EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0921-AIR-E **TCEQ ID:** RN103919817 **CASE NO.:** 36003

RESPONDENT NAME: Chevron Phillips Chemical Company LP

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Chevron Phillips Chemical Company Cedar Bayou Plant, 9500 Interstate 10 East, Baytown, Harris County

TYPE OF OPERATION: Chemical plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2005-0859-AIR-E, 2006-1960-AIR-E, 2007-1080-AIR-E, 2008-1457-AIR-E, and 2008-1927-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 26, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Van G. Long, Plant Manager, Chevron Phillips Chemical Company LP, 9500 I-10 East, Baytown, Texas 77521
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 3 and April 29, 2008 **Date of NOV/NOE Relating to this Case:** May 6 and June 6, 2008 (NOE) **Background Facts:** This was a routine investigation and a record review. **AIR** 1) Failure to prevent unauthorized emissions from Flare SYS-740 on January 15, 2008. Specifically, the Respondent failed to clear the discharge line of Pump P-201 of catalyst before returning to normal operations, resulting in a temperature spike in Reactor R-201, and the release of 124.44 pounds ("lbs") of volatile organic compounds ("VOC"), 41.26 lbs of nitrogen oxides, and 82.35 lbs of carbon monoxide from the flare during an emissions event lasting 42 minutes. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 37063, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008. Specifically, the Respondent failed to verify that all continuous take-off lines were not plugged prior to PEU-1799 startup. During the emissions event which lasted two hours, 1,021.7 lbs of VOC were emitted. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX.	**Total Assessed:** $15,850 **Total Deferred:** $3,170 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $6,340 **Total Paid to General Revenue:** $6,340 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. By July 14, 2008, conducted operator training, revised operating procedures, and developed a preventative maintenance plan to prevent the recurrence of similar events to the January 15, 2008 event; and b. By July 14, 2008, conducted operator training and revised operating procedures to prevent the recurrence of similar events to the February 9, 2008 event. **Ordering Provisions:** The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

ADMIN. CODE § 116.115(c), Permit No. 46305, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: HG0310V

Attachment A
Docket Number: 2008-0921-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Chevron Phillips Chemical Company LP**
Payable Penalty Amount:	**Twelve Thousand Six Hundred Eighty Dollars ($12,680)**
SEP Amount:	**Six Thousand Three Hundred Forty Dollars ($6,340)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality.*** SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision April 29, 2008*

TCEQ

DATES					
Assigned	19-May-2008				
PCW	12-Jun-2008	Screening	4-Jun-2008	EPA Due	31-Jan-2009

RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN103919817		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36003	No. of Violations	1
Docket No.	2008-0921-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Miriam Hall
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* $2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 227.0% Enhancement — *Subtotals 2, 3, & 7* $5,675

Notes: The penalty was enhanced for 24 same or similar NOVs, 10 other NOVs, four 1660 orders, and one findings order. The penalty was reduced for four notices of audit, two disclosures of violations, participation in a voluntary pollution reduction program (Clean Texas Program) and early compliance with nitrogen oxides emission rules.

Culpability — No — 0.0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 10.0% Reduction — *Subtotal 5* $250

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

Notes: The NOE was issued on May 6, 2008, and corrective actions were completed on July 14, 2008.

0.0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$25
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $7,925

OTHER FACTORS AS JUSTICE MAY REQUIRE — 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $7,925

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $7,925

DEFERRAL — 20.0% Reduction — *Adjustment* -$1,585

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $6,340

Screening Date 4-Jun-2008 **Docket No.** 2008-0921-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 36003 *PCW Revision April 29, 2008*

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

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*)	24	120%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	Yes	-5%

Adjustment Percentage (Subtotal 2) 227%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced for 24 same or similar NOVs, 10 other NOVs, four 1660 orders, and one findings order. The penalty was reduced for four notices of audit, two disclosures of violations, participation in a voluntary pollution reduction program (Clean Texas Program) and early compliance with nitrogen oxides emission rules.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 227%

Screening Date 4-Jun-2008 **Docket No.** 2008-0921-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 36003 *PCW Revision April 29, 2008*

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 37063, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions from Flare SYS-740 on January 15, 2008. Specifically, the Respondent failed to clear the discharge line of Pump P-201 of catalyst before returning to normal operations, resulting in a temperature spike in Reactor R-201, and the release of 124.44 pounds ("lbs") of volatile organic compounds ("VOC"), 41.26 lbs of nitrogen oxides, and 82.35 lbs of carbon monoxide from the flare during an emissions event lasting 42 minutes. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			x
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $7,925

