

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1771-AIR-E **TCEQ ID:** RN102320850 **CASE NO.:** 36799

**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> Philtex Ryton Plant, located north of Spur 245 on Spur 119 North, Borger, Hutchinson County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</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 is no record of additional pending enforcement actions regarding this facility location.</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 April 13, 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. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Todd Williams, Environmental Team Leader, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008-0968  Mr. D. P. Digman, Borger Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008-0968  <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 type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" 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> October 6, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 21, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 218 pounds of 1,4-dichlorobenzene were released when the operator erroneously changed the set point from manual to a remote set point at the Lights Column kettle, causing the column temperature and pressure to rise and the relief valve to lift, resulting in an emissions event which began on July 10, 2008 and lasted for three minutes (Incident No. 110868). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), Air Permit No. 7719A, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$6,400</p> <p><b>Total Deferred:</b> \$1,280  <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 to General Revenue:</b> \$5,120</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On September 25, 2008, added the tempered water pumps to the emergency power failure screen;</p> <p>b. On November 12, 2008, added signs to hot oil pumps indicating that if they are run in manual mode then any interlocks will not work;</p> <p>c. On November 15, 2008, created a training program on the hazards of placing equipment in remote set point when the set point is much higher than the Present Value; and</p> <p>d. On November 17, 2008, completed changes to the alarm and interlock system including creating an interlock to close the hot oil control valve and shut off the hot oil pump if both of the tempered water pumps are off.</p>

Additional ID No(s): HW0013C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	28-Oct-2008	Screening	12-Nov-2008	EPA Due	
	PCW	13-Nov-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Chevron Phillips Chemical Company LP
Reg. Ent. Ref. No.	RN102320850
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36799	No. of Violations	1
Docket No.	2008-1771-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
Admin. Penalty \$	Limit Minimum \$0	EC's Team	Enforcement Team 5
	Maximum \$10,000		

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

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

Notes: Penalty enhancement due to seven agreed orders with a denial of liability, four same or similar NOV's, and six non-similar NOV's. Penalty reduction for four Notice of Audit letters and one Disclosure of Violation.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**Screening Date** 12-Nov-2008

**Docket No.** 2008-1771-AIR-E

**PCW**

**Respondent** Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

**Case ID No.** 36799

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102320850

**Media [Statute]** Air

**Enf. Coordinator** Nadia Hameed

**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)	4	20%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	7	140%
	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	0	0%
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)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 166%

>> **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 seven agreed orders with a denial of liability, four same or similar NOV's, and six non-similar NOV's. Penalty reduction for four Notice of Audit letters and one Disclosure of Violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 166%

<b>Screening Date</b> 12-Nov-2008	<b>Docket No.</b> 2008-1771-AIR-E	<b>PCW</b>			
<b>Respondent</b> Chevron Phillips Chemical Company LP	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 36799	<small>PCW Revision October 30, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN102320850					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Nadia Hameed					
<b>Violation Number</b> <input type="text" value="1"/>					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), Air Permit No. 7719A, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 218 pounds of 1,4-dichlorobenzene were released when the operator erroneously changed the set point from manual to a remote set point at the Lights Column kettle, causing the column temperature and pressure to rise and the relief valve to lift, resulting in an emissions event which began on July 10, 2008 and lasted for three minutes (Incident No. 110868). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense 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>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>Percent</b>		<input type="text" value="25%"/>			
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<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 has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors 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>					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="1"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<b>Violation Base Penalty</b>		<input type="text" value="\$2,500"/>			
One quarterly event is recommended.					
<b>Good Faith Efforts to Comply</b>		<b>10.0% Reduction</b>		<input type="text" value="\$250"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	x	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>			
<b>Notes</b>	The Respondent completed the corrective actions on November 17, 2008.				
<b>Violation Subtotal</b>		<input type="text" value="\$2,250"/>			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$18"/>	<b>Violation Final Penalty Total</b>		<input type="text" value="\$6,400"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$6,400"/>

