EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1890-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 36901

RESPONDENT NAME: ConocoPhillips Company

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

SITE WHERE VIOLATION(S) OCCURRED: ConocoPhillips Sweeny Refinery, located at Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-0301-AIR-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 18, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Mike Biondi, Environmental Compliance Specialist, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480

Mr. T. J. Rich, General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** October 24, 2008 **Date of NOV/NOE Relating to this Case:** November 21, 2008 (NOE) **Background Facts:** This was a routine investigation. **AIR** Failure to prevent unauthorized emissions. Specifically, 1,508 pounds ("lbs") of Volatile Organic Compounds ("VOCs"), 821 lbs of carbon monoxide, 13 lbs of hydrogen sulfide, 119 lbs of nitrogen oxide and 1,212 lbs of sulfur dioxide from Emissions Point Number ("EPN") (29-61-1); 311 lbs of VOCs, 177 lbs of carbon monoxide, 2 lbs of hydrogen sulfide, 26 lbs of nitrogen oxide and 220 lbs of sulfur dioxide from EPN (56-61-16); and 375 lbs of VOCs, 220 lbs of carbon monoxide and 32 lbs of nitrogen oxide from EPN (56-61-17) were released into the atmosphere due to the failure to prevent an excess of hydrocarbons from traveling to the gas liquid knockout drum causing the wet gas compressor to trip offline (Incident No. 112800). The emissions event occurred on August 18, 2008 and lasted three hours and 24 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 5920A, Special Condition No. 1].	**Total Assessed:** $10,000 **Total Deferred:** $2,000 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $8,000 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent compressor trips due to the same causes as the emissions event that occurred on August 18, 2008 (Incident No. 112800); and b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.

Additional ID No(s).: BL0042G

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

DATES					
Assigned	24-Nov-2008				
PCW	30-Dec-2008	Screening	9-Dec-2008	EPA Due	18-Aug-2009

RESPONDENT/FACILITY INFORMATION

Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN101619179		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36901	No. of Violations	1
Docket No.	2008-1890-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 565.0% Enhancement — *Subtotals 2, 3, & 7* $14,125

Notes: Penalty enhanced due to 33 NOVs for same or similar violations, 18 NOVs for unrelated NOVs, seven agreed orders with denial of liability, eight agreed orders without denial of liability, and one federal consent decree. Penalty reduction due to two Notices of Audit and two disclosures submitted.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* $0

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$175
Approx. Cost of Compliance	$3,500

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $16,625

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $16,625

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $10,000

DEFERRAL — 20.0% Reduction — *Adjustment* -$2,000

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $8,000

Screening Date 9-Dec-2008 **Docket No.** 2008-1890-AIR-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 36901 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

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*)	33	165%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	8	200%
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*)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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) 565%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhanced due to 33 NOVs for same or similar violations, 18 NOVs for unrelated NOVs, seven agreed orders with denial of liability, eight agreed orders without denial of liability, and one federal consent decree. Penalty reduction due to two Notices of Audit and two disclosures submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 565%

Screening Date 9-Dec-2008 **Docket No.** 2008-1890-AIR-E **PCW**

Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*

Case ID No. 36901 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 5920A, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,508 pounds ("lbs") of Volatile Organic Compounds ("VOCs"), 821 lbs of carbon monoxide, 13 lbs of hydrogen sulfide, 119 lbs of nitrogen oxide and 1,212 lbs of sulfur dioxide from Emissions Point Number ("EPN") (29-61-1); 311 lbs of VOCs, 177 lbs of carbon monoxide, 2 lbs of hydrogen sulfide, 26 lbs of nitrogen oxide and 220 lbs of sulfur dioxide from EPN (56-61-16); and 375 lbs of VOCs, 220 lbs of carbon monoxide and 32 lbs of nitrogen oxide from EPN (56-61-17) were released into the atmosphere due to the failure to prevent an excess of hydrocarbons from traveling to the gas liquid knockout drum causing the wet gas compressor to trip offline (Incident No. 112800). The emissions event occurred on August 18, 2008 and lasted three hours and 24 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $175

Statutory Limit Test

Violation Final Penalty Total $16,625

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 36901
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$3,500	18-Aug-2008	18-Aug-2009	1.00	$175	n/a	$175

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent compressor trips. Date required is the date of violation. Final date based on date corrective actions are expected to be completed.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $3,500

TOTAL: $175

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN101619179	CONOCOPHILLIPS SWEENY REFINERY	Classification: AVERAGE	Site Rating: 8.70

