

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-1636-AIR-E TCEQ ID: RN102495884 CASE NO.: 36598

RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Borger Refinery, located at Spur 119 North, Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-0129-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 13, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Brian K. Lever, Refinery Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Respondent's Attorney: Ms. Lydia Gonzalez Gromatsky, Beveridge & Diamond, 98 San Jacinto Boulevard, Suite 1420, Austin, Texas 78701-4039</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 3, 2008</p> <p>Date of NOV/NOE Relating to this Case: December 12, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to comply with permitted emissions limits for nitrogen oxides. Specifically, on September 3, 2008, Refinery Boiler 2.4 (Emissions Point Number ["EPN"] 81B17) exceeded the nitrogen oxides emissions subcap limit [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), New Source Review Flexible Air Permit No. 9868A/PSD-TX-102M6, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,150</p> <p>Total Deferred: \$2,030 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,120</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 submitted an application for a New Source Review permit to authorize, among other things, an increase in the Calendar Year 2009 nitrogen oxides subcap limit for Refinery Boiler 2.4 (EPN 81B17) on August 15, 2008 ("Application").</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the Application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>b. Within 330 days after the effective date of this Agreed Order, submit written certification that either an authorization for an increase in the Calendar Year 2009 nitrogen oxides emissions subcap limit for Refinery Boiler 2.4 (EPN 81B17) has been obtained or that unauthorized emissions from Boiler 2.4 have ceased. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

Additional ID No(s): HW0018P



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	30-Sep-2008		
	PCW	27-Oct-2008	Screening	30-Sep-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN102495884		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36598	No. of Violations	1
Docket No.	2008-1636-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	306.0% Enhancement	Subtotals 2, 3, & 7 \$7,650

Notes: The penalty was enhanced by 46 NOVs with dissimilar violations, 5 NOVs with same or similar violations, six 1660-style agreed orders, one findings order, one EPA agreed order without a denial of liability, and one EPA final judgment with a denial of liability. The penalty was reduced by seven NOAs and two DOVs.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,630
 Approx. Cost of Compliance: \$80,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$10,150**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,150
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,030
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,120
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Screening Date 30-Sep-2008

Docket No. 2008-1636-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 36598

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Terry Murphy

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)	5	25%
	Other written NOVs	46	92%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	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 (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
<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) 306%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes The penalty was enhanced by 46 NOVs with dissimilar violations, 5 NOVs with same or similar violations, six 1660-style agreed orders, one findings order, one EPA agreed order without a denial of liability, and one EPA final judgment with a denial of liability. The penalty was reduced by seven NOAs and two DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 306%

<p>Screening Date 30-Sep-2008</p> <p>Respondent ConocoPhillips Company</p> <p>Case ID No. 36598</p> <p>Reg. Ent. Reference No. RN102495884</p> <p>Media [Statute] Air</p> <p>Enf. Coordinator Terry Murphy</p> <p>Violation Number 1</p> <p>Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), and 101.20(3), New Source Review Flexible Air Permit No. 9868A/PSD-TX-102M6, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)</p> <p>Violation Description Failed to comply with permitted emissions limits for nitrogen oxides. Specifically, on September 3, 2008, Refinery Boiler 2.4 (Emissions Point Number 81B17) exceeded the nitrogen oxides subcap limit, as documented during a record review conducted on September 3, 2008.</p>	<p style="text-align: right;">Docket No. 2008-1636-AIR-E</p> <p style="text-align: right;">PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i></p>																								
Base Penalty \$10,000																									
>> Environmental, Property and Human Health Matrix																									
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td style="text-align: center;">Percent</td> <td style="text-align: center;">25%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Harm				Release	Major	Moderate	Minor			Actual			x	Percent	25%	Potential					
		Harm																							
Release	Major	Moderate	Minor																						
Actual			x	Percent	25%																				
Potential																									
>> Programmatic Matrix																									
Matrix Notes	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Falsification</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td colspan="2"></td> <td></td> <td></td> <td></td> <td style="text-align: center;">Percent 0%</td> </tr> </table> <p>Human health or the environment have been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violation.</p>			Falsification						Major	Moderate	Minor							Percent 0%						
		Falsification																							
		Major	Moderate	Minor																					
					Percent 0%																				
Adjustment \$7,500																									
\$2,500																									
Violation Events																									
<p>Number of Violation Events 1</p> <p>Number of violation days 27</p> <p>mark only one with an x</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		<p>Violation Base Penalty \$2,500</p> <p>One quarterly event is recommended from the date of the record review (September 3, 2008) to the enforcement screening date (September 30, 2008).</p>												
daily																									
monthly																									
quarterly	x																								
semiannual																									
annual																									
single event																									
Good Faith Efforts to Comply																									
0.0% Reduction																									
Before NOV NOV to EDRP/Settlement Offer																									
<p>Extraordinary</p> <p>Ordinary</p> <p>N/A</p> <p>Notes</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> <tr> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p>The Respondent does not meet the good faith criteria for this violation.</p>			x	(mark with x)																				
x	(mark with x)																								
Violation Subtotal \$2,500																									
Economic Benefit (EB) for this violation																									
Statutory Limit Test																									
Estimated EB Amount \$2,630	Violation Final Penalty Total \$10,150																								
This violation Final Assessed Penalty (adjusted for limits) \$10,150																									