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 36799  
**Reg. Ent. Reference No.** RN102320850  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$100	10-Jul-2008	25-Sep-2008	0.21	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	10-Jul-2008	12-Nov-2008	0.34	\$1	\$11	\$12
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Jul-2008	15-Nov-2008	0.35	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	10-Jul-2008	17-Nov-2008	0.36	\$3	n/a	\$3

**Notes for DELAYED costs**  
 Estimated cost for tempered water pumps added to the emergency power failure screen (completed 09/25/2008), signs added to hot oil pumps to prevent future recurrence (completed 11/12/2008), training program put in place (11/15/2008), changes to the alarm and to the interlock systems (completed 11/17/2008). Date required based on the date of the emissions event. Final date based on the date the corrective actions 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**

<b>Approx. Cost of Compliance</b>	\$850	<b>TOTAL</b>	\$18
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# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600303614	CHEVRON PHILLIPS CHEMICAL COMPANY LP	Classification: AVERAGE	Rating: 3.24
Regulated Entity:	RN102320850	PHILTEX RYTON PLANT	Classification: AVERAGE	Site Rating: 8.07
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD041516709	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30131	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50254	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50254	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50018	
	AIR NEW SOURCE PERMITS	PERMIT	39927	
	AIR NEW SOURCE PERMITS	PERMIT	40813	
	AIR NEW SOURCE PERMITS	PERMIT	41609	
	AIR NEW SOURCE PERMITS	PERMIT	45470	
	AIR NEW SOURCE PERMITS	PERMIT	45708	
	AIR NEW SOURCE PERMITS	PERMIT	46022	
	AIR NEW SOURCE PERMITS	PERMIT	46698	
	AIR NEW SOURCE PERMITS	PERMIT	47618	
	AIR NEW SOURCE PERMITS	PERMIT	47873	
	AIR NEW SOURCE PERMITS	PERMIT	48389	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0013C	
	AIR NEW SOURCE PERMITS	PERMIT	7172	
	AIR NEW SOURCE PERMITS	PERMIT	7173A	
	AIR NEW SOURCE PERMITS	PERMIT	7719A	
	AIR NEW SOURCE PERMITS	PERMIT	3251A	
	AIR NEW SOURCE PERMITS	PERMIT	21918	
	AIR NEW SOURCE PERMITS	PERMIT	31409	
	AIR NEW SOURCE PERMITS	PERMIT	55433	
	AIR NEW SOURCE PERMITS	REGISTRATION	70021	
	AIR NEW SOURCE PERMITS	AFS NUM	4823300004	
	AIR NEW SOURCE PERMITS	PERMIT	71299	
	AIR NEW SOURCE PERMITS	PERMIT	54297	
	AIR NEW SOURCE PERMITS	PERMIT	53267	
	AIR NEW SOURCE PERMITS	PERMIT	53320	
	AIR NEW SOURCE PERMITS	PERMIT	50537	
	AIR NEW SOURCE PERMITS	REGISTRATION	72623	
	AIR NEW SOURCE PERMITS	REGISTRATION	74568	

AIR NEW SOURCE PERMITS	REGISTRATION	75050
AIR NEW SOURCE PERMITS	REGISTRATION	81490
AIR NEW SOURCE PERMITS	REGISTRATION	83284
AIR NEW SOURCE PERMITS	REGISTRATION	84319
AIR NEW SOURCE PERMITS	REGISTRATION	85444
AIR NEW SOURCE PERMITS	REGISTRATION	83292
AIR NEW SOURCE PERMITS	REGISTRATION	85574
UNDERGROUND INJECTION CONTROL	PERMIT	WDW381
UNDERGROUND INJECTION CONTROL	PERMIT	WDW067
UNDERGROUND INJECTION CONTROL	PERMIT	WDW068
UNDERGROUND INJECTION CONTROL	PERMIT	WDW219
UNDERGROUND INJECTION CONTROL	PERMIT	WDW325
AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0013C
AIR OPERATING PERMITS	PERMIT	2164
AIR OPERATING PERMITS	PERMIT	2165
AIR OPERATING PERMITS	PERMIT	2166
AIR OPERATING PERMITS	PERMIT	1440
WASTEWATER	PERMIT	WQ0002484000
WASTEWATER	PERMIT	TPDES0095869
WASTEWATER	PERMIT	TX0095869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30131
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50254

