

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1156-AIR-E TCEQ ID: RN102495884 CASE NO.: 37999

RESPONDENT NAME: ConocoPhillips Company

| | | |
|--|--|---|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Borger Refinery, located on State Spur 119 North, Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refining and natural gas processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-0129-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 December 7, 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: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Andrew Stow, Environmental Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008-0271 Mr. Brian K. Lever, Refinery Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008-0271 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 18 and August 18, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 8 and August 18, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 189.62 pounds ("lbs") of sulfur dioxide ("SO₂") were released from the Hydrogen Sulfide Emergency Sulfur Flare, emission point number ("EPN") 66FL6, and 2,077 lbs of SO₂ were released from the U34 Incinerator, EPN 34I16, in the Area D Unit during an emissions event (Incident No. 121129) that occurred on March 10, 2009 and lasted 33 minutes. Since this event could have been avoided by better design of the Unit 50 Coker and the 42 Gas Oil Hydrotreating Units that would have prevented hydrocarbon liquid accumulation in the Reflux Accumulator of the Unit 34 Amine System, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M7, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 7,400 lbs of SO₂ and 80 lbs of hydrogen sulfide were released from the Gas Oil Hydro-Desulfurization Flare, EPN 66FL12, in Unit 45 during an emissions event (Incident No. 122697) that occurred on April 13, 2009 and lasted three hours and one minute. Since this event could</p> | <p>Total Assessed: \$17,850</p> <p>Total Deferred: \$3,570 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$7,140</p> <p>Total Paid to General Revenue: \$7,140</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 installed a skimmer system on the Central Still Reflux Accumulator to help prevent the build-up of hydrocarbon liquid in the Amine System on March 12, 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:</p> <p>i. With regard to Incident No. 121129, implement measures designed to prevent hydrocarbon liquid carryover to Unit 34 Sulfur Recovery Unit, in order to prevent emissions events due to the same root causes as the March 10, 2009 event; and</p> <p>ii. With regard to Incident No. 122697, implement measures designed to prevent the shutdown interlock from signaling the valve to close in Unit 45.</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> |

| | | |
|---|--|--|
| <p>have been avoided by better design of the shutdown interlock system in Unit 45, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M7, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | | |
|---|--|--|

Additional ID No(s): HW0018P

Attachment A
Docket Number: 2009-1156-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|--------------------------------|--|
| Respondent: | ConocoPhillips Company |
| Payable Penalty Amount: | Fourteen Thousand Two Hundred Eighty Dollars (\$14,280) |
| SEP Amount: | Seven Thousand One Hundred Forty Dollars (\$7,140) |
| 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: | Texas Air Quality Control Region 211 – Amarillo-Lubbock |

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.

ConocoPhillips Company
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

TCEQ

| | | | | | | |
|--------------|----------|-------------|-----------|-------------|---------|------------|
| DATES | Assigned | 24-Aug-2009 | Screening | 22-Jul-2009 | EPA Due | 4-Apr-2010 |
| | PCW | 1-Sep-2009 | | | | |

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

| | | | |
|---------------------------------|-----------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 37999 | No. of Violations | 2 |
| Docket No. | 2009-1156-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Trina Grieco |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Penalty enhancement due to three NOV's issued with same or similar violations, eight NOV's issued with unrelated violations, eight agreed orders issued with a denial of liability, one agreed order issued without a denial of liability, and two Court Orders with a denial of liability. Penalty reduction due to nine Notice of Audit Letters and five Disclosures of Violations submitted.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 22-Jul-2009

Docket No. 2009-1156-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 37999

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 3 | 15% |
| | Other written NOVs | 8 | 16% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 8 | 160% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 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 (number of judgements or consent decrees meeting criteria) | 2 | 60% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 9 | -9% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 5 | -10% |
| <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) 257%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to three NOVs issued with same or similar violations, eight NOVs issued with unrelated violations, eight agreed orders issued with a denial of liability, one agreed order issued without a denial of liability, and two Court Orders with a denial of liability. Penalty reduction due to nine Notice of Audit Letters and five Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 257%