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD048210645
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30048
	AIR NEW SOURCE PERMITS	REGISTRATION	72035
	AIR NEW SOURCE PERMITS	REGISTRATION	72036
	AIR NEW SOURCE PERMITS	PERMIT	5689
	AIR NEW SOURCE PERMITS	PERMIT	10779
	AIR NEW SOURCE PERMITS	PERMIT	12344
	AIR NEW SOURCE PERMITS	PERMIT	12993
	AIR NEW SOURCE PERMITS	PERMIT	13744
	AIR NEW SOURCE PERMITS	PERMIT	13929
	AIR NEW SOURCE PERMITS	PERMIT	13978
	AIR NEW SOURCE PERMITS	PERMIT	1313A
	AIR NEW SOURCE PERMITS	PERMIT	1314A
	AIR NEW SOURCE PERMITS	PERMIT	1486A
	AIR NEW SOURCE PERMITS	PERMIT	1514A
	AIR NEW SOURCE PERMITS	PERMIT	5679G
	AIR NEW SOURCE PERMITS	PERMIT	5689A
	AIR NEW SOURCE PERMITS	PERMIT	5920A
	AIR NEW SOURCE PERMITS	PERMIT	7467A
	AIR NEW SOURCE PERMITS	PERMIT	7754A
	AIR NEW SOURCE PERMITS	PERMIT	18142
	AIR NEW SOURCE PERMITS	PERMIT	18601
	AIR NEW SOURCE PERMITS	PERMIT	21265
	AIR NEW SOURCE PERMITS	PERMIT	22086
	AIR NEW SOURCE PERMITS	PERMIT	24161
	AIR NEW SOURCE PERMITS	PERMIT	25004
	AIR NEW SOURCE PERMITS	PERMIT	24717
	AIR NEW SOURCE PERMITS	PERMIT	24162
	AIR NEW SOURCE PERMITS	PERMIT	26533
	AIR NEW SOURCE PERMITS	PERMIT	25434
	AIR NEW SOURCE PERMITS	PERMIT	30513
	AIR NEW SOURCE PERMITS	PERMIT	33153
	AIR NEW SOURCE PERMITS	PERMIT	35367

AIR NEW SOURCE PERMITS	PERMIT	35506
AIR NEW SOURCE PERMITS	PERMIT	35780
AIR NEW SOURCE PERMITS	PERMIT	39026
AIR NEW SOURCE PERMITS	PERMIT	42367
AIR NEW SOURCE PERMITS	PERMIT	43038
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0042G
AIR NEW SOURCE PERMITS	REGISTRATION	55489
AIR NEW SOURCE PERMITS	REGISTRATION	75616
AIR NEW SOURCE PERMITS	REGISTRATION	75905
AIR NEW SOURCE PERMITS	REGISTRATION	75713
AIR NEW SOURCE PERMITS	AFS NUM	4803900010
AIR NEW SOURCE PERMITS	PERMIT	70113
AIR NEW SOURCE PERMITS	PERMIT	49140
AIR NEW SOURCE PERMITS	PERMIT	54666
AIR NEW SOURCE PERMITS	PERMIT	52705
AIR NEW SOURCE PERMITS	PERMIT	53563
AIR NEW SOURCE PERMITS	PERMIT	74130
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M
AIR NEW SOURCE PERMITS	REGISTRATION	76776
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX998
AIR NEW SOURCE PERMITS	REGISTRATION	76731
AIR NEW SOURCE PERMITS	REGISTRATION	76644
AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M3
AIR NEW SOURCE PERMITS	REGISTRATION	77648
AIR NEW SOURCE PERMITS	REGISTRATION	77153
AIR NEW SOURCE PERMITS	REGISTRATION	77156
AIR NEW SOURCE PERMITS	REGISTRATION	77157
AIR NEW SOURCE PERMITS	REGISTRATION	77152
AIR NEW SOURCE PERMITS	REGISTRATION	77154
AIR NEW SOURCE PERMITS	REGISTRATION	77155
AIR NEW SOURCE PERMITS	REGISTRATION	77336
AIR NEW SOURCE PERMITS	REGISTRATION	78566
AIR NEW SOURCE PERMITS	REGISTRATION	79552
AIR NEW SOURCE PERMITS	PERMIT	80806
AIR NEW SOURCE PERMITS	REGISTRATION	81104
AIR NEW SOURCE PERMITS	REGISTRATION	82689
AIR NEW SOURCE PERMITS	REGISTRATION	82601

AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	2151
WASTEWATER	PERMIT	TX0007536
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	WQ0000721000
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	20580
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50186
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50186
WASTEWATER LICENSING	LICENSE	WQ0000721000

Location: HIGHWAY 35 AND FM 524, OLD OCEAN, TX, 77463

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 09, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 09, 2003 to December 09, 2008

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

Name: Roshondra Lowe Phone: (713) 767-3553

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 is the current owner? ConocoPhillips Company
4. if Yes, who was/were the prior owner(s)? CHEVRON PHILLIPS CHEMICAL COMPANY LP
5. When did the change(s) in ownership occur? 04/22/2004
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 08/30/2004 ADMINORDER 2002-1028-IWD-E

Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Rqmt Prov: NOT LISTED PERMIT

Description: Failure to comply w/the daily avg. and daily max. selenium limits of TCEQ WQ Permit 00721 for outfall 001. SNC violations are those which exceed the permitted limit by 40% for conv. pollutants & 20% for toxics.

Effective Date: 05/23/2005 ADMINORDER 2004-0704-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit # 5682A /PSD-TX-103M2, SC 19B PA

Description: Failure to conduct successive quarterly cylinder gas audits (CGAs) on the Continuous Emission Monitoring System (CEMS) associated with Unit 27.1 Regenerator Stack (EPN 27.1-36-RE).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit # 30513 SC # 2 PA

Description: Failed to calibrate, certify, maintain, and operate a CEMS capable of continuously monitoring and recording the concentration of H2S in all fuel gases before being burned at the Unit 35 Furnace (EPN 35-36-1).

Classification: Moderate

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

Rqmt Prov: NSR Permit # 30513, SC # 26C PA

Description: Failed to conduct a valid audit on the CEMS associated with the Unit 35 Furnace (EPN 35-36-1) during the September 11, 2003 quarterly CGA schedule.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to note daily observations in the flare (EPN 56-61-17) operation log.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 14H PERMIT

Description: Failed to comply with the 5 and 15 day requirements for leaking valves in Units 4, 20, 27.2, and 35.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to demonstrate compliance with the required primary seal inspection for Tank (EPN 68-95-32) associated with Unit 15 - Hexane Isomerization.

