

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0428-AIR-E **TCEQ ID:** RN103919817 **CASE NO.:** 37365
RESPONDENT NAME: Chevron Phillips Chemical Company LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input 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: Chevron Phillips Chemical Company - Cedar Bayou Plant, 9500 Interstate 10 East, Baytown, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</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 pending enforcement action regarding this facility location, Docket No. 2008-1927-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 August 3, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Van Long, Plant Manager, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521 Mr. Phillip Crepinsek, Environmental Engineer, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521 Respondent's Attorney: Not represented by counsel on this enforcement matter</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 Record Review Relating to this Case: January 14, 2009</p> <p>Date of NOE Relating to this Case: March 17, 2009 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 615 pounds of biphenyl were released from the Normal Alpha Olefins Unit, when the Respondent failed to keep watch at a Dowtherm pump during a filling operation leading to the release of emissions through an open valve, resulting in an emissions event which began on December 4, 2008, and lasted for 20 minutes (Incident No. 117364). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 37063, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$9,750</p> <p>Total Deferred: \$1,950 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,900</p> <p>Total Paid to General Revenue: \$3,900</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>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will also require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent recurrence of emissions due to the same cause as the December 4, 2008, emissions event (Incident No. 117364); and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

Additional ID No(s): Air Acct. No. HG0310V

Attachment A
Docket Number: 2009-0428-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Payable Penalty Amount:	Seven Thousand Eight Hundred Dollars (\$7,800)
SEP Amount:	Three Thousand Nine Hundred Dollars (\$3,900)
Type of SEP:	Pre-approved
Third-Party Recipient:	Barbers Hill Independent School District-Energy Efficiency Program
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Barbers Hill Independent School District’s (“Barbers Hill ISD”) Energy Efficiency in Chambers County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between Barbers Hill ISD and the Texas Commission on Environmental Quality*. SEP monies will be used to perform energy efficiency upgrades on public buildings and infrastructure. Specifically, the SEP funds may only be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades; 3) the incremental cost of the purchase of more energy-efficient equipment or appliances; and/or 4) or other direct costs authorized in advance by TCEQ.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Mar-2009	Screening	26-Mar-2009	EPA Due	
	PCW	26-Mar-2009				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	37365	No. of Violations	1
Docket No.	2009-0428-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 5
Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	290.0% Enhancement	Subtotals 2, 3, & 7 \$7,250
Notes	Penalty enhancement due to five 1660 agreed orders with denial of liability, three orders without denial, 22 same or similar NOVs, and nine non-similar NOVs. Penalty reduction for four Notices of Audit, two Disclosures of Violation and for participation in a voluntary pollution reduction program.	
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
Total EB Amounts	\$80	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,750
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$9,750
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$9,750
DEFERRAL	20.0% Reduction Adjustment	-\$1,950
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		\$7,800

Screening Date 26-Mar-2009

Docket No. 2009-0428-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 37365

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	22	110%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 290%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to five 1660 agreed orders with denial of liability, three orders without denial, 22 same or similar NOVs, and nine non-similar NOVs. Penalty reduction for four Notices of Audit, two Disclosures of Violation and for participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 290%

Screening Date 26-Mar-2009	Docket No. 2009-0428-AIR-E	PCW		
Respondent Chevron Phillips Chemical Company LP	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37365	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN103919817				
Media [Statute] Air				
Enf. Coordinator Nadia Hameed				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Air Permit No. 37063, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, 615 pounds of biphenyl were released from the Normal Alpha Olefins Unit, when the Respondent failed to keep watch at a Dowtherm pump during a filling operation leading to the release of emissions through an open valve, resulting in an emissions event which began on December 4, 2008, and lasted for 20 minutes (Incident No. 117364). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				\$7,500
				\$2,500
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty				\$2,500
One quarterly event is recommended based upon the emissions event that occurred on December 4, 2008.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(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		Statutory Limit Test		
Estimated EB Amount		\$80	Violation Final Penalty Total	
			\$9,750	
This violation Final Assessed Penalty (adjusted for limits)				\$9,750

Economic Benefit Worksheet

Respondent: Chevron Phillips Chemical Company LP
Case ID No.: 37365
Reg. Ent. Reference No.: RN103919817
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
<small>No commas or \$</small>							

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	\$2,000	4-Dec-2008	22-Sep-2009	0.80	\$80	n/a	\$80
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for training. The date required is based on the date of the emissions event. The final date is based on the date the 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

