

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2008-0687-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 35799
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: ConocoPhillips Sweeny Refinery, located at Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria County</p> <p>TYPE OF OPERATION: Refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Cynthia Jordy, Environmental Team Leader, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480 Mr. T. J. Rich, Sweeny General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480 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: February 21 and March 24, 2008</p> <p>Date of NOV/NOE Relating to this Case: March 24, April 29, and May 15, 2008 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008. This was Incident No. 102949. Specifically, emissions from the coker flare were 138 pounds ("lbs") of carbon monoxide ("CO"), 3,270 lbs of sulfur dioxide ("SO₂"), 22 lbs of nitrogen oxides ("NO_x"), 36 lbs of hydrogen sulfide ("H₂S"), and 202 lbs of volatile organic compounds ("VOCs"), with permit limits of 0.83 pounds per hour ("lbs/hr") for CO, 0.06 lbs/hr for SO₂, and 0.11 lbs/hr for NO_x, respectively. Emissions from the Expansion HP flare were 118 lbs of CO, 21 lbs of NO_x, 3,240 lbs of SO₂, 35 lbs of H₂S, and 176 lbs of VOCs, with permit limits of 0.96 lbs/hr for CO, 0.11 lbs/hr for NO_x, and 0.07 lbs/hr for SO₂, respectively. Emissions from the Expansion LP flare were 33 lbs of SO₂ and 1 lb of CO, with permit limits of 21.25 lbs/hr for SO₂ and 0.12 lbs/hr for CO, respectively. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$40,000</p> <p>Total Deferred: \$8,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$32,000</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 prior to March 3, 2008, training was conducted regarding knock out drum level control for operators of Unit 26.1 to prevent a reoccurrence of emissions events similar to the January 28, 2008 incident.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement appropriate measures to minimize and/or avoid the reoccurrence of emissions events similar to the February 9, 14, and 25, 2008 incidents; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

2) Failure to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008. This was Incident No. 104186. Specifically, emissions from the coker flare were 21 lbs of CO, 227 lbs of SO₂, 3 lbs of NO_x, 2 lbs of H₂S, and 24 lbs of VOCs, with permit limits of 0.83 lbs/hr for CO, 0.06 lbs/hr for SO₂, and 0.11 lbs/hr for NO_x, respectively. Emissions from the Expansion HP flare were 121 lbs of CO, 18 lbs of NO_x, 707 lbs of SO₂, 8 lbs of H₂S, and 211 lbs of VOCs, with permit limits of 0.96 lbs/hr for CO, 0.11 lbs/hr for NO_x, and 0.07 lbs/hr for SO₂, respectively. Emissions from the Expansion LP flare were 639 lbs of SO₂, 96 lbs of CO, 7 lbs of H₂S, 14 lbs of NO_x, and 156 lbs of VOCs, with permit limits of 21.25 lbs/hr for SO₂, 0.12 lbs/hr for CO, 0.06 lbs/hr for NO_x, and 0.61 lbs/hr for VOCs, respectively. Coker fugitive emissions were 47 lbs of H₂S and 148 lbs of VOCs, with permit limits of 0.04 lbs/hr for H₂S and 2.98 lbs/hr for VOCs, respectively. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3) Failure to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008. This was Incident No. 103533. Specifically, emissions from the incinerator stack were 15,427 lbs of SO₂, with a permit limit of 115.42 lbs/hr. Sulfur recovery unit fugitive emissions were 547 lbs of SO₂ and 558 lbs of H₂S, with a permit limit of 0.11 lbs/hr for H₂S. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008. This was Incident No. 103700. Specifically, emissions from the tank 69 vent were 48 lbs of VOCs. The emissions are not authorized by the permit. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative

<p>defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): Air Account No. BL0042G



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

TCEQ

DATES	Assigned	31-Mar-2008	Screening	24-Apr-2008	EPA Due	2-Feb-2009
	PCW	28-Apr-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN101619179
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35799	No. of Violations	3
Docket No.	2008-0687-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	561% Enhancement	Subtotals 2, 3, & 7	\$70,125
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Notes
The Respondent has received five 1660 Orders, eight Findings Orders, 39 NOV's for the same or similar violations, 20 NOV's for non-similar violations, one federal consent decree, and has submitted two NOIs with one associated DOV in the past five years.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith effort criteria.

Total EB Amounts	\$151	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$4,500	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$82,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$82,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,000
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DEFERRAL	20% Reduction	Adjustment	-\$6,000
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$24,000
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Screening Date	24-Apr-2008	Docket No.	2008-0687-AIR-E	PCW
Respondent	ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35799	<i>PCW Revision March 8, 2008</i>		
Reg. Ent. Reference No.	RN101619179			
Media [Statute]	Air			
Enf. Coordinator	Audra L. Ruble			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	39	195%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	5	100%
	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	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 561%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	The Respondent has received five 1660 Orders, eight Findings Orders, 39 NOVs for the same or similar violations, 20 NOVs for non-similar violations, one federal consent decree, and has submitted two NOIs with one associated DOV in the past five years.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 561%

Screening Date 24-Apr-2008	Docket No. 2008-0687-AIR-E	PCW
Respondent ConocoPhillips Company	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35799	<i>PCW Revision March 8, 2008</i>	
Reg. Ent. Reference No. RN101619179		
Media [Statute] Air		
Enf. Coordinator Audra L. Ruble		

Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008, as documented during a record review conducted on February 21, 2008. This was Incident No. 102949, see attached table. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).		
Base Penalty			\$10,000

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input style="width: 50px;" type="text" value="50%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input style="width: 50px;" type="text" value="0%"/>
Matrix Notes	The emissions event resulted in the release of a significant amount of pollutants which do not exceed protective levels.			
Adjustment				\$5,000
				\$5,000

Violation Events				
	Number of Violation Events	<input style="width: 30px;" type="text" value="1"/>	Number of violation days	<input style="width: 30px;" type="text" value="1"/>
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty				\$5,000
One monthly event is recommended.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$7"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$33,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 35799
Reg. Ent. Reference No. RN101619179
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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	28-Jan-2008	3-Mar-2008	0.1	\$7	n/a	\$7
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to conduct training for Unit 26.1 operators regarding knock out drum level control to prevent similar violations. Date required is the date of the emissions event and Final date is when compliance documentation was received.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$7
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Screening Date	24-Apr-2008	Docket No.	2008-0687-AIR-E	PCW
Respondent	ConocoPhillips Company		Policy Revision 2 (September 2002)	
Case ID No.	35799		PCW Revision March 8, 2008	
Reg. Ent. Reference No.	RN101619179			
Media [Statute]	Air			
Enf. Coordinator	Audra L. Ruble			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, as documented during a record review conducted on March 24, 2008. This was Incident No. 104186, see attached table. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 25%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes

The emissions event resulted in the release of an insignificant amount of pollutants which do not exceed protective levels.

Adjustment \$7,500

Adjustment \$7,500

Base Penalty \$10,000

Adjusted Penalty \$2,500

Violation Events

Number of Violation Events	1	Number of violation days	1
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<i>mark only one with an x</i>	daily		Violation Base Penalty \$2,500
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$70	Violation Final Penalty Total \$16,525
This violation Final Assessed Penalty (adjusted for limits) \$10,000	

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 35799
Reg. Ent. Reference No. RN101619179
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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	25-Feb-2008	1-Feb-2009	0.9	\$70	n/a	\$70

Notes for DELAYED costs
 Estimated cost to improve operating procedures and engineering controls to the Vacuum Distillation Unit to prevent similar violations. Date required is the date of the emissions event and Final date is when compliance is expected to be achieved.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$70
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Screening Date 24-Apr-2008

Docket No. 2008-0687-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 35799

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, as documented during a record review conducted on March 24, 2008. This was Incident No. 103533. Specifically, emissions from the incinerator stack were 15,427 lbs of SO₂, with a permit limit of 115.42 lbs/hr. Sulfur recovery unit fugitive emissions were 547 lbs of SO₂ and 558 lbs of H₂S, with a permit limit of 0.11 lbs/hr for H₂S. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

The emissions event resulted in the release of a significant amount of pollutants which do not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 35799
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	9-Feb-2008	1-Feb-2009	1.0	\$74	n/a	\$74

Notes for DELAYED costs
 Estimated cost to improve operating procedures and engineering controls at the No. 1 Tail Gas Treatment Unit to prevent similar violations. Date required is the date of the emissions event and Final date is when compliance is expected to be achieved.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$74
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ConocoPhillips Company; Docket No. 2008-0687-AIR-E; Case No. 35799

Emissions Table for V#1 (Incident 102949)