This violation Final Assessed Penalty (adjusted for limits) $7,925

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 36003
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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/Procedures	$1,000	15-Jan-2008	14-Jul-2008	0.50	$25	n/a	$25
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: The estimated cost for conducting operator training, revising operating procedures, and developing a preventative maintenance plan to prevent the recurrence of similar events from the date of the violation to the date procedures were completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $25

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 12, 2008*

TCEQ

DATES						
Assigned	9-Jun-2008					
PCW	7-Jul-2008	Screening	12-Jun-2008	EPA Due	3-Mar-2009	

RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN103919817		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36003	No. of Violations	1
Docket No.	2008-0921-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 227.0% Enhancement — *Subtotals 2, 3, & 7* $5,675

Notes: The penalty was enhanced for 24 same or similar NOVs, 10 other NOVs, four 1660 orders, and one findings order. The penalty was reduced for four notices of audit, two disclosures of violations, participation in a voluntary pollution reduction program (Clean Texas Program) and early compliance with nitrogen oxides emission rules.

Culpability No — 0.0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* $250

Economic Benefit 0.0% Enhancement* — *Subtotal 6* $0

Total EB Amounts $21
Approx. Cost of Compliance $1,000
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $7,925

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $7,925

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $7,925

DEFERRAL 20.0% Reduction — *Adjustment* -$1,585

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $6,340

Screening Date 12-Jun-2008 **Docket No.** 2008-0921-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 36003 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

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*)	24	120%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	Yes	-5%

Adjustment Percentage (Subtotal 2) 227%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced for 24 same or similar NOVs, 10 other NOVs, four 1660 orders, and one findings order. The penalty was reduced for four notices of audit, two disclosures of violations, participation in a voluntary pollution reduction program (Clean Texas Program) and early compliance with nitrogen oxides emission rules.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 227%

Screening Date 12-Jun-2008 **Docket No.** 2008-0921-AIR-E **PCW**

Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*

Case ID No. 36003 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 46305, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008. Specifically, the Respondent failed to verify that all continuous take-off lines were not plugged prior to PEU-1799 startup. During the emissions event which lasted two hours, 1,021.7 pounds of volatile organic compounds ("VOC") were emitted. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction $250

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

Notes: The NOE was issued on June 6, 2008 and the corrective actions were completed on July 14, 2008.

Violation Subtotal $2,250

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $7,925

This violation Final Assessed Penalty (adjusted for limits) $7,925

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 36003
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
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/Procedures	$1,000	9-Feb-2008	14-Jul-2008	0.43	$21	n/a	$21
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: The estimated cost for conducting operator training and revising operating procedures to prevent the recurrence of similar events from the date of the violation to the date procedures were completed.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $21

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600303614	CHEVRON PHILLIPS CHEMICAL COMPANY LP	Classification: AVERAGE	Rating: 2.92
Regulated Entity:	RN103919817	CHEVRON PHILLIPS CHEMICAL CO - CEDAR BAYOU PLANT	Classification: AVERAGE	Site Rating: 2.07

ID Number(s):

WASTEWATER	PERMIT	WQ0001006000
WASTEWATER	PERMIT	TPDES0003948
WASTEWATER	PERMIT	TX0003948
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012335
AIR OPERATING PERMITS	PERMIT	3247
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0310V
AIR OPERATING PERMITS	PERMIT	2113
AIR OPERATING PERMITS	PERMIT	2114
AIR OPERATING PERMITS	PERMIT	2115
AIR OPERATING PERMITS	PERMIT	2116
AIR OPERATING PERMITS	PERMIT	2370
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD003913381
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30091
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	28477
WATER LICENSING	LICENSE	1012335
USED OIL	ID NUMBER	HOU00074
AIR NEW SOURCE PERMITS	PERMIT	52188
AIR NEW SOURCE PERMITS	REGISTRATION	54882
AIR NEW SOURCE PERMITS	REGISTRATION	54930
AIR NEW SOURCE PERMITS	REGISTRATION	75918
AIR NEW SOURCE PERMITS	REGISTRATION	75577
AIR NEW SOURCE PERMITS	PERMIT	55648
AIR NEW SOURCE PERMITS	REGISTRATION	75545
AIR NEW SOURCE PERMITS	REGISTRATION	75546
AIR NEW SOURCE PERMITS	REGISTRATION	56852
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0310V
AIR NEW SOURCE PERMITS	AFS NUM	4820100018
AIR NEW SOURCE PERMITS	PERMIT	1504A
AIR NEW SOURCE PERMITS	PERMIT	2138A
AIR NEW SOURCE PERMITS	PERMIT	2139A
AIR NEW SOURCE PERMITS	PERMIT	6517A
AIR NEW SOURCE PERMITS	PERMIT	7403A
AIR NEW SOURCE PERMITS	PERMIT	2462C
AIR NEW SOURCE PERMITS	PERMIT	19027
AIR NEW SOURCE PERMITS	PERMIT	24093
AIR NEW SOURCE PERMITS	PERMIT	26062
AIR NEW SOURCE PERMITS	PERMIT	32866
AIR NEW SOURCE PERMITS	PERMIT	37063
AIR NEW SOURCE PERMITS	PERMIT	38590
AIR NEW SOURCE PERMITS	PERMIT	40534
AIR NEW SOURCE PERMITS	PERMIT	41691
AIR NEW SOURCE PERMITS	PERMIT	44005
AIR NEW SOURCE PERMITS	PERMIT	44759
AIR NEW SOURCE PERMITS	PERMIT	46305
AIR NEW SOURCE PERMITS	PERMIT	46783
AIR NEW SOURCE PERMITS	PERMIT	48084
AIR NEW SOURCE PERMITS	PERMIT	49322
AIR NEW SOURCE PERMITS	PERMIT	50325
AIR NEW SOURCE PERMITS	REGISTRATION	71487
AIR NEW SOURCE PERMITS	REGISTRATION	71350
AIR NEW SOURCE PERMITS	REGISTRATION	71479
AIR NEW SOURCE PERMITS	REGISTRATION	71483
AIR NEW SOURCE PERMITS	REGISTRATION	71530
AIR NEW SOURCE PERMITS	PERMIT	50757
AIR NEW SOURCE PERMITS	PERMIT	50758
AIR NEW SOURCE PERMITS	PERMIT	50759
AIR NEW SOURCE PERMITS	PERMIT	52312