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 36598
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$80,000	3-Sep-2008	1-May-2009	0.66	\$2,630	n/a	\$2,630
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to get authorization to increase permit limits. The Date Required is the date of the violation, and the Final Date is the date authorization is expected.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$80,000	TOTAL	\$2,630
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Compliance History Report

Customer/Respondent/Owner-Operator: CN601674351 ConocoPhillips Company Classification: AVERAGE Rating: 2.95
 Regulated Entity: RN102495884 BORGER REFINERY Classification: AVERAGE Site Rating: 26.09

ID Number(s):	WASTEWATER	PERMIT	WQ0001064000
	WASTEWATER	PERMIT	TX0009148000
	WASTEWATER	PERMIT	TX0009148
	AIR NEW SOURCE PERMITS	PERMIT	9868A
	AIR NEW SOURCE PERMITS	PERMIT	11042A
	AIR NEW SOURCE PERMITS	PERMIT	11449A
	AIR NEW SOURCE PERMITS	PERMIT	11935A
	AIR NEW SOURCE PERMITS	PERMIT	11429A
	AIR NEW SOURCE PERMITS	PERMIT	14441A
	AIR NEW SOURCE PERMITS	PERMIT	19042
	AIR NEW SOURCE PERMITS	PERMIT	22777
	AIR NEW SOURCE PERMITS	PERMIT	34417
	AIR NEW SOURCE PERMITS	PERMIT	43073
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0018P
	AIR NEW SOURCE PERMITS	AFS NUM	4823300015
	AIR NEW SOURCE PERMITS	REGISTRATION	71385
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M6
	AIR NEW SOURCE PERMITS	PERMIT	71385
	AIR NEW SOURCE PERMITS	PERMIT	80799
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1119
	AIR NEW SOURCE PERMITS	REGISTRATION	82659
	AIR NEW SOURCE PERMITS	REGISTRATION	84720
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1158
	AIR NEW SOURCE PERMITS	PERMIT	85872
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX102M7
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0018P
	AIR OPERATING PERMITS	PERMIT	1440
	AIR OPERATING PERMITS	PERMIT	2166
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30111
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980626774
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50078
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW380
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW382
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW325
	WASTEWATER LICENSING	LICENSE	WQ0001064000
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50078
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30111
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670002
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50078

Location: SPUR 119 NORTH, BORGER, TX, 79008 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: October 14, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 14, 2003 to October 14, 2008

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

Name: Terry Murphy Phone: (512) 239-5025

Site Compliance History Components

- | | |
|--|--|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who are the current owners? | ConocoPhillips Company
Phillips Petroleum Company |
| 4. If Yes, who was the prior owner(s)? | Phillips Petroleum Company |
| 5. When did the change in ownership occur? | February 7, 2007 |