| | | | |
|--|--|--|---|
| Screening Date 22-Jul-2009 | Docket No. 2009-1156-AIR-E | PCW | |
| Respondent ConocoPhillips Company | <small>Policy Revision 2 (September 2002)</small> | | |
| Case ID No. 37999 | <small>PCW Revision October 30, 2008</small> | | |
| Reg. Ent. Reference No. RN102495884 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator Trina Grieco | | | |
| Violation Number <input type="text" value="1"/> | | | |
| Rule Cite(s) | 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9866A and PSD-TX-102M7, Special Condition 1 and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 189.62 pounds ("lbs") of sulfur dioxide ("SO2") were released from the Hydrogen Sulfide Emergency Sulfur Flare, emission point number ("EPN") 66FL6, and 2,077 lbs of SO2 were released from the U34 Incinerator, EPN 34116, in the Area D Unit during an emissions event (Incident No. 121129) that occurred on March 10, 2009 and lasted 33 minutes. Since this event could have been avoided by better design of the Unit 50 Coker and the 42 Gas Oil Hydrotreating Units that would have prevented hydrocarbon liquid accumulation in the Reflux Accumulator of the Unit 34 Amlne System, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met. | | |
| Base Penalty | | <input type="text" value="\$10,000"/> | |
| >> Environmental, Property and Human Health Matrix | | | |
| Harm | | | |
| Release | Major | Moderate | Minor |
| Actual | <input type="text"/> | <input type="text"/> | <input checked="" type="text" value="x"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Percent | | <input type="text" value="25%"/> | |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major | Moderate | Minor | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Percent | | <input type="text" value="0%"/> | |
| Matrix Notes | Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation. | | |
| Adjustment | | <input type="text" value="\$7,500"/> | |
| | | <input type="text" value="\$2,500"/> | |
| Violation Events | | | |
| Number of Violation Events <input type="text" value="1"/> | | Number of violation days <input type="text" value="1"/> | |
| <small>mark only one with an x</small> | daily | <input type="text"/> | |
| | weekly | <input type="text"/> | |
| | monthly | <input type="text"/> | |
| | quarterly | <input checked="" type="text" value="x"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input type="text"/> | |
| Violation Base Penalty | | <input type="text" value="\$2,500"/> | |
| One quarterly event is recommended for the March 10, 2009 release. | | | |
| Good Faith Efforts to Comply | | | |
| <input type="text" value="0.0%"/> Reduction | | <input type="text" value="\$0"/> | |
| <small>Before NOV</small> | | <small>NOV to EDPRP/Settlement Offer</small> | |
| Extraordinary | <input type="text"/> | <input type="text"/> | |
| Ordinary | <input type="text"/> | <input type="text"/> | |
| N/A | <input checked="" type="text" value="x"/> | <small>(mark with x)</small> | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| Violation Subtotal | | <input type="text" value="\$2,500"/> | |
| Economic Benefit (EB) for this violation | | | |
| Statutory Limit Test | | | |
| Estimated EB Amount <input type="text" value="\$73"/> | | Violation Final Penalty Total <input type="text" value="\$8,925"/> | |
| | | This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$8,925"/> | |

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 37999
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 1

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 10-Mar-2009 | 12-Mar-2009 | 0.01 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 10-Mar-2009 | 1-Mar-2010 | 0.98 | \$73 | n/a | \$73 |

Notes for DELAYED costs

Estimated cost to install an oil skimmer system on the Central Still Reflux Accumulator (\$500) and to implement measures designed to prevent hydrocarbon liquid carryover in the off-gas streams of Unit 50 Coker Unit and 42 Gas Oil-Hydrotreating Unit, which flows to the Unit 34 Amine System and accumulates in the Reflux Accumulator, causing emissions (\$1,500). The date required is the date of the event and the final date is the date corrective actions were completed (installation of skimmer system on March 12, 2009) and when remaining corrective actions are projected to be completed (March 1, 2010).

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$73

| | | | |
|--|---|---|-------------------------------------|
| Screening Date 22-Jul-2009 | Docket No. 2009-1156-AIR-E | PCW | |
| Respondent ConocoPhillips Company | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 37999 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN102495884 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator Trina Grieco | | | |
| Violation Number 2 | | | |
| Rule Cite(s) | 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M7, Special Condition 1 and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 7,400 lbs of SO2 and 80 lbs of hydrogen sulfide were released from the Gas Oil Hydro-Desulfurization Flare, EPN 66FL12, in Unit 45 during an emissions event (Incident No. 122697) that occurred on April 13, 2009 and lasted three hours and one minute. Since this event could have been avoided by better design of the shutdown interlock system in Unit 45, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met. | | |
| Base Penalty | | \$10,000 | |
| >> Environmental, Property and Human Health Matrix | | | |
| Harm | | | |
| Release | Major | Moderate | Minor |
| Actual | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Percent | | 26% | |
| >> Programmatic Matrix | | | |
| Falsification | | | |
| Major | Moderate | Minor | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Percent | | 0% | |
| Matrix Notes | Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation. | | |
| Adjustment | | \$7,500 | |
| | | \$2,500 | |
| Violation Events | | | |
| Number of Violation Events <input type="text" value="1"/> | | Number of violation days <input type="text" value="1"/> | |
| mark only one with an x | daily | <input type="checkbox"/> | |
| | weekly | <input type="checkbox"/> | |
| | monthly | <input type="checkbox"/> | |
| | quarterly | <input checked="" type="checkbox"/> | |
| | semiannual | <input type="checkbox"/> | |
| | annual | <input type="checkbox"/> | |
| | single event | <input type="checkbox"/> | |
| Violation Base Penalty | | \$2,500 | |
| One quarterly event is recommended for the April 13, 2009 release. | | | |
| Good Faith Efforts to Comply | | | |
| 0.0% Reduction | | \$0 | |
| Before NOV | | NOV to EDCRP/Sellment Offer | |
| Extraordinary | <input type="checkbox"/> | | |
| Ordinary | <input type="checkbox"/> | | |
| N/A | <input checked="" type="checkbox"/> | (mark with x) | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| Violation Subtotal | | \$2,500 | |
| Economic Benefit (EB) for this violation | | | |
| Estimated EB Amount | | \$66 | |
| Statutory Limit Test | | | |
| Violation Final Penalty Total | | \$8,925 | |
| This violation Final Assessed Penalty (adjusted for limits) | | \$8,925 | |