\$2,000

TOTAL

\$80

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600303614	Chevron Phillips Chemical Company LP	Classification: AVERAGE	Rating: 3.12
Regulated Entity:	RN103919817	CHEVRON PHILLIPS CHEMICAL CO - CEDAR BAYOU PLANT	Classification: AVERAGE	Site Rating: 3.22

ID Number(s):	Description	Type	ID Number
	WASTEWATER	PERMIT	WQ0001006000
	WASTEWATER	PERMIT	TPDES0003948
	WASTEWATER	PERMIT	TX0003948
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012335
	AIR OPERATING PERMITS	PERMIT	3247
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0310V
	AIR OPERATING PERMITS	PERMIT	2113
	AIR OPERATING PERMITS	PERMIT	2114
	AIR OPERATING PERMITS	PERMIT	2115
	AIR OPERATING PERMITS	PERMIT	2116
	AIR OPERATING PERMITS	PERMIT	2370
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD003913381
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30091
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	28477
	WATER LICENSING	LICENSE	1012335
	USED OIL	ID NUMBER	HOU00074
	AIR NEW SOURCE PERMITS	PERMIT	52188
	AIR NEW SOURCE PERMITS	REGISTRATION	54882
	AIR NEW SOURCE PERMITS	REGISTRATION	54930
	AIR NEW SOURCE PERMITS	REGISTRATION	75918
	AIR NEW SOURCE PERMITS	REGISTRATION	75577
	AIR NEW SOURCE PERMITS	PERMIT	55648
	AIR NEW SOURCE PERMITS	REGISTRATION	75545
	AIR NEW SOURCE PERMITS	REGISTRATION	75546
	AIR NEW SOURCE PERMITS	REGISTRATION	56852
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0310V
	AIR NEW SOURCE PERMITS	AFS NUM	4820100018
	AIR NEW SOURCE PERMITS	PERMIT	1504A
	AIR NEW SOURCE PERMITS	PERMIT	2138A
	AIR NEW SOURCE PERMITS	PERMIT	2139A
	AIR NEW SOURCE PERMITS	PERMIT	6517A
	AIR NEW SOURCE PERMITS	PERMIT	7403A

AIR NEW SOURCE PERMITS	PERMIT	2462C
AIR NEW SOURCE PERMITS	PERMIT	19027
AIR NEW SOURCE PERMITS	PERMIT	24093
AIR NEW SOURCE PERMITS	PERMIT	26062
AIR NEW SOURCE PERMITS	PERMIT	32866
AIR NEW SOURCE PERMITS	PERMIT	37063
AIR NEW SOURCE PERMITS	PERMIT	38590
AIR NEW SOURCE PERMITS	PERMIT	40534
AIR NEW SOURCE PERMITS	PERMIT	41691
AIR NEW SOURCE PERMITS	PERMIT	44005
AIR NEW SOURCE PERMITS	PERMIT	44759
AIR NEW SOURCE PERMITS	PERMIT	46305
AIR NEW SOURCE PERMITS	PERMIT	46783
AIR NEW SOURCE PERMITS	PERMIT	48084
AIR NEW SOURCE PERMITS	PERMIT	49322
AIR NEW SOURCE PERMITS	PERMIT	50325
AIR NEW SOURCE PERMITS	REGISTRATION	71487
AIR NEW SOURCE PERMITS	REGISTRATION	71350
AIR NEW SOURCE PERMITS	REGISTRATION	71479
AIR NEW SOURCE PERMITS	REGISTRATION	71483
AIR NEW SOURCE PERMITS	REGISTRATION	71530
AIR NEW SOURCE PERMITS	PERMIT	50757
AIR NEW SOURCE PERMITS	PERMIT	50758
AIR NEW SOURCE PERMITS	PERMIT	50759
AIR NEW SOURCE PERMITS	PERMIT	52312
AIR NEW SOURCE PERMITS	REGISTRATION	72420
AIR NEW SOURCE PERMITS	PERMIT	70326
AIR NEW SOURCE PERMITS	PERMIT	53768
AIR NEW SOURCE PERMITS	PERMIT	53752
AIR NEW SOURCE PERMITS	PERMIT	53751
AIR NEW SOURCE PERMITS	PERMIT	54712
AIR NEW SOURCE PERMITS	REGISTRATION	72911
AIR NEW SOURCE PERMITS	PERMIT	56502
AIR NEW SOURCE PERMITS	PERMIT	50370
AIR NEW SOURCE PERMITS	REGISTRATION	74596
AIR NEW SOURCE PERMITS	REGISTRATION	74458
AIR NEW SOURCE PERMITS	PERMIT	75055
AIR NEW SOURCE PERMITS	REGISTRATION	77053
AIR NEW SOURCE PERMITS	REGISTRATION	78553