	Emissions	Permit Limit
Coker Flare	138 lbs CO	0.83 lbs/hr
	3,270 lbs SO2	0.06 lbs/hr
	22 lbs NOx	0.11 lbs/hr
	36 lbs H2S	n/a
	202 lbs VOCs	n/a
Expansion HP flare	118 lbs CO	0.96 lbs/hr
	21 lbs NOx	0.11 lbs/hr
	3,240 lbs SO2	0.07 lbs/hr
	35 lbs H2S	n/a
	176 lbs VOCs	n/a
Expansion LP flare	33 lbs SO2	21.25 lbs/hr
	1 lb CO	0.12 lbs/hr

Emissions Table for V#2 (Incident 104186)

	Emissions	Permit Limit
Coker flare	21 lbs CO	0.83 lbs/hr
	227 lbs SO2	0.06 lbs/hr
	3 lbs NOx	0.11 lbs/hr
	2 lbs H2S	n/a
	24 lbs VOCs	n/a
Expansion HP flare	121 lbs CO	0.96 lbs/hr
	18 lbs NOx	0.11 lbs/hr
	707 lbs SO2	0.07 lbs/hr
	8 lbs H2S	n/a
	211 lbs VOCs	n/a
Expansion LP flare	639 lbs SO2	21.25 lbs/hr
	96 lbs CO	0.12 lbs/hr
	7 lbs H2S	n/a
	14 lbs NOx	0.06 lbs/hr
	156 lbs VOCs	0.61 lbs/hr
Coker fugitives	47 lbs H2S	0.04 lbs/hr
	148 lbs VOCs	2.98 lbs/hr

Abbreviations

Carbon Monoxide	CO
Sulfur Dioxide	SO2
Nitrogen Oxide	NOx
Hydrogen Sulfide	H2S
Volatile Organic Compounds	VOCs
Pounds per hour	lbs/hr



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	19-May-2008	Screening	11-Jun-2008	EPA Due	27-Mar-2009
	PCW	18-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN101619179		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35799	No. of Violations	1
Docket No.	2008-0687-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra L. Ruble
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	561.0% Enhancement	Subtotals 2, 3, & 7 \$14,025

Notes
The Respondent has received five 1660 Orders, eight Findings Orders, 39 NOVs for the same or similar violations, 20 NOVs for non-similar violations, one federal consent decree, and has submitted two NOIs with one associated DOV in the past five years.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$73
Approx. Cost of Compliance \$1,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,525
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$16,525

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,000
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,000
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Screening Date 11-Jun-2008

Docket No. 2008-0687-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 35799

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

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)	39	195%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	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	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 561%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received five 1660 Orders, eight Findings Orders, 39 NOVs for the same or similar violations, 20 NOVs for non-similar violations, one federal consent decree, and has submitted two NOIs with one associated DOV in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 561%

Screening Date 11-Jun-2008		Docket No. 2008-0687-AIR-E		PCW	
Respondent ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35799		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN101619179					
Media [Statute] Air					
Enf. Coordinator Audra L. Ruble					
Violation Number <input type="text" value="1"/>					
Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and Tex. Health & Safety Code § 382.085(b)					
Violation Description					
Failed to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008, as documented during a record review conducted on March 24, 2008. Specifically, emissions from the tank 69 vent were 48 pounds of volatile organic compounds. The emissions are not authorized by the permit. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).					
		Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input 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		The emissions event resulted in the release of an insignificant amount of pollutants which do not exceed protective levels.			
				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"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text" value="X"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
One quarterly event is recommended.				Violation Base Penalty <input type="text" value="\$2,500"/>	
Good Faith Efforts to Comply					
		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 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="\$16,525"/>	
				This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 35799
Reg. Ent. Reference No.: RN101619179
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	14-Feb-2008	1-Feb-2009	0.97	\$73	n/a	\$73

Notes for DELAYED costs: Estimated cost to improve operating procedures and engineering controls at the Wastewater Treater Unit to prevent similar violations. Date required is the date of the emissions event and Final date is when compliance is expected to be achieved.

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	\$73
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Compliance History

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.78
Regulated Entity:	RN101619179	CONOCOPHILLIPS SWEENEY REFINERY	Classification: AVERAGE	Site Rating: 7.39
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD048210645	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30048	
	AIR NEW SOURCE PERMITS	REGISTRATION	72035	
	AIR NEW SOURCE PERMITS	REGISTRATION	72036	
	AIR NEW SOURCE PERMITS	PERMIT	5689	
	AIR NEW SOURCE PERMITS	PERMIT	10779	
	AIR NEW SOURCE PERMITS	PERMIT	12344	
	AIR NEW SOURCE PERMITS	PERMIT	12993	
	AIR NEW SOURCE PERMITS	PERMIT	13744	
	AIR NEW SOURCE PERMITS	PERMIT	13929	
	AIR NEW SOURCE PERMITS	PERMIT	13978	
	AIR NEW SOURCE PERMITS	PERMIT	1313A	
	AIR NEW SOURCE PERMITS	PERMIT	1314A	
	AIR NEW SOURCE PERMITS	PERMIT	1486A	
	AIR NEW SOURCE PERMITS	PERMIT	1514A	
	AIR NEW SOURCE PERMITS	PERMIT	2849A	
	AIR NEW SOURCE PERMITS	PERMIT	5679G	
	AIR NEW SOURCE PERMITS	PERMIT	5689A	
	AIR NEW SOURCE PERMITS	PERMIT	5920A	
	AIR NEW SOURCE PERMITS	PERMIT	7467A	
	AIR NEW SOURCE PERMITS	PERMIT	7754A	
	AIR NEW SOURCE PERMITS	PERMIT	18142	
	AIR NEW SOURCE PERMITS	PERMIT	18601	
	AIR NEW SOURCE PERMITS	PERMIT	21265	
	AIR NEW SOURCE PERMITS	PERMIT	22086	
	AIR NEW SOURCE PERMITS	PERMIT	24161	
	AIR NEW SOURCE PERMITS	PERMIT	25004	
	AIR NEW SOURCE PERMITS	PERMIT	24717	
	AIR NEW SOURCE PERMITS	PERMIT	24162	
	AIR NEW SOURCE PERMITS	PERMIT	26533	
	AIR NEW SOURCE PERMITS	PERMIT	25434	
	AIR NEW SOURCE PERMITS	PERMIT	30513	
	AIR NEW SOURCE PERMITS	PERMIT	33153	
	AIR NEW SOURCE PERMITS	PERMIT	35367	
	AIR NEW SOURCE PERMITS	PERMIT	35506	
	AIR NEW SOURCE PERMITS	PERMIT	35780	
	AIR NEW SOURCE PERMITS	PERMIT	39026	
	AIR NEW SOURCE PERMITS	PERMIT	40944	
	AIR NEW SOURCE PERMITS	PERMIT	42367	
	AIR NEW SOURCE PERMITS	PERMIT	43038	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0042G	
	AIR NEW SOURCE PERMITS	REGISTRATION	55489	
	AIR NEW SOURCE PERMITS	REGISTRATION	75616	
	AIR NEW SOURCE PERMITS	REGISTRATION	75905	
	AIR NEW SOURCE PERMITS	REGISTRATION	75713	
	AIR NEW SOURCE PERMITS	AFS NUM	4803900010	
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX103M2	
	AIR NEW SOURCE PERMITS	PERMIT	70113	
	AIR NEW SOURCE PERMITS	PERMIT	49140	
	AIR NEW SOURCE PERMITS	PERMIT	54666	
	AIR NEW SOURCE PERMITS	PERMIT	52705	
	AIR NEW SOURCE PERMITS	PERMIT	53563	
	AIR NEW SOURCE PERMITS	PERMIT	74130	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M	
	AIR NEW SOURCE PERMITS	REGISTRATION	76776	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M2	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX998	
	AIR NEW SOURCE PERMITS	REGISTRATION	76731	
	AIR NEW SOURCE PERMITS	REGISTRATION	76644	

AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M3
AIR NEW SOURCE PERMITS	REGISTRATION	77648
AIR NEW SOURCE PERMITS	REGISTRATION	77153
AIR NEW SOURCE PERMITS	REGISTRATION	77156
AIR NEW SOURCE PERMITS	REGISTRATION	77157
AIR NEW SOURCE PERMITS	REGISTRATION	77152
AIR NEW SOURCE PERMITS	REGISTRATION	77154
AIR NEW SOURCE PERMITS	REGISTRATION	77155
AIR NEW SOURCE PERMITS	REGISTRATION	77336
AIR NEW SOURCE PERMITS	REGISTRATION	78566
AIR NEW SOURCE PERMITS	REGISTRATION	79552
AIR NEW SOURCE PERMITS	PERMIT	80806
AIR NEW SOURCE PERMITS	REGISTRATION	81104
AIR NEW SOURCE PERMITS	REGISTRATION	82689
AIR NEW SOURCE PERMITS	REGISTRATION	82601
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	2151
WASTEWATER	PERMIT	TX0007536
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	WQ0000721000
PETROLEUM STORAGE TANK	REGISTRATION	20580
REGISTRATION		
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50186
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50186
WASTEWATER LICENSING	LICENSE	WQ0000721000

