

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1028-IHW-E TCEQ ID: RN100209857 CASE NO.: 30057

RESPONDENT NAME: CHEVRON PHILLIPS CHEMICAL COMPANY LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2001 Gulfway Drive, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Organic chemical manufacturing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. As of February 23, 2008, there are three pending enforcement actions regarding this facility location: 2008-1878-AIR-E; 2009-0221-AIR-E; and 2008-1584-AIR-E (settled, pending March 25, 2009 agenda).</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 6, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Benjamin O. Thompson, Litigation Division, MC 175, (512) 239-1297 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492 TCEQ Regional Contact: Mr. Derek Eades, Beaumont Regional Office, MC R-10, (409) 898-3838 Respondent: Mr. David Speaker, Chevron Phillips Chemical Company LP, 1021 Main Street, Suite 1150, Houston, Texas 77002 Respondent's Attorney: Mr. Andrew Strong, Pillsbury Winthrop Shaw Pittman, 909 Fannin, 20th Floor, Houston, Texas 77010</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 25, 2006</p> <p>Date of NOE Relating to this Case: May 31, 2006</p> <p>Background Facts: The case was referred to the Litigation Division on December 4, 2006. Following extensive settlement negotiations, an EDPRP was filed May 12, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on January 29, 2009.</p> <p>Current Compliance Status: Since the date the Order was signed, Respondent completed Ordering Provision no. 1.</p> <p>IHW:</p> <ol style="list-style-type: none"> Failed to update the Notice of Registration [30 TEX. ADMIN. § CODE 335.6(b) and (c)]. Failed to dispose of hazardous wastes at an authorized facility [30 TEX. ADMIN. CODE § 335.2(b) and 40 C.F.R. § 262.20(b)]. Failed to prevent exceedance of the hazardous waste accumulation time of 90 days [30 TEX. ADMIN. CODE § 335.69(a) and 40 C.F.R. § 262.34(a)]. Failed to keep a container of hazardous waste closed [30 TEX. ADMIN. CODE §§ 335.69(d)(1) and 335.112(a)(8) and 40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a)]. 	<p>Total Assessed: \$21,837</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$21,837</p> <p>The Respondent paid the Administrative Penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> On April 25, 2006, closed the 55-gallon drum containing benzene. On May 16, 2006, disposed of the one gallon container of perchloric acid. On July 18, 2006, updated the Facility's Notice of Registration to include the two spent caustic treater tanks (FA-1002A and FA-1002B). <p>Ordering Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately, cease the unauthorized disposal of industrial hazardous waste and implement standard operational procedures to be employed by staff to ensure the disposal of wastes only at authorized waste management facilities. Within 15 days, submit written certification to demonstrate compliance with the above Ordering Provision.

Screening Date 28-Jun-2006

Docket No. 2006-1028-IHW-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 30057

PCW Revision, May 19, 2005

Reg. Ent. Reference No. RN100209857

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 151%

>> 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

There were four NOVs for dissimilar violations, five 1660 orders, and two findings orders during the previous five year period. The respondent is a member of the Clean Texas Program, a voluntary pollution reduction program, and has submitted two Notice's of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 151%

Screening Date 28-Jun-2006

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Policy Revision 2 (September 2002)

Case ID No. 30057

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100209857

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 30057
Reg. Ent. Reference No. RN100209857
Media [Statute] Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	25-Apr-2006	28-Feb-2007	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to update the Notice of Registration. The Date Required is the April 25, 2006 investigation and the Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$100** **TOTAL \$4**

Screening Date 28-Jun-2006

Docket No. 2006-1028-IHW-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 30057

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100209857

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)
Secondary Rule Cite(s)

30 Tex. Admin. Code § 335.2(b) and 40 Code of Federal Regulations § 262.20(b)

Violation Description

Failure to dispose of hazardous wastes at an authorized facility, as documented during an investigation conducted on April 25, 2006. Specifically, spent caustic from the caustic treater tanks was disposed of at the Valero/Premcor Port Arthur Refinery wastewater treatment plant on April 10, 14 and 20, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent	<input type="text" value="25%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