AIR NEW SOURCE PERMITS	REGISTRATION	78917
AIR NEW SOURCE PERMITS	REGISTRATION	80099
AIR NEW SOURCE PERMITS	PERMIT	83791
AIR NEW SOURCE PERMITS	EPA ID	P748
STORMWATER	PERMIT	TXR05Q341
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30091

Location: 9500 INTERSTATE 10 E, BAYTOWN, TX, 77521

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 26, 2004 to March 26, 2009

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

Name: Nadia Hameed Phone: 713-767-3629

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
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: 06/26/2006

ADMINORDER 2005-0007-AIR-E

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1, MAERT PERMIT

Description: Failed to limit emissions in the Normal Alpha Olefin Unit 1797 from 2 block valves (EPN F-130) and the SYS-740 Flare (EPN 136), to those limited by the permit.

Effective Date: 08/28/2006

ADMINORDER 2006-0147-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1504A/PSD-TX-748, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Rqmt Prov: Air Permit #37063, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 11/03/2006

ADMINORDER 2006-0528-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Air Permit #1504A/PSD-TX-748, SC#1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 01/12/2008

ADMINORDER 2007-0322-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: ChevronPhillips failed to report the date of the Incident No. 70394 correctly on the TCEQ Notification Form. The incident occurred on January 15, 2006, but was reported as January 15, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70394.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70583.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70666.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70786.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 37063/Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 12/20/2008

ADMINORDER 2006-1960-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: No. 1504A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 19027 Special Condition 20(E) PERMIT
Description: Failed to properly seal open-ended lines.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 19027 SC 20(F), 20(G), 21(A) PERMIT
Description: Failed to monitor components that were in volatile organic compound service at the PEU-1796 Unit.

Effective Date: 12/20/2008

ADMINORDER 2005-0859-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: Special Condition No. 1 OP
Description: Failed to prevent unauthorized emissions during a October 25, 2004 emissions event, in violation of 30 Tex. Admin. Code §§ 116.115(c) 101.20(3), Air Permit No. 1504A PSD-TX-748, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 8, 2005.
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 No. 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event that was discovered on November 29, 2004 and determined to have started on November 18, 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: 1504A, PSD-TX-748, SC No. 1 PA
Description: Failed to prevent unauthorized emissions during a November 16, 2004 emissions event.

Effective Date: 02/08/2009

ADMINORDER 2007-1080-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: No. 1504A, 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: 1504A Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 03/12/2009

ADMINORDER 2008-0921-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 37063/Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions from Flare SYS-740 on January 15, 2008.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 46305/Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008.

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	04/14/2004	(264014)
2	04/21/2004	(294955)
3	05/12/2004	(267824)
4	05/18/2004	(268884)
5	05/18/2004	(294957)
6	05/18/2004	(294961)
7	06/03/2004	(269885)
8	06/18/2004	(271284)
9	06/21/2004	(294959)
10	08/16/2004	(282020)
11	08/16/2004	(282057)
12	08/16/2004	(282411)
13	08/17/2004	(282610)
14	08/17/2004	(283539)
15	08/18/2004	(281927)
16	08/18/2004	(281973)
17	08/24/2004	(351924)
18	08/27/2004	(266898)
19	09/21/2004	(351925)
20	09/30/2004	(293341)
21	10/19/2004	(292912)
22	10/19/2004	(292959)
23	10/25/2004	(351926)
24	10/25/2004	(351928)
25	10/29/2004	(293050)
26	10/31/2004	(282375)
27	10/31/2004	(286179)
28	10/31/2004	(286738)
29	11/01/2004	(283579)
30	11/11/2004	(293130)
31	11/19/2004	(338998)
32	11/19/2004	(339740)
33	11/23/2004	(351927)
34	12/09/2004	(343665)
35	12/14/2004	(339393)
36	12/14/2004	(339395)
37	12/15/2004	(282588)
38	12/15/2004	(339394)
39	12/16/2004	(284752)
40	12/20/2004	(339391)
41	12/20/2004	(381763)
42	12/21/2004	(283434)
43	12/21/2004	(289254)
44	12/28/2004	(282257)
45	12/28/2004	(284682)
46	12/28/2004	(339392)
47	12/29/2004	(292369)
48	01/02/2005	(282884)
49	01/02/2005	(283460)
50	01/02/2005	(283495)
51	01/02/2005	(284716)