Components (Multimedia) for the Site :

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

Effective Date: 08/20/2005

Admin. Order 2002-0351-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5(C) PERMIT

Description: Failure to operate the flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5B PERMIT

Description: Failure to operate the affected flares with a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 60, Subpart J 60.104(a)(1)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2 & 30 PERMIT

Description: Failed to operate the affected units with fuel H2S concentrations within the allowable value of less than 0/a0 grains per dry standard cubic feet..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b

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

Rqmt Prov: 9868A and PSD-TX-102MA, SC2 PERMIT

Description: Failure to show the correct vapor pressure for Tank No. 8031.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 4 PERMIT

Description: Failure to ensure that the open-ended valve on Tank No. 3001 was sealed with a cap, blind, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 12 PERMIT

Description: Failure to continuously monitor and record the firebox temperature every 4 hours. Specifically, the operator confirmed that due to equipment malfunction, the firebox temp. at the Tail Gas Incinerator at Unit 34 was not continuously monitored or recorded.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 44 PERMIT

Description: Failure to use the proper preservation temperature for submitting samples from the cooling towers. Specifically, their records showed that the temps. rose above the required 4 degrees C. on 4/26/00 (9 deg. C), 7/14/00 (23 deg. C) & 8/9/00 (19 deg. C).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 61, Subpart FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 3 PERMIT

Description: Failure to conduct quarterly visual inspection of the vacuum trucks in 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(2)
40 CFR Part 60, Subpart Kb 60.115b(d)(3)
40 CFR Part 61, Subpart FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC Nos. 2 & 3 PERMIT

Description: Failure to submit complete quarterly reports. Specifically, the reports submitted on 5/31 and 8/30/01 failed to include the # of times the flare pilot flame was absent.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to timely submit the semi-annual certification showing that all inspections had been conducted for the period of 4/8 - 10/7/01. Specifically, the report was due 12/8/01. The rpt. was received on 2/5/02 (i. e. 59 days late).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 11165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 666.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC No. 2 PERMIT

Description: Failure to repair valve No. 1035.000 at Unit 19.3 within 15 days of the leak being detected. Specifically, the leak was detected on 4/21/01, and was repaired on 6/28/01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M, SC 2 PERMIT

Description: Discharging into the atmosphere SO2 with a 12 hr. rolling average concentration in excess of 250 ppm by volume at 0% excess air. Specifically, a review of the CEM data for 00 and 01 shows that Unit 43 exceeded the SO2 concentration allowable 74 times during 00 & 01.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 50E PERMIT

Description: Failure to submit a copy of the final sampling report for Unit 40 Air Cooler engine w/in 45 days after sampling was completed. Specifically, the testing was completed on July 31, 2001The final rpt. was submitted in November 6, 2001.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 5C PERMIT

Description: Failure to operate the Acid Gas Flare with no visible emissions. Specifically, during the stack test conducted on 12/14/00, visible emissions were observed from the Acid Gas Flare.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 51B PERMIT

Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on Engines 41, 42, 43, 44, 45, and 47.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 48 PERMIT

Description: Failure to change the oxygen sensors for the affected engines 41, 42, 43, 44, 45, and 47 quarterly, as required by the provisions of permit No. 9868A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to timely submit the initial/final upset reports. Specifically, the initial rpt. for Incident No. 17283 was due on 3/12/03, and was received on 3/13/03, and the final rpts. for Inc. Nos. 25555 & 29549 were due on 8/23/03, & were rec'd. on 8/25/03.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to submit complete upset reports. Specifically, the reports submitted for emission events which occurred on 11/7/02, 1/27/03, 2/22/03, 2/17/03, 4/26/03, 6/27/03, & 7/20/03 failed to include sufficient information for the cause of the emission events.

