Eight Dollars (\$4,148) 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. Within 30 days after the effective date of this Agreed Order, implement improvements to oversight and/or procedures designed to prevent a reoccurrence of the visible emissions that occurred on May 3, 2008; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 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 certification shall be submitted to:

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

with a copy to:

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

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

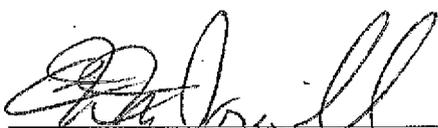
10/3/2009
Date

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

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

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

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



Signature

7/15/09
Date

CW McDowell

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

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.

Attachment A
Docket Number: 2009-0523-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Payable Penalty Amount:	Eight Thousand Two Hundred Ninety-Six Dollars (\$8,296)
SEP Amount:	Four Thousand One Hundred Forty-Eight Dollars (\$4,148)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Brazoria County

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 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay 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. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP 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 payment of the SEP 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 Amount.

Chevron Phillips Chemical Company LP
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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 an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