52	01/03/2005	(285841)
53	01/04/2005	(286354)
54	01/07/2005	(338932)
55	01/07/2005	(340081)
56	01/07/2005	(340082)
57	01/14/2005	(340184)
58	01/14/2005	(340901)
59	01/20/2005	(338916)
60	02/03/2005	(333891)
61	02/21/2005	(340395)
62	02/21/2005	(344997)
63	02/22/2005	(381760)
64	02/22/2005	(381762)
65	02/25/2005	(345201)
66	02/25/2005	(345203)
67	02/26/2005	(372327)
68	03/14/2005	(381761)
69	04/08/2005	(348606)
70	04/08/2005	(348897)
71	04/11/2005	(376384)
72	04/20/2005	(372236)
73	04/20/2005	(372237)
74	04/21/2005	(372231)
75	05/17/2005	(372229)
76	05/18/2005	(419593)
77	05/18/2005	(419595)
78	06/14/2005	(375880)
79	06/17/2005	(419594)
80	06/21/2005	(393595)
81	06/22/2005	(393592)
82	06/29/2005	(344167)
83	06/29/2005	(344174)
84	07/11/2005	(398110)
85	07/21/2005	(400409)
86	07/29/2005	(401052)
87	08/02/2005	(402216)
88	08/03/2005	(402167)
89	08/05/2005	(379433)
90	08/08/2005	(396942)
91	08/13/2005	(404688)
92	08/22/2005	(405962)
93	08/23/2005	(401535)
94	08/23/2005	(440737)
95	08/23/2005	(440739)
96	09/23/2005	(440738)
97	09/28/2005	(418690)
98	10/10/2005	(468259)
99	11/04/2005	(433451)
100	11/22/2005	(468260)
101	12/15/2005	(435582)
102	01/23/2006	(468261)
103	01/26/2006	(405968)
104	02/08/2006	(405969)
105	02/21/2006	(468258)
106	02/22/2006	(455830)
107	02/28/2006	(431936)
108	02/28/2006	(457017)
109	03/21/2006	(456836)
110	03/23/2006	(498082)

111	03/28/2006	(456883)
112	03/29/2006	(453494)
113	03/29/2006	(459443)
114	04/03/2006	(452797)
115	04/12/2006	(458187)
116	04/24/2006	(498083)
117	04/25/2006	(455025)
118	05/22/2006	(498084)
119	05/25/2006	(467431)
120	05/25/2006	(467433)
121	05/25/2006	(467438)
122	05/25/2006	(467440)
123	05/25/2006	(467443)
124	05/25/2006	(467445)
125	06/05/2006	(467064)
126	06/08/2006	(464678)
127	06/26/2006	(498085)
128	06/26/2006	(498086)
129	07/25/2006	(520101)
130	07/26/2006	(457460)
131	07/26/2006	(481894)
132	08/21/2006	(520102)
133	08/21/2006	(520105)
134	08/23/2006	(464714)
135	08/23/2006	(497553)
136	08/25/2006	(520103)
137	08/30/2006	(457471)
138	08/30/2006	(508885)
139	09/18/2006	(520104)
140	09/28/2006	(486905)
141	10/24/2006	(544360)
142	11/16/2006	(544361)
143	12/04/2006	(518861)
144	12/12/2006	(533185)
145	12/21/2006	(533938)
146	01/16/2007	(544362)
147	01/19/2007	(532509)
148	02/13/2007	(534351)
149	02/15/2007	(544358)
150	02/15/2007	(544359)
151	02/20/2007	(464696)
152	03/19/2007	(575061)
153	04/10/2007	(555531)
154	04/12/2007	(575062)
155	05/18/2007	(575063)
156	05/21/2007	(509420)
157	05/31/2007	(510231)
158	06/04/2007	(600126)
159	07/03/2007	(575064)
160	07/03/2007	(575065)
161	07/06/2007	(543644)
162	07/30/2007	(533377)
163	08/10/2007	(568519)
164	08/13/2007	(565766)
165	08/17/2007	(568619)
166	08/17/2007	(607514)
167	08/17/2007	(607517)
168	08/22/2007	(572958)
169	08/22/2007	(573015)