Effective Date: 06/09/2005 ADMINORDER 2003-0446-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21265 SC 4B, C PERMIT

Description: Failed to submit the semi-annual reports for the wastewater unit (EPN 56 and 56.1) and the copper treater unit (EPN 43) from January 1998 to December 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 30513 SC 4 PERMIT

Description: Failed to implement a fugitive monitoring program for the Continuous Catalyst Reformer Unit No. 35 within 180 days after the initial start up on August 2, 2000.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include an explanation for the delay in repairing leaking components when repairs are required within 15 days of discovery in semi-annual reports for the periods of July - December 2000, January - June 2001, July - December 2001, and January - July 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit semi-annual reports for Unit 35 to the TCEQ due in February 2001, August 2001, and February 2002.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 5682A SC 18 PERMIT

Description: Failed to perform the initial compliance certification test on the Hydrogen Sulfide Continuous Emissions Monitoring System within 30 days of performance testing of the unit, conducted on March 16, 2001.

Effective Date: 09/30/2005 ADMINORDER 2004-1617-AIR-E

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #5682A, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 01/26/2006 ADMINORDER 2005-0163-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 5682 & PSD-TX-103M2, S.C. #1 PERMIT

Description: Failure to prevent an unplanned shutdown of an incinerator resulting in unauthorized emissions.

Effective Date: 04/14/2006 ADMINORDER 2005-1660-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit # 49140 PA

Description: RE failed to prevent an avoidable emissions event.

Effective Date: 07/14/2006 ADMINORDER 2005-1904-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 7467A SC 1 PERMIT
Permit No. 5920A and PSD-TX-103M2, SC 1 PA
Description: RE failed to prevent avoidable emissions events.

Effective Date: 09/21/2006 ADMINORDER 2006-0252-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 5682A, SC1 PERMIT
Description: Failed to prevent unauthorized emissions

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit # 5682A & PSD-TX-103M2, SC 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit accurate final report after an emissions event

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Permit No. 5920A PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event.

Effective Date: 12/02/2006 ADMINORDER 2006-0706-AIR-E

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to submit the initial notification within 24 hours of discovery for the emission event that occurred on February 11, 2006. Specifically, the initial notification for Incident No. 71652 was submitted 46 hours after the emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, and 0.06 lbs/hr for sulfur dioxide from the Coker Flare (EPN 29-61-1) on February 11, 2006.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, 0.06 lbs/hr for sulfur dioxide, and zero lbs/hr for volatile organic compounds ("VOCs") Coker Flare [emission point number ("EPN") 29-61-1] on January 10, 2006.

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1563(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 49140 Special Condition 12 PERMIT

Description: Failed to comply with the permitted emission rate of 1.0 lbs of PM per 1,000 lbs of coke burned-off. Specifically, during the stack testings of November 3-4, 2004, June 30, 2005, and December 13, 2005 PM emissions from the Fluid Catalytic Cracking Unit (FCCU") No. 3 Regenerator Vent (EPN 3-95-3) were exceeded.

Effective Date: 05/25/2007 ADMINORDER 2005-1212-AIR-E

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

Description: Failed to submit initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at Unit 26.2.

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

Description: Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #5682 and PSD-TX-103M2, S.C. #1 PERMIT

Description: failed to control unauthorized emissions at the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 2004

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit # 5862A/PSD-TX-103M2 PERMIT

Description: Failed to control unauthorized emissions from the LP Emergency Flare during an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #5682A and PSD-TX-103M2, S.C. #1 PERMIT

Description: failed to control unauthorized emissions from the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup of Unit 26.1 exceeded the initial estimates in the startup notification.

Effective Date: 06/29/2007 ADMINORDER 2006-1550-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 25, 2006 at 3:00 a.m., but was not reported until June 7, 2006 at 12:05 p.m.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on June 1, 2006 at 2:00 a.m., but was not reported until June 12, 2006 at 4:48 p.m.

Effective Date: 07/13/2007 ADMINORDER 2006-2030-AIR-E

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent an avoidable emissions event.

Effective Date: 03/08/2008 ADMINORDER 2007-0670-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 49140, Special Condition 12 PERMIT

Description: Failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Description: Failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/05/2008 ADMINORDER 2007-1194-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PA
TCEQ Air Permit No. SP75864, GC #8 PERMIT

Description: Failed to control unauthorized emissions from April 2 through April 10, 2007.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 1A OP

Description: Failed to maintain the RTO at or above the required 1500°F.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condition 15 PERMIT
Permit 22086, Special Condition 9 PERMIT
Permit 30513, Special Condition 5 PERMIT
Permit 5920A, Special Condition 4B PERMIT
Permit 7467A, Special Condition 4 PERMIT

Description: Failed to maintain a continuous pilot light on four flares.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP

Permit 5920A, Special Condition 1 PERMIT
Permit 5920A, Special Condition 9 PERMIT

Description: Failed to comply with the SRU TGI (EPN 28.2-36-2) MAER for SO2 of 115.42 lbs/hr and/or an in-stack hourly average concentration of 250 ppmv.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 30513, Special Condition 1 PERMIT
Permit 5920A, Special Condition 1 PERMIT
Permit 5920A, Special Condition 23 PERMIT

Description: Failed to comply with the CO emission rates on the HOC Unit Regenerator Stack (EPN 27.1-36-RE), Vacuum Unit Heater (EPN 29.1-36-1), Coke Heaters (EPN Unit 29.2-36-CS), and CCR Furnace (EPN 35-36-1)

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 5920A, Special Condition 3 PERMIT

Description: Failed to comply with the average fuel gas H2S maximum concentration limit of 160 ppmv for one hour and/or the three-hour rolling average of 162 ppmv.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 1A OP

Description: Failed to maintain the pH level in the Caustic Scrubber (EPN 35-95-102) at or above 7.68.