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.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the April 25, 2006 investigation date to the June 28, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
 Case ID No. 30057
 Reg. Ent. Reference No. RN100209857
 Media [Statute] Industrial and Hazardous Waste
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5,000	10-Apr-2006	20-Apr-2006	0.0	\$0	\$5,000	\$5,000
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to properly dispose of hazardous waste stream 0100102H. The Date Required is the date of the first shipment and the Final Date is the date of the last shipment.

Approx. Cost of Compliance **\$5,000**

TOTAL \$5,000

Screening Date 28-Jun-2006

Docket No. 2006-1028-IHW-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 30057

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100209857

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 335.69(a) and 40 Code of Federal Regulations § 262.34(a)

Secondary Rule Cite(s)

Violation Description

Failure to prevent exceedance of the hazardous waste accumulation time of 90 days, as documented during an investigation conducted on April 25, 2006. Specifically, hazardous waste with an expiration date of October 30, 2002 was being stored in a one gallon container.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>		

>> Programmatic Matrix

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

Matrix Notes

Human health and the environment will or could be exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

A single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
 Case ID No. 30057
 Reg. Ent. Reference No. RN100209857
 Media [Statute] Industrial and Hazardous Waste
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$200	25-Apr-2006	16-May-2006	0.1	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost of disposal for one gallon of perchloric acid. The Date Required is the April 25, 2006 investigation and the Final Date is the date of compliance.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$200** TOTAL **\$1**

Screening Date 28-Jun-2006

Docket No. 2006-1028-IHW-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 30057

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100209857

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
 Case ID No. 30057
 Reg. Ent. Reference No. RN100209857
 Media [Statute] Industrial and Hazardous Waste
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	25-Apr-2006	25-Apr-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to keep container closed when not adding or removing waste. The Date Required is April 25, 2006 investigation date and the Final Date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$50** TOTAL **\$0**

Compliance History

Customer/Respondent/Owner-Operator: CN600303614 Chevron Phillips Chemical Company LP Classification: AVERAGE Rating: 1.82

Regulated Entity: RN100209857 CHEVRON PHILLIPS CHEMICAL PORT ARTHUR FACILITY Classification: AVERAGE Site Rating: 5.15

ID Number(s):	Permit/Registration Description	Account/Registration Number	Value/ID
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0508W
	AIR OPERATING PERMITS	PERMIT	1235
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0508W
	AIR NEW SOURCE PERMITS	PERMIT	5215A
	AIR NEW SOURCE PERMITS	PERMIT	18568
	AIR NEW SOURCE PERMITS	PERMIT	21101
	AIR NEW SOURCE PERMITS	PERMIT	24266
	AIR NEW SOURCE PERMITS	PERMIT	32713
	AIR NEW SOURCE PERMITS	PERMIT	34618
	AIR NEW SOURCE PERMITS	REGISTRATION	75984
	AIR NEW SOURCE PERMITS	REGISTRATION	76323
	AIR NEW SOURCE PERMITS	REGISTRATION	76324
	AIR NEW SOURCE PERMITS	REGISTRATION	76321
	AIR NEW SOURCE PERMITS	AFS NUM	0162
	AIR NEW SOURCE PERMITS	REGISTRATION	71188
	AIR NEW SOURCE PERMITS	REGISTRATION	72774
	AIR NEW SOURCE PERMITS	REGISTRATION	73724
	AIR NEW SOURCE PERMITS	REGISTRATION	73945
	AIR NEW SOURCE PERMITS	REGISTRATION	75265
	AIR NEW SOURCE PERMITS	REGISTRATION	77954
	AIR NEW SOURCE PERMITS	REGISTRATION	78021
	AIR NEW SOURCE PERMITS	REGISTRATION	78071
	AIR NEW SOURCE PERMITS	REGISTRATION	78143
	AIR NEW SOURCE PERMITS	REGISTRATION	78162
	AIR NEW SOURCE PERMITS	REGISTRATION	79030
	AIR NEW SOURCE PERMITS	REGISTRATION	79446
	AIR NEW SOURCE PERMITS	REGISTRATION	79568
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000004390
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83963