Classification: Moderate

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

Description: Failed to submit the final report for the emission event which occurred on June 21-23, 2004 within 14 days. Specifically, the final rpt. was due on 7/7/04 & was received on 7/8/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted into the atmosphere the following unauthorized pollutants during an emissions event which occurred June 21-23, 2004: CO-53 lbs, hydrogen sulfide-4.20 lbs, sulfur dioxide-369.10 lbs, and VOCs-139.9 lbs. Since this event was reported late, an affirmative defense, may not be claimed for the emissions.

Classification: Moderate

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

Description: Failed to submit the initial emission events reports w/in 24 hrs. of discovery for the events which occurred on 11/25/03, 12/7 and 9/03, and 2/18/04.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to obtain authorization for the unauthorized emissions during 37 emission events which did not qualify for an affirmative defense to an enforcement action.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, Sp. Cond. No. 1 PERMIT

Description: Emitting into the atmosphere unauthorized pollutants during 12 emission events.

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate

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

Rqmt Prov: Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 11/09/2007 Admin. Order 2005-0717-UIC-E
Classification: Major

Citation: 30 TAC Chapter 331, SubChapter A 331.7(a)
Rqmt Prov: VII.A - Waste Streams Prohibited ... OP
Description: Failed to prevent the unauthorized injection of a characteristically hazardous waste into a class I non-hazardous injection well, according to permit provision VII.A.

Effective Date: 11/19/2007 Admin. Order 2005-1251-AIR-E

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(d)
40 CFR Part 61, Subpart FF 61.356(g)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)
40 CFR Part 61, Subpart FF 61.357(d)(8)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.424(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.428(h)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all required information in the fourth quarterly report of excess emissions for year 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with leak repair requirements for valve No. 2205.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.486(b)
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain tags for leaking components Specifically, valves No. 14005, 14254, and 14264 were not tagged as required.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate the flare with flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003.

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 all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004.

Effective Date: 11/19/2007

Admin. Order 2006-0087-MLM-E

Classification: Moderate

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

Description: Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes.

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 1 PERMIT

Description: Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4 which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362).

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 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 5.B. PERMIT

Description: Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004.

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 5.D. PERMIT

Description: Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005.

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 9 PERMIT

Description: Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004.

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 11 PERMIT

Description: Failed to consistently maintain the required temperatures and oxygen concentrations for Unit 34 and 43.

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 14 PERMIT

Description: Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B.

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 20 PERMIT

Description: Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts.

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 26 PERMIT

Description: Failed to consistently maintain the CO concentration below 500 parts per million volume ("ppmv") from Fluid Catalytic Cracking Units 29 and 40.

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 30 PERMIT

Description: Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on between December 23 and 25, 2004 and January 16 and April 16, 2005.

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 37.D. PERMIT

Description: Failed to annually inspect Tank 5550 for seal integrity verification in 2004.

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 41.I. PERMIT

Description: Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005.

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 42.H. PERMIT

Description: Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Classification: Moderate

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

Rqmt Prov: Special Conditions 41.E. PERMIT

Description: Failed to seal 22 open ended valves in volatile organic compounds 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 48 PERMIT

Description: Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004.

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 50 PERMIT

Description: Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005.

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 51.A. PERMIT

Description: Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005.

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 54 PERMIT

Description: Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004.

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 59 PERMIT

Description: Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2.

Classification: Moderate

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

Rqmt Prov: Special Condition 8 PERMIT

Description: Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr").

Classification: Moderate

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

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million british thermal units per hour on March 2 and 11, 2004.

Classification: Moderate

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

Rqmt Prov: FOP No. O-01440, General Terms and Cond. PERMIT

Description: Failed to include all deviations on the semi-annual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
30 TAC Chapter 335, SubChapter A 335.4(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.35
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1

Description: Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 101, SubChapter A 101.27(c)(1)
30 TAC Chapter 21 21.4

Description: Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005.

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 1 PERMIT

Description: Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623).

