

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1457-AIR-E **TCEQ ID:** RN103919817 **CASE NO.:** 36507

**RESPONDENT NAME:** Chevron Phillips Chemical Company LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Cedar Bayou Plant, 9500 Interstate 10 East, Baytown, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1927-AIR-E, 2008-0921-AIR-E, and 2007-1080-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 9, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Melvin Vyvial, Environmental Supervisor, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521                  Mr. Van Long, Plant Manager, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 16, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 22, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions during Incident No. 108468. Specifically, during the June 1, 2008 emissions event the following unauthorized emissions were released from Flare X-901 over a period of eleven hours: 430.46 pounds ("lbs") of volatile organic compounds, 162.5 lbs of carbon monoxide, and 19.1 lbs of nitrogen oxides. Since the emissions event could have been avoided by ensuring that the spare breaker was properly disconnected and therefore preventing the subsequent power loss to the propylene compressor controls, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 2462C, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,500</p> <p><b>Total Deferred:</b> \$1,700  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$6,800</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 108468; 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>

Additional ID No(s): Air HG0310V



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	25-Aug-2008	<b>Screening</b>	10-Sep-2008	<b>EPA Due</b>	9-May-2008
	<b>PCW</b>	19-Sep-2008				

**RESPONDENT/FACILITY INFORMATION**

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

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	36507	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-1457-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$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.

<b>Compliance History</b>	240.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$6,000
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**Notes**  
 Penalty enhancement due to 26 same or similar NOVs, four unrelated NOVs, six self-reported effluent discharge violations, four agreed orders with a denial of liability, and one agreed order without a denial of liability.  
 Penalty reduction due to three Notices of Intended Audits, one Disclosure of Violations, participation in a voluntary pollution reduction program, and early compliance with environmental requirements.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$101  
 Approx. Cost of Compliance \$2,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$8,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,500
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,700
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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.

<b>PAYABLE PENALTY</b>	\$6,800
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**Screening Date** 10-Sep-2008

**Docket No.** 2008-1457-AIR-E

**PCW**

**Respondent** Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

**Case ID No.** 36507

PCW Revision June 12, 2008

**Reg. Ent. Reference No.** RN103919817

**Media [Statute]** Air

**Enf. Coordinator** Rebecca Johnson

**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)	26	130%
	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 judgments 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)	3	-3%
	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	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)** 240%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to 26 same or similar NOVs, four unrelated NOVs, six self-reported effluent discharge violations, four agreed orders with a denial of liability, and one agreed order without a denial of liability. Penalty reduction due to three Notices of Intended Audits, one Disclosure of Violations, participation in a voluntary pollution reduction program, and early compliance with environmental requirements.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 240%

<b>Screening Date</b> 10-Sep-2008	<b>Docket No.</b> 2008-1457-AIR-E	<b>PCW</b>	
<b>Respondent</b> Chevron Phillips Chemical Company LP		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36507		<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN103919817			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Rebecca Johnson			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	Air Permit No. 2462C, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to prevent unauthorized emissions during Incident No. 108468. Specifically, during the June 1, 2008 emissions event the following unauthorized emissions were released from Flare X-901 over a period of eleven hours: 430.46 pounds ("lbs") of volatile organic compounds, 162.5 lbs of carbon monoxide, and 19.1 lbs of nitrogen oxides. Since the emissions event could have been avoided by ensuring that the spare breaker was properly disconnected and therefore preventing the subsequent power loss to the propylene compressor controls, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual	<input type="text"/>	<input type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.		
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="1"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b>
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
	One quarterly event is recommended.		<input type="text" value="\$2,500"/>
<b>Good Faith Efforts to Comply</b>			
	<input type="text" value="0.0%"/>	<b>Reduction</b>	<input type="text" value="\$0"/>
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	<input type="text" value="\$2,500"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
	<b>Estimated EB Amount</b>	<input type="text" value="\$101"/>	<b>Violation Final Penalty Total</b>
			<input type="text" value="\$8,500"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$8,500"/>

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 36507  
**Reg. Ent. Reference No.** RN103919817  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$0
Buildings			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0	\$0
Record Keeping System			0.00	\$0	n/a	\$0	\$0
Training/Sampling			0.00	\$0	n/a	\$0	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0	\$0
Permit Costs			0.00	\$0	n/a	\$0	\$0
Other (as needed)	\$2,000	1-Jun-2008	6-Jun-2009	1.01	\$101	n/a	\$101

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to a spare breaker not being properly disconnected. Date required is the date of the emissions event. Final date is the projected date all corrective measures will be completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$101