Location: 2001 GULFWAY DR, PORT ARTHUR, TX, 77640 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 28, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 25, 2001 to August 25, 2006

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

Name: Michael Meyer Phone: (512) 239-4492

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: 06/03/2002 ADMINORDER 2001-1526-AIR-E
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to prevent unauthorized emissions during an upset that occurred on October 10, 2001 at the Cumene Complex.
 - Effective Date: 04/29/2006 ADMINORDER 2005-1808-AIR-E
Classification: Minor

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

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

Rqmt Prov: 21101, General Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 12/21/2003 ADMINORDER 2002-0786-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: SC 5 PERMIT

Description: Failure to operate Flare 17 with a pilot flame at all times.

Classification: Moderate

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

Rqmt Prov: SC 14 PERMIT

Description: Failure to operate Flare 24 with a pilot flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT

Description: Failure to operate Flare 17 w/out visible emissions.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor pressure relief valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to monitor valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.356(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(3)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to keep a master component list that included all pressure relief valves.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to repair a leak w/in 15 days and/or during the first shutdown after a leak was detected.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(h)(2)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to monitor difficult to monitor valves on an annual basis.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(ii)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(v)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 117, SubChapter B 117.219(f)(8)

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

Rqmt Prov: SC 5 PERMIT

Description: Failure to maintain records.

Classification: Moderate

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

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

Rqmt Prov: SC 8 PERMIT

Description: Failure to conduct H2S fuel gas sampling on a monthly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)[G]

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)[G]

40 CFR Part 61, Subpart J 61.112(a)

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

Rqmt Prov: SC 1A, 2A, 2B, and 17F PERMIT

Description: Failure to monitor valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)[G]

40 CFR Part 61, Subpart J 61.112(a)

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

Rqmt Prov: 17H PERMIT

SC 1A, 2A, 2B PERMIT

Description: Failure to repair valves w/in 15 days after a leak was detected.

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: MAERT PERMIT

Description: Failure to comply with the emission limits set in the MAERT for permit 21101.

Classification: Moderate

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

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

Rqmt Prov: SC 6 PERMIT

Description: Failure to comply with the 1 hr maximum firing rates as required in permit 21101.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 5 PERMIT

Description: Failure to operate Flare 17 w/out visible emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)

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

Description: Failure to identify on the nonreportable upset report the individually listed compounds involved in the upset which occurred on 4/25/02.

Effective Date: 11/24/2005

ADMINORDER 2003-0646-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 21101, Special Condition 14 PERMIT

Description: Failed to prevent visible emissions and maintain emission rates below the allowable emission limits for CO, NOx and VOCs at Ethylene Unit 1544.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(3)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

Description: Failure to properly notify the regional office of a reportable emission event at the Cumene Feed Prep Unit 1740 on September 20, 2002 from 9:00 am to 9:35 am.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions released at the Cumene Feed Prep Unit 1740 on September 20, 2002 and at the 11 Pump House on January 20, 2003.

Classification: Moderate

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

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

Rqmt Prov: 32713, Special Condition 15 PERMIT

Description: Failure to submit annual summaries for criteria pollutants for CYs 2001 and 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18[G]

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

Rqmt Prov: 5215A, Special Condition 5 PERMIT

Description: Failure to operate the Cumene Unit process flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

30 TAC Chapter 101, SubChapter F 101.201(b)(9)

30 TAC Chapter 101, SubChapter F 101.211(b)(10)

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

Rqmt Prov: Permit 21101, Special Condition 14 PERMIT

Description: Failure to properly notify the TCEQ regional office of unauthorized emissions at the Ethylene Unit.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emissions limits at the Cumene Unit - #17 Flare on October 29, 2002, October 31, 2002 and March 2, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions at the Cumene Unit - #3 Flare on January 22, 2003.