**COMPLIANCE PLANS**

Location: North of Spur 245 on Spur 119 North, Borger, Hutchinson County Rating Date: 9/1/2008 Repeat Violator: NO  
TCEQ Region: REGION 01 - AMARILLO  
Date Compliance History Prepared: November 12, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 12, 2003 to November 12, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Nadia Hameed Phone: (713) 767-3629

**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: 11/06/2005

ADMINORDER 2005-0704-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to operate the North Flare (EPN FL-1) in the manner designed to prevent the release of unauthorized emissions during Incident No. 48675. Since this emissions event was foreseeable and avoidable, and the air pollution control equipment was not operated in a manner consistent with good practice for minimizing emi

Effective Date: 11/06/2005

ADMINORDER 2004-0231-AIR-E

Classification: Major

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

Rqmt Prov: 21918 PERMIT

Special Condition 2 PERMIT

Description: Chevron Phillips Chemical Company LP, Philtex Ryton Plant failed to meet the plant wide SO2 emission CAP of Flexible Permit no. 21918, during emission testing of the North H2S Flare (FL-1), the South HC Flare (FL-2) and the Sulfolene Flaker Scrubber Stack (M2A) from July 9, 2003 through July 18, 2003.

Effective Date: 02/20/2006

ADMINORDER 2005-0094-AIR-E

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 39918. Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 40338. Since these emissions were avoidable the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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

Description: Failed to submit the initial report for Incident No. 39918 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to identify all compounds known to have been released during Incident No. 42118 on the final report.

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 42118. Since these emissions were incompletely reported the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

**Effective Date: 04/29/2006**

**ADMINORDER 2005-1638-AIR-E**

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 17.C. PERMIT

Description: Failed to keep complete records.

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 32 PERMIT

Description: Failed to control vapors from a loading operation.

Classification: Moderate

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

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

Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT

Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 46 PERMIT

Description: Failed to use data required by the permit in emissions calculations.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)

30 TAC Chapter 122, SubChapter B 122.146(5)(D)

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

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include all instances of deviations in a report.

**Effective Date: 05/12/2006**

**ADMINORDER 2004-0958-AIR-E**

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to submit the initial upset report for Incident No. 33418 in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

40 CFR Part 63, Subpart A 63.11(b)(5)

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

Rqmt Prov: 2 PERMIT

Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits

of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.

Classification: Major

Citation: 30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart F 63.104(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart A 63.11(b)(5)  
40 CFR Part 63, Subpart H 63.172(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to accurately report the number of valves monitored in August and November of 2003 on the semiannual report for the period of July 1 through December 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(4)  
40 CFR Part 63, Subpart R 63.422(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to cross-check the tank identification numbers (Trailers Groendyke No. 356, BAFU 888703-6, and NATX 36035) with the tank vapor tightness documentation, and failed to notify the owners of trucks with invalid truck tightness documentation within the required time frames after the tanks were loaded.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(5)  
40 CFR Part 63, Subpart R 63.422(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to assure that a nonvapor-tight tank (Groendyke No. 35, loaded on July 10 and August 25, 2003) would not be reloaded before obtaining vapor tightness documentation.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)  
40 CFR Part 63, Subpart R 63.425(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to conduct a visual inspection of the internal floating roof and the seal of Tank H-6 after the tank was emptied on February 20, 2003.