Effective Date: 12/20/2007

Admin. Order 2007-0567-MLM-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial waste into or adjacent to the waters in the state.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Description: Failed to submit a complete final report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to include the names of all affected facilities on the emissions event report for Incident No. 79367.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S. C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008

Admin. Order 2007-0558-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring.

Classification: Moderate

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

Description: Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 23 PERMIT
Description: Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 30 PERMIT
Description: Failed to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT
Description: Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Part 60, Subpart A 60.18(c)(2)
40 CFR Part 63, Subpart A 63.11(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT
Description: Failed to operate the flare with a constant pilot flame.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(a)(3)

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

Description: Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 10 PERMIT

Description: Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(1)
40 CFR Part 63, Subpart A 63.11(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 in Units 34 and 43 on August 6 and December 15, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart Kb 60.115b(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
40 CFR Part 60, Subpart A 60.18(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPN and 66FL2 on 3 occasions between June 6 and 9, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, HDS, and Col. 39, respectively, within 15 days after discovering a leak.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006.

Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(6)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	10/16/2003	(252133)	124	06/07/2006	(481812)
2	10/16/2003	(252147)	125	06/08/2006	(481987)
3	10/17/2003	(296800)	126	06/08/2006	(481992)
4	10/17/2003	(296813)	127	06/13/2006	(482336)
5	10/17/2003	(296817)	128	06/16/2006	(481242)
6	10/27/2003	(296812)	129	06/20/2006	(575969)
7	11/05/2003	(250547)	130	06/28/2006	(482752)
8	12/02/2003	(296814)	131	06/29/2006	(482750)
9	12/22/2003	(296815)	132	07/10/2006	(485853)
10	01/27/2004	(296816)	133	07/24/2006	(575971)
11	02/20/2004	(296796)	134	08/02/2006	(484098)
12	03/31/2004	(296798)	135	08/02/2006	(488630)

13	04/05/2004	(268105)	136	08/11/2006	(575973)
14	04/14/2004	(269208)	137	09/05/2006	(511072)
15	04/16/2004	(267682)	138	09/14/2006	(512534)
16	04/26/2004	(296799)	139	09/20/2006	(575975)
17	05/25/2004	(296802)	140	09/22/2006	(511317)
18	05/25/2004	(436469)	141	09/28/2006	(514413)
19	06/07/2004	(274624)	142	09/28/2006	(514455)
20	06/21/2004	(296804)	143	10/02/2006	(514550)
21	07/26/2004	(352767)	144	10/02/2006	(514675)
22	08/05/2004	(284515)	145	10/11/2006	(515667)
23	08/06/2004	(283088)	146	10/19/2006	(575977)
24	08/17/2004	(288901)	147	10/25/2006	(536054)
25	08/23/2004	(352768)	148	11/03/2006	(518149)
26	09/05/2004	(333340)	149	11/03/2006	(518237)
27	09/08/2004	(333632)	150	11/03/2006	(518272)
28	09/22/2004	(335158)	151	11/15/2006	(575979)
29	09/22/2004	(335170)	152	11/30/2006	(532446)
30	09/22/2004	(335175)	153	12/14/2006	(575981)
31	09/23/2004	(335211)	154	01/22/2007	(537059)
32	09/29/2004	(352769)	155	01/22/2007	(575983)
33	10/20/2004	(338199)	156	02/16/2007	(575962)
34	10/20/2004	(338419)	157	02/23/2007	(540568)
35	10/20/2004	(338428)	158	03/06/2007	(542490)
36	10/20/2004	(338456)	159	03/16/2007	(517551)
37	10/25/2004	(352770)	160	04/09/2007	(554950)
38	11/05/2004	(340388)	161	05/08/2007	(557892)
39	11/05/2004	(340397)	162	05/11/2007	(558928)
40	11/05/2004	(340401)	163	05/17/2007	(559988)
41	11/22/2004	(352771)	164	05/25/2007	(560211)
42	12/28/2004	(352772)	165	06/04/2007	(557890)
43	01/06/2005	(346260)	166	06/12/2007	(561959)
44	01/06/2005	(346265)	167	07/22/2007	(607677)
45	01/06/2005	(346272)	168	07/23/2007	(568756)
46	01/08/2005	(346044)	169	07/23/2007	(569200)
47	01/18/2005	(382140)	170	07/23/2007	(569278)
48	01/20/2005	(347728)	171	08/22/2007	(607675)
49	01/27/2005	(342485)	172	08/22/2007	(607676)
50	01/27/2005	(382142)	173	08/22/2007	(607678)
51	01/31/2005	(348389)	174	08/22/2007	(607679)
52	02/02/2005	(348485)	175	08/22/2007	(607680)
53	03/14/2005	(382141)	176	08/28/2007	(573763)
54	03/16/2005	(335811)	177	08/29/2007	(567645)
55	03/18/2005	(335817)	178	09/04/2007	(571794)
56	04/28/2005	(575964)	179	09/04/2007	(571799)
57	05/13/2005	(575966)	180	09/04/2007	(573098)
58	06/16/2005	(575968)	181	09/04/2007	(573119)
59	06/17/2005	(396298)	182	09/04/2007	(573126)
60	07/01/2005	(377888)	183	09/04/2007	(573132)
61	07/25/2005	(575970)	184	09/04/2007	(573137)
62	08/26/2005	(402145)	185	09/04/2007	(573145)
63	08/29/2005	(418249)	186	09/17/2007	(607674)
64	08/29/2005	(418255)	187	09/17/2007	(607681)
65	08/29/2005	(418264)	188	09/28/2007	(596149)
66	08/29/2005	(418278)	189	10/15/2007	(596734)
67	08/29/2005	(418284)	190	10/16/2007	(607682)
68	08/29/2005	(575972)	191	12/04/2007	(610826)
69	09/16/2005	(431894)	192	12/06/2007	(610871)
70	09/19/2005	(398612)	193	12/07/2007	(610766)
71	09/19/2005	(418617)	194	12/13/2007	(610872)
72	09/20/2005	(575974)	195	12/18/2007	(599297)