170 08/28/2007 (571092)
171 08/28/2007 (571093)
172 09/04/2007 (571264)
173 09/20/2007 (607515)
174 10/17/2007 (607516)
175 11/16/2007 (619443)
176 11/28/2007 (595536)
177 12/20/2007 (594047)
178 01/25/2008 (609372)
179 01/29/2008 (609276)
180 02/05/2008 (617290)
181 02/11/2008 (609284)
182 02/19/2008 (671951)
183 03/11/2008 (671952)
184 03/17/2008 (638930)
185 03/25/2008 (610630)
186 03/28/2008 (609856)
187 04/15/2008 (671953)
188 04/21/2008 (640952)
189 05/01/2008 (615845)
190 05/06/2008 (653978)
191 05/14/2008 (654461)
192 05/19/2008 (689871)
193 05/29/2008 (654086)
194 06/06/2008 (654083)
195 06/10/2008 (689872)
196 06/18/2008 (683282)
197 07/01/2008 (684287)
198 07/17/2008 (689873)
199 07/18/2008 (680367)
200 07/21/2008 (683729)
201 07/22/2008 (637042)
202 07/30/2008 (686471)
203 08/15/2008 (710645)
204 08/22/2008 (687059)
205 09/16/2008 (710646)
206 10/06/2008 (702554)
207 10/15/2008 (710647)
208 10/20/2008 (701391)
209 10/22/2008 (609658)
210 11/19/2008 (727418)
211 12/01/2008 (701390)
212 12/17/2008 (684989)
213 12/17/2008 (727419)
214 01/16/2009 (727420)
215 02/10/2009 (703395)
216 02/11/2009 (721112)
217 02/19/2009 (726947)
218 02/20/2009 (726788)
219 03/13/2009 (738474)
220 03/17/2009 (725485)
221 03/18/2009 (511787)
222 03/19/2009 (738012)

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

Date: 08/27/2004 (266898)

Self Report? NO

Classification: Moderate

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

TCEQ Air Permit #46783, SC #1 PERMIT

Description: Exceeded VOC permit limit during an avoidable emissions event.

Date: 09/30/2004 (293341)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(2)
Special Terms and Conditions 1.A. OP

Description: Failed to conduct the monthly car seal inspections.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
Special Terms and Conditions 1.A. OP

Description: Failed to conduct fugitive monitoring on 66 components.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
46305, Special Condition No. 1 PA

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

Date: 11/30/2004 (381763)

CN600303614

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 12/21/2004 (283434)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

Description: Chevron failed to comply with 30 Tex. Admin. Code 101.222(b)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
37063 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Chevron failed to comply with 30 Tex. Admin. Code 101.222(b).

(289254)

Date: 12/21/2004

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
46783 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Chevron failed to comply with 30 Tex. Admin. Code 101.222(b).

Date: 12/28/2004 (282257)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Chevron failed to submit a timely initial emissions event notification.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit #37063, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/03/2005 (285841)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 19027, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/04/2005 (286354)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Air Permit No. 19027, SC #1 PERMIT

Description: Exceeded permit limit during an avoidable emissions event.

Date: 01/20/2005 (338916)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5015C, Special Condition 3B PERMIT
O-01274, Special Term and Condition 5 OP

Description: Failure to operate the stack, Unit 1794-16, within the required opacity limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5015C, Special Condition 6E PERMIT
O-01274, Special Term and Condition 5 OP

Description: Failure to maintain a plug on an open-ended line.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01274, Special Term and Condition 1A OP

Description: Failure to record the time of day for the flare observation for Flare FS-5210.

Date: 02/03/2005 (333891)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
O-02114, Special Term and Condition #11 OP
Permit 8364A, Special Condition No. 9E PERMIT

Description: Failure to maintain caps or plugs on open-ended lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Term and Condition 11E PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
O-02114, Special Term and Condition 11 OP

Description: Failure to maintain caps or plugs on a open-ended lines in F-1798-30.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
6517A, Special Condition 1E PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to maintain caps or plugs on open-ended lines in Unit 1795-66.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
8364A, General Condition 1 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to operate tanks 17 and 24A as represented in permit 8364A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

37063, General Condition 1 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to operate Tank 28 as represented in permit 37063.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 11I PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
O-02114, Special Term and Condition 11 OP

Description: Failure to repair a component within the required timeframe.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 11 PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
O-02114, Special Term and Condition 11 OP