Effective Date: 06/19/2008 ADMINORDER 2007-1730-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions

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	12/22/2003	(296421)
2	12/31/2003	(255587)
3	01/22/2004	(296422)
4	01/30/2004	(259125)
5	01/30/2004	(261337)
6	02/02/2004	(250745)
7	02/23/2004	(296404)
8	03/17/2004	(257314)
9	03/22/2004	(264254)
10	03/22/2004	(296406)
11	04/06/2004	(257342)
12	04/08/2004	(258257)
13	04/22/2004	(296407)
14	05/07/2004	(266127)
15	05/25/2004	(296410)
16	06/21/2004	(352588)
17	06/30/2004	(271507)
18	06/30/2004	(273454)
19	07/01/2004	(275993)
20	07/02/2004	(278283)
21	07/12/2004	(258107)
22	07/12/2004	(259068)
23	07/16/2004	(352589)
24	08/18/2004	(282244)
25	08/23/2004	(352590)
26	08/23/2004	(352593)
27	08/24/2004	(260558)
28	08/25/2004	(261423)
29	08/31/2004	(271547)
30	08/31/2004	(273961)
31	09/01/2004	(280584)
32	09/01/2004	(289795)
33	09/10/2004	(333346)
34	09/16/2004	(352591)
35	09/30/2004	(280855)
36	10/05/2004	(336659)
37	10/06/2004	(333698)
38	10/06/2004	(333804)
39	10/06/2004	(333805)
40	10/15/2004	(352592)
41	11/12/2004	(287686)
42	11/19/2004	(575777)
43	11/22/2004	(333524)
44	11/22/2004	(335609)
45	11/22/2004	(338077)
46	11/22/2004	(339194)
47	11/29/2004	(336272)
48	11/29/2004	(340359)
49	11/29/2004	(340845)
50	11/29/2004	(340851)
51	11/29/2004	(340915)
52	11/29/2004	(341065)
53	11/30/2004	(340792)
54	12/06/2004	(283487)
55	12/11/2004	(342577)
56	12/11/2004	(342599)
57	12/16/2004	(382048)
58	12/17/2004	(288102)

59	12/17/2004	(340488)
60	12/17/2004	(341910)
61	12/20/2004	(289506)
62	12/22/2004	(340482)
63	12/22/2004	(342153)
64	12/28/2004	(277696)
65	12/28/2004	(342422)
66	12/29/2004	(289466)
67	12/30/2004	(287859)
68	12/30/2004	(342412)
69	12/30/2004	(345294)
70	12/30/2004	(345296)
71	12/30/2004	(345297)
72	12/30/2004	(345626)
73	01/04/2005	(342579)
74	01/07/2005	(345295)
75	01/07/2005	(345299)
76	01/17/2005	(286211)
77	01/27/2005	(343576)
78	02/10/2005	(343557)
79	02/14/2005	(349255)
80	02/21/2005	(349952)
81	02/21/2005	(351188)
82	02/22/2005	(350692)
83	02/23/2005	(382045)
84	02/23/2005	(382046)
85	02/23/2005	(382047)
86	02/25/2005	(350491)
87	03/03/2005	(349462)
88	03/03/2005	(371965)
89	03/09/2005	(345300)
90	03/09/2005	(372280)
91	03/16/2005	(343615)
92	03/16/2005	(373194)
93	03/21/2005	(575759)
94	03/29/2005	(372022)
95	03/31/2005	(350563)
96	04/12/2005	(374970)
97	04/12/2005	(375119)
98	05/19/2005	(378252)
99	05/20/2005	(375132)
100	05/23/2005	(575764)
101	06/20/2005	(396218)
102	06/22/2005	(575766)
103	06/23/2005	(349036)
104	06/24/2005	(374887)
105	06/24/2005	(397011)
106	07/11/2005	(396156)
107	07/11/2005	(398367)
108	07/15/2005	(400176)
109	07/20/2005	(399359)
110	07/20/2005	(575770)
111	07/20/2005	(575772)
112	07/26/2005	(400458)
113	08/02/2005	(402413)
114	08/15/2005	(404591)
115	08/22/2005	(406298)
116	08/24/2005	(406619)

117	08/30/2005	(402698)
118	08/30/2005	(418482)
119	09/26/2005	(575773)
120	10/12/2005	(345293)
121	10/21/2005	(433893)
122	10/24/2005	(575775)
123	10/28/2005	(403331)
124	10/28/2005	(418688)
125	10/31/2005	(433354)
126	11/21/2005	(575778)
127	12/01/2005	(438294)
128	12/22/2005	(575780)
129	01/02/2006	(439019)
130	01/23/2006	(575782)
131	01/30/2006	(440119)
132	01/30/2006	(451619)
133	01/30/2006	(453505)
134	02/07/2006	(453152)
135	02/08/2006	(440116)
136	02/08/2006	(440354)
137	02/13/2006	(440416)
138	02/21/2006	(449529)
139	02/23/2006	(451390)
140	02/23/2006	(453702)
141	02/23/2006	(455205)
142	02/23/2006	(575757)
143	02/24/2006	(438289)
144	02/27/2006	(440305)
145	03/13/2006	(453717)
146	03/14/2006	(453727)
147	03/16/2006	(433352)
148	03/16/2006	(438820)
149	03/16/2006	(450930)
150	03/17/2006	(438894)
151	03/20/2006	(278774)
152	03/21/2006	(345285)
153	03/22/2006	(575760)
154	03/28/2006	(433648)
155	03/28/2006	(451496)
156	03/30/2006	(458137)
157	03/30/2006	(458160)
158	04/20/2006	(458139)
159	04/20/2006	(460114)
160	04/24/2006	(575762)
161	04/25/2006	(461497)
162	05/04/2006	(461458)
163	05/16/2006	(462220)
164	05/16/2006	(462319)
165	05/17/2006	(461841)
166	05/17/2006	(463612)
167	05/18/2006	(575765)
168	05/22/2006	(434378)
169	05/22/2006	(463514)
170	05/25/2006	(458131)
171	05/31/2006	(460763)
172	06/22/2006	(575767)
173	06/23/2006	(480400)
174	06/23/2006	(480579)
175	06/27/2006	(480326)