**Effective Date: 07/22/2006**

**ADMINORDER 2006-0189-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 67916.

Effective Date: 03/08/2008

ADMINORDER 2007-0993-AIR-E

Classification: Minor

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

Rqmt Prov: Special Condition No. 8D PERMIT

Description: Failed to note the date and time of each AVO check for hydrogen sulfide leaks in the operator's log

Classification: Moderate

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

Description: Failed to report in writing all instances of deviations to the Executive Director

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.0518(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.0518(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants

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	11/12/2003	(253161)
2	11/12/2003	(253165)
3	11/12/2003	(253166)
4	11/19/2003	(320187)
5	12/16/2003	(320188)
6	01/09/2004	(255887)
7	01/09/2004	(256581)
8	01/09/2004	(256582)
9	01/12/2004	(259367)
10	01/12/2004	(259565)
11	01/20/2004	(320189)
12	01/30/2004	(261425)
13	01/30/2004	(261502)
14	01/30/2004	(261511)
15	02/13/2004	(320178)
16	02/27/2004	(264406)
17	03/04/2004	(263430)
18	03/16/2004	(250901)
19	03/16/2004	(320179)
20	03/26/2004	(266437)
21	03/26/2004	(266444)
22	03/26/2004	(266447)
23	04/16/2004	(320180)
24	05/24/2004	(362754)
25	06/07/2004	(362755)
26	06/16/2004	(266883)
27	06/16/2004	(266957)

28	06/16/2004	(274162)
29	07/12/2004	(362756)
30	07/16/2004	(281204)
31	07/16/2004	(281245)
32	07/19/2004	(281318)
33	08/07/2004	(281128)
34	08/12/2004	(288970)
35	08/20/2004	(362757)
36	09/02/2004	(291233)
37	09/02/2004	(291242)
38	09/07/2004	(291422)
39	09/08/2004	(291216)
40	09/09/2004	(362758)
41	10/08/2004	(362759)
42	10/15/2004	(337419)
43	10/15/2004	(337435)
44	10/15/2004	(337438)
45	10/16/2004	(335621)
46	11/05/2004	(339445)
47	11/16/2004	(387907)
48	12/28/2004	(340368)
49	12/28/2004	(340456)
50	12/29/2004	(345469)
51	01/05/2005	(387908)
52	01/07/2005	(346404)
53	01/07/2005	(346409)
54	02/07/2005	(425539)
55	02/16/2005	(350931)
56	03/03/2005	(345470)
57	03/03/2005	(372687)
58	03/03/2005	(372692)
59	03/03/2005	(372701)
60	03/14/2005	(425540)
61	04/13/2005	(425541)
62	05/16/2005	(425542)
63	06/02/2005	(394562)
64	06/06/2005	(425543)
65	06/17/2005	(396391)
66	07/22/2005	(446091)
67	08/05/2005	(446092)
68	08/26/2005	(400663)
69	09/07/2005	(446093)
70	09/08/2005	(431139)
71	09/08/2005	(431163)
72	09/08/2005	(431180)
73	10/11/2005	(478290)
74	11/10/2005	(478291)
75	12/15/2005	(478292)
76	01/05/2006	(451244)
77	01/05/2006	(451253)
78	01/05/2006	(451257)
79	01/23/2006	(478293)
80	02/06/2006	(478288)
81	02/13/2006	(455043)
82	02/16/2006	(435821)
83	02/16/2006	(454969)
84	03/10/2006	(478289)
85	03/13/2006	(458844)

86	03/23/2006	(459163)
87	04/20/2006	(504534)
88	04/25/2006	(463313)
89	04/25/2006	(463321)
90	04/25/2006	(463322)
91	05/08/2006	(504535)
92	05/22/2006	(467041)
93	05/25/2006	(463016)
94	06/07/2006	(526852)
95	08/04/2006	(526854)
96	08/18/2006	(509410)
97	09/06/2006	(526853)
98	09/18/2006	(526855)
99	10/03/2006	(513312)
100	10/03/2006	(513315)
101	10/03/2006	(513316)
102	10/03/2006	(514853)
103	10/03/2006	(514870)
104	10/03/2006	(514879)
105	10/06/2006	(550824)
106	10/16/2006	(515500)
107	10/31/2006	(517537)
108	11/03/2006	(550825)
109	12/15/2006	(534378)
110	12/20/2006	(534635)
111	01/04/2007	(535636)
112	01/08/2007	(587249)
113	01/31/2007	(538435)
114	02/09/2007	(587244)
115	02/26/2007	(541686)
116	02/27/2007	(541861)
117	02/27/2007	(541900)
118	03/05/2007	(587245)
119	03/09/2007	(542559)
120	03/09/2007	(542571)
121	03/23/2007	(554148)
122	03/26/2007	(553818)
123	03/26/2007	(553892)
124	04/11/2007	(556504)
125	04/11/2007	(556514)
126	04/11/2007	(556516)
127	04/13/2007	(556569)
128	04/13/2007	(556570)
129	04/13/2007	(556572)
130	04/16/2007	(587246)
131	04/30/2007	(556728)
132	05/03/2007	(587247)
133	05/17/2007	(555906)
134	06/01/2007	(561465)
135	06/08/2007	(587248)
136	07/16/2007	(604964)
137	08/06/2007	(569756)
138	08/08/2007	(604965)
139	09/20/2007	(604966)
140	09/24/2007	(595445)
141	09/24/2007	(595457)
142	09/24/2007	(595458)
143	10/03/2007	(594741)
144	10/16/2007	(626933)