Location: HIGHWAY 35 AND FM 524, OLD OCEAN, TX, 77463 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 15, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 15, 2003 to April 15, 2008

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

Name: Audra Ruble Phone: 361-825-3126

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 of the site during the compliance period? Yes
3. If Yes, who is the current owner? ConocoPhillips Company
4. If Yes, who was/were the prior owner(s)? CHEVRON PHILLIPS CHEMICAL COMPANY LP
5. When did the change(s) in ownership occur? 04/22/2004

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: 08/29/2003 ADMINORDER 2002-0467-AIR-E

Classification: Minor
Citation: 5B THC Chapter 370, SubChapter B 370.008
Description: Failure to include compound descriptive and compound amount in the final report to the agency.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: SP17 PERMIT
Description: Failure to conduct sampling of the TGI according to permit SP.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
Description: Failure to submit Final Record for the May 23, 2002 upset w/in two wks of upset.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.11(a)
Rqmt Prov: SC 1 PERMIT
Description: Failure to prevent unauthorized discharge of emissions on May 23, 2002.

Effective Date: 08/30/2004 ADMINORDER 2002-1028-IWD-E

Classification: Moderate
Citation: TWC Chapter 26 26.121(a)(1)
Rqmt Prov: NOT LISTED PERMIT
Description: Failure to comply w/the daily avg. and daily max. selenium limits of TCEQ WQ Permit 00721 for outfall 001. SNC violations are those which exceed the permitted limit by 40% for conv. pollutants & 20% for toxics.

Effective Date: 05/23/2005 ADMINORDER 2004-0704-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit # 5682A /PSD-TX-103M2, SC 19B PA
Description: Failure to conduct successive quarterly cylinder gas audits (CGAs) on the Continuous Emission Monitoring System (CEMS) associated with Unit 27.1 Regenerator Stack (EPN 27.1-36-RE).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit # 30513 SC # 2 PA
Description: Failed to calibrate, certify, maintain, and operate a CEMS capable of continuously monitoring and recording the concentration of H2S in all fuel gases before being burned at the Unit 35 Furnace (EPN 35-36-1).

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit # 30513, SC # 26C PA
Description: Failed to conduct a valid audit on the CEMS associated with the Unit 35 Furnace (EPN 35-36-1) during the September 11, 2003 quarterly CGA schedule.

Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to note daily observations in the flare (EPN 56-61-17) operation log.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 14H PERMIT
Description: Failed to comply with the 5 and 15 day requirements for leaking valves in Units 4, 20, 27.2, and 35.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to demonstrate compliance with the required primary seal inspection for Tank (EPN 68-95-32) associated with Unit 15 - Hexane Isomerization.

Effective Date: 06/09/2005 ADMINORDER 2003-0446-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 21265 SC 4B, C PERMIT
Description: Failed to submit the semi-annual reports for the wastewater unit (EPN 56 and 56.1) and the copper treater unit (EPN 43) from January 1998 to December 2002.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 30513 SC 4 PERMIT
Description: Failed to implement a fugitive monitoring program for the Continuous Catalyst Reformer Unit No. 35 within 180 days after the initial start up on August 2, 2000.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to include an explanation for the delay in repairing leaking components when repairs are required within 15 days of discovery in semi-annual reports for the periods of July - December 2000, January - June 2001, July - December 2001, and January - July 2002.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit semi-annual reports for Unit 35 to the TCEQ due in February 2001, August 2001, and February 2002.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 5682A SC 18 PERMIT
Description: Failed to perform the initial compliance certification test on the Hydrogen Sulfide Continuous Emissions Monitoring System within 30 days of performance testing of the unit, conducted on March 16, 2001.

Effective Date: 09/30/2005 ADMINORDER 2004-1617-AIR-E
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #5682A, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 01/26/2006 ADMINORDER 2005-0163-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 5682 & PSD-TX-103M2, S.C. #1 PERMIT
Description: Failure to prevent an unplanned shutdown of an incinerator resulting in unauthorized emissions.

Effective Date: 04/14/2006 ADMINORDER 2005-1660-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit # 49140 PA
Description: RE failed to prevent an avoidable emissions event.

Effective Date: 07/14/2006 ADMINORDER 2005-1904-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 7467A SC 1 PERMIT
Permit No. 5920A and PSD-TX-103M2, SC 1 PA
Description: RE failed to prevent avoidable emissions events.

Effective Date: 09/21/2006 ADMINORDER 2006-0252-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 5682A, SC1 PERMIT
Description: Failed to prevent unauthorized emissions

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit # 5682A & PSD-TX-103M2, SC 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit accurate final report after an emissions event

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Permit No. 5920A PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event.

Effective Date: 12/02/2006

ADMINORDER 2006-0706-AIR-E

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

Description: Failed to submit the initial notification within 24 hours of discovery for the emission event that occurred on February 11, 2006. Specifically, the initial notification for Incident No. 71652 was submitted 46 hours after the emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, and 0.06 lbs/hr for sulfur dioxide from the Coker Flare (EPN 29-61-1) on February 11, 2006.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, 0.06 lbs/hr for sulfur dioxide, and zero lbs/hr for volatile organic compounds ("VOCs") Coker Flare [emission point number ("EPN") 29-61-1] on January 10, 2006.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1563(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 49140 Special Condition 12 PERMIT

Description: Failed to comply with the permitted emission rate of 1.0 lbs of PM per 1,000 lbs of coke burned-off. Specifically, during the stack testings of November 3-4, 2004, June 30, 2005, and December 13, 2005 PM emissions from the Fluid Catalytic Cracking Unit (FCCU) No. 3 Regenerator Vent (EPN 3-95-3) were exceeded.

Effective Date: 05/25/2007

ADMINORDER 2005-1212-AIR-E

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

Description: Failed to submit initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at Unit 26.2.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #5682 and PSD-TX-103M2, S.C. #1 PERMIT

Description: failed to control unauthorized emissions at the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit # 5862A/PSD-TX-103M2 PERMIT

Description: Failed to control unauthorized emissions from the LP Emergency Flare during an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #5682A and PSD-TX-103M2, S.C. #1 PERMIT

Description: failed to control unauthorized emissions from the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup of Unit 26.1 exceeded the initial estimates in the startup notification.

Effective Date: 06/29/2007 ADMINORDER 2006-1550-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 25, 2006 at 3:00 a.m., but was not reported until June 7, 2006 at 12:05 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on June 1, 2006 at 2:00 a.m., but was not reported until June 12, 2006 at 4:48 p.m.

Effective Date: 07/13/2007 ADMINORDER 2006-2030-AIR-E

Classification: Major

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent an avoidable emissions event.

Effective Date: 03/08/2008 ADMINORDER 2007-0670-AIR-E

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 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit 49140, Special Condition 12 PERMIT
 Description: Failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit Representations PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit Representations PERMIT
 Description: Failed to prevent unauthorized emissions.
 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 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 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 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit Representations PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit Representations PERMIT
 Description: Failed to prevent unauthorized emissions.