176	06/27/2006	(480331)
177	06/30/2006	(463704)
178	06/30/2006	(482027)
179	07/07/2006	(460719)
180	07/10/2006	(480119)
181	07/10/2006	(482038)
182	07/11/2006	(483052)
183	07/19/2006	(484922)
184	07/21/2006	(486875)
185	07/21/2006	(575768)
186	07/24/2006	(465685)
187	07/28/2006	(484927)
188	07/31/2006	(484998)
189	08/04/2006	(483248)
190	08/07/2006	(483230)
191	08/07/2006	(484904)
192	08/16/2006	(485078)
193	08/16/2006	(497297)
194	08/21/2006	(497477)
195	08/21/2006	(497714)
196	08/22/2006	(575771)
197	08/25/2006	(484989)
198	08/29/2006	(485092)
199	08/29/2006	(485973)
200	09/01/2006	(487285)
201	09/05/2006	(481595)
202	09/05/2006	(487182)
203	09/18/2006	(575774)
204	10/02/2006	(511382)
205	10/20/2006	(497684)
206	10/23/2006	(575776)
207	10/24/2006	(516622)
208	10/30/2006	(289180)
209	10/30/2006	(511381)
210	11/03/2006	(513963)
211	11/03/2006	(514125)
212	11/03/2006	(514242)
213	11/06/2006	(453818)
214	11/07/2006	(487028)
215	11/15/2006	(432050)
216	11/21/2006	(514771)
217	11/21/2006	(514871)
218	11/22/2006	(575779)
219	11/30/2006	(514772)
220	12/06/2006	(514931)
221	12/08/2006	(514770)
222	12/19/2006	(531219)
223	12/21/2006	(514890)
224	12/22/2006	(575781)
225	12/28/2006	(533933)
226	01/05/2007	(514904)
227	01/10/2007	(534506)
228	01/19/2007	(575783)
229	01/25/2007	(531232)
230	01/25/2007	(535014)
231	01/29/2007	(531242)
232	01/29/2007	(534512)
233	02/05/2007	(516120)
234	02/05/2007	(536784)

235	02/05/2007	(538614)
236	02/22/2007	(516228)
237	02/22/2007	(516309)
238	02/22/2007	(516368)
239	02/22/2007	(516413)
240	02/22/2007	(538168)
241	02/26/2007	(575758)
242	02/28/2007	(534513)
243	02/28/2007	(535042)
244	02/28/2007	(541083)
245	03/01/2007	(489392)
246	03/23/2007	(508787)
247	03/23/2007	(575761)
248	03/28/2007	(554903)
249	03/28/2007	(555356)
250	03/30/2007	(541806)
251	04/04/2007	(553900)
252	04/05/2007	(554567)
253	04/12/2007	(555765)
254	04/18/2007	(535818)
255	04/20/2007	(541785)
256	04/23/2007	(575763)
257	04/27/2007	(536863)
258	04/27/2007	(538234)
259	05/02/2007	(557193)
260	05/08/2007	(536805)
261	05/16/2007	(543939)
262	05/16/2007	(556084)
263	05/21/2007	(560688)
264	05/21/2007	(607617)
265	05/29/2007	(560939)
266	05/30/2007	(558665)
267	05/31/2007	(557814)
268	05/31/2007	(557887)
269	05/31/2007	(558165)
270	05/31/2007	(558933)
271	05/31/2007	(561604)
272	06/08/2007	(563044)
273	06/18/2007	(564174)
274	06/20/2007	(563448)
275	06/27/2007	(564004)
276	06/27/2007	(564948)
277	07/06/2007	(562320)
278	07/06/2007	(566372)
279	07/10/2007	(566109)
280	07/12/2007	(566817)
281	07/18/2007	(562884)
282	07/18/2007	(564160)
283	07/18/2007	(565411)
284	07/20/2007	(575769)
285	07/26/2007	(534491)
286	07/30/2007	(570079)
287	08/13/2007	(562652)
288	08/20/2007	(572167)
289	08/24/2007	(570711)
290	09/05/2007	(572989)
291	09/22/2007	(607618)
292	09/22/2007	(607619)
293	09/24/2007	(607621)