AIR NEW SOURCE PERMITS	REGISTRATION	72420
AIR NEW SOURCE PERMITS	PERMIT	70326
AIR NEW SOURCE PERMITS	PERMIT	53768
AIR NEW SOURCE PERMITS	PERMIT	53752
AIR NEW SOURCE PERMITS	PERMIT	53751
AIR NEW SOURCE PERMITS	PERMIT	54712
AIR NEW SOURCE PERMITS	REGISTRATION	72911
AIR NEW SOURCE PERMITS	PERMIT	56502
AIR NEW SOURCE PERMITS	PERMIT	50370
AIR NEW SOURCE PERMITS	REGISTRATION	74596
AIR NEW SOURCE PERMITS	REGISTRATION	74458
AIR NEW SOURCE PERMITS	PERMIT	75055
AIR NEW SOURCE PERMITS	REGISTRATION	77053
AIR NEW SOURCE PERMITS	REGISTRATION	78553
AIR NEW SOURCE PERMITS	REGISTRATION	78917
AIR NEW SOURCE PERMITS	REGISTRATION	80099
AIR NEW SOURCE PERMITS	PERMIT	83791
AIR NEW SOURCE PERMITS	EPA ID	P748
STORMWATER	PERMIT	TXR05Q341
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30091

Location: 9500 INTERSTATE 10 E, BAYTOWN, TX, 77521

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 2, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 02, 2003 to June 02, 2008

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

Name: Miriam Hall Phone: (512) 239-1044

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? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2007 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 12/21/2003 ADMINORDER 2003-0295-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failed to maintain the annual Maximum Allowable Emissions Rate for Volatione Organic Compounds, Nitrotgen Oxides, and Carbon Monoxide from Emission Point Number 110 (the Z-101 Flare) from September 24, 1997 until September 24, 2002.

Effective Date: 06/26/2006 ADMINORDER 2005-0007-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, MAERT PERMIT

Description: Failed to limit emissions in the Normal Alpha Olefin Unit 1797 from 2 block valves (EPN F-130) and the SYS-740 Flare (EPN 136), to those limited by the permit.

Effective Date: 08/28/2006 ADMINORDER 2006-0147-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: 1504A/PSD-TX-748, 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 A 382.085(b)
Rqmt Prov: Air Permit #37063, Special Condition #1 PA
Description: Failed to prevent unauthorized emissions.

Effective Date: 11/03/2006 ADMINORDER 2006-0528-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Air Permit #1504A/PSD-TX-748, SC#1 PA
Description: Failed to prevent unauthorized emissions.

Effective Date: 01/12/2008 ADMINORDER 2007-0322-AIR-E

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: ChevronPhillips failed to report the date of the Incident No. 70394 correctly on the TCEQ Notification Form. The incident occurred on January 15, 2006, but was reported as January 15, 2005.

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 A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70394.

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 A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit 1504A, SC1 PERMIT
Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70583.

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 A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT
Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70666.