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	04/23/2003	(160678)
2	04/23/2003	(33899)
3	05/02/2003	(10852)
4	05/12/2003	(27507)
5	05/27/2003	(296409)
6	06/05/2003	(17956)
7	06/16/2003	(33521)
8	06/17/2003	(34943)
9	06/23/2003	(160685)
10	07/10/2003	(119447)
11	07/16/2003	(36390)
12	07/23/2003	(296413)

13	07/26/2003	(61517)
14	08/04/2003	(133826)
15	08/23/2003	(61968)
16	08/27/2003	(296415)
17	09/24/2003	(296417)
18	10/21/2003	(296419)
19	10/27/2003	(282874)
20	11/06/2003	(249501)
21	11/07/2003	(253887)
22	11/24/2003	(254187)
23	11/24/2003	(296420)
24	11/25/2003	(254294)
25	12/22/2003	(296421)
26	12/31/2003	(255587)
27	01/22/2004	(296422)
28	01/30/2004	(259125)
29	01/30/2004	(261337)
30	02/02/2004	(250745)
31	02/23/2004	(296404)
32	03/17/2004	(257314)
33	03/22/2004	(296406)
34	03/22/2004	(264254)
35	04/06/2004	(257342)
36	04/08/2004	(258257)
37	04/22/2004	(296407)
38	05/07/2004	(266127)
39	05/25/2004	(296410)
40	06/21/2004	(352588)
41	06/30/2004	(273454)
42	06/30/2004	(271507)
43	07/01/2004	(275993)
44	07/02/2004	(278283)
45	07/12/2004	(259068)
46	07/12/2004	(258107)
47	07/16/2004	(352589)
48	08/18/2004	(282244)
49	08/23/2004	(352590)
50	08/23/2004	(352593)
51	08/24/2004	(260558)
52	08/25/2004	(261423)
53	08/31/2004	(271547)
54	08/31/2004	(273961)
55	09/01/2004	(289795)
56	09/01/2004	(280584)
57	09/10/2004	(333346)
58	09/16/2004	(352591)
59	09/30/2004	(280855)
60	10/05/2004	(336659)
61	10/06/2004	(333804)
62	10/06/2004	(333805)
63	10/06/2004	(333698)
64	10/15/2004	(352592)
65	11/12/2004	(287686)
66	11/19/2004	(575777)
67	11/22/2004	(338077)
68	11/22/2004	(335609)
69	11/22/2004	(339194)
70	11/22/2004	(333524)
71	11/29/2004	(341065)
72	11/29/2004	(340915)
73	11/29/2004	(336272)
74	11/29/2004	(340851)
75	11/29/2004	(340359)
76	11/29/2004	(340845)
77	11/30/2004	(340792)
78	12/06/2004	(283487)
79	12/11/2004	(342577)
80	12/11/2004	(342599)

81	12/16/2004	(382048)
82	12/17/2004	(288102)
83	12/17/2004	(341910)
84	12/17/2004	(340488)
85	12/20/2004	(289506)
86	12/22/2004	(340482)
87	12/22/2004	(342153)
88	12/28/2004	(342422)
89	12/28/2004	(277696)
90	12/29/2004	(289466)
91	12/30/2004	(345626)
92	12/30/2004	(287859)
93	12/30/2004	(345294)
94	12/30/2004	(345296)
95	12/30/2004	(345297)
96	12/30/2004	(342412)
97	01/04/2005	(342579)
98	01/07/2005	(345295)
99	01/07/2005	(345299)
100	01/17/2005	(286211)
101	01/27/2005	(343576)
102	02/10/2005	(343557)
103	02/14/2005	(349255)
104	02/21/2005	(349952)
105	02/21/2005	(351188)
106	02/22/2005	(350692)
107	02/23/2005	(382045)
108	02/23/2005	(382046)
109	02/23/2005	(382047)
110	02/25/2005	(350491)
111	03/03/2005	(349462)
112	03/03/2005	(371965)
113	03/09/2005	(372280)
114	03/09/2005	(345300)
115	03/16/2005	(343615)
116	03/16/2005	(373194)
117	03/21/2005	(575759)
118	03/29/2005	(372022)
119	03/31/2005	(350563)
120	04/12/2005	(374970)
121	04/12/2005	(375119)
122	05/19/2005	(378252)
123	05/20/2005	(375132)
124	05/23/2005	(575764)
125	06/20/2005	(396218)
126	06/22/2005	(575766)
127	06/23/2005	(349036)
128	06/24/2005	(374887)
129	06/24/2005	(397011)
130	07/11/2005	(398367)
131	07/11/2005	(396156)
132	07/15/2005	(400176)
133	07/20/2005	(575772)
134	07/20/2005	(399359)
135	07/20/2005	(575770)
136	07/26/2005	(400458)
137	08/02/2005	(402413)
138	08/15/2005	(404591)
139	08/22/2005	(406298)
140	08/24/2005	(406619)
141	08/30/2005	(402698)
142	08/30/2005	(418482)
143	09/26/2005	(575773)
144	10/12/2005	(345293)
145	10/21/2005	(433893)
146	10/24/2005	(575775)
147	10/28/2005	(403331)
148	10/28/2005	(418688)

149	10/31/2005	(433354)
150	11/21/2005	(575778)
151	12/01/2005	(438294)
152	12/22/2005	(575780)
153	01/02/2006	(439019)
154	01/23/2006	(575782)
155	01/30/2006	(453505)
156	01/30/2006	(451619)
157	01/30/2006	(440119)
158	02/07/2006	(453152)
159	02/08/2006	(440116)
160	02/08/2006	(440354)
161	02/13/2006	(440416)
162	02/21/2006	(449529)
163	02/23/2006	(455205)
164	02/23/2006	(451390)
165	02/23/2006	(453702)
166	02/23/2006	(575757)
167	02/24/2006	(438289)
168	02/27/2006	(440305)
169	03/13/2006	(453717)
170	03/14/2006	(453727)
171	03/16/2006	(433352)
172	03/16/2006	(438820)
173	03/16/2006	(450930)
174	03/17/2006	(438894)
175	03/20/2006	(278774)
176	03/21/2006	(345285)
177	03/22/2006	(575760)
178	03/28/2006	(433648)
179	03/28/2006	(451496)
180	03/30/2006	(458137)
181	03/30/2006	(458160)
182	04/20/2006	(460114)
183	04/20/2006	(458139)
184	04/24/2006	(575762)
185	04/25/2006	(461497)
186	05/04/2006	(461458)
187	05/16/2006	(462220)
188	05/16/2006	(462319)
189	05/17/2006	(463612)
190	05/17/2006	(461841)
191	05/18/2006	(575765)
192	05/22/2006	(434378)
193	05/22/2006	(463514)
194	05/25/2006	(458131)
195	05/31/2006	(460763)
196	06/22/2006	(575767)
197	06/23/2006	(480400)
198	06/23/2006	(480579)
199	06/27/2006	(480326)
200	06/27/2006	(480331)
201	06/30/2006	(463704)
202	06/30/2006	(482027)
203	07/07/2006	(460719)
204	07/10/2006	(480119)
205	07/10/2006	(482038)
206	07/11/2006	(483052)
207	07/19/2006	(484922)
208	07/21/2006	(486875)
209	07/21/2006	(575768)
210	07/24/2006	(465685)
211	07/28/2006	(484927)
212	07/31/2006	(484998)
213	08/04/2006	(483248)
214	08/07/2006	(484904)
215	08/07/2006	(483230)
216	08/16/2006	(485078)

217	08/16/2006	(497297)
218	08/21/2006	(497477)
219	08/21/2006	(497714)
220	08/22/2006	(575771)
221	08/25/2006	(484989)
222	08/29/2006	(485092)
223	08/29/2006	(485973)
224	09/01/2006	(487285)
225	09/05/2006	(481595)
226	09/05/2006	(487182)
227	09/18/2006	(575774)
228	10/02/2006	(511382)
229	10/20/2006	(497684)
230	10/23/2006	(575776)
231	10/24/2006	(516622)
232	10/30/2006	(511381)
233	10/30/2006	(289180)
234	11/03/2006	(514242)
235	11/03/2006	(514125)
236	11/03/2006	(513963)
237	11/06/2006	(453818)
238	11/07/2006	(487028)
239	11/15/2006	(432050)
240	11/21/2006	(514771)
241	11/21/2006	(514871)
242	11/22/2006	(575779)
243	11/30/2006	(514772)
244	12/06/2006	(514931)
245	12/08/2006	(514770)
246	12/19/2006	(531219)
247	12/21/2006	(514890)
248	12/22/2006	(575781)
249	12/28/2006	(533933)
250	01/05/2007	(514904)
251	01/10/2007	(534506)
252	01/19/2007	(575783)
253	01/25/2007	(531232)
254	01/25/2007	(535014)
255	01/29/2007	(531242)
256	01/29/2007	(534512)
257	02/05/2007	(536784)
258	02/05/2007	(516120)
259	02/05/2007	(538614)
260	02/22/2007	(516368)
261	02/22/2007	(516309)
262	02/22/2007	(516228)
263	02/22/2007	(538168)
264	02/22/2007	(516413)
265	02/26/2007	(575758)
266	02/28/2007	(541083)
267	02/28/2007	(534513)
268	02/28/2007	(535042)
269	03/01/2007	(489392)
270	03/23/2007	(508787)
271	03/23/2007	(575761)
272	03/28/2007	(554903)
273	03/28/2007	(555356)
274	03/30/2007	(541806)
275	04/04/2007	(553900)
276	04/05/2007	(554567)
277	04/12/2007	(555765)
278	04/18/2007	(535818)
279	04/20/2007	(541785)
280	04/23/2007	(575763)
281	04/27/2007	(536863)
282	04/27/2007	(538234)
283	05/02/2007	(557193)
284	05/08/2007	(536805)