294	09/26/2007	(594057)
295	10/12/2007	(594704)
296	10/12/2007	(595879)
297	10/12/2007	(595919)
298	10/15/2007	(557764)
299	10/16/2007	(597749)
300	10/22/2007	(607620)
301	11/02/2007	(571706)
302	11/06/2007	(599098)
303	11/20/2007	(608723)
304	11/20/2007	(608750)
305	11/21/2007	(596538)
306	11/21/2007	(596539)
307	11/21/2007	(596540)
308	12/03/2007	(609822)
309	12/17/2007	(612145)
310	12/18/2007	(599171)
311	12/19/2007	(612456)
312	12/21/2007	(593859)
313	12/21/2007	(600228)
314	12/21/2007	(612851)
315	01/03/2008	(612155)
316	01/04/2008	(612937)
317	01/07/2008	(557934)
318	01/14/2008	(613926)
319	01/18/2008	(614903)
320	01/18/2008	(615198)
321	01/24/2008	(612103)
322	01/28/2008	(612848)
323	01/28/2008	(613020)
324	01/31/2008	(613321)
325	02/11/2008	(613195)
326	02/11/2008	(614276)
327	02/11/2008	(616106)
328	02/13/2008	(608867)
329	02/14/2008	(618465)
330	02/15/2008	(617395)
331	03/13/2008	(613193)
332	03/24/2008	(639374)
333	03/27/2008	(639901)
334	04/02/2008	(640059)
335	04/04/2008	(637905)
336	04/04/2008	(640212)
337	04/04/2008	(640783)
338	04/09/2008	(641666)
339	04/09/2008	(641681)
340	04/10/2008	(680347)
341	04/17/2008	(653311)
342	04/30/2008	(640815)
343	04/30/2008	(641819)
344	04/30/2008	(653939)
345	05/16/2008	(653953)
346	05/19/2008	(639382)
347	06/06/2008	(640956)
348	06/25/2008	(682772)
349	07/21/2008	(685742)
350	07/21/2008	(687073)
351	07/23/2008	(686359)
352	08/01/2008	(687062)

353 08/01/2008 (687867)
354 08/11/2008 (689155)
355 08/27/2008 (700348)
356 09/20/2008 (702288)
357 09/24/2008 (699681)
358 10/01/2008 (703544)
359 10/01/2008 (703696)
360 10/01/2008 (703971)
361 10/03/2008 (688505)
362 10/03/2008 (688528)
363 10/03/2008 (688665)
364 10/03/2008 (688675)
365 10/30/2008 (706377)
366 11/21/2008 (706390)
367 12/04/2008 (707940)

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

Date: 12/31/2003 (255587) CN601674351
Self Report? NO Classification: Moderate
Citation: 21265, GC #8 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Description: Failure to comply with General Condition #8 o TCEQ Air Permit 21265.

Date: 12/31/2003 (296422) CN601674351
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 (296404) CN601674351
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 (296406) CN601674351
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: 03/18/2004 (257314) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5682A SC 1 PA
Description: Failure to maintain the emissions below the allowables in the MAERT.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)
Description: Failure to conduct CGA fourth quarter audit in 2002, for unit 25.1, F-1, for pollutants NOx and CO.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5920A SC(6)(E) PA
Description: Failure to conduct second quarter cylinder gas audit in 2003, for unit 9, F-4 crude heater.

Date: 03/31/2004 (296407) CN601674351
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: 04/12/2004 (258257) CN601674351

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
Permit No. 21265, Special Condition #4.B PERMIT

Description: ConocoPhillips failed to include components associated with VOC Tank 454 in fugitive emission monitoring.

Date: 04/30/2004 (296410) CN601674351

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 (352588) CN601674351

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: 07/12/2004 (258107) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 22690 and PSD-TX-751M1, S.C. #1 PERMIT

Description: Exceeded permit emission limits during an avoidable emissions event.

Date: 07/12/2004 (259068) CN601674351

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Air Permit #5682A/PSD-TX-103M2 SC #1 PERMIT

Description: Failure to submit a final notification of an emissions event in a timely manner.

Date: 08/31/2004 (271547) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 5682A and PSD-TX-103M2, S.C. 1 PERMIT

Description: Failure to submit separate notification for each facility, and failure to identify correct facility names.

Date: 12/30/2004 (345626) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent an inadvertent electrical short circuit resulting in unauthorized opacity.

Date: 12/30/2004 (277696) CN601674351

Self Report? NO Classification: Moderate

Citation: #5682A and PSD-TX-103M2, S.C. #1 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain cooling water flow to debutanizer resulting in unauthorized emissions.

Date: 01/31/2005 (382045) CN601674351
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: 10/21/2005 (433893) CN601674351
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
Description: Failed to report the opacity event within 24 hours of the start of the event.

Date: 03/22/2006 (438894) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
SC 12 PERMIT
Description: Failure to properly control the torch oil atomizing steam injection rate.

Date: 05/04/2006 (461458) CN601674351
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
Description: Failure to determine if the event is a reportable emissions event within 24 hours of discovery a of a reportable emissions event and failure to notify the affected TCEQ Regional Office within 24 hours of discovery.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT
Description: Failure to keep emissions of SO2 and CO from the Coker Flare within their Maximum Allowable Emisison Rate limits under TCEQ Air Permit No. 5920A.

Date: 05/17/2006 (462220) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT
Description: Failed to keep regenerator flue gas opacity within permitted limits.

Date: 06/16/2006 (462319) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT
Description: Failure to keep the opacity level at the Regenerator ESP stack within permit limits while returning the unit to full operating rates following a stack test.

Date: 06/28/2006 (480331) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent overpressures in Units 7 and 35.

Date: 06/28/2006 (480326) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Special Condition 12 PERMIT

Description: Failed to properly design the electrostatic precipitator.

Date: 07/07/2006 (460719) CN601674351

Self Report? NO Classification: Minor

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

Description: Failure to include the several light paraffins on the final report and amounts of all unauthorized pollutants released.