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 37999
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 2

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,500 | 13-Apr-2009 | 1-Mar-2010 | 0.88 | \$66 | n/a | \$66 |

Notes for DELAYED costs
 Estimated cost to implement measures designed to prevent the shutdown interlock from signaling the valve to close in Unit 45. The required date is the date of the release and the final date is the date corrective actions are projected to be completed.

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----------|---------------|------------|------|----------------|---------------|-----------|
| Avoided Costs | | | | | | | |
| ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) | | | | | | | |
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500 TOTAL \$66

Compliance History Report

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

| ID Number(s): | | | |
|---------------|------------------------|----------------|--------------|
| | WASTEWATER | PERMIT | WQ0001064000 |
| | WASTEWATER | PERMIT | TX0009148000 |
| | WASTEWATER | PERMIT | TX0009148 |
| | AIR NEW SOURCE PERMITS | PERMIT | 9868A |
| | AIR NEW SOURCE PERMITS | PERMIT | 11042A |
| | AIR NEW SOURCE PERMITS | PERMIT | 11449A |
| | AIR NEW SOURCE PERMITS | PERMIT | 11935A |
| | AIR NEW SOURCE PERMITS | PERMIT | 11429A |
| | AIR NEW SOURCE PERMITS | PERMIT | 14441A |
| | AIR NEW SOURCE PERMITS | PERMIT | 19042 |
| | AIR NEW SOURCE PERMITS | PERMIT | 22777 |
| | AIR NEW SOURCE PERMITS | PERMIT | 34417 |
| | AIR NEW SOURCE PERMITS | PERMIT | 43073 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HW0018P |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4823300015 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 71385 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX102M6 |
| | AIR NEW SOURCE PERMITS | PERMIT | 71385 |
| | AIR NEW SOURCE PERMITS | PERMIT | 80799 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX1119 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 82659 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 90208 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 89064 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 90182 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 84720 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX1158 |
| | AIR NEW SOURCE PERMITS | PERMIT | 85872 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX102M7 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 87666 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 88476 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 87458 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 87158 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX102M8 |
| | AIR OPERATING PERMITS | ACCOUNT NUMBER | HW0018P |

| | | |
|---|----------------------------------|--------------|
| AIR OPERATING PERMITS | PERMIT | 1440 |
| AIR OPERATING PERMITS | PERMIT | 2166 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30111 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD980626774 |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50078 |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50078 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW380 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW382 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW325 |
| WASTEWATER LICENSING | LICENSE | WQ0001064000 |
| INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE | PERMIT | 50078 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30111 |
| WASTE WATER GENERAL PERMIT | PERMIT | TXG670002 |
| INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS | PERMIT | 50078 |

Location: STATE SPUR 119 N, BORGER, TX, 79008

TCEQ Region: REGION 01 – AMARILLO

Date Compliance History Prepared: August 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 26, 2004 to August 26, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

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: 08/20/2005

ADMINORDER 2002-0351-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5(C) PERMIT

Description: Failure to operate the flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5B PERMIT

Description: Failure to operate the affected flares with a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2 & 30 PERMIT

Description: Failed to operate the affected units with fuel H₂S concentrations within the allowable value of less than 0/a0 grains per dry standard cubic feet..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102MA, SC2 PERMIT

Description: Failure to show the correct vapor pressure for Tank No. 8031.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 4 PERMIT

Description: Failure to ensure that the open-ended valve on Tank No. 3001 was sealed with a cap, blind, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 12 PERMIT

Description: Failure to continuously monitor and record the firebox temperature every 4 hours. Specifically, the operator confirmed that due to equipment malfunction, the firebox temp. at the Tail Gas Incinerator at Unit 34 was not continuously monitored or recorded.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 44 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 11165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 666.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on

Engines 41, 42, 43, 44, 45, and 47.