285	05/16/2007	(556084)
286	05/16/2007	(543939)
287	05/21/2007	(560688)
288	05/21/2007	(607617)
289	05/29/2007	(560939)
290	05/30/2007	(558665)
291	05/31/2007	(557887)
292	05/31/2007	(557814)
293	05/31/2007	(558933)
294	05/31/2007	(558165)
295	05/31/2007	(561604)
296	06/08/2007	(563044)
297	06/18/2007	(564174)
298	06/20/2007	(563448)
299	06/27/2007	(564004)
300	06/27/2007	(564948)
301	07/06/2007	(562320)
302	07/06/2007	(566372)
303	07/10/2007	(566109)
304	07/12/2007	(566817)
305	07/18/2007	(564160)
306	07/18/2007	(562884)
307	07/18/2007	(565411)
308	07/20/2007	(575769)
309	07/26/2007	(534491)
310	07/30/2007	(570079)
311	08/13/2007	(562652)
312	08/20/2007	(572167)
313	08/24/2007	(570711)
314	09/05/2007	(572989)
315	09/22/2007	(607618)
316	09/22/2007	(607619)
317	09/24/2007	(607621)
318	09/26/2007	(594057)
319	10/12/2007	(594704)
320	10/12/2007	(595919)
321	10/12/2007	(595879)
322	10/15/2007	(557764)
323	10/16/2007	(597749)
324	10/22/2007	(607620)
325	11/02/2007	(571706)
326	11/06/2007	(599098)
327	11/20/2007	(608723)
328	11/20/2007	(608750)
329	11/21/2007	(596538)
330	11/21/2007	(596539)
331	11/21/2007	(596540)
332	12/03/2007	(609822)
333	12/17/2007	(612145)
334	12/18/2007	(599171)
335	12/19/2007	(612456)
336	12/21/2007	(600228)
337	12/21/2007	(593859)
338	12/21/2007	(612851)
339	01/03/2008	(612155)
340	01/04/2008	(612937)
341	01/07/2008	(557934)
342	01/14/2008	(613926)
343	01/18/2008	(614903)
344	01/18/2008	(615198)
345	01/24/2008	(612103)
346	01/28/2008	(613020)
347	01/28/2008	(612848)
348	01/31/2008	(613321)
349	02/11/2008	(614276)
350	02/11/2008	(616106)
351	02/11/2008	(613195)
352	02/13/2008	(608867)

353 02/14/2008 (618465)
 354 02/15/2008 (617395)
 355 03/13/2008 (613193)
 356 03/24/2008 (639374)
 357 03/27/2008 (639901)
 358 04/02/2008 (640059)
 359 04/04/2008 (640212)
 360 04/04/2008 (640783)
 361 04/04/2008 (637905)
 362 04/09/2008 (641666)
 363 04/09/2008 (641681)

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

Date: 04/30/2003 (296409)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2003 (296413)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/10/2003 (119447)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: NOR updates are required.
 Date: 07/31/2003 (296415)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/23/2003 (61968)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 21265
 Description: ConocoPhillips failed to route unauthorized emissions from aeration tank (Tk 69)
 to a control device.
 Date: 08/31/2003 (296417)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2003 (296419)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2003 (296420)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/24/2003 (254187)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT 5682A and PSD-TX-103M2, SC No. 1
 Description: Conoco Phillips failed to submit the initial notification within 24 hours of the start
 of the incident (CCEDS #17799).
 Date: 11/25/2003 (254294)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Permit No. 5682A & PSD-TX-103M2, SC 1
 Description: Conoco Phillips failed to submit the initial notification within 24 hours of the start of the incident # 10377.
 Date: 11/30/2003 (296421)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2003 (255587)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 Rqmt Prov: PERMIT 21265, GC #8
 Description: Failure to comply with General Condition #8 o TCEQ Air Permit 21265.
 Date: 12/31/2003 (296422)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2004 (296404)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (296406)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/18/2004 (257314)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 5682A SC 1
 Description: Failure to maintain the emissions below the allowables in the MAERT.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)
 Description: Failure to conduct CGA fourth quarter audit in 2002, for unit 25.1, F-1, for pollutants NOx and CO.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 5920A SC(6)(E)
 Description: Failure to conduct second quarter cylinder gas audit in 2003, for unit 9, F-4 crude heater.
 Date: 03/31/2004 (296407)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/12/2004 (258257)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Part 60, Subpart GGG 60.592(a)
 Rqmt Prov: PERMIT Permit No. 21265, Special Condition #4.B
 Description: ConocoPhillips failed to include components associated with VOC Tank 454 in fugitive emission monitoring.
 Date: 04/30/2004 (296410)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (352588)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/12/2004 (258107)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT No. 22690 and PSD-TX-751M1, S.C. #1
 Description: Exceeded permit emission limits during an avoidable emissions event.
 Date: 07/12/2004 (259068)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Air Permit #5682A/PSD-TX-103M2 SC #1
 Description: Failure to submit a final notification of an emissions event in a timely manner.
 Date: 08/31/2004 (271547)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT No. 5682A and PSD-TX-103M2, S.C. 1
 Description: Failure to submit separate notification for each facility, and failure to identify correct facility names.
 Date: 12/30/2004 (345626)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent an inadvertent electrical short circuit resulting in unauthorized opacity.
 Date: 12/30/2004 (277696)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT #5682A and PSD-TX-103M2, S.C. #1
 Description: Failure to maintain cooling water flow to debutanizer resulting in unauthorized emissions.
 Date: 01/31/2005 (382045)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/21/2005 (433893)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 Description: Failed to report the opacity event within 24 hours of the start of the event.
 Date: 03/22/2006 (438894)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT SC 12
 Description: Failure to properly control the torch oil atomizing steam injection rate.
 Date: 05/04/2006 (461458)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 Description: Failure to determine if the event is a reportable emissions event within 24 hours of discovery a of a reportable emissions event and failure to notify the affected TCEQ Regional Office within 24 hours of discovery.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 1
 Description: Failure to keep emissions of SO2 and CO from the Coker Flare within their Maximum Allowable Emission Rate limits under TCEQ Air Permit No. 5920A.
 Date: 05/17/2006 (462220)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 1
 Description: Failed to keep regenerator flue gas opacity within permitted limits.
 Date: 06/16/2006 (462319)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 12
 Description: Failure to keep the opacity level at the Regenerator ESP stack within permit limits while returning the unit to full operating rates following a stack test.
 Date: 06/28/2006 (480331)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 1
 Description: Failure to prevent overpressures in Units 7 and 35.
 Date: 06/28/2006 (480326)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 12
 Description: Failed to properly design the electrostatic precipitator.
 Date: 07/07/2006 (460719)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Failure to include the several light paraffins on the final report and amounts of all unauthorized pollutants released.
 Date: 07/12/2006 (483052)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 12
 Description: Failure to properly control opacity from the Regenerator resulting in the excess opacity event.
 Date: 07/31/2006 (484998)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit the Initial Notification for an Emissions Event to the TCEQ within 24 hours of discovery.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 1
 Description: Failure to prevent an avoidable emissions event.
 Date: 08/29/2006 (485092)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 1
 Description: Failed to properly design, maintain, and operate feed stream to Unit 27, leading to interruption of the feed stream and of process operations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to keep the opacity of the Regenerator Flue Gas Stream at or below 20%.
 Date: 11/30/2006 (514772)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 12
 Description: The RE failed to properly design the electrostatic precipitator on the Unit 3 Regenerator.
 Date: 12/11/2006 (514770)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 6
 Description: The RE failed to route the vent stream from Aeration Tank 69 to the Regenerative Thermal Oxidizer.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to meet the affirmative defense.
 Date: 12/21/2006 (514890)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 12
 Description: The RE failed to properly design the electrostatic precipitator in Unit 3, resulting in avoidable periods of excess opacity, and thereby failed to minimize the durations and intensities of periods of excess opacity.
 Date: 01/05/2007 (514904)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 1
 Description: The RE failed to prevent an unnecessary maintenance event resulting in unauthorized emissions.
 Date: 01/26/2007 (535014)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: CP failed to submit a complete final report.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit No. 75864, GC #8
 Description: CP failed to prevent overfilling of Drum D-1.
 Date: 01/26/2007 (531232)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 12
 Description: The RE failed to properly design the ESP and failed to recognize, within a timely manner, the underlying causes of the event, resulting in an extended excess opacity event.
 Date: 01/28/2007 (534512)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 1
 Description: The RE failed to prevent a leak caused by avoidable corrosion.
 Date: 01/29/2007 (531242)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT General Condition 2
 Description: The RE failed to promptly refill the Coker Flare water seal following a pressure spike.
 Date: 03/30/2007 (541806)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit No. 49140, SC #12

Description: Chevron failed to control excess opacity.