73	09/21/2005	(432528)	196	02/05/2008	(617236)
74	09/27/2005	(432573)	197	02/22/2008	(618682)
75	10/05/2005	(398603)	198	03/03/2008	(619078)
76	10/21/2005	(575976)	199	03/04/2008	(610874)
77	10/27/2005	(435707)	200	03/10/2008	(637208)
78	10/28/2005	(435763)	201	03/10/2008	(637850)
79	10/31/2005	(436015)	202	03/12/2008	(638570)
80	11/08/2005	(436544)	203	03/31/2008	(637441)
81	11/09/2005	(437151)	204	04/04/2008	(640052)
82	11/16/2005	(398003)	205	04/04/2008	(641113)
83	11/16/2005	(436047)	206	04/04/2008	(641120)
84	11/17/2005	(575978)	207	04/04/2008	(641123)
85	12/12/2005	(439539)	208	04/04/2008	(641124)
86	12/14/2005	(439324)	209	04/04/2008	(641262)
87	12/19/2005	(449774)	210	04/08/2008	(641450)
88	12/19/2005	(449781)	211	04/11/2008	(639948)
89	12/20/2005	(575980)	212	04/15/2008	(641833)
90	12/21/2005	(434070)	213	04/15/2008	(646318)
91	12/22/2005	(450310)	214	04/16/2008	(639947)
92	01/05/2006	(451297)	215	04/16/2008	(641345)
93	01/06/2006	(451394)	216	04/16/2008	(641606)
94	01/13/2006	(451363)	217	04/21/2008	(653421)
95	01/13/2006	(452190)	218	04/22/2008	(640269)
96	01/17/2006	(437777)	219	04/22/2008	(640274)
97	01/18/2006	(575982)	220	04/23/2008	(653422)
98	01/24/2006	(452945)	221	05/05/2008	(654697)
99	01/25/2006	(452960)	222	05/14/2008	(670875)
100	01/25/2006	(453089)	223	05/14/2008	(670877)
101	01/30/2006	(453345)	224	05/15/2008	(655931)
102	01/31/2006	(453394)	225	05/19/2008	(671263)
103	01/31/2006	(453752)	226	06/13/2008	(682985)
104	02/02/2006	(453395)	227	06/15/2008	(467250)
105	02/02/2006	(453859)	228	06/17/2008	(683143)
106	02/13/2006	(455152)	229	06/17/2008	(683152)
107	02/14/2006	(575961)	230	06/17/2008	(683436)
108	02/28/2006	(457545)	231	06/24/2008	(683654)
109	03/17/2006	(575963)	232	06/24/2008	(683997)
110	03/21/2006	(459612)	233	07/08/2008	(685211)
111	03/23/2006	(458845)	234	07/08/2008	(685238)
112	03/23/2006	(460163)	235	07/28/2008	(685550)
113	04/19/2006	(462453)	236	08/07/2008	(687671)
114	04/19/2006	(462466)	237	08/07/2008	(687839)
115	04/20/2006	(575965)	238	08/29/2008	(700947)
116	04/26/2006	(463535)	239	09/10/2008	(702303)
117	05/09/2006	(465242)	240	09/11/2008	(700350)
118	05/15/2006	(463536)	241	09/11/2008	(700366)
119	05/25/2006	(465241)	242	09/11/2008	(700371)
120	05/26/2006	(480084)	243	09/11/2008	(701024)
121	05/31/2006	(480736)	244	09/16/2008	(702968)
122	06/01/2006	(575967)	245	09/30/2008	(702043)
123	06/07/2006	(481805)	246	09/30/2008	(703769)