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710
30 TAC Chapter 116, SubChapter G 116.715(a)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Effective Date: 11/18/2006

ADMINORDER 2006-0646-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.486(b)
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Effective Date: 11/19/2007

ADMINORDER 2006-0087-MLM-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4

which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362).

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

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

Rqmt Prov: Special Condition 5.B. PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 5.D. PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 9 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 11 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 14 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 20 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 26 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 30 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 37.D. PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 41.I. PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Special Condition 42.H. PERMIT

Description: Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208,

2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Classification: Moderate

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

Rqmt Prov: Special Conditions 41.E. PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 48 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 50 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 51.A. PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 54 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 59 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 14 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 101, SubChapter A 101.27(c)(1)
30 TAC Chapter 21 21.4

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 12/20/2007

ADMINORDER 2007-0567-MLM-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 335, SubChapter A 335.4

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

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

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008

ADMINORDER 2007-0558-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Description: Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal

three times between September 22 and October 13, 2005.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Part 60, Subpart KKK 60.632(a)

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

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

Classification: Moderate

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

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

Description: Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Effective Date: 02/08/2009

ADMINORDER 2008-0431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart J 60.103
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: ConocoPhillips Company, Borger Refinery Unit 40 FCCU Stack (EPN 40P1) failed to meet the requirements of Permit No. 9868A/PSD-TX-102M6, 30 TAC §113.780 relating to the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries, and 40 CFR §60.103. Specifically, during the stack performance test conducted on September 14, 2007, Unit 40 FCCU Stack failed to meet the 500 ppm allowable for Carbon Monoxide.

Classification: Moderate

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

Rqmt Prov: 9868A/PSD-Tx-102M6 PERMIT

Description: The facility failed to prevent unauthorized emissions during the incident No. 103836. The facility did not meet the affirmative defense criteria (b)(2) and (b)(3) of the provisions of 30 TAC Chapter 101.222(b).

Classification: Moderate

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

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: The facility is in violation of the provisions of 30 TAC Chapter 116, §116.715(a) by failure to prevent unauthorized emissions during the incident No. 103818.

Effective Date: 05/18/2009

ADMINORDER 2008-1636-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit PERMIT

Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits for nitrogen oxides. Specifically, on September 3, 2008, Refinery Boiler 2.4 (EPN 81B17) exceeded the nitrogen oxides emissions subcap limit.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

| | | |
|----|------------|----------|
| 1 | 09/05/2004 | (333340) |
| 2 | 09/08/2004 | (333632) |
| 3 | 09/22/2004 | (335158) |
| 4 | 09/22/2004 | (335170) |
| 5 | 09/22/2004 | (335175) |
| 6 | 09/23/2004 | (335211) |
| 7 | 10/20/2004 | (338199) |
| 8 | 10/20/2004 | (338419) |
| 9 | 10/20/2004 | (338428) |
| 10 | 10/20/2004 | (338456) |
| 11 | 11/05/2004 | (340388) |
| 12 | 11/05/2004 | (340397) |
| 13 | 11/05/2004 | (340401) |
| 14 | 01/06/2005 | (346260) |
| 15 | 01/06/2005 | (346265) |
| 16 | 01/06/2005 | (346272) |
| 17 | 01/08/2005 | (346044) |
| 18 | 01/20/2005 | (347728) |
| 19 | 01/27/2005 | (342485) |
| 20 | 01/31/2005 | (348389) |
| 21 | 02/02/2005 | (348485) |
| 22 | 03/16/2005 | (335811) |
| 23 | 03/18/2005 | (335817) |
| 24 | 06/17/2005 | (396298) |
| 25 | 07/01/2005 | (377888) |
| 26 | 08/26/2005 | (402145) |
| 27 | 08/29/2005 | (418249) |
| 28 | 08/29/2005 | (418255) |
| 29 | 08/29/2005 | (418264) |
| 30 | 08/29/2005 | (418278) |
| 31 | 08/29/2005 | (418284) |
| 32 | 09/16/2005 | (431894) |
| 33 | 09/19/2005 | (398612) |
| 34 | 09/19/2005 | (418617) |
| 35 | 09/21/2005 | (432528) |
| 36 | 09/27/2005 | (432573) |