# Compliance History

Customer/Respondent/Owner-Operator:	CN600303614 CHEVRON PHILLIPS CHEMICAL COMPANY LP	Classification: AVERAGE	Rating: 3.14
Regulated Entity:	RN103919817 CHEVRON PHILLIPS CHEMICAL CO - CEDAR BAYOU PLANT	Classification: AVERAGE	Site Rating: 4.06
ID Number(s):	WASTEWATER	PERMIT	WQ0001006000
	WASTEWATER	PERMIT	TPDES0003948
	WASTEWATER	PERMIT	TX0003948
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012335
	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 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 19, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 19, 2003 to September 19, 2008

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

Name: Rebecca Johnson Phone: (713) 422-8931

#### 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

#### 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, Nitrogen 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	10/17/2003	(248486)
2	10/17/2003	(247681)
3	10/17/2003	(248509)
4	10/17/2003	(250526)
5	10/17/2003	(248463)
6	12/04/2003	(254252)
7	12/17/2003	(152105)
8	02/05/2004	(260955)
9	02/09/2004	(259978)
10	02/12/2004	(260170)
11	02/24/2004	(262471)
12	02/25/2004	(262389)
13	02/25/2004	(262587)
14	02/25/2004	(262589)
15	02/25/2004	(262389)
16	02/25/2004	(262587)
17	02/25/2004	(262589)
18	02/25/2004	(262587)
19	02/25/2004	(262589)
20	02/25/2004	(262389)
21	03/11/2004	(262456)
22	04/14/2004	(264014)
23	05/12/2004	(267824)
24	05/18/2004	(268884)
25	05/18/2004	(268884)
26	06/03/2004	(269885)
27	06/18/2004	(271284)
28	08/16/2004	(282020)
29	08/16/2004	(282057)
30	08/16/2004	(282411)
31	08/17/2004	(283539)
32	08/17/2004	(282610)
33	08/17/2004	(283539)
34	08/18/2004	(281973)
35	08/18/2004	(281927)
36	08/27/2004	(266898)
37	09/30/2004	(293341)
38	10/19/2004	(292912)
39	10/19/2004	(292959)
40	10/19/2004	(292912)
41	10/29/2004	(293050)
42	10/31/2004	(286179)

43	10/31/2004	(282375)
44	10/31/2004	(286738)
45	11/01/2004	(283579)
46	11/11/2004	(293130)
47	11/19/2004	(338998)
48	11/19/2004	(339740)
49	12/09/2004	(343665)
50	12/14/2004	(339393)
51	12/14/2004	(339395)
52	12/15/2004	(282588)
53	12/15/2004	(339394)
54	12/16/2004	(284752)
55	12/20/2004	(339391)
56	12/21/2004	(283434)
57	12/21/2004	(289254)
58	12/28/2004	(339392)
59	12/28/2004	(284682)
60	12/28/2004	(282257)
61	12/29/2004	(292369)
62	01/02/2005	(284716)
63	01/02/2005	(282884)
64	01/02/2005	(283495)
65	01/02/2005	(283460)
66	01/03/2005	(285841)
67	01/04/2005	(286354)
68	01/07/2005	(340082)
69	01/07/2005	(340081)
70	01/07/2005	(340082)
71	01/07/2005	(340081)
72	01/07/2005	(340082)
73	01/07/2005	(340081)
74	01/07/2005	(338932)
75	01/07/2005	(340082)
76	01/07/2005	(340081)
77	01/07/2005	(340082)
78	01/14/2005	(340184)
79	01/14/2005	(340901)
80	01/14/2005	(340184)
81	01/14/2005	(340901)
82	01/20/2005	(338916)
83	02/03/2005	(333891)
84	02/21/2005	(340395)
85	02/21/2005	(344997)
86	02/21/2005	(340395)
87	02/21/2005	(344997)
88	02/21/2005	(340395)
89	02/21/2005	(344997)
90	02/25/2005	(345203)
91	02/25/2005	(345201)
92	02/25/2005	(345203)
93	02/25/2005	(345201)
94	02/25/2005	(345203)
95	02/25/2005	(345201)
96	04/08/2005	(348606)
97	04/08/2005	(348897)
98	04/08/2005	(348606)
99	04/11/2005	(376384)
100	04/20/2005	(372236)
101	04/20/2005	(372237)