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

Date: 10/31/2003 (296814)

Self Report? YES

Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (296815)

Self Report? YES

Classification: Moderate

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

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2003 (296816)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 01/31/2004 (296796)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 02/29/2004 (296798)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2004 (296799)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 04/30/2004 (296802)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2004 (296804)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2004 (352767)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2004 (352768)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2004 (352769)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2004 (352770)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2004 (352771)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2004 (352772)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 12/31/2004 (382142)
Self Report? YES Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2005 (382140)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2005 (382141)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2005 (575964)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2005 (575966)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2005 (575968)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2005 (575970)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2005 (575972)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/26/2005 (402145)		
Self Report?	NO	Classification:	Major
Rqmt Prov:	PERMIT Permit Conditions		
Description:	Failure to prevent unauthorized discharges.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Rqmt Prov: PERMIT Effluent Limitations and Monitoring Req		
Description:	Failure to maintain effluent parameters within the permitted limits.		
Date:	08/31/2005 (575974)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2005 (575976)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2005 (575978)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/30/2005 (575980)		
Self Report?	YES	Classification:	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2005 (575982)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006 (575961)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006 (575963)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006 (575965)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2006 (575967)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/09/2006 (465242)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.710(a)		
Description:	The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 71313. The incident did not meet the criteria, specified in the provisions of §§101.222(b)(2) and (b)(3).		
Date:	05/31/2006 (575969)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2006 (575971)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2006 (575973)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2006 (575975)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2006 (575977)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2006 (575979)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		

Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2006 (575981)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2006 (575983)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2007 (575962)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 04/09/2007 (554950)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.

Date: 06/05/2007 (557890)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §§101.201(b)(1)(D) and (b)(1)(G) by failing to provide the names of all affected facilities and the non-combustible emission values associated with the flaring activity for the incident No. 84788.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86636.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86811.

Date: 08/30/2007 (567645)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)

Rqmt Prov: PERMIT Monitoring and Reporting Requirements
 Description: Failure by the facility to prevent unauthorized discharges from the collection system.

Date: 12/18/2007 (599297)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Description: The review of the deviation report, submitted on January 30, 2007 indicated that.

Conoco-Phillips failed to provide the required information for the non-reportable events at this facility.

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b) by exceeding NOX emissions limits.