Classification: Moderate

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

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

Rqmt Prov: 18568 PERMIT

Description: Failure to report the VOC concentration from the exhaust of the 2001 air stripping testing system and/or the corresponding pounds of strippable VOC per gallon of cooling water for tower 169.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 18568 PERMIT

18568, Special Condition 17B PERMIT

Description: Failed to comply with permitted VOC emission limits and repair/maintain equipment associated with cooling tower 169.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)(i)

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

Description: Failure to determine the annual benzene waste generated at Cooling Towers 169 and 294.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 21101, Special Condition 1 PERMIT
Description: Failed to prevent authorized emissions on August 18, 2003 at the #24 Flare.
Effective Date: 02/05/2006 ADMINORDER 2004-1533-AIR-E

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 60.7(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special condition 1B and 1C PERMIT
Special Condition 2A and 2C PERMIT

Description: Failed to provide notification of start up, notification of specific provision applicability, or initial and periodic reports.

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 NNN 60.665(b)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(g)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(h)[G]
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(j)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(g)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(h)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(j)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1B and 1C PERMIT
Special Condition 2A and 2C PERMIT

Description: Failed to keep up-to-date, readily accessible records.

Classification: Minor

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

Rqmt Prov: 5215A, Special Condition 5 PA

Description: Failure to operate a flare with a pilot flame lit at all times.

Classification: Minor

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

Description: Allowed unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(l)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to satisfy a Permit by Rule condition.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.8[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain, and make readily available for review, required records.

Classification: Major

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

Description: Failed to obtain authorization for air emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
30 TAC Chapter 101, SubChapter F 101.201(b)(2)
30 TAC Chapter 101, SubChapter F 101.201(b)(3)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.211(b)(1)
30 TAC Chapter 101, SubChapter F 101.211(b)(2)
30 TAC Chapter 101, SubChapter F 101.211(b)(3)
30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide complete records of 72 non-reportable events and 40 maintenance activities that occurred from March 13, 2003 to August 31, 2004.

Classification: Moderate

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

Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT

Description: Failed to limit emissions from Flare 24 (EPN F-24-flare) to those authorized by the permit.

Effective Date: 02/20/2006 ADMINORDER 2005-0406-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PI-8 PERMIT

Description: Failed to limit emissions from Flare-17 (EPN F-17-Flare) in Cyclohexane Unit 1741 to those authorized by a Permit by Rule.

Effective Date: 07/14/2006 ADMINORDER 2006-0023-AIR-E

Classification: Minor

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

Description: Failed to submit notification of an emissions event within 24 hrs. of discovery (Inc. No. 65155).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere

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	07/29/2002	(6221)
2	11/18/2002	(15927)
3	10/15/2002	(12166)
4	11/15/2005	(435694)
5	02/25/2005	(346983)
6	06/13/2002	(106810)
7	06/13/2002	(106809)
8	01/30/2004	(260374)
9	06/13/2002	(106808)
10	03/29/2005	(372071)
11	06/13/2002	(106807)
12	05/30/2006	(463478)
13	04/20/2005	(375919)
14	08/22/2003	(112392)
15	12/10/2004	(341172)
16	06/13/2002	(106806)
17	04/28/2005	(350987)
18	05/02/2002	(106805)
19	02/22/2002	(106804)
20	02/22/2002	(106802)
21	02/22/2002	(106801)