Date: 07/12/2006 (483052) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: Failure to properly control opacity from the Regenerator resulting in the excess opacity event.

Date: 07/31/2006 (484998) CN601674351

Self Report? NO Classification: Minor

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

Description: Failure to submit the Initial Notification for an Emissions Event to the TCEQ within 24 hours of discovery.

Self Report? NO Classification: Moderate

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

Description: Failure to prevent an avoidable emissions event.

Date: 08/29/2006 (485092) CN601674351

Self Report? NO Classification: Moderate

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

Description: Failed to properly design, maintain, and operate feed stream to Unit 27, leading to interruption of the feed stream and of process operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to keep the opacity of the Regenerator Flue Gas Stream at or below 20%.

Date: 11/30/2006 (514772) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: The RE failed to properly design the electrostatic precipitator on the Unit 3 Regenerator.

Date: 12/11/2006 (514770) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 6 PERMIT

Description: The RE failed to route the vent stream from Aeration Tank 69 to the Regenerative Thermal Oxidizer.

Self Report? NO Classification: Moderate

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

Description: Failure to meet the affirmative defense.

Date: 12/21/2006 (514890) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: The RE failed to properly design the electrostatic precipitator in Unit 3, resulting in avoidable periods of excess opacity, and thereby failed to minimize the durations and intensities of periods of excess opacity.

Date: 01/05/2007 (514904) CN601674351

Self Report? NO Classification: Moderate

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

Description: The RE failed to prevent an unnecessary maintenance event resulting in unauthorized emissions.

Date: 01/26/2007 (535014) CN601674351

Self Report? NO Classification: Minor

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

Description: CP failed to submit a complete final report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 75864, GC #8 PERMIT

Description: CP failed to prevent overfilling of Drum D-1.

Date: 01/26/2007 (531232)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: The RE failed to properly design the ESP and failed to recognize, within a timely manner, the underlying causes of the event, resulting in an extended excess opacity event.

Date: 01/28/2007 (534512) CN601674351

Self Report? NO Classification: Moderate

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

Description: The RE failed to prevent a leak caused by avoidable corrosion.

Date: 01/29/2007 (531242) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

5C THC Chapter 382, SubChapter A 382.085(b)
General Condition 2 PERMIT

Description: The RE failed to promptly refill the Coker Flare water seal following a pressure spike.

Date: 03/30/2007 (541806) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 49140, SC #12 PERMIT

Description: Chevron failed to control excess opacity.

Date: 04/04/2007 (553900) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(1)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 75864, GC #8 PERMIT

Description: Conoco failed to completely remove trapped water from the bottom pumps prior to a unit startup resulting in unauthorized emissions

Date: 04/26/2007 (542918) CN601674351

Self Report? NO Classification: Moderate

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

Description: The RE failed to prevent a coke conveyor belt fire.

Date: 05/22/2007 (555841) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter D 382.085(b)

Description: ConocoPhillips Sweeny refinery caused nuisance dust emissions as a result of transportation of Coker product in uncovered railcars.

Date: 05/31/2007 (558665) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Conoco failed to properly maintain the governor valve on the C-111 compressor in Unit 26.2 resulting in unauthorized emissions.

Date: 07/06/2007 (543586) CN601674351

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 30513, Special Condition 15F PERMIT
Permit 49140, Special Condition 6F PERMIT
Permit 5920A, Special Condition 16F PERMIT

Description: Failure to perform initial Method 21 monitoring of 38 new LDAR components.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condition 7H PERMIT
Permit 22086, Special Condition 6H PERMIT

Permit 49140, Special Condition 6H PERMIT
Permit 5920A Special Condition 17H PERMIT

Description: Failure to repair 34 leaking components within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP

Description: Failure to make a first attempt of repair to 27 leaking components within 5 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP
FOP O-01626, ST&C 1N(v) OP

Description: Failure to repair HRVOC-service leaks within 1 business day.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condtion 7E PERMIT
Permit 22086, Special Condition 6E PERMIT
Permit 30513, Special Condition 15E PERMIT
Permit 49140, Special Condition 6E PERMIT
Permit 5920A Special Condition 17E PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
Permit 49140, Special Condition 12 PERMIT

Description: Failure to comply with the limit of 1.0 lbs of PM per 1000 lbs of Cokeburn.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.214(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP

Description: Failure to perform weekly ammonia sampling to the Crude Charge Heater on Unit 25.1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 49140, Special Condition 14B PERMIT

Description: Failure to perform Cylinder Gas Audits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP

FOP O-01626, ST&C 1A OP
Permit 5920A, Special Condition 3 PERMIT

Description: Failure to comply with the 162 ppm H_2S limit in fuel gas streams.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
Permit 49140, Special Condition 12 PERMIT
Description: Failure to comply with the 200 PPM NOX Limit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP
Description: Failure to make roof repairs to Tank 96 within the required time frames.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP
Description: Failure to submit NSPS Inspection Results letter for Tank 249.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condition 7F PERMIT
Permit 49140, Special Condition 6F PERMIT
Permit 5920A, Special Condition 17F PERMIT
Description: Failure to perform Method 21 monitoring to leaking components on Delay of Repair.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 49140, Special Condition 12 PERMIT
Description: Failure to Comply with Opacity Emissions Limits during the second quarter of 2005..

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 49140, Special Condition 14 PERMIT
Description: Failure to perform continuous monitoring for CO on EPN-3-95-3.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626 General Terms and Conditions OP
Description: Failure to include all deviations in the deviation reports.