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-7(c)(1).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-2(a)(1).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)

Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(4)(A), 30 TAC §116.715(a), 40 CFR 63, §63.11(b)(4), and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(1)(B).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(c)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)

Description: The facility failed to comply with the provisions of 40 CFR 63, Subpart CC, §63.643(a)(2).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(a)(1), §60.483-2(b)(2), and 40 CFR 63 Subpart CC, §63.648(a).

Date: 03/04/2008 (610874)

Self Report? NO Classification: Moderate

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

Description: The facility failed to submit the initial report within 24 hours following the discovery of the incident.

Date: 04/15/2008 (646318)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to limit the emission rate of Non-Sulfate Particulate Matter to 1.0 pound per 1,000 pounds of Coke Burn Off or less.

Date: 04/15/2008 (641833)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to limit the emission rate of Non-Sulfate Particulate Matter to 1.0 pound per 1,000 pounds of Coke Burn Off or less.

Date: 04/16/2008 (639947)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 101261.

Date: 04/16/2008 (641345)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 102617.

F. Environmental audits.

Notice of Intent Date: 09/01/2005 (439523)
No DOV Associated

Notice of Intent Date: 12/02/2005 (450648)
Disclosure Date: 05/19/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Description: Failure to identify changes to the LDAR Component Inventory.

Notice of Intent Date: 08/11/2006 (514112)
Disclosure Date: 11/08/2006
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to meet repair deadlines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.593(d)

Description: Failure to properly identify some components in crude oil service.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6

Description: Failure to close 7 open-ended lines.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

Description: Exceeded 3% cap for DTM components in Unit 45.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

Description: Failure to include all required components in LDAR program.

Notice of Intent Date: 11/13/2006 (534247)

No DOV Associated

Notice of Intent Date: 04/27/2007 (561240)

No DOV Associated

Notice of Intent Date: 01/22/2008 (639325)

No DOV Associated

Notice of Intent Date: 07/21/2008 (700395)

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

Sites Outside of Texas

N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant):	ConocoPhillips	CUSTOMER NO.:	CN601674351
REGULATED ENTITY:	Borger Refinery	REG. ENTITY NO.:	RN102495884
REG. ENTITY ADDRESS:	W Spur 119, Borger, TX		
REG. ENTITY CITY:	Borger		

Violations

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

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

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

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

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

EPA CASE NO.:	06-2006-4510	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060217	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	311B
CASE RESULT:	Final Order With Penalty	CITATION:	40 CFR
		CITE PART:	22
		CITE SECT.:	311(b)
		PROGRAM:	NPDES - Spills/SPCC
		VIOLATION TYPE:	Oil Spill Violation Under CWA/OPA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1636-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Lydia González Gromatsky of the law firm of Beveridge & Diamond, appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 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 December 17, 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 Ten Thousand One Hundred Fifty Dollars (\$10,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Eight Thousand One Hundred Twenty Dollars (\$8,120) of the administrative penalty and Two Thousand Thirty Dollars (\$2,030) 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 submitted an application for a New Source Review permit to authorize, among other things, an increase in the Calendar Year 2009 nitrogen oxides subcap limit for Refinery Boiler 2.4 (Emissions Point Number ["EPN"] 81B17 on August 15, 2008 ("Application")).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with permitted emissions limits for nitrogen oxides, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 101.20(3), New Source Review Flexible Air Permit No. 9868A/PSD-TX-102M6, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 3, 2008. Specifically, on September 3, 2008, Refinery Boiler 2.4 (EPN 81B17) exceeded the nitrogen oxides emissions subcap limit.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2008-1636-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the Application within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - b. Within 330 days after the effective date of this Agreed Order, submit written certification that either an authorization for an increase in the Calendar Year 2009 nitrogen oxides emissions subcap limit for Refinery Boiler 2.4 (EPN 81B17) has been obtained or that unauthorized emissions from Boiler 2.4 have ceased. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szellin

For the Executive Director

4/2/2009

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.

Brian Lever

Signature

2-6-09

Date

BRIAN K. LEVER

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

REFINERY 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.