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 A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT
Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70786.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 37063/Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	06/18/2003	(36346)
2	06/23/2003	(157142)
3	06/24/2003	(219727)
4	06/24/2003	(219731)
5	06/25/2003	(40843)
6	06/30/2003	(33989)
7	07/08/2003	(40968)
8	07/09/2003	(38183)
9	07/10/2003	(139402)
10	07/10/2003	(38199)
11	07/10/2003	(40888)
12	07/31/2003	(38160)
13	08/11/2003	(219735)
14	08/19/2003	(294963)
15	08/21/2003	(150910)
16	08/21/2003	(150918)
17	08/27/2003	(150924)
18	08/27/2003	(150926)
19	08/27/2003	(150937)
20	08/28/2003	(150887)
21	09/19/2003	(294965)
22	10/17/2003	(247681)
23	10/17/2003	(248463)
24	10/17/2003	(248486)
25	10/17/2003	(248509)
26	10/17/2003	(250526)
27	10/21/2003	(294967)
28	10/24/2003	(252855)
29	11/21/2003	(294968)
30	12/04/2003	(254252)
31	12/10/2003	(294969)
32	12/17/2003	(152105)
33	01/20/2004	(294971)
34	02/05/2004	(260955)
35	02/09/2004	(259978)
36	02/12/2004	(260170)
37	02/23/2004	(294952)
38	02/24/2004	(262471)
39	02/25/2004	(262389)
40	02/25/2004	(262587)
41	02/25/2004	(262589)
42	03/11/2004	(262456)
43	04/14/2004	(264014)
44	04/21/2004	(294955)
45	05/12/2004	(267824)
46	05/18/2004	(268884)
47	05/18/2004	(294957)
48	05/18/2004	(294961)
49	06/03/2004	(269885)
50	06/18/2004	(271284)
51	06/21/2004	(294959)
52	08/16/2004	(282020)
53	08/16/2004	(282057)
54	08/16/2004	(282411)
55	08/17/2004	(282610)
56	08/17/2004	(283539)

57	08/18/2004	(281927)
58	08/18/2004	(281973)
59	08/24/2004	(351924)
60	08/27/2004	(266898)
61	09/21/2004	(351925)
62	09/30/2004	(293341)
63	10/19/2004	(292912)
64	10/19/2004	(292959)
65	10/25/2004	(351926)
66	10/25/2004	(351928)
67	10/29/2004	(293050)
68	10/31/2004	(282375)
69	10/31/2004	(286179)
70	10/31/2004	(286738)
71	11/01/2004	(283579)
72	11/11/2004	(293130)
73	11/19/2004	(338998)
74	11/19/2004	(339740)
75	11/23/2004	(351927)
76	12/09/2004	(343665)
77	12/14/2004	(339393)
78	12/14/2004	(339395)
79	12/15/2004	(282588)
80	12/15/2004	(339394)
81	12/16/2004	(284752)
82	12/20/2004	(339391)
83	12/20/2004	(381763)
84	12/21/2004	(283434)
85	12/21/2004	(289254)
86	12/28/2004	(282257)
87	12/28/2004	(284682)
88	12/28/2004	(339392)
89	12/29/2004	(292369)
90	01/02/2005	(282884)
91	01/02/2005	(283460)
92	01/02/2005	(283495)
93	01/02/2005	(284716)
94	01/03/2005	(285841)
95	01/04/2005	(286354)
96	01/07/2005	(338932)
97	01/07/2005	(340081)
98	01/07/2005	(340082)
99	01/14/2005	(340184)
100	01/14/2005	(340901)
101	01/20/2005	(338916)
102	02/03/2005	(333891)
103	02/21/2005	(340395)
104	02/21/2005	(344997)
105	02/22/2005	(381760)
106	02/22/2005	(381762)
107	02/25/2005	(345201)
108	02/25/2005	(345203)
109	02/26/2005	(372327)
110	03/14/2005	(381761)
111	04/08/2005	(348606)
112	04/08/2005	(348897)
113	04/11/2005	(376384)
114	04/20/2005	(372236)
115	04/20/2005	(372237)