102	04/21/2005	(372231)
103	05/17/2005	(372229)
104	06/14/2005	(375880)
105	06/21/2005	(393595)
106	06/22/2005	(393592)
107	06/29/2005	(344167)
108	06/29/2005	(344174)
109	06/29/2005	(344167)
110	06/29/2005	(344174)
111	06/29/2005	(344167)
112	07/11/2005	(398110)
113	07/21/2005	(400409)
114	07/29/2005	(401052)
115	08/02/2005	(402216)
116	08/03/2005	(402167)
117	08/05/2005	(379433)
118	08/08/2005	(396942)
119	08/13/2005	(404688)
120	08/22/2005	(405962)
121	08/23/2005	(401535)
122	09/28/2005	(418690)
123	11/04/2005	(433451)
124	01/26/2006	(405968)
125	02/08/2006	(405969)
126	02/22/2006	(455830)
127	02/28/2006	(457017)
128	02/28/2006	(431936)
129	03/21/2006	(456836)
130	03/28/2006	(456883)
131	03/29/2006	(459443)
132	03/29/2006	(453494)
133	04/03/2006	(452797)
134	04/25/2006	(455025)
135	05/25/2006	(467438)
136	05/25/2006	(467445)
137	05/25/2006	(467440)
138	05/25/2006	(467431)
139	05/25/2006	(467443)
140	05/25/2006	(467433)
141	06/05/2006	(467064)
142	06/08/2006	(464678)
143	07/26/2006	(481894)
144	07/26/2006	(457460)
145	08/23/2006	(497553)
146	08/23/2006	(464714)
147	08/23/2006	(497553)
148	08/30/2006	(508885)
149	08/30/2006	(457471)
150	08/30/2006	(508885)
151	09/28/2006	(486905)
152	12/04/2006	(518861)
153	12/12/2006	(533185)
154	12/21/2006	(533938)
155	01/19/2007	(532509)
156	02/13/2007	(534351)
157	02/20/2007	(464696)
158	04/10/2007	(555531)
159	05/21/2007	(509420)
160	05/31/2007	(510231)

161	06/04/2007	(600126)
162	07/06/2007	(543644)
163	07/30/2007	(533377)
164	08/10/2007	(568519)
165	08/13/2007	(565766)
166	08/17/2007	(568619)
167	08/17/2007	(568619)
168	08/22/2007	(573015)
169	08/22/2007	(572958)
170	08/22/2007	(573015)
171	08/28/2007	(571092)
172	08/28/2007	(571093)
173	08/28/2007	(571092)
174	08/28/2007	(571093)
175	11/28/2007	(595536)
176	12/20/2007	(594047)
177	01/25/2008	(609372)
178	01/29/2008	(609276)
179	02/11/2008	(609284)
180	03/25/2008	(610630)
181	03/28/2008	(609856)
182	04/21/2008	(640952)
183	05/01/2008	(615845)
184	05/06/2008	(653978)
185	05/14/2008	(654461)
186	05/29/2008	(654086)
187	06/06/2008	(654083)
188	06/18/2008	(683282)
189	07/01/2008	(684287)
190	07/18/2008	(680367)
191	07/21/2008	(683729)
192	07/22/2008	(637042)
193	07/30/2008	(686471)
194	08/22/2008	(687059)

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

<b>Date:</b>	<b>09/30/2003</b>	<b>(294967)</b>		
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			
<b>Date:</b>	<b>10/17/2003</b>	<b>(248463)</b>		
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.			
<b>Date:</b>	<b>10/17/2003</b>	<b>(247681)</b>		
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.			
<b>Date:</b>	<b>10/17/2003</b>	<b>(248509)</b>		
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)			
Rqmt Prov:	PERMIT 37063			
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)  
Rqmt Prov: PERMIT 37063  
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)  
Description: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
Chevron Phillips Chemical Company (CPC) 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)  
Rqmt Prov: PERMIT TCEQ Air Permit #46783, SC #1  
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)  
Rqmt Prov: OP Special Terms and Conditions 1.A.  
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)  
Rqmt Prov: OP Special Terms and Conditions 1.A.  
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)  
Rqmt Prov: PA 46305, Special Condition No. 1

Description: Failure to operate within MAERT limits for Flare EPN VE-9003.