| | | |
|----|------------|----------|
| 37 | 10/05/2005 | (398603) |
| 38 | 10/27/2005 | (435707) |
| 39 | 10/28/2005 | (435763) |
| 40 | 10/31/2005 | (436015) |
| 41 | 11/08/2005 | (436544) |
| 42 | 11/09/2005 | (437151) |
| 43 | 11/16/2005 | (398003) |
| 44 | 11/16/2005 | (436047) |
| 45 | 12/12/2005 | (439539) |
| 46 | 12/14/2005 | (439324) |
| 47 | 12/19/2005 | (449774) |
| 48 | 12/19/2005 | (449781) |
| 49 | 12/21/2005 | (434070) |
| 50 | 12/22/2005 | (450310) |
| 51 | 01/05/2006 | (451297) |
| 52 | 01/06/2006 | (451394) |
| 53 | 01/13/2006 | (451363) |
| 54 | 01/13/2006 | (452190) |
| 55 | 01/17/2006 | (437777) |
| 56 | 01/24/2006 | (452945) |
| 57 | 01/25/2006 | (452960) |
| 58 | 01/25/2006 | (453089) |
| 59 | 01/30/2006 | (453345) |
| 60 | 01/31/2006 | (453394) |
| 61 | 01/31/2006 | (453752) |
| 62 | 02/02/2006 | (453395) |
| 63 | 02/02/2006 | (453859) |
| 64 | 02/13/2006 | (455152) |
| 65 | 02/28/2006 | (457545) |
| 66 | 03/21/2006 | (459612) |
| 67 | 03/23/2006 | (458845) |
| 68 | 03/23/2006 | (460163) |
| 69 | 04/19/2006 | (462453) |
| 70 | 04/19/2006 | (462466) |
| 71 | 04/26/2006 | (463535) |
| 72 | 05/09/2006 | (465242) |
| 73 | 05/15/2006 | (463536) |
| 74 | 05/25/2006 | (465241) |
| 75 | 05/26/2006 | (480084) |
| 76 | 05/31/2006 | (480736) |
| 77 | 06/07/2006 | (481805) |
| 78 | 06/07/2006 | (481812) |
| 79 | 06/08/2006 | (481987) |
| 80 | 06/08/2006 | (481992) |
| 81 | 06/13/2006 | (482336) |
| 82 | 06/16/2006 | (481242) |
| 83 | 06/28/2006 | (482752) |
| 84 | 06/29/2006 | (482750) |
| 85 | 07/10/2006 | (485853) |
| 86 | 08/02/2006 | (484098) |
| 87 | 08/02/2006 | (488630) |
| 88 | 09/05/2006 | (511072) |
| 89 | 09/14/2006 | (512534) |
| 90 | 09/22/2006 | (511317) |
| 91 | 09/28/2006 | (514413) |
| 92 | 09/28/2006 | (514455) |
| 93 | 10/02/2006 | (514550) |
| 94 | 10/02/2006 | (514675) |

| | | |
|-----|------------|----------|
| 95 | 10/11/2006 | (515667) |
| 96 | 10/25/2006 | (536054) |
| 97 | 11/03/2006 | (518149) |
| 98 | 11/03/2006 | (518237) |
| 99 | 11/03/2006 | (518272) |
| 100 | 11/30/2006 | (532446) |
| 101 | 01/22/2007 | (537059) |
| 102 | 02/23/2007 | (540568) |
| 103 | 03/06/2007 | (542490) |
| 104 | 03/16/2007 | (517551) |
| 105 | 04/09/2007 | (554950) |
| 106 | 05/08/2007 | (557892) |
| 107 | 05/11/2007 | (558928) |
| 108 | 05/17/2007 | (559988) |
| 109 | 05/25/2007 | (560211) |
| 110 | 06/04/2007 | (557890) |
| 111 | 06/12/2007 | (561959) |
| 112 | 07/23/2007 | (568756) |
| 113 | 07/23/2007 | (569200) |
| 114 | 07/23/2007 | (569278) |
| 115 | 08/28/2007 | (573763) |
| 116 | 08/29/2007 | (567645) |
| 117 | 09/04/2007 | (571794) |
| 118 | 09/04/2007 | (571799) |
| 119 | 09/04/2007 | (573098) |
| 120 | 09/04/2007 | (573119) |
| 121 | 09/04/2007 | (573126) |
| 122 | 09/04/2007 | (573132) |
| 123 | 09/04/2007 | (573137) |
| 124 | 09/04/2007 | (573145) |
| 125 | 09/28/2007 | (596149) |
| 126 | 10/15/2007 | (596734) |
| 127 | 12/01/2007 | (749338) |
| 128 | 12/04/2007 | (610826) |
| 129 | 12/06/2007 | (610871) |
| 130 | 12/07/2007 | (610766) |
| 131 | 12/13/2007 | (610872) |
| 132 | 12/18/2007 | (599297) |
| 133 | 02/05/2008 | (617236) |
| 134 | 02/22/2008 | (618682) |
| 135 | 03/03/2008 | (619078) |
| 136 | 03/04/2008 | (610874) |
| 137 | 03/10/2008 | (637208) |
| 138 | 03/10/2008 | (637850) |
| 139 | 03/12/2008 | (638570) |
| 140 | 03/31/2008 | (637441) |
| 141 | 04/04/2008 | (640052) |
| 142 | 04/04/2008 | (641113) |
| 143 | 04/04/2008 | (641120) |
| 144 | 04/04/2008 | (641123) |
| 145 | 04/04/2008 | (641124) |
| 146 | 04/04/2008 | (641262) |
| 147 | 04/08/2008 | (641450) |
| 148 | 04/11/2008 | (639948) |
| 149 | 04/15/2008 | (641833) |
| 150 | 04/15/2008 | (646318) |
| 151 | 04/16/2008 | (639947) |
| 152 | 04/16/2008 | (641345) |
| 153 | 04/16/2008 | (641606) |