Date: 04/04/2007 (553900)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit No. 75864, GC #8

Description: Conoco failed to completely remove trapped water from the bottom pumps prior to a unit startup resulting in unauthorized emissions

Date: 04/26/2007 (542918)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 1

Description: The RE failed to prevent a coke conveyor belt fire.

Date: 05/22/2007 (555841)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: ConocoPhillips Sweeny refinery caused nuisance dust emissions as a result of transportation of Coker product in uncovered railcars.

Date: 05/31/2007 (558665)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Conoco failed to properly maintain the governor valve on the C-111 compressor in Unit 26.2 resulting in unauthorized emissions.

Date: 07/06/2007 (543586)

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 30513, Special Condition 15F
 PERMIT Permit 49140, Special Condition 6F
 PERMIT Permit 5920A, Special Condition 16F

Description: Failure to perform initial Method 21 monitoring of 38 new LDAR components.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 18142, Special Condition 7H
 PERMIT Permit 22086, Special Condition 6H
 PERMIT Permit 49140, Special Condition 6H
 PERMIT Permit 5920A Special Condition 17H

Description: Failure to repair 34 leaking components within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A
Description: Failure to make a first attempt of repair to 27 leaking components within 5 days.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A
 OP FOP O-01626, ST&C 1N(v)
Description: Failure to repair HRVOC-service leaks within 1 business day.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 18142, Special Condition 7E
 PERMIT Permit 22086, Special Condition 6E
 PERMIT Permit 30513, Special Condition 15E
 PERMIT Permit 49140, Special Condition 6E
 PERMIT Permit 5920A Special Condition 17E
Description: Failure to cap or plug open-ended valves/lines.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 PERMIT Permit 49140, Special Condition 12
Description: Failure to comply with the limit of 1.0 lbs of PM per 1000 lbs of Cokeburn.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.214(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A
Description: Failure to perform weekly ammonia sampling to the Crude Charge Heater on Unit 25.1.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 49140, Special Condition 14B
Description: Failure to perform Cylinder Gas Audits.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 5920A, Special Condition 3
Description: Failure to comply with the 162 ppm H2S limit in fuel gas streams.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
 OP FOP O-01626, ST&C 19
 PERMIT Permit 49140, Special Condition 12
 Description: Failure to comply with the 200 PPM NOX Limit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A
 Description: Failure to make roof repairs to Tank 96 within the required time frames.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 1A
 Description: Failure to submit NSPS Inspection Results letter for Tank 249.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 18142, Special Condition 7F
 PERMIT Permit 49140, Special Condition 6F
 PERMIT Permit 5920A, Special Condition 17F
 Description: Failure to perform Method 21 monitoring to leaking components on Delay of Repair.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 49140, Special Condition 12
 Description: Failure to Comply with Opacity Emissions Limits during the second quarter of 2005..
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 49140, Special Condition 14
 Description: Failure to perform continuous monitoring for CO on EPN-3-95-3.
 Self Report? NO Classification: Minor
 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 A 382.085(b)

Rqmt Prov: OP FOP O-01626 General Terms and Conditions
 Description: Failure to include all deviations in the deviation reports.
 Date: 09/30/2007 (607620)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 11/20/2007 (596538)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125

Rqmt Prov: PERMIT PP V-A-1
 Description: Permitted units were not marked with the TCEQ permit numbers.
 Date: 12/18/2007 (613193)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT TCEQ Permit No. 21265, GC #8
 Description: Failure to prevent valve malfunctioning.
 Date: 01/07/2008 (557934)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT No. 5920A, S.C. No. 1
 Description: ConocoPhillips exceeded the MAERT limit for NOx emission.
 Date: 02/15/2008 (617395)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT TCEQ Permit No. 49140, SC #1
 Description: Conoco failed to prevent a valve fitting blow out.
 Date: 04/02/2008 (640059)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: ConocoPhillips failed to prevent an excess opacity in Unit 27.1.
 Date: 04/04/2008 (637905)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit No. 49140, SC #12
 Description: Failure to control excess opacity.
 Date: 04/04/2008 (640212)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT TCEQ Permit No. 21265, GC #8
 Description: Failure to prevent failure of #2 chamber valve pin.

F. Environmental audits.

Notice of Intent Date: 09/27/2005 (434812)
 No DOV Associated

Notice of Intent Date: 08/02/2007 (594140)
 Disclosure Date: 01/03/2008

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352
 30 TAC Chapter 115, SubChapter D 115.354
 30 TAC Chapter 115, SubChapter H 115.781
 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

Description: Failure to close open ended lines.

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352
 30 TAC Chapter 115, SubChapter D 115.354
 30 TAC Chapter 115, SubChapter H 115.781
 30 TAC Chapter 115, SubChapter H 115.783
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)
 40 CFR Part 63, Subpart H 63.168

Description: Failure to properly communicate management of change; therefore, components were not evaluated, documented, tagged and monitored in a timely manner.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant):	ConocoPhillips	CUSTOMER NO.:	CN601674351
REGULATED ENTITY:	Sweeny Refinery	REG. ENTITY NO.:	RN101619179
REG. ENTITY ADDRESS:	Highway 35 & FM 524, Old Ocean, TX		
REG. ENTITY CITY:	Old Ocean		

Violations

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 112
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 60,61 CITE SECT.
CASE RESULT	Final Order With Penalty	PROGRAM	Permit Requirements
		VIOLATION TYPE	UST Leak Detection and Repair

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 165
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 52 CITE SECT. 21
CASE RESULT	Final Order With Penalty	PROGRAM	State Implementation Plan
		VIOLATION TYPE	Prevention Of Significant Deterioration

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 112
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 61 CITE SECT. Subpart FF
CASE RESULT	Final Order With Penalty	PROGRAM	NESHAPs
		VIOLATION TYPE	NESHAP for Benzene Waste Operations

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 111
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 60 CITE SECT. Subparts A
CASE RESULT	Final Order With Penalty	PROGRAM	NSPS
		VIOLATION TYPE	Refinery NSPS Regulations

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 112
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 60,61 CITE SECT.
CASE RESULT	Final Order With Penalty	PROGRAM	Permit Requirements
		VIOLATION TYPE	UST Leak Detection and Repair

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 165
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 52 CITE SECT. 21
CASE RESULT	Final Order With Penalty	PROGRAM	State Implementation Plan
		VIOLATION TYPE	Prevention Of Significant Deterioration

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 112
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 60,61 CITE SECT.
CASE RESULT	Final Order With Penalty	PROGRAM	Permit Requirements
		VIOLATION TYPE	UST Leak Detection and Repair

EPA CASE NO.	02-2004-0014	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20051205	STATUTE	CAA SECT. OF STATUTE 111
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 60 CITE SECT. Subparts A
CASE RESULT	Final Order With Penalty	PROGRAM	NSPS
		VIOLATION TYPE	Refinery NSPS Regulations