22	02/22/2002	(106800)
23	04/20/2005	(377313)
24	02/14/2002	(106799)
25	11/12/2004	(336801)
26	02/14/2002	(106798)
27	02/14/2002	(106797)
28	07/07/2004	(277842)
29	02/05/2002	(106796)
30	01/26/2002	(106795)
31	12/31/2003	(256375)
32	01/11/2002	(106794)
33	02/27/2003	(26123)
34	12/22/2005	(450202)
35	01/11/2002	(106793)
36	01/11/2002	(106792)
37	07/29/2002	(6245)
38	01/11/2002	(106791)
39	12/20/2001	(106790)
40	12/14/2001	(106789)
41	10/23/2001	(106788)
42	10/23/2001	(106787)
43	10/20/2004	(334670)
44	10/04/2001	(106786)
45	09/28/2001	(106785)
46	02/22/2005	(371695)
47	09/10/2001	(106784)
48	09/10/2001	(106783)
49	08/29/2001	(106782)
50	03/31/2003	(26407)
51	03/26/2004	(264422)
52	01/28/2004	(260394)
53	06/15/2005	(392859)
54	05/09/2003	(31101)
55	04/20/2005	(378099)
56	05/21/2004	(270623)
57	06/07/2005	(394278)
58	12/17/2003	(255857)
59	03/26/2004	(266501)
60	10/15/2002	(12157)
61	02/18/2004	(262747)
62	04/20/2005	(375692)
63	07/29/2002	(6266)
64	03/30/2004	(264423)
65	10/09/2003	(251686)
66	05/07/2004	(264932)
67	04/20/2005	(375210)
68	03/31/2003	(26418)
69	03/29/2005	(349695)
70	03/31/2003	(26453)
71	01/13/2004	(255882)
72	04/20/2005	(376051)
73	08/20/2003	(150079)
74	10/16/2003	(251648)
75	02/26/2003	(25119)
76	12/21/2005	(436261)
77	07/08/2003	(23118)
78	07/07/2004	(277866)
79	02/23/2005	(349112)
80	03/26/2004	(266567)
81	02/28/2006	(437666)
82	07/29/2002	(6280)
83	08/20/2003	(140828)
84	06/07/2005	(394217)
85	07/07/2004	(278397)
86	08/31/2005	(348609)
87	05/14/2004	(268767)
88	03/30/2004	(264278)
89	10/15/2002	(12182)

90 10/20/2004 (334660)
 91 07/19/2005 (397037)
 92 04/20/2005 (375928)
 93 03/29/2005 (372068) U
 94 05/12/2004 (266872)
 95 08/31/2004 (292814)
 96 02/27/2003 (26116)
 97 11/18/2002 (15941)
 98 07/08/2003 (28601)
 99 11/18/2002 (15970)
 100 11/06/2003 (254079)
 101 04/26/2006 (406843)
 102 02/27/2003 (26141)
 103 07/08/2003 (28462)
 104 02/02/2005 (342775)
 105 10/20/2004 (335672)
 106 04/20/2005 (373914)
 107 05/27/2004 (269429)
 108 05/27/2004 (269047)

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

Date: 06/06/2002 (106806)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
 Description: SMOKING FLARE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: UPSET REPORTING
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: OP IA
 Description: PERMIT CONDITIONS
 Date: 01/30/2004 (260374)
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Description: Failure by Chevron Phillips Chemical Port Arthur Facility to prevent the discharge of wastewater into or adjacent to waters in the state.
 Date: 12/11/2001 (106789)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to Comply
 Date: 05/21/2004 (270623)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to comply with MAER limits.