116	04/21/2005	(372231)
117	05/17/2005	(372229)
118	05/18/2005	(419593)
119	05/18/2005	(419595)
120	06/14/2005	(375880)
121	06/17/2005	(419594)
122	06/21/2005	(393595)
123	06/22/2005	(393592)
124	06/29/2005	(344167)
125	06/29/2005	(344174)
126	07/11/2005	(398110)
127	07/21/2005	(400409)
128	07/29/2005	(401052)
129	08/02/2005	(402216)
130	08/03/2005	(402167)
131	08/05/2005	(379433)
132	08/08/2005	(396942)
133	08/13/2005	(404688)
134	08/22/2005	(405962)
135	08/23/2005	(401535)
136	08/23/2005	(440737)
137	08/23/2005	(440739)
138	09/23/2005	(440738)
139	09/28/2005	(418690)
140	10/10/2005	(468259)
141	11/04/2005	(433451)
142	11/22/2005	(468260)
143	12/15/2005	(435582)
144	01/23/2006	(468261)
145	01/26/2006	(405968)
146	02/08/2006	(405969)
147	02/21/2006	(468258)
148	02/22/2006	(455830)
149	02/28/2006	(431936)
150	02/28/2006	(457017)
151	03/21/2006	(456836)
152	03/23/2006	(498082)
153	03/28/2006	(456883)
154	03/29/2006	(453494)
155	03/29/2006	(459443)
156	04/03/2006	(452797)
157	04/12/2006	(458187)
158	04/24/2006	(498083)
159	04/25/2006	(455025)
160	05/22/2006	(498084)
161	05/25/2006	(467431)
162	05/25/2006	(467433)
163	05/25/2006	(467438)
164	05/25/2006	(467440)
165	05/25/2006	(467443)
166	05/25/2006	(467445)
167	06/05/2006	(467064)
168	06/08/2006	(464678)
169	06/26/2006	(498085)
170	06/26/2006	(498086)
171	07/25/2006	(520101)
172	07/26/2006	(457460)
173	07/26/2006	(481894)
174	08/21/2006	(520102)

175	08/21/2006	(520105)
176	08/23/2006	(464714)
177	08/23/2006	(497553)
178	08/25/2006	(520103)
179	08/30/2006	(457471)
180	08/30/2006	(508885)
181	09/18/2006	(520104)
182	09/28/2006	(486905)
183	10/24/2006	(544360)
184	11/16/2006	(544361)
185	12/04/2006	(518861)
186	12/12/2006	(533185)
187	12/21/2006	(533938)
188	01/16/2007	(544362)
189	01/19/2007	(532509)
190	02/13/2007	(534351)
191	02/15/2007	(544358)
192	02/15/2007	(544359)
193	02/20/2007	(464696)
194	03/19/2007	(575061)
195	04/10/2007	(555531)
196	04/12/2007	(575062)
197	05/18/2007	(575063)
198	05/21/2007	(509420)
199	05/31/2007	(510231)
200	06/04/2007	(600126)
201	07/03/2007	(575064)
202	07/03/2007	(575065)
203	07/06/2007	(543644)
204	07/30/2007	(533377)
205	08/10/2007	(568519)
206	08/13/2007	(565766)
207	08/17/2007	(568619)
208	08/17/2007	(607514)
209	08/17/2007	(607517)
210	08/22/2007	(572958)
211	08/22/2007	(573015)
212	08/28/2007	(571092)
213	08/28/2007	(571093)
214	09/04/2007	(571264)
215	09/20/2007	(607515)
216	10/17/2007	(607516)
217	11/16/2007	(619443)
218	11/28/2007	(595536)
219	12/20/2007	(594047)
220	01/25/2008	(609372)
221	01/29/2008	(609276)
222	02/05/2008	(617290)
223	02/11/2008	(609284)
224	02/19/2008	(671951)
225	03/11/2008	(671952)
226	03/17/2008	(638930)
227	03/25/2008	(610630)
228	03/28/2008	(609856)
229	04/15/2008	(671953)
230	04/21/2008	(640952)
231	05/01/2008	(615845)
232	05/06/2008	(653978)
233	05/14/2008	(654461)

234 05/19/2008 (689871)
235 05/29/2008 (654086)

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

Date: 09/30/2003 (294967) CN600303614
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: 10/17/2003 (248463)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit the initial notification within 24 hours of an emissions event.
Date: 10/17/2003 (247681)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
Description: Failure to operate within the opacity limits.
Date: 10/17/2003 (248509)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit the initial notification within 24 hours.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
37063 PERMIT
Description: Failure to operate within NOX hourly limits
Date: 11/04/2003 (254252)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
Description: Failure to operate within the opacity limits.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit the initial notification within 24 hours of an emissions event.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
Description:
Failure to operate within required opacity limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
37063 PERMIT
Description: Failure to operate within NOX hourly limits
Date: 11/17/2003 (248486)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
Description:
Failure to operate within required opacity limits.
Date: 12/19/2003 (152105)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Description: Chevron Phillips Chemical Company (CPCC) failed to monitor 16 valves in the 1796 Unit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Description: Failure to cap, blind flange, or plug open-ended lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
Description: Failure to conduct first attempt at repairs, for leaking valves, within 5 calendar days