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN101619179

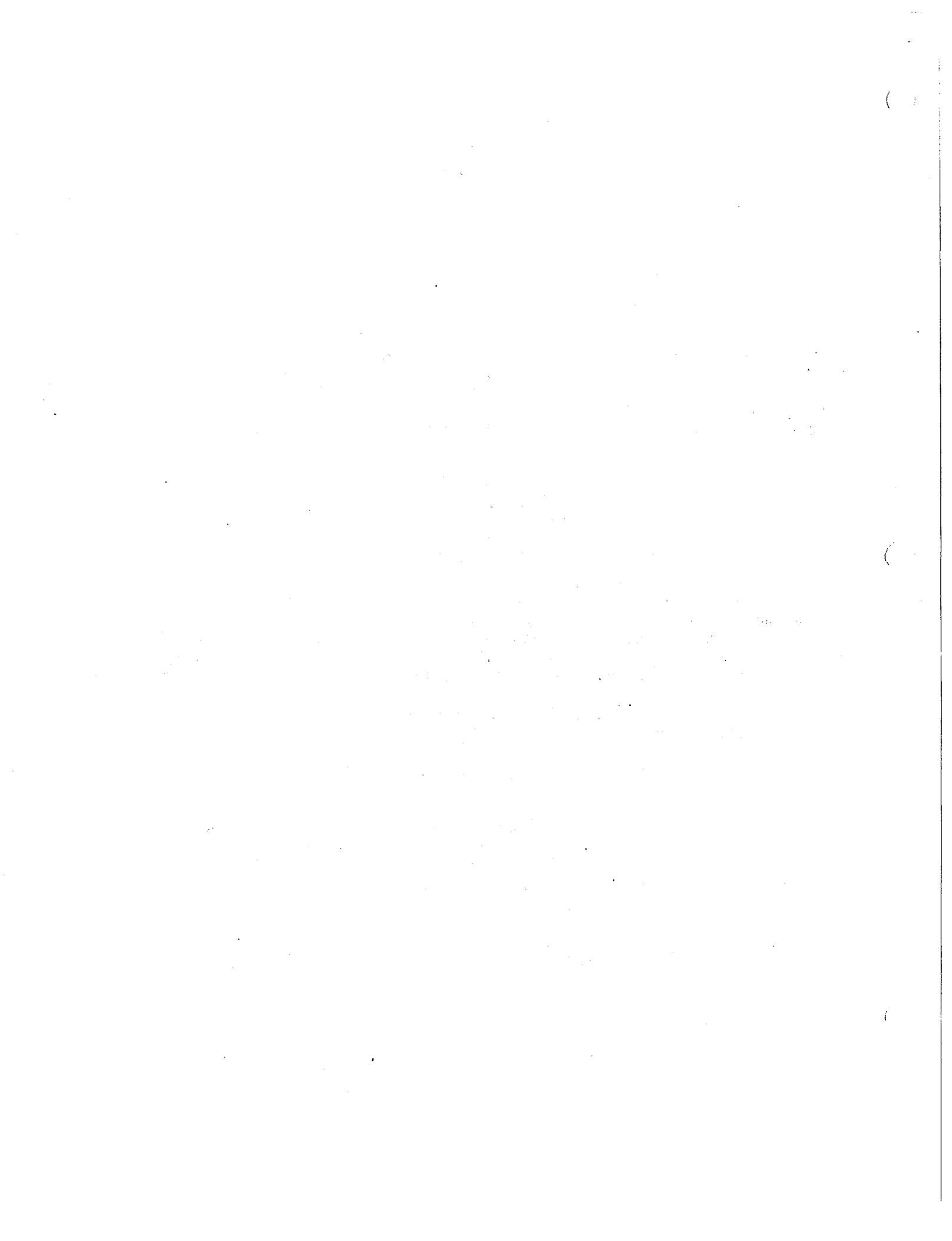
§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0687-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 refinery located at Highway 35 and Farm-to-Market Road 524 in Old Ocean, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about March 29, May 4, and May 20, 2008.
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 Forty Thousand Dollars (\$40,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Two Thousand Dollars (\$32,000) of the administrative penalty and Eight Thousand Dollars (\$8,000) is deferred contingent upon the Respondent's timely and satisfactory



compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that prior to March 3, 2008, training was conducted regarding knock out drum level control for operators of Unit 26.1 to prevent a reoccurrence of emissions events similar to the January 28, 2008 incident.
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 during a one hour 35 minute emissions event which occurred on January 28, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008. This was Incident No. 102949. Specifically, emissions from the coker flare were 138 pounds ("lbs") of carbon monoxide ("CO"), 3,270 lbs of sulfur dioxide ("SO₂"), 22 lbs of nitrogen oxides ("NO_x"), 36 lbs of hydrogen sulfide ("H₂S"), and 202 lbs of volatile organic compounds ("VOCs"), with permit limits of 0.83 pounds per hour ("lbs/hr") for CO, 0.06 lbs/hr for SO₂, and 0.11 lbs/hr for NO_x, respectively. Emissions from the Expansion HP flare were 118 lbs of CO, 21 lbs of NO_x, 3,240 lbs of SO₂, 35 lbs of H₂S, and 176 lbs of VOCs, with permit limits of 0.96 lbs/hr for CO, 0.11 lbs/hr for NO_x, and 0.07 lbs/hr for SO₂, respectively. Emissions from the Expansion LP flare were 33 lbs of SO₂ and 1 lb of CO, with permit limits of 21.25 lbs/hr for SO₂ and 0.12 lbs/hr for CO, respectively. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

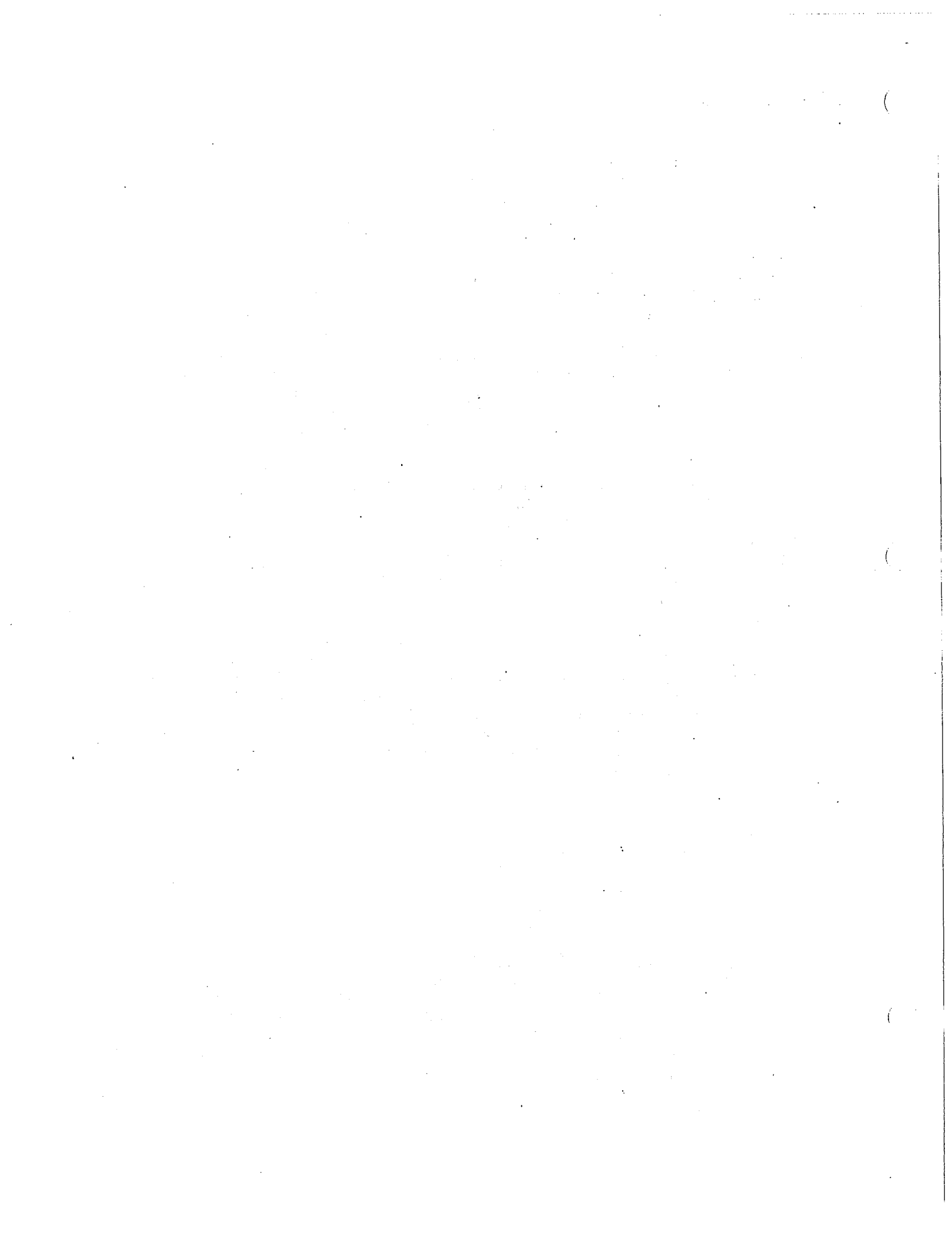
2. Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was Incident No. 104186. Specifically, emissions from the coker flare were 21 lbs of CO, 227 lbs of SO₂, 3 lbs of NO_x, 2 lbs of H₂S, and 24 lbs of VOCs, with permit limits of 0.83 lbs/hr for CO, 0.06 lbs/hr for SO₂, and 0.11 lbs/hr for NO_x, respectively. Emissions from the Expansion HP flare were 121 lbs of CO, 18 lbs of NO_x, 707 lbs of SO₂, 8 lbs of H₂S, and 211 lbs of VOCs, with permit limits of 0.96 lbs/hr for CO, 0.11 lbs/hr for NO_x, and 0.07 lbs/hr for SO₂, respectively. Emissions from the Expansion LP flare were 639 lbs of SO₂, 96 lbs of CO, 7 lbs of H₂S, 14 lbs of NO_x, and 156 lbs of VOCs, with permit limits of 21.25 lbs/hr for SO₂, 0.12 lbs/hr for CO, 0.06 lbs/hr for NO_x, and 0.61 lbs/hr for VOCs, respectively. Coker fugitive emissions were 47 lbs of H₂S and 148 lbs of VOCs, with permit limits of 0.04 lbs/hr for H₂S and 2.98 lbs/hr for VOCs, respectively. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
3. Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was Incident No. 103533. Specifically, emissions from the incinerator stack were 15,427 lbs of SO₂, with a permit limit of 115.42 lbs/hr. Sulfur recovery unit fugitive emissions were 547 lbs of SO₂ and 558 lbs of H₂S, with a permit limit of 0.11 lbs/hr for H₂S. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
4. Failed to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was Incident No. 103700. Specifically, emissions from the tank 69 vent were 48 lbs of VOCs. The emissions are not authorized by the permit. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2008-0687-AIR-E" to:



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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, implement appropriate measures to minimize and/or avoid the reoccurrence of emissions events similar to the February 9, 14, and 25, 2008 incidents; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 fine and imprisonment for knowing violations."