F. Environmental audits.

Notice of Intent Date: 09/17/2004 (347257)
 No DOV Associated

Notice of Intent Date: 03/16/2005 (376225)
 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.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	PARTNERSHIP	12/10/2001
CLEAN TEXAS PROGRAM	PARTNER	12/10/2001

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP;
RN100209857

§
§
§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1028-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("Chevron") under the authority of TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch 361, 40 C.F.R. chs. 262 and 265, and the rules of the TCEQ. The Executive Director of the TCEQ, represented by the Litigation Division, and Chevron, represented by Andrew Strong of the law firm of Pillsbury Winthrop Shaw Pittman, appear before the Commission and together stipulate that:

1. Chevron owns and operates an organic chemical manufacturing facility located at 2001 Gulfway Drive, Port Arthur, Jefferson County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and the TCEQ rules.
3. The Commission and Chevron agree that the Commission has jurisdiction to enter this Agreed Order, and that Chevron is subject to the Commission's jurisdiction.
4. Chevron received notice of the violations alleged in Section II ("Allegations") on or about June 5, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Chevron of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of twenty-one thousand eight hundred thirty-seven dollars (\$21,837.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Chevron has paid twenty-one thousand eight hundred thirty-seven dollars (\$21,837.00) of the administrative 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 Chevron 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 Chevron has implemented the following corrective measures at the Facility:
 - a. On April 25, 2006, closed the 55-gallon drum containing benzene;
 - b. On May 16, 2006, disposed of the one gallon container of perchloric acid; and
 - c. On July 18, 2006, updated the Facility's Notice of Registration to include the two spent caustic treater tanks (FA-1002A and FA-1002B).
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 Chevron 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

1. During an investigation conducted on April 25, 2006, a TCEQ Beaumont Regional Office investigator documented that Chevron violated:
 - a. 30 TEX. ADMIN. CODE § 335.6(b) and (c) by failing to update the Notice of Registration. Specifically, two active spent caustic treater tanks (FA-1002A and FA-1002B) were not listed on the Notice of Registration;

- b. 30 TEX. ADMIN. CODE § 335.2(b) and 40 C.F.R. § 262.20(b) by failing to dispose of hazardous wastes at an authorized facility. Specifically, spent caustic from the caustic treater tanks was disposed of at the Valero/Premcor Port Arthur Refinery wastewater treatment plant on April 10, 14, and 20, 2006;
- c. 30 TEX. ADMIN. CODE § 335.69(a) and 40 C.F.R. § 262.34(a) by failing to prevent exceedance of the hazardous waste accumulation time of 90 days. Specifically, hazardous waste (perchloric acid) with an expiration date of October 30, 2002 was being stored in a one gallon container; and
- d. 30 TEX. ADMIN. CODE §§ 335.69(d)(1) and 335.112(a)(8) and 40 C.F.R. §§ 262.34(a)(1)(i) and 265.173(a) by failing to keep a container of hazardous waste closed. Specifically, a 55-gallon drum containing approximately 15 gallons of benzene was not closed.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Chevron pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Chevron'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 considering or requiring corrective action or penalties for violations which are not raised here.
2. Chevron shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Order, Chevron shall cease the unauthorized disposal of industrial hazardous waste and implement standard operational procedures to be employed by staff to ensure the disposal of wastes only at authorized waste management facilities;
 - b. Within 15 days after the effective date of this Order, Chevron shall submit written certification and detailed supporting documentation, including photographs, receipts, and 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.”

Chevron shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. 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:

Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. The provisions of this Agreed Order shall apply to and be binding upon Chevron. Chevron is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Chevron 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, Chevron's failure to comply is not a violation of this Agreed Order. Chevron shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Chevron shall notify the Executive Director within seven days after Chevron 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 Chevron shall be

made in writing to the Executive Director. Extensions are not effective until Chevron 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 Chevron 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Chevron, or three days after the date on which the Commission mails notice of the Order to Chevron, 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

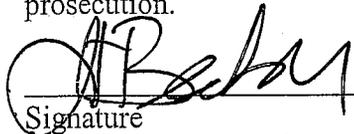
3/3/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Chevron's compliance history;
- Greater scrutiny of any permit applications submitted by Chevron;
- 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 against Chevron;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Chevron; and
- TCEQ seeking other relief as authorized by law.

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



Signature

1-20-09
Date

J.T. Becker

Name (Printed or typed)
Authorized representative of Chevron Philips
Chemical Company LP

Plant Manager

Title