Date: 08/27/2004 (266898)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #46783, SC #1 PERMIT
Description: Exceeded VOC permit limit during an avoidable emissions event.
Date: 09/30/2004 (293341)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(2)
Special Terms and Conditions 1.A. OP
Description: Failed to conduct the monthly car seal inspections.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
Special Terms and Conditions 1.A. OP
Description: Failed to conduct fugitive monitoring on 66 components.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
46305, Special Condition No. 1 PA
Description: Failure to operate within MAERT limits for Flare EPN VE-9003.
Date: 11/30/2004 (381763) CN600303614
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: 12/21/2004 (283434)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
Description: Chevron failed to comply with 30 Tex. Admin. Code 101.222(b)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
37063 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Chevron failed to comply with 30 Tex. Admin. Code 101.222(b).
Date: 12/21/2004 (289254)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
46783 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Chevron failed to comply with 30 Tex. Admin. Code 101.222(b).
Date: 12/28/2004 (282257)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Chevron failed to submit a timely initial emissions event notification.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #37063, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.
Date: 01/03/2005 (285841)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 19027, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.
Date: 01/04/2005 (286354)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 19027, SC #1 PERMIT

Description: Exceeded permit limit during an avoidable emissions event.

Date: 01/20/2005 (338916)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5015C, Special Condition 3B PERMIT
O-01274, Special Term and Condition 5 OP

Description: Failure to operate the stack, Unit 1794-16, within the required opacity limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5015C, Special Condition 6E PERMIT
O-01274, Special Term and Condition 5 OP

Description: Failure to maintain a plug on an open-ended line.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01274, Special Term and Condition 1A OP

Description: Failure to record the time of day for the flare observation for Flare FS-5210.

Date: 02/03/2005 (333891)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 VV 60.482-6(a)(1)
O-02114, Special Term and Condition #11 OP
Permit 8364A, Special Condition No. 9E PERMIT

Description: Failure to maintain caps or plugs on open-ended lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
37063, Special Term and Condition 11E PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
O-02114, Special Term and Condition 11 OP

Description: Failure to maintain caps or plugs on a open-ended lines in F-1798-30.

Self Report? NO Classification: Moderate

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)
6517A, Special Condition 1E PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to maintain caps or plugs on open-ended lines in Unit 1795-66.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
8364A, General Condition 1 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to operate tanks 17 and 24A as represented in permit 8364A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, General Condition 1 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to operate Tank 28 as represented in permit 37063.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 11I PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
O-02114, Special Term and Condition 11 OP

Description: Failure to repair a component within the required timeframe.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
37063, Special Condition 11 PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
O-02114, Special Term and Condition 11 OP

Description: Failure to monitor fugitive components in the F-1798-30 Unit area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7
8364A, Special Condition 9 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to monitor fugitive components in the F-130 Unit Area.

Self Report? NO Classification: Moderate

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)
6517A, Special Condition 1 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to monitor fugitive components in the F-1795-66 Unit Area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)(2)(ii)
O-02114, Special Term and Condition 1A OP

Description: Failure to conduct monthly bypass line valve car seal inspections for 40 valves.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)(2)
O-02114, Special Term and Condition 1A OP

Description: Failure to include all car seal ID numbers on monthly car seal inspection records.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02114, Special Term and Condition 6Ai OP

Description: Failure to route hexene vapors to control while depressuring a tank truck.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 4A PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to operate heater H-3 with the required firing rate.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 6B PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
O-02114, ST&C 11 and 1A OP

Description: Failure to maintain a flare pilot light at all times on Flare Z-1101

Date: 02/28/2005 (381761) CN600303614

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: 07/29/2005 (401052)

Self Report? NO Classification: Moderate

Citation: 19027, SC No. 20I PERMIT
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)
O-02116, SC 1A. OP

Description: Failure to repair a leaking valve when it could have been repaired without unit shutdown.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02216, SC 3Aiii OP

Description: Failure to maintain an opacity of 20% for the 6 minute observation period for an emergency electrical generator.

Self Report? NO Classification: Moderate

Citation: 19027, GC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Overflowed tank TK-561

Self Report? NO Classification: Moderate

Citation: 19027, SC No. 20 & 21 PERMIT
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
O-02116, SC 1A OP

Description: Failure to monitor 14 valves and 33 connectors for fugitive monitoring.

Self Report? NO Classification: Moderate

Citation: 19027, SC No. 21 & 21 PERMIT
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.354(2)
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 DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
O-02116, SC No. 1A OP

Description: Failure to monitor 85 valves and 349 connectors in HRVOC service.

Date: 09/30/2005 (468259) CN600303614

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: 02/08/2006 (405969)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
46783, General Condition #8 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent a pipe leak resulting in unauthorized emissions.