Description: Failure to monitor fugitive components in the F-1798-30 Unit area.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7
8364A, Special Condition 9 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to monitor fugitive components in the F-130 Unit Area.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
6517A, Special Condition 1 PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to monitor fugitive components in the F-1795-66 Unit Area.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)(2)(ii)
O-02114, Special Term and Condition 1A OP

Description: Failure to conduct monthly bypass line valve car seal inspections for 40 valves.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)(2)
O-02114, Special Term and Condition 1A OP

Description: Failure to include all car seal ID numbers on monthly car seal inspection records.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02114, Special Term and Condition 6Ai OP

Description: **Failure to route hexene vapors to control while depressuring a tank truck.**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 4A PERMIT
O-02114, Special Term and Condition 11 OP

Description: Failure to operate heater H-3 with the required firing rate.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
37063, Special Condition 6B PERMIT

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
O-02114, ST&C 11 and 1A OP

Description: Failure to maintain a flare pilot light at all times on Flare Z-1101

Date: 02/28/2005 (381761) CN600303614
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/29/2005 (401052)
Self Report? NO Classification: Moderate
Citation: 19027, SC No. 20I PERMIT
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)
O-02116, SC 1A. OP

Description: Failure to repair a leaking valve when it could have been repaired without unit shutdown.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02216, SC 3Aiii OP

Description: Failure to maintain an opacity of 20% for the 6 minute observation period for an emergency electrical generator.

Self Report? NO Classification: Moderate
Citation: 19027, GC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Overflowed tank TK-561

Self Report? NO Classification: Moderate
Citation: 19027, SC No. 20 & 21 PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
O-02116, SC 1A OP

Description: Failure to monitor 14 valves and 33 connectors for fugitive monitoring.

Self Report? NO Classification: Moderate
Citation: 19027, SC No. 21 & 21 PERMIT
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
O-02116, SC No. 1A OP

Description: Failure to monitor 85 valves and 349 connectors in HRVOC service.

Date: 09/30/2005 (468259) CN600303614
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

(405969) Date: 02/08/2006
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
46783, General Condition #8 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent a pipe leak resulting in unauthorized emissions.

Date: 03/22/2006 (456836)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(4)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-02115, STC 13 OP

Description: **Failure to keep the lid on the parts washer closed at all times**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-02115, SC 12 OP
NSR Permit 2462C, SC 9 PERMIT

Description: Failure to operate the catalytic converter at 95% efficiency in disposing of the VOC (B19.g.(1))

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP # O-02115, SC 12 OP
NSR Permit# 2462C, SC 17(E) PERMIT

Description: Failure to plug eight open-ended valves or lines

Date: 04/03/2006 (452797)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
SC #21E PERMIT
ST & C #12 OP

Description: Failure to comply with 30 TAC Chapter 115.352(4) which requires valves and pipelines containing VOC to be operated with either a second valve, blind flange, or a tightly-fitting plug or cap.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition #3(A)(i). OP

Description: Failure to operate engines in accordance with 30 TAC Chapter 111.111(a)(1)(B)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR Permit 1504A, Special Condition 21.I PA
ST & C #1.L.(iv) OP
ST & C #12 OP

Description: **Failure to repair leaking components within the required timeframes.**

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(II)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
ST & C #1.L.(iv) OP

Description: Failure to perform initial emissions rate calculations within 30 calendar days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)
SC #21E PERMIT
SC #22A PERMIT
ST & C #12 OP

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

Date: 06/30/2006 (520101) CN600303614
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (520102) CN600303614
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/23/2006 (464714)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 2462C, SC1 PERMIT
Description: Investigation No. 464714 determined that CPC failed to prevent a decomposition reaction in the Line 4 Reactor during Incident No. 72456.

Date: 09/28/2006 (486905)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
37063 Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to prevent unauthorized emissions.

Date: 02/13/2007 (534351)
Self Report? NO Classification: Moderate
Citation: 19027/Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to prevent unauthorized emissions.

Date: 07/06/2007 (543644)
Self Report? NO Classification: Moderate
Citation: 2462C, SC # 17E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02115, SC #12 OP
FOP O-02115, SC #1A OP
Description: Failure to cap or plug open-ended lines.

Self Report? NO Classification: Moderate
Citation: 2462C, SC #9 PERMIT
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-02115, SC #12 OP
Description: Failure to maintain a 95% VOC destruction efficiency for H-3030 and ZZ-702 from November 1, 2005 to December 31, 2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02115, SC #1A OP
Description: Failure to keep the parts washer lid closed on March 21, 2006 and again on April 20, 2006.