| | | |
|-----|------------|----------|
| 154 | 04/21/2008 | (653421) |
| 155 | 04/22/2008 | (640269) |
| 156 | 04/22/2008 | (640274) |
| 157 | 04/23/2008 | (653422) |
| 158 | 05/05/2008 | (654697) |
| 159 | 05/14/2008 | (670875) |
| 160 | 05/14/2008 | (670877) |
| 161 | 05/15/2008 | (655931) |
| 162 | 05/19/2008 | (671263) |
| 163 | 06/13/2008 | (682985) |
| 164 | 06/15/2008 | (467250) |
| 165 | 06/17/2008 | (683143) |
| 166 | 06/17/2008 | (683152) |
| 167 | 06/17/2008 | (683436) |
| 168 | 06/24/2008 | (683654) |
| 169 | 06/24/2008 | (683997) |
| 170 | 07/08/2008 | (685211) |
| 171 | 07/08/2008 | (685238) |
| 172 | 07/28/2008 | (685550) |
| 173 | 08/07/2008 | (687671) |
| 174 | 08/07/2008 | (687839) |
| 175 | 08/29/2008 | (700947) |
| 176 | 09/03/2008 | (705401) |
| 177 | 09/10/2008 | (702303) |
| 178 | 09/11/2008 | (700350) |
| 179 | 09/11/2008 | (700366) |
| 180 | 09/11/2008 | (700371) |
| 181 | 09/11/2008 | (701024) |
| 182 | 09/16/2008 | (702968) |
| 183 | 09/30/2008 | (702043) |
| 184 | 09/30/2008 | (703769) |
| 185 | 10/16/2008 | (705600) |
| 186 | 10/17/2008 | (705742) |
| 187 | 10/28/2008 | (706256) |
| 188 | 11/12/2008 | (707907) |
| 189 | 11/18/2008 | (708075) |
| 190 | 11/18/2008 | (708314) |
| 191 | 12/12/2008 | (710274) |
| 192 | 12/18/2008 | (721682) |
| 193 | 01/16/2009 | (702466) |
| 194 | 01/21/2009 | (724249) |
| 195 | 01/23/2009 | (724227) |
| 196 | 02/06/2009 | (725574) |
| 197 | 02/24/2009 | (721140) |
| 198 | 03/03/2009 | (749334) |
| 199 | 03/12/2009 | (735634) |
| 200 | 03/13/2009 | (738460) |
| 201 | 03/16/2009 | (722376) |
| 202 | 03/20/2009 | (739343) |
| 203 | 04/09/2009 | (702467) |
| 204 | 04/17/2009 | (740572) |
| 205 | 05/14/2009 | (748444) |
| 206 | 05/26/2009 | (743528) |
| 207 | 05/26/2009 | (744736) |
| 208 | 06/09/2009 | (748196) |
| 209 | 07/07/2009 | (759763) |
| 210 | 07/08/2009 | (759105) |
| 211 | 08/18/2009 | (761247) |

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

Date: 08/26/2005 (402145)
Self Report? NO Classification: Major
Citation: Permit Conditions PERMIT
Description: Failure to prevent unauthorized discharges.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring Req PERMIT
Description: Failure to maintain effluent parameters within the permitted limits.