Date: 03/22/2006 (456836)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(4)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-02115, STC 13 OP

Description: Failure to keep the lid on the parts washer closed at all times

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-02115, SC 12 OP
NSR Permit 2462C, SC 9 PERMIT

Description: Failure to operate the catalytic converter at 95% efficiency in disposing of the VOC (B19.g.(1))

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)
FOP # O-02115, SC 12 OP
NSR Permit# 2462C, SC 17(E) PERMIT

Description: Failure to plug eight open-ended valves or lines

Date: 04/03/2006 (452797)

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)
5C THC Chapter 382, SubChapter A 382.085(b)
SC #21E PERMIT
ST & C #12 OP

Description: Failure to comply with 30 TAC Chapter 115.352(4) which requires valves and pipelines containing VOC to be operated with either a second valve, blind flange, or a tightly-fitting plug or cap.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition #3(A)(i). OP

Description: Failure to operate engines in accordance with 30 TAC Chapter 111.111(a)(1)(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 115, SubChapter H 115.782(b)(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)
NSR Permit 1504A, Special Condition 21.I PA
ST & C #1.L.(iv) OP
ST & C #12 OP

Description: Failure to repair leaking components within the required timeframes.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(II)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
ST & C #1.L.(iv) OP

Description: Failure to perform initial emissions rate calculations within 30 calendar days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)
SC #21E PERMIT
SC #22A PERMIT
ST & C #12 OP

Description: Failure to conduct Method 21 monitoring as required to 325, valves, 818 connectors, and 2 pumps.

Date: 06/30/2006 (520101) CN600303614

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: 07/31/2006 (520102) CN600303614

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: 08/23/2006 (464714)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 2462C, SC1 PERMIT

Description: Investigation No. 464714 determined that CPC failed to prevent a decomposition reaction in the Line 4 Reactor during Incident No. 72456.

Date: 09/28/2006 (486905)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
37063 Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions.

Date: 02/13/2007 (534351)

Self Report? NO Classification: Moderate

Citation: 19027/Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions.

Date: 07/06/2007 (543644)

Self Report? NO Classification: Moderate

Citation: 2462C, SC # 17E PERMIT
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)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02115, SC #12 OP
FOP O-02115, SC #1A OP

Description: Failure to cap or plug open-ended lines.

Self Report? NO Classification: Moderate

Citation: 2462C, SC #9 PERMIT
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)
FOP O-02115, SC #12 OP

Description: Failure to maintain a 95% VOC destruction efficiency for H-3030 and ZZ-702 from November 1, 2005 to December 31, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02115, SC #1A OP

Description: Failure to keep the parts washer lid closed on March 21, 2006 and again on April 20, 2006.

Date: 08/10/2007 (568519)

Self Report? NO Classification: Moderate

Citation: 1504A Special Condition 10 PERMIT
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to meet applicable opacity limit

Date: 09/04/2007 (571264) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)

Description: Secondary containment systems for hazardous waste storage Tank T-903 (NOR 035) was not free of gaps

Date: 11/28/2007 (595536)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02370 SC 5 OP
NSR 46305 SC 8A PA

Description: Failure to operate the process vent flare (Title V ID VE-9003; EPN 1799-20) at a heat value of at lease 300 Btu/scf on 4 occasions for at least 1 hour from July 8, 2006 through May 10, 2007 [FOP O-02370; NSR 46305].

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 VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02370 SC 1A OP
FOP O-02370 SC 5 OP
NSR 46305 SC 3E PA

Description: Failure to equip an open-ended line in VOC service with a plug [FOP O-02370; NSR 46305]. Category C10.

Date: 03/25/2008 (610630)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114, ST&C 15 OP
Permit 37063, SC 11E PERMIT
Permit 6517A, SC 1E PERMIT

Description: Failure to cap or plug open-ended 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)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP
Permit 37063 OP

Description: Failure to opreate Flares in compliance with the 300BTU/scf standard

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.117(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP

Description: Failed to submit the required Post Change Notification within 30 days relating to Flare # SYS-740

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP

Description: Failed to report the failure to submit a post change notification in the earlier deviation report for the reporting period of February 1, 2006 through July 31, 2006

Date: 03/28/2008 (609856)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 14 OP

Description: Failure to notify TCEQ prior to EMACT tank inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 SC 1 PA

Description: Failure to maintain emissions within the MAERT.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC (1)(J)(iv) OP

Description: Failure to repair leaking component within required time frame.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)

Description: Failure to record canister change-out after breakthrough.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1095(b)(2)
FOP O-02113 STC 1Gi OP
Description: Failure to conduct monthly monitoring
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
Description: Failure to provide 30 days notice prior to changes to facilities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(J)(ii) OP
Description: Failure to maintain Net Heating Value greater than 300 btu/scf.
Self Report? NO Classification: Moderate
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 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 SC 17 OP
FOP O-02113 STC 1(I)(ii) OP
NSR Permit 1504A/PSD-TX-748 SC 16E PA
Description: Failed to maintain a seal on open ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 PA
Description: Failure to conduct fugitive monitoring on components in VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 SC 17A PA
Description: Failure to conduct fugitive monitoring on connectors in VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(I)(i) OP
Description: Failure to conduct fugitve monitoring on pumps in benzene service.
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 THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations.