145 10/30/2007 (597142)  
 146 11/20/2007 (626934)  
 147 12/07/2007 (626935)  
 148 01/04/2008 (610787)  
 149 01/04/2008 (610798)  
 150 01/16/2008 (676035)  
 151 01/18/2008 (610441)  
 152 01/31/2008 (600338)  
 153 02/12/2008 (617665)  
 154 02/14/2008 (612360)  
 155 02/15/2008 (676033)  
 156 03/03/2008 (618691)  
 157 03/03/2008 (618707)  
 158 03/03/2008 (618712)  
 159 03/11/2008 (613242)  
 160 03/17/2008 (676034)  
 161 04/07/2008 (641601)  
 162 04/10/2008 (694409)  
 163 04/17/2008 (646530)  
 164 04/29/2008 (653798)  
 165 05/13/2008 (657400)  
 166 05/14/2008 (694410)  
 167 05/30/2008 (671606)  
 168 05/30/2008 (680205)  
 169 05/30/2008 (681736)  
 170 05/31/2008 (680219)  
 171 07/14/2008 (694411)  
 172 09/04/2008 (700758)  
 173 09/29/2008 (702980)  
 174 09/29/2008 (702990)  
 175 09/29/2008 (702995)  
 176 09/30/2008 (702026)  
 177 09/30/2008 (702027)  
 178 09/30/2008 (702481)  
 179 10/06/2008 (702239)  
 180 10/13/2008 (704675)  
 181 10/20/2008 (702286)  
 182 10/22/2008 (706153)  
 183 10/22/2008 (706189)  
 184 10/22/2008 (706211)

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

**Date:** 03/10/2004 (250901)

Self Report? NO

Classification: Moderate

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

Description: The review of information for two incidents reported by Chevron-Phillips indicated that the facility was in violation of the provisions of the New Source Review (NSR) permit No. 21918 by failing to satisfy the criteria specified in the provisions of §101.222.

**Date:** 03/23/2006 (459163)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Effluent Limitations and Monitoring

Description: Failure to meet effluent limitations for pH, at outfall 001.

**Date:** 04/26/2006 (463322)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)

Rqmt Prov: PERMIT XI. Additional Requirements E.  
Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.

**Date: 04/26/2006** (463321)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
Rqmt Prov: PERMIT XI. Additional Requirements E.  
Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

**Date: 04/26/2006** (463313)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
Rqmt Prov: PERMIT XI. Additional Requirements  
Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

**Date: 05/25/2006** (463016)

Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)  
Description: The facility failed to comply with the provisions of Subpart Kb standards.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)  
40 CFR Part 60, Subpart Kb 60.112b(a)(3)  
Description: The facility failed to comply with the provisions of Subpart Kb standards.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-2  
Description: The facility failed to comply with the provisions of Subpart VV.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-5  
Description: The facility failed to comply with the provisions of Subpart VV.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-6  
Description: The facility failed to comply with the provisions of Subpart VV.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Part 60, Subpart VV 60.482-7  
Description: The facility failed to comply with the provisions of Subpart VV.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: The facility failed to comply with the provisions of the specila condition No. 35 of the permit number 21918 by failing to monitor valves associated with the closed vent system for the North Flare.