Date: 09/30/2007 (607620) CN601674351
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/20/2007 (596538) CN601674351
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
PP V-A-1 PERMIT

Description: Permitted units were not marked with the TCEQ permit numbers.

Date: 12/18/2007 (613193) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failure to prevent valve malfunctioning.

Date: 01/07/2008 (557934) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
No. 5920A, S.C. No. 1 PERMIT

Description: ConocoPhillips exceeded the MAERT limit for NOx emisssion.

Date: 02/15/2008 (617395) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 49140, SC #1 PERMIT

Description: Conoco failed to prevent a valve fitting blow out.

Date: 04/02/2008 (640059) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: ConocoPhillips failed to prevent an excess opacity in Unit 27.1.

Date: 04/04/2008 (637905) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Air Permit No. 49140, SC #12 PERMIT

Description: Failure to control excess opacity.

Date: 04/04/2008 (640212) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failure to prevent failure of #2 chamber valve pin.

Date: 06/25/2008 (682772) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
TCEQ Standard Permit No. 75864, GC #8 PERMIT

Description: ConocoPhillips failed to prevent the shutdown of the unit charge pump.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 5920A, SC #1 PERMIT

Description: ConocoPhillips failed to prevent the shutdown of the unit charge pump.

Date: 07/22/2008 (686359) CN601674351

Self Report? NO Classification: Moderate

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

WQ00721-002 PERMIT

Description: Failure to comply with permitted effluent limits for oil and grease (O&G), total suspended solids (TSS), and pH.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)

Description: Failure to collect Oil and Grease (O&G) samples as required.

Date: 08/27/2008 (700348) CN601674351

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit an annual compliance certification within the required time frame.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit semi-annual deviation reports within the required time frame.

F. Environmental audits.

Notice of Intent Date: 09/27/2005 (434812)
Disclosure Date: 03/20/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(i)

Description: Failure to properly monitor skip periods on 19,140 HON valves.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.783
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)

Description: Failure to monitor single seal pumps that were incorrectly listed as exempt in the LDAR database.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-2
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to meet first attempt repair deadlines 17 times and successful repair deadlines 205 times.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)

Description: Failure to document all visual inspections.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to close 53 open-ended lines.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(2)

Description: Failure to monitor PRDs.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(a)

Description: Failure to monitor compressors.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Part 60, Subpart VV 60.482-9

Description: Failure to properly manage Delay of Repair issues.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to tag 56 components.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.355

Description: Failure to replace calibration gas after expiration date.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.355
30 TAC Chapter 115, SubChapter H 115.781

Description: Failure to maintain written procedures for QA/QC review of monitoring data.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to properly manage several valves which were logged as temporarily out of service and not monitored.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.355
30 TAC Chapter 115, SubChapter H 115.781

Description: Failure to correctly include time stamps on monitoring data logs.

Notice of Intent Date: 08/02/2007 (594140)
Disclosure Date: 01/03/2008

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to close open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.783
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)
40 CFR Part 63, Subpart H 63.168

Description: Failure to properly communicate management of change; therefore, components were not evaluated, documented, tagged and monitored in a timely manner.

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:	Sweeny Refinery	REG. ENTITY NO.:	RN101619179
REG. ENTITY ADDRESS:	Highway 35 & FM 524, Old Ocean, TX		
REG. ENTITY CITY:	Old Ocean		

Violations

EPA CASE NO.:	02-2004-0014	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20051205	STATUTE: CAA	SECT. OF STATUTE: 112
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 60,61, CITE SECT:
CASE RESULT:	Final Order With Penalty	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	SECT. OF STATUTE: 165
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 52 CITE SECT: 21
CASE RESULT:	Final Order With Penalty	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	SECT. OF STATUTE: 112
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	CITATION: 40CFR	CITE PART: 61 CITE SECT: Subpart FF
CASE RESULT:	Final Order With Penalty	PROGRAM:	NESHAPs
		VIOLATION TYPE:	NESHAP for Benzene Waste Operations

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CONOCOPHILLIPS COMPANY	§	
RN101619179	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-1890-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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at Highway 35 and Farm-to-Market Road 524 in Old Ocean, Brazoria 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 November 26, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Dollars ($10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Dollars ($8,000) of the administrative penalty and Two Thousand Dollars ($2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance

with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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

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

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 5920A, Special Condition No. 1, as documented during an investigation conducted on October 24, 2008. Specifically, 1,508 pounds ("lbs") of Volatile Organic Compounds ("VOCs"), 821 lbs of carbon monoxide, 13 lbs of hydrogen sulfide, 119 lbs of nitrogen oxide and 1,212 lbs of sulfur dioxide from Emissions Point number ("EPN") (29-61-1); 311 lbs of VOCs, 177 lbs of carbon monoxide, 2 lbs of hydrogen sulfide, 26 lbs of nitrogen oxide and 220 lbs of sulfur dioxide from EPN (56-61-16); and 375 lbs of VOCs, 220 lbs of carbon monoxide and 32 lbs of nitrogen oxide from EPN (56-61-17) were released into the atmosphere due to the failure to prevent an excess of hydrocarbons from traveling to the gas liquid knockout drum causing the wet gas compressor to trip offline (Incident No. 112800). The emissions event occurred on August 18, 2008 and lasted three hours and 24 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

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. 2008-1890-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent compressor trips due to the same causes as the emissions event that occurred on August 18, 2008 (Incident No. 112800); and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

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

_____ 4/28/2009
For the Executive Director 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.

_____ 3/24/09
Signature Date

T. J. Rich General Manager
Name (Printed or typed) Title
Authorized Representative of
ConocoPhillips Company

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.