Date: 05/09/2006 (465242)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.710(a)
Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 71313. The incident did not meet the criteria, specified in the provisions of §§101.222(b)(2) and (b)(3).

Date: 04/09/2007 (554950) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.

Date: 06/05/2007 (557890)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, § 101.201(b)(1)(D) and (b)(1)(G) by failing to provide the names of all affected facilities and the non-combustible emission values associated with the flaring activity for the incident No. 84788.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86636.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86811.

Date: 08/30/2007 (567645)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Monitoring and Reporting Requirements PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

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

Date: 12/18/2007 (599297)

CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: The review of the deviation report, submitted on January 30, 2007 indicated that Conoco-Phillips failed to provide the required information for the non-reportable events at this facility.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-7(c)(1).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-2(a)(1).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(4)(A), 30 TAC §116.715(a), 40 CFR 63, §63.11(b)(4), and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(1)(B).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(c)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)

Description: The facility failed to comply with the provisions of 40 CFR 63, Subpart CC, §63.643(a)(2).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(a)(1), §60.483-2(b)(2), and 40 CFR 63 Subpart CC, §63.648(a).

Date: 03/04/2008 (610874)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: The facility failed to submit the initial report within 24 hours following the discovery of the incident.

Date: 04/16/2008 (639947)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 101261.

Date: 04/16/2008 (641345)

CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 102617.

Date: 01/16/2009 (702466)

CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1090
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)

Description: The facility is in violation of the provisions of 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)

Description: The facility is in violation of provisions of §60.106(j)(1).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

Description: The facility is in violation of provisions of §60.104(a)(2)(i).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Description: The facility is in violation of provisions of §63.167(a)(1) and 30 TAC §113.130.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
Description: The facility is in violation of the provisions of 30 TAC §113.340, §63.120(b)(9),
and §63.646(a).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)
Description: The facility is in violation of provisions of 30 TAC §122.165(a).
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
Description: The facility is in violation of provisions of 40 CFR 60, §60.7(a)(3).

Date: 02/24/2009 (721140)

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
Permit Conditions, 2,(g),pg 8 PERMIT
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(2)
Description: Failure to prevent an unauthorized discharge from the Coker Quench Water Tank.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring, 1 PERMIT
Description: Failure to meet storm water limitations for pH at outfall 004.

F. Environmental audits.

Notice of Intent Date: 09/01/2005 (439523)

No DOV Associated

Notice of Intent Date: 12/02/2005 (450648)

Disclosure Date: 05/19/2006

Viol. Classification: Moderate

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

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

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

Disclosure Date: 11/08/2006

Viol. Classification: Moderate

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

Description: Failure to meet repair deadlines.

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6

Description: Failure to close 7 open-ended lines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

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

Notice of Intent Date: 11/13/2006 (534247)

Disclosure Date: 12/20/2006

Viol. Classification: Minor

Rqmt Prov: PERMIT PSD-TX102-M5

Description: Failure to monitor all relief valves for leaks quarterly.

Viol. Classification: Moderate

Rqmt Prov: PERMIT PSD-TX-102M5

Description: Failure to maintain records of monthly average temperature and vapor pressure of tanks which receive liquids above ambient temperature.

Notice of Intent Date: 04/27/2007 (561240)

No DOV Associated

Notice of Intent Date: 07/21/2008 (700395)

Disclosure Date: 02/19/2009

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-2

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to complete routine method 21 inspections for 14 pumps. In addition, 3 AVO (audible, visual, olfactory) leaks exceeded the required 5 day first attempt at repair.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Unit 28 was found to exceed the 3% difficult-to-monitor valve cap by 3.4 %.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1

40 CFR Part 60, Subpart VV 60.482-7

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to tag components. Specifically, approximately 97 tags in Unit 9 plus smaller amounts in several other reviewed units were not available in the LeakDAS database.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

40 CFR Part 63, Subpart H 63.167

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to close open ended lines. Specifically, 3 open ended lines were found without control by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)

Description: Failure to fill out all leak tags with appropriate data in Units 6 and 7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to meet the 30 day monitoring requirement for 5 management of change components.

Notice of Intent Date: 10/20/2008 (707547)

Disclosure Date: 06/04/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(5)

Description: Failure to include uncontrolled wastewater streams in the 2007 total annual benzene report and benzene quantity quantifications.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)

Description: Failure to properly identify the HP7 recovery system equipment in the 2007 TAB/BQ report as "controlled"; however, the equipment in this area did not meet the physical control requirements (e.g., junction box covers) and the equipment was not included in the BWON program for visual inspections and fugitive monitoring.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failure to maintain a record of carbon canister design replacement interval for the South Coble carbon canister system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)

Description: Failure to comply with BWON regulations as they applied to a Remediation Pilot Project. Specifically, during the audit, the Borger Refinery discovered that BWON regulations applied to the Remediation Project which had been previously installed. The Pilot Project had operated from June 05, 2008 to December 01, 2008 without carbon canister controls on an enclosed Frac tank. Carbon canisters had been added to bring the Pilot Project in compliance with Texas Permit by Rule requirements.