F. Environmental audits.

Notice of Intent Date: 06/12/2003 (251330)
Disclosure Date: 07/18/2003
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(20)
Description: Hazardous waste manifest inadequate.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
Description: The flare logs did not include times of observation.
Viol. Classification: Moderate
Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)

30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to demonstrate that all air emission events were evaluated within time constraints.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Failed to ensure that tank 903 was certified by an engineer.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(9)

Description: Tank 902 leaked.

Viol. Classification: Minor

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)

Description: The facility did not provide all required information on and maintain copies of each initial land disposal restriction notice.

Viol. Classification: Minor

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

Description: Final records for air releases are not always dated to demonstrate compliance within a 14 day window.

Notice of Intent Date: 05/13/2005 (400692)

No DOV Associated

Notice of Intent Date: 05/18/2006 (481743)

Disclosure Date: 08/09/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(B)

Rqmt Prov: PERMIT 37063

Description: Failure to maintain records justifying each component as difficult to monitor.

Disclosure Date: 08/29/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

Rqmt Prov: PERMIT O-2113

Description: Failure to ensure that semiannual continuous emissins monitoring system (CEMS) downtime reports for the cracking furnaces and boilers included out of control periods for the CEMS analyzers.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT O-2114

Description: Failure to ensure that all synthetic organic chemical manufacturing (SOCMI) units had no more that 3.0% of valves monitored for fugitive emissions be designated as difficult to monitor.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)

30 TAC Chapter 115, SubChapter H 115.764(a)(6)

Rqmt Prov: PERMIT O-2113

Description: Failure to ensure that multipoint validations were performed following midpoint validation failures on the highly reactive volatile oraginc compounds (HRVOC) analyzers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.216(b)(2)

Description: Failure to ensure that written notifications were provided to TCEQ within 15 days after relative accuracy test audit (RATA) testing was completed.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.47(b)(1)

Description: Failure to ensure that all underground tank systems were provided cathodic protection.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.48

Description: Failure to ensure that all UST systems were included in the mechanical integrity and maintenance programs.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)

30 TAC Chapter 117, SubChapter B 117.219(f)(6)

Rqmt Prov: PERMIT O-2113

Description: Failure to ensure that records were maintained of engine hours of operation or of start and end times for testing and maintenance.

Notice of Intent Date: 03/05/2007 (555111)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

CLEAN TEXAS PROGRAM	05/01/2005

J. Early compliance.

Date Achieved	Description
12/31/2003	Early compliance with NOx emissions required for copmliance with 30 TAC Chapter 101 Subchapter

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CHEVRON PHILLIPS CHEMICAL	§	
COMPANY LP	§	
RN103919817	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-0921-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical plant at 9500 Interstate 10 East in Baytown, Harris 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 May 11 and June 11, 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 Fifteen Thousand Eight Hundred Fifty Dollars ($15,850) is assessed by the Commission in settlement of the violations alleged in Section II

of the administrative penalty and Three Thousand One Hundred Seventy Dollars ($3,170) 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. Six Thousand Three Hundred Forty Dollars ($6,340) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. By July 14, 2008, conducted operator training, revised operating procedures, and developed a preventative maintenance plan to prevent the recurrence of similar events to the January 15, 2008 event; and

   b. By July 14, 2008, conducted operator training and revised operating procedures to prevent the recurrence of similar events to the February 9, 2008 event.

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 from Flare SYS-740 on January 15, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 37063, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 29, 2008. Specifically, the Respondent failed to clear the discharge line of Pump P-201 of catalyst before returning to normal operations, resulting in a temperature spike in Reactor R-201, and the release of 124.44 pounds ("lbs") of volatile organic compounds ("VOC"), 41.26 lbs of nitrogen oxides, and 82.35 lbs of carbon monoxide from the flare during an emissions event lasting 42 minutes. Because these emissions could have been foreseen and avoided by good

lasting 42 minutes. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

2. Failed to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 46305, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 3, 2008. Specifically, the Respondent failed to verify that all continuous take-off lines were not plugged prior to PEU-1799 startup. During the emissions event which lasted two hours, 1,021.7 lbs of VOC were emitted. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2008-0921-AIR-E" to:

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

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Three Hundred Forty Dollars ($6,340) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. 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

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 1/22/2009

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

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

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

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

Signature

Date Nov 17, 2008

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

Title PLANT MANAGER

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

Attachment A
Docket Number: 2008-0921-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Chevron Phillips Chemical Company LP**
Payable Penalty Amount:	**Twelve Thousand Six Hundred Eighty Dollars ($12,680)**
SEP Amount:	**Six Thousand Three Hundred Forty Dollars ($6,340)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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