**Date: 12/20/2006** (534635)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
Description: **failure to keep cold solvent cleaner lid closed**  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)  
Description: failure to label cold solvent cleaner  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Description: failure to test mercaptan loading dock scrubber every five years  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Description: failure to include sulfur compounds in 2005 annual flare test for FL-2  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
Description: failure to include deviation in deviation report

**Date: 01/31/2008** (600338)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: **failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

Description: failure to make first attempt to repair a pump within 5 days

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: failure to make first attempt to repair three valves within 5 days

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

Description: failure to make first attempt to repair one valve within 5 days

Self Report? NO Classification: Moderate

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

Description: failure to continuously monitor H2S Flare (FL-1) for SO2

Self Report? NO Classification: Moderate

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

Description: failure to monitor various components as required by the applicable fugitive monitoring program

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Description: failure to conduct monthly fugitive monitoring for one pump

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: failure to conduct monthly fugitive monitoring for various valves

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)

Description: failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: **failure to repair a leak no later than 15 days after detection**

Self Report? NO Classification: Moderate

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

Description: **failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart H 63.167

Description: failure to prevent open-ended valves or lines

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: failure to report all instances of deviations on deviation reports

**Date: 02/12/2008 (617665)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)(2)

Description: Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).

**Date: 03/11/2008 (613242)**

Self Report? NO Classification: Moderate

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

Description: **Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event (which did not meet all affirmative defense criteria)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit initial notification within 24 hours of discovery of an emissions event

F. Environmental audits.

Notice of Intent Date: 02/15/2005 (372352)  
No DOV Associated

Notice of Intent Date: 02/24/2005 (374234)  
No DOV Associated

Notice of Intent Date: 09/21/2005 (434811)  
Disclosure Date: 03/07/2006

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter C 305.44  
Rqmt Prov: PERMIT TPDES permit 02484

Description: Failure to amend TPDES permit.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101  
40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11

Description: Failure to adequately characterize wastewater discharge streams to ensure that any toxic pollutants do not exceed the limitations prescribed in the subpart.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)

Description: Failure to sample for all specific parameters during annual underground injection well sampling.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 331, SubChapter D 331.64  
Rqmt Prov: PERMIT WDW 219

Description: Failure to adequately implement underground injection well monitoring requirements.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)

Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failure to maintain all required waste stream documentation.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to complete required weekly inspections for all < 90 day hazardous waste storage areas looking for leaks and for deterioration caused by corrosion or other factors.

Notice of Intent Date: 06/22/2006 (486718)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

K. Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHEVRON PHILLIPS CHEMICAL  
COMPANY LP  
RN102320850

§  
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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-1771-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 operates a chemical manufacturing plant north of Spur 245 on Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 26, 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 Six Thousand Four Hundred Dollars (\$6,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Five Thousand One Hundred Twenty Dollars (\$5,120) of the administrative penalty and One Thousand Two Hundred Eighty Dollars (\$1,280) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On September 25, 2008, added the tempered water pumps to the emergency power failure screen;
  - b. On November 12, 2008, added signs to hot oil pumps indicating that if they are run in manual mode then any interlocks will not work;
  - c. On November 15, 2008, created a training program on the hazards of placing equipment in remote set point when the set point is much higher than the Present Value; and
  - d. On November 17, 2008, completed changes to the alarm and interlock system including creating an interlock to close the hot oil control valve and shut off the hot oil pump if both of the tempered water pumps are off.
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 operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), Air Permit No. 7719A, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 6, 2008. Specifically, 218 pounds of 1,4-dichlorobenzene were released when the operator erroneously changed the set point from manual to a remote set point at the Lights Column kettle, causing the column temperature and pressure to rise and the relief valve to lift, resulting in an emissions event which began on July 10, 2008 and lasted for three minutes (Incident No. 110868). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense 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. 2008-1771-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 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.
3. 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.
4. 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.
5. 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

3/24/2009  
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

2 FEB 2009  
Date

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

BOZGER PLANT MANAGER  
Title

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