**Date:** 11/30/2004 (381763)

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

Rqmt Prov: PERMIT 37063

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

Rqmt Prov: PERMIT 46783

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)

Rqmt Prov: PERMIT TCEQ Air Permit #37063, SC #1

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)

Rqmt Prov: PERMIT TCEQ Air Permit No. 19027, SC #1

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)

Rqmt Prov: PERMIT TCEQ Air Permit No. 19027, SC #1

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)

Rqmt Prov: PERMIT 5015C, Special Condition 3B  
OP O-01274, Special Term and Condition 5

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)

Rqmt Prov: PERMIT 5015C, Special Condition 6E  
OP O-01274, Special Term and Condition 5

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)  
 Rqmt Prov: OP O-01274, Special Term and Condition 1A  
 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)  
 Rqmt Prov: OP O-02114, Special Term and Condition #11  
 PERMIT Permit 8364A, Special Condition No. 9E  
 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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 Rqmt Prov: PERMIT 37063, Special Term and Condition 11E  
 OP O-02114, Special Term and Condition 11  
 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)  
 Rqmt Prov: PERMIT 6517A, Special Condition 1E  
 OP O-02114, Special Term and Condition 11  
 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)  
 Rqmt Prov: PERMIT 8364A, General Condition 1  
 OP O-02114, Special Term and Condition 11  
 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)  
 Rqmt Prov: PERMIT 37063, General Condition 1  
 OP O-02114, Special Term and Condition 11  
 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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)  
 Rqmt Prov: PERMIT 37063, Special Condition 11  
 OP O-02114, Special Term and Condition 11  
 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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
 Rqmt Prov: PERMIT 37063, Special Condition 11  
 OP O-02114, Special Term and Condition 11  
 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  
 Rqmt Prov: PERMIT 8364A, Special Condition 9  
 OP O-02114, Special Term and Condition 11  
 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)  
 Rqmt Prov: PERMIT 6517A, Special Condition 1  
 OP O-02114, Special Term and Condition 11  
 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)  
 Rqmt Prov: OP O-02114, Special Term and Condition 1A  
 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)  
 Rqmt Prov: OP O-02114, Special Term and Condition 1A  
 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)  
 Rqmt Prov: OP O-02114, Special Term and Condition 6Ai  
 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)  
 Rqmt Prov: PERMIT 37063, Special Condition 4A  
 OP O-02114, Special Term and Condition 11  
 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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 Rqmt Prov: PERMIT 37063, Special Condition 6B  
 OP O-02114, ST&C 11 and 1A  
 Description: Failure to maintain a flare pilot light at all times on Flare Z-1101

**Date: 02/28/2005 (381761)**  
 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: 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)  
 Rqmt Prov: PERMIT 19027, SC No. 201  
 OP O-02116, SC 1A.  
 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)

Rqmt Prov: OP O-02216, SC 3Aiii  
 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: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
 Rqmt Prov: PERMIT 19027, GC 1  
 Description: Overflowed tank TK-561

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)  
 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)

Rqmt Prov: PERMIT 19027, SC No. 20 & 21  
 OP O-02116, SC 1A  
 Description: Failure to monitor 14 valves and 33 connectors for fugitive monitoring.

Self Report? NO Classification: Moderate  
 Citation: 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)

Rqmt Prov: PERMIT 19027, SC No. 21 & 21  
 OP O-02116, SC No. 1A  
 Description: Failure to monitor 85 valves and 349 connectors in HRVOC service.

**Date: 09/30/2005 (468259)**  
 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)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 46783, General Condition #8  
 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)

Rqmt Prov: OP FOP O-02115, STC 13  
 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)

Rqmt Prov: OP FOP O-02115, SC 12  
 PERMIT NSR Permit 2462C, SC 9  
 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)

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

Rqmt Prov: PERMIT SC #21E  
 OP ST & C #12

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)

Rqmt Prov: OP Special Condition #3(A)(i).

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)

Rqmt Prov: PA NSR Permit 1504A, Special Condition 21.1  
 OP ST & C #1.L.(iv)  
 OP ST & C #12

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)

Rqmt Prov: OP ST & C #1.L.(iv)

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)

Rqmt Prov: PERMIT SC #21E  
 PERMIT SC #22A  
 OP ST & C #12

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

**Date: 06/30/2006 (520101)**

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)**

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)

Rqmt Prov: PERMIT TCEQ Air Permit No. 2462C, SC1

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)  
5C THC Chapter 382, SubChapter D 382.085(b)  
**Rqmt Prov:** PERMIT 37063 Special Condition 1  
**Description:** Failure to prevent unauthorized emissions.

**Date:** 02/13/2007 (534351)  
**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 19027/Special Condition 1  
**Description:** Failed to prevent unauthorized emissions.

**Date:** 07/06/2007 (543644)  
**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)  
5C THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PERMIT 2462C, SC # 17E  
OP FOP O-02115, SC #12  
OP FOP O-02115, SC #1A  
**Description:** Failure to cap or plug open-ended lines.