Notice of Intent Date: 03/10/2009 (740239)

No DOV Associated

Notice of Intent Date: 05/19/2009 (759301)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: Borger Refinery

Reg Entity Add: W Spur 119, Borger, TX **Reg Entity No:**
Reg Entity City: Borger **RN102495884**

Customer Name: ConocoPhillips **Customer No:** CN601674351

EPA Case No: 02-2004-0014 **Order Issue Date (yyyymmdd):** 20051205
Case Result: Final Order With Penalty **Statute:** CAA **Sect of Statute:** 111
Classification: MODERATE **Program:** NSPS **Citation:** 40CFR
Violation Type: Sulfuric Acid Plant NSPS Regulations **Cite Sect:** Subpart H **Cite Part:** 60

Enforcement Action: Consent Decree/Court Order

Reg Entity Name: CONOCO PHILLIPS, BORGER REFINERY

Reg Entity Add: P. O. BOX 271 **Reg Entity No:**
Reg Entity City: BORGER **RN102495884**

Customer Name: Conoco Phillips **Customer No:** CN601674351

EPA Case No: 06-2006-4510 **Order Issue Date (yyyymmdd):** 20060217
Case Result: Final Order With Penalty **Statute:** CWA **Sect of Statute:** 311B
Classification: MODERATE **Program:** NPDES - Spills/SPCC **Citation:** 40 CFR
Violation Type: Oil Spill Violation Under CWA/OPA **Cite Sect:** 311(b) **Cite Part:** 22

Enforcement Action: Administrative Penalty Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1156-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refining and natural gas processing plant on State Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 13 and August 23, 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 Seventeen Thousand Eight Hundred Fifty Dollars (\$17,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand One Hundred Forty Dollars (\$7,140) of the administrative penalty and Three Thousand Five Hundred Seventy Dollars (\$3,570) 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. Seven Thousand One Hundred Forty Dollars (\$7,140) 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 installed a skimmer system on the Central Still Reflux Accumulator to help prevent the build-up of hydrocarbon liquid in the Amine System on March 12, 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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M7, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 18, 2009. Specifically, unauthorized emissions of 189.62 pounds ("lbs") of sulfur dioxide ("SO₂") were released from the Hydrogen Sulfide Emergency Sulfur Flare, emission point number ("EPN") 66FL6, and 2,077 lbs of SO₂ were released from the U34 Incinerator, EPN 34I16, in the Area D Unit during an emissions event (Incident No. 121129) that occurred on March 10, 2009 and lasted 33 minutes. Since this event could have been avoided by better design of the Unit 50 Coker and the 42 Gas Oil Hydrotreating Units that would have prevented hydrocarbon liquid accumulation in the Reflux Accumulator of the Unit 34 Amine System, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 9868A and PSD-TX-102M7, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 18, 2009. Specifically, unauthorized emissions of 7,400 lbs of SO₂ and 80 lbs of hydrogen sulfide were released from the Gas Oil Hydro-Desulfurization Flare, EPN 66FL12, in Unit 45 during an emissions event (Incident No. 122697) that occurred on April 13, 2009 and lasted three hours and one minute. Since this event could have been avoided by better design of the shutdown interlock system in Unit 45, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2009-1156-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand One Hundred Forty Dollars (\$7,140) 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:
 - i. With regard to Incident No. 121129, implement measures designed to prevent hydrocarbon liquid carryover to Unit 34 Sulfur Recovery Unit, in order to prevent emissions events due to the same root causes as the March 10, 2009 event; and

- ii. With regard to Incident No. 122697, implement measures designed to prevent the shutdown interlock from signaling the valve to close in Unit 45.

- 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

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

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

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

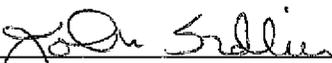
receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/2/2009
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

10/5/09
Date

Brian K. Lovel
Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

Refinery Manager
Title

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

Attachment A
Docket Number: 2009-1156-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Payable Penalty Amount: Fourteen Thousand Two Hundred Eighty Dollars (\$14,280)

SEP Amount: Seven Thousand One Hundred Forty Dollars (\$7,140)

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: Texas Air Quality Control Region 211 – Amarillo-Lubbock

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.

ConocoPhillips Company
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.