Date: 08/10/2007 (568519)

Self Report? NO

Classification: Moderate

Citation: 1504A Special Condition 10 PERMIT
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to meet applicable opacity limit

Date: 09/04/2007 (571264)

CN600303614

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)

Description: Secondary containment systems for hazardous waste storage Tank T-903 (NOR 035) was not free of gaps

Date: 11/28/2007 (595536)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02370 SC 5 OP
NSR 46305 SC 8A PA

Description: Failure to operate the process vent flare (Title V ID VE-9003; EPN 1799-20) at a heat value of at least 300 Btu/scf on 4 occasions for at least 1 hour from July 8, 2006 through May 10, 2007 [FOP O-02370; NSR 46305].

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02370 SC 1A OP
FOP O-02370 SC 5 OP
NSR 46305 SC 3E PA

Description: Failure to equip an open-ended line in VOC service with a plug [FOP O-02370; NSR 46305]. Category C10.

Date: 03/25/2008 (610630)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114, ST&C 15 OP
Permit 37063, SC 11E PERMIT
Permit 6517A, SC 1E PERMIT

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

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP
Permit 37063 OP

Description: Failure to operate Flares in compliance with the 300BTU/scf standard

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.117(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP

Description: Failed to submit the required Post Change Notification within 30 days relating to

Flare # SYS-740
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP
Description: Failed to report the failure to submit a post change notification in the earlier deviation report for the reporting period of February 1, 2006 through July 31, 2006

Date: 03/28/2008 (609856)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT VVW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 14 OP

Description: Failure to notify TCEQ prior to EMAX tank inspection.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 SC 1 PA

Description: Failure to maintain emissions within the MAERT.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC (1)(J)(iv) OP

Description: Failure to repair leaking component within required time frame.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)

Description: Failure to record canister change-out after breakthrough.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1095(b)(2)
FOP O-02113 STC 1Gi OP

Description: Failure to conduct monthly monitoring

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP

Description: Failure to provide 30 days notice prior to changes to facilities.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(J)(ii) OP

Description: Failure to maintain Net Heating Value greater than 300 btu/scf.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 SC 17 OP
FOP O-02113 STC 1(l)(ii) OP
NSR Permit 1504A/PSD-TX-748 SC 16E PA

Description: Failed to maintain a seal on open ended lines.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 PA
Description: Failure to conduct fugitive monitoring on components in VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 SC 17A PA

Description: Failure to conduct fugitive monitoring on connectors in VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(l)(i) OP

Description: Failure to conduct fugitive monitoring on pumps in benzene service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations.

Date: 07/22/2008 (637042)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 12 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 9 PERMIT
ST&C 12 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 12 OP
SC 16E PERMIT
ST&C 1A OP

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

Date: 07/30/2008 (686471)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

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

Date: 02/10/2009 (703395)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Condition 3(E) PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP

Description: Failure to seal open-ended lines with a cap, plug, blind flange, or a second valve.
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 A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Condition 8(A) PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP

Description: Failure to meet the BTU/scf heating value for the flare (EPN 1799-20) for a total of 13 hours from December 14, 2007 through June 17, 2008.
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 DDD 60.562-1(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP

Description: **Failure to properly control VOC emissions from intermittent vents.**

Date: 02/13/2009 (721112)

Self Report? NO Classification: Moderate

Citation: 1504A, SC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: **Failure to comply with MAERT limits.**

Self Report? NO Classification: Minor

Citation: 1504A, SC 16E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to plug/cap all open ended lines (C10).

Self Report? NO Classification: Minor

Citation: 1504A, SC 16F PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to conduct LDAR on all components

Self Report? NO Classification: Moderate

Citation: 1504A, SC 11A PERMIT
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)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain BTU value in flare header per specifications in 40 CFR 60.18.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-02113, GC 1 OP
 Description: Failure to include all deviations in the deviation report.

Self Report? NO Classification: Minor
 Citation: 1504A, SC 11B PERMIT
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to maintain a continuous pilot monitoring record.

Self Report? NO Classification: Minor
 Citation: 1504A, GC 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to maintain proper operating temperature in Light Pyrolysis Fuel Oil tank.