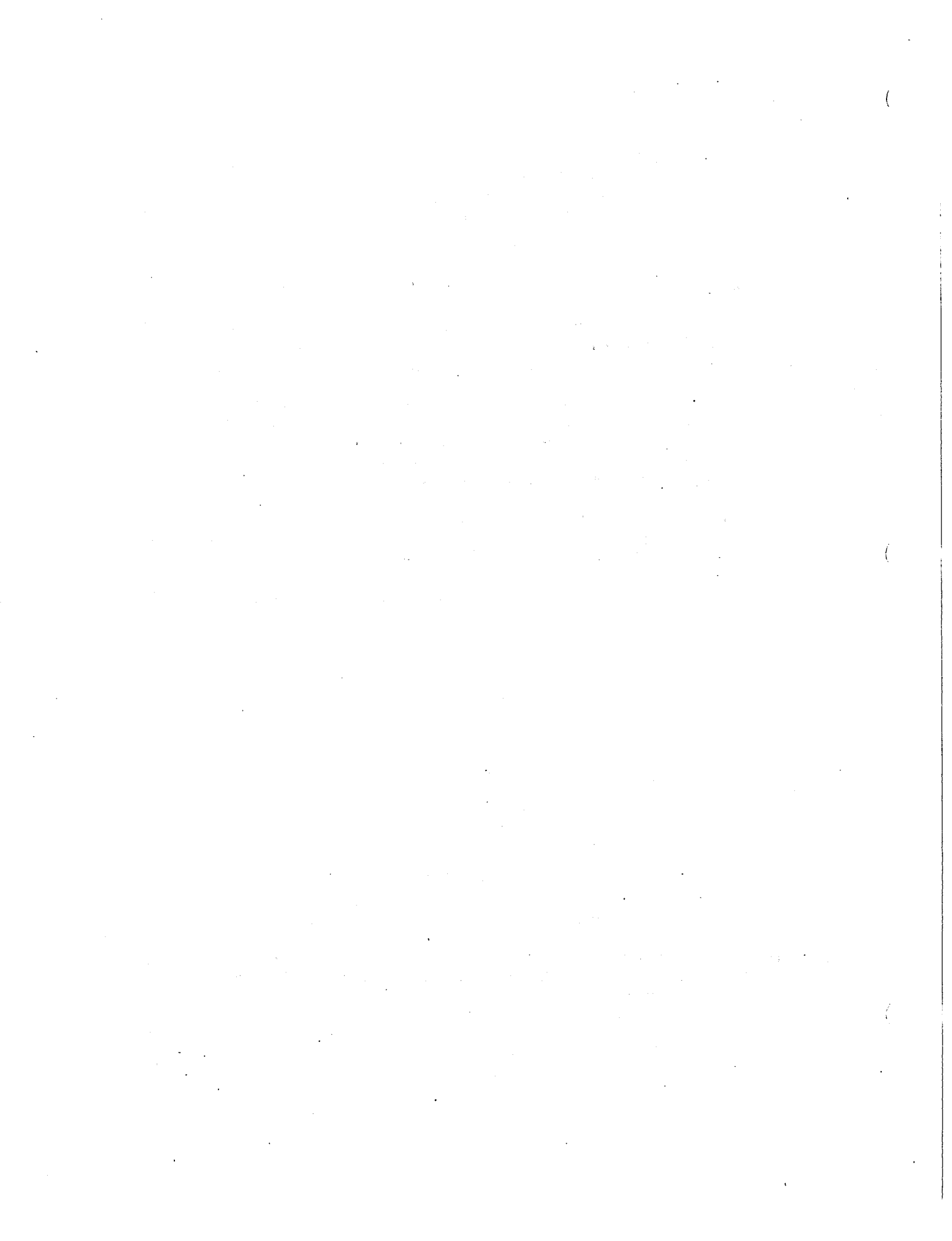
The certification shall be submitted to:

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

with a copy to:

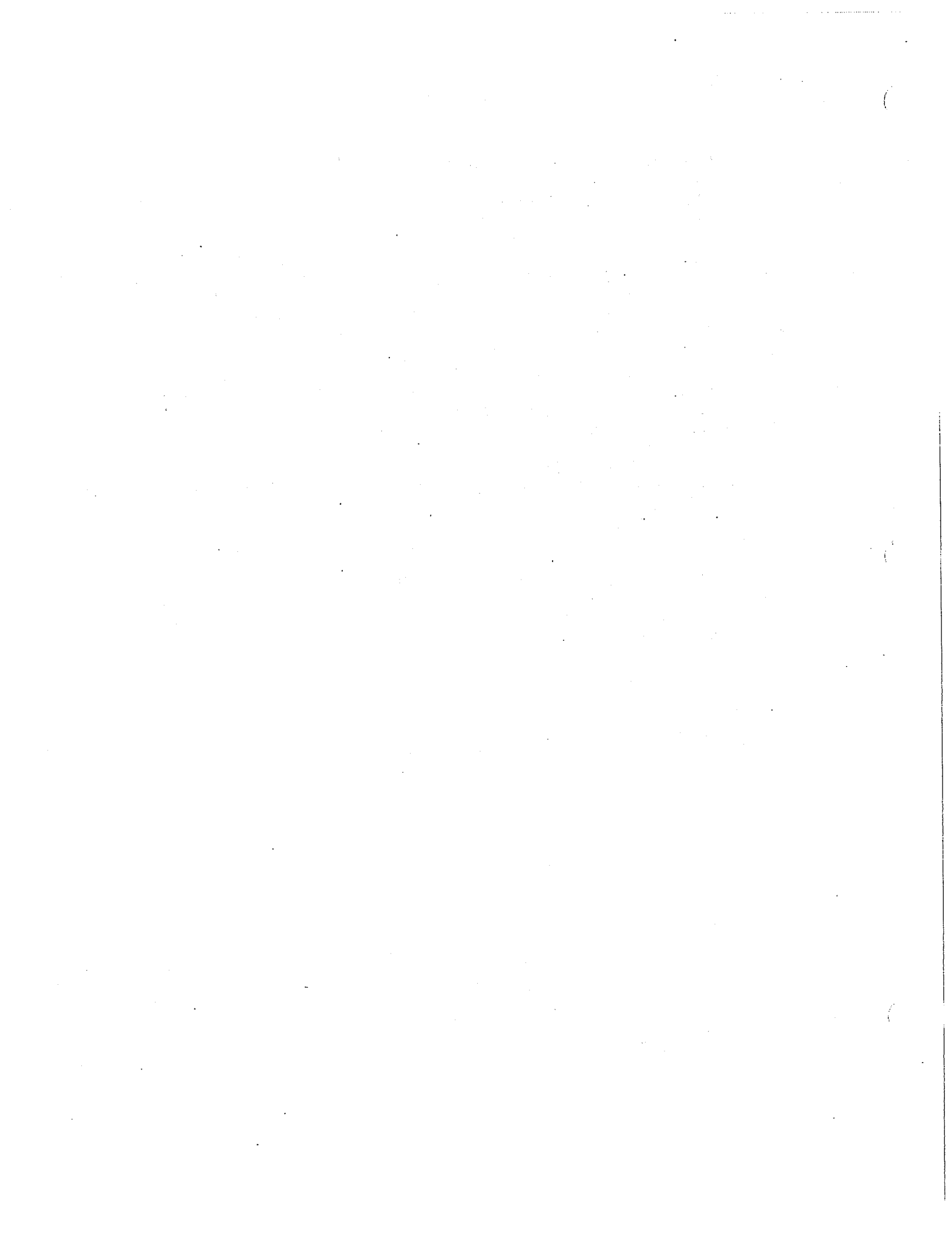
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The



Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

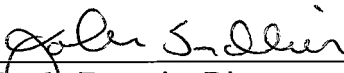
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 12/8/08

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

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

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

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



Signature

Date 9/2/08

T. J. Rich

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

Title 9/2/08

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.