**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 THC Chapter 382, SubChapter A 382.085(b)  
**Rqmt Prov:** PERMIT 2462C, SC #9  
OP FOP O-02115, SC #12  
**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)  
**Rqmt Prov:** OP FOP O-02115, SC #1A  
**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:** 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)  
**Rqmt Prov:** PERMIT 1504A Special Condition 10  
**Description:** Failed to meet applicable opacity limit

**Date:** 09/04/2007 (571264)  
**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)

Rqmt Prov: OP FOP O-02370 SC 5  
PA NSR 46305 SC 8A  
Description: Failure to operate the process vent flare (Title V ID VE-9003; EPN 1799-20) at a heat value of at least 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)

Rqmt Prov: OP FOP O-02370 SC 1A  
OP FOP O-02370 SC 5  
PA NSR 46305 SC 3E

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)

Rqmt Prov: OP FOP O-2114, ST&C 15  
PERMIT Permit 37063, SC 11E  
PERMIT Permit 6517A, SC 1E

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)

Rqmt Prov: OP FOP O-2114 ST&C 15  
OP Permit 37063

Description: Failure to operate 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)

Rqmt Prov: OP FOP O-2114 ST&C 15

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)

Rqmt Prov: OP FOP O-2114 ST&C 15

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)

Rqmt Prov: OP FOP O-02113 STC 14

Description: Failure to notify TCEQ prior to EMAX 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)

Rqmt Prov: OP FOP O-02113 STC 17  
PA NSR Permit 1504A/PSD-TX-748 SC 1

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)		
Rqmt Prov:	OP FOP O-02113 STC (1)(J)(iv)		
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)		
Rqmt Prov:	OP FOP O-02113 STC 1Gi		
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)		
Rqmt Prov:	OP FOP O-02113 STC 17		
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)		
Rqmt Prov:	OP FOP O-02113 STC 1(J)(ii)		
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)		
Rqmt Prov:	OP FOP O-02113 SC 17 OP FOP O-02113 STC 1(l)(ii) PA NSR Permit 1504A/PSD-TX-748 SC 16E		
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)		
Rqmt Prov:	OP FOP O-02113 STC 17 PA NSR Permit 1504A/PSD-TX-748		
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)		
Rqmt Prov:	OP FOP O-02113 STC 17 PA NSR Permit 1504A/PSD-TX-748 SC 17A		
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)		
Rqmt Prov:	OP FOP O-02113 STC 1(l)(i)		
Description:	Failure to conduct fugitive 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.		

**Date:** 07/22/2008 (637042)

**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)

**Rqmt Prov:** PERMIT SC 1  
OP ST&C 12

**Description:** Failure to control VOC emissions for flare (unit X-902) and heat exchanger (unit H-3030).

**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)

**Rqmt Prov:** PERMIT SC 9  
OP ST&C 12

**Description:** Failure to maintain 95% destruction efficiency of VOC.

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)

**Rqmt Prov:** OP SC 12  
PERMIT SC 16E  
OP ST&C 1A

**Description:** Failure to seal open-ended lines that are in VOC service.

**Date:** 07/30/2008 (686471)

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

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

**Rqmt Prov:** OP General Terms and Conditions

**Description:** Failure to submit semiannual Deviation report within 30 days of the reporting period.

F. Environmental audits.

**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 emissions 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 than 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 organic 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 compliance with 30 TAC Chapter 101 Subchapter H, Division 3, Mass Emissions Cap and Trade Program and Chapter 117 Control of Air Pollution from Nitrogen

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHEVRON PHILLIPS CHEMICAL  
COMPANY LP  
RN103919817

§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2008-1457-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a chemical manufacturing plant at 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 notice of the violations alleged in Section II ("Allegations") on or about August 27, 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 Eight Thousand Five Hundred Dollars (\$8,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").



The Respondent has paid Six Thousand Eight Hundred Dollars (\$6,800) of the administrative penalty and One Thousand Seven Hundred Dollars (\$1,700) 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 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.
10. 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.
11. 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 failed to prevent unauthorized emissions during Incident No. 108468, in violation of Air Permit No. 2462C, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 16, 2008. Specifically, during the June 1, 2008 emissions event the following unauthorized emissions were released from Flare X-901 over a period of eleven hours: 430.46 pounds ("lbs") of volatile organic compounds, 162.5 lbs of carbon monoxide, and 19.1 lbs of nitrogen oxides. Since the emissions event could have been avoided by ensuring that the spare breaker was properly disconnected and therefore preventing the subsequent power loss to the propylene compressor controls, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

## III. DENIALS

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



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2008-1457-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 measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 108468; 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 Avenue, Suite H  
Houston, Texas 77023

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

2/5/2009  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

12/18/08  
\_\_\_\_\_  
Date

Van Long

Plant Manager

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

\_\_\_\_\_  
Title

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