F. Environmental audits.

Notice of Intent Date: 05/13/2005 (400692)

No DOV Associated

Notice of Intent Date: 05/18/2006 (481743)

Disclosure Date: 08/09/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(B)

Rqmt Prov: PERMIT 37063

Description: Failure to maintain records justifying each component as difficult to monitor.

Disclosure Date: 08/29/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

Rqmt Prov: PERMIT O-2113

Description: Failure to ensure that semiannual continuous emissions monitoring system (CEMS) downtime reports for the cracking furnaces and boilers included out of control periods for the CEMS analyzers.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

Rqmt Prov: PERMIT O-2114

Description: Failure to ensure that all synthetic organic chemical manufacturing (SOCMI) units had no more than 3.0% of valves monitored for fugitive emissions be designated as difficult to monitor.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)

30 TAC Chapter 115, SubChapter H 115.764(a)(6)

Rqmt Prov: PERMIT O-2113

Description: Failure to ensure that multipoint validations were performed following midpoint validation failures on the highly reactive volatile organic compounds (HRVOC) analyzers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.216(b)(2)

Description: Failure to ensure that written notifications were provided to TCEQ within 15 days after relative accuracy test audit (RATA) testing was completed.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.47(b)(1)

Description: Failure to ensure that all underground tank systems were provided cathodic protection.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.48

Description: Failure to ensure that all UST systems were included in the mechanical integrity and maintenance programs.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 117, SubChapter B 117.219(f)(6)
Rqmt Prov: PERMIT O-2113

Description: Failure to ensure that records were maintained of engine hours of operation or of start and end times for testing and maintenance.

Notice of Intent Date: 03/05/2007 (555111)

Disclosure Date: 08/20/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to sample benzene contaminated wastewater with chilled sampling system.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(i)(III)
30 TAC Chapter 115, SubChapter H 115.783(3)(A)(ii)
30 TAC Chapter 115, SubChapter H 115.786(c)

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to maintain records for past leaks, leak repair and extraordinary repair of pump GA-465.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to limit use of temporary maintenance controls of the GA-465 pump to 180 days.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725
30 TAC Chapter 115, SubChapter H 115.726

Rqmt Prov: PERMIT Title V Permit O-2113

Description: Failure to monitor/test and maintain records for the carbon be series vent at the GA-465 pump.

Notice of Intent Date: 02/11/2009 (739326)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

CLEAN TEXAS PROGRAM 05/01/2005

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0428-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 9500 Interstate 10 East in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 22, 2009.
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 Nine Thousand Seven Hundred Fifty Dollars (\$9,750) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Three Thousand Nine Hundred Dollars (\$3,900) of the administrative penalty and One Thousand Nine Hundred Fifty Dollars (\$1,950) 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. Three Thousand Nine Hundred Dollars (\$3,900) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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), Air Permit No. 37063, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 14, 2009. Specifically, 615 pounds of biphenyl were released from the Normal Alpha Olefins Unit, when the Respondent failed to keep watch at a Dowtherm pump during a filling operation leading to the release of emissions through an open valve, resulting in an emissions event which began on December 4, 2008, and lasted for 20 minutes (Incident No. 117364). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2009-0428-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Nine Hundred Dollars (\$3,900) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. 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 recurrence of emissions due to the same cause as the December 4, 2008, emissions event (Incident No. 117364); and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

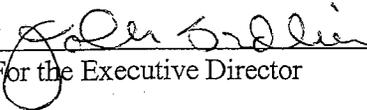
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/22/2009
Date

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

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

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

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



Signature

MAY 28, 2009
Date

VAN LONG
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

PLANT MANAGER
Title

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

Attachment A
Docket Number: 2009-0428-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP

Payable Penalty Amount: Seven Thousand Eight Hundred Dollars (\$7,800)

SEP Amount: Three Thousand Nine Hundred Dollars (\$3,900)

Type of SEP: Pre-approved

Third-Party Recipient: Barbers Hill Independent School District-Energy Efficiency Program

Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Barbers Hill Independent School District's ("Barbers Hill ISD") Energy Efficiency in Chambers County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between Barbers Hill ISD and the Texas Commission on Environmental Quality*. SEP monies will be used to perform energy efficiency upgrades on public buildings and infrastructure. Specifically, the SEP funds may only be used for: 1) the cost of conducting energy efficiency audits; 2) the incremental cost for construction or implementation of energy-efficiency upgrades; 3) the incremental cost of the purchase of more energy-efficient equipment or appliances; and/or 4) or other direct costs authorized in advance by TCEQ.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 101
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.