

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-0301-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 37249
RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: ConocoPhillips Sweeny Refinery, located at Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria 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 no record of additional pending enforcement actions regarding this facility location.</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 24, 2009. No comments were received.</p> <p>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. Vinod Jaini, Environmental Compliance Specialist, ConocoPhillips Company, P.O. Box 2197, Houston, Texas 77252-2197 Mr. T. J. Rich, General Manager, ConocoPhillips Company, P.O. Box 2197, Houston, Texas 77252-2197 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 Investigation Relating to this Case: November 21, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 18, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 206.97 pounds ("lbs") of hydrogen sulfide, 19,078.45 lbs of sulfur dioxide from the Diethanolamine flare, 2,669.74 lbs of sulfur dioxide from the tail gas incinerator, 59.97 lbs of hydrogen sulfide and 5,554.80 lbs of sulfur dioxide from the sour water stripper flare were released into the atmosphere due to operator error in not bypassing the Fail Safe Controller during a maintenance activity, which caused a shutdown sequence resulting in routing of gases to the flares during Incident No. 114838. The emissions event occurred on September 30, 2008 and lasted two hours and 40 minutes. Since the emissions event was avoidable by better maintenance practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 5290A, Special Condition No. 1].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$10,000</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>Findings Orders Justification: Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement procedures and/or training designed to prevent bypassing the Fail Safe Controller during maintenance activities to prevent the recurrence of emissions events due to the same cause as the emissions event that began on September 30, 2008; and</p> <p>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.</p>

Additional ID No(s): BL0042G



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	23-Feb-2009			
	PCW	17-Mar-2009	Screening	5-Mar-2009	EPA Due

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.	37249	No. of Violations	1
Docket No.	2009-0301-AIR-E	Order Type	Findings
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** **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **576.0%** Enhancement **Subtotals 2, 3, & 7** **\$57,600**

Notes
Penalty enhanced due to 38 NOVs for same or similar violations, 11 NOVs for unrelated issues, seven Agreed Orders containing a 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**

Total EB Amounts **\$139**
Approx. Cost of Compliance **\$2,500**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$67,600**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$67,600**

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

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$10,000**

Screening Date 5-Mar-2009

Docket No. 2009-0301-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 37249

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 <i>(number of NOVs meeting criteria)</i>	38	190%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 576%

>> **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 38 NOVs for same or similar violations, 11 NOVs for unrelated issues, seven Agreed Orders containing a 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) 576%

Screening Date 5-Mar-2009	Docket No. 2009-0301-AIR-E	PCW	
Respondent ConocoPhillips Company		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37249		<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101619179			
Media [Statute] Air			
Enf. Coordinator Roshondra Lowe			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 116.715(c), Tex. Health & Safety Code § 382.085(b) and Air Permit No. 5290A, Special Condition No. 1		
Violation Description	Failed to prevent unauthorized emissions. Specifically, 206.97 pounds ("lbs") of hydrogen sulfide, 19,078.45 lbs of sulfur dioxide from the Diethanolamine flare, 2,669.74 lbs of sulfur dioxide from the tail gas incinerator, 59.97 lbs of hydrogen sulfide and 5,554.80 lbs of sulfur dioxide from the sour water stripper flare were released into the atmosphere due to operator error in not bypassing the Fail Safe Controller during a maintenance activity, which caused a shutdown sequence resulting in routing of gases to the flares during Incident No. 114838. The emissions event occurred on September 30, 2008 and lasted two hours and 40 minutes. Since the emissions event was avoidable by better maintenance practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.		
	Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text" value="x"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="100%"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.		
	Adjustment	<input type="text" value="\$0"/>	
			<input type="text" value="\$10,000"/>
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="1"/>	<input type="text"/>
<i>mark only one with an x</i>	daily	<input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$10,000"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
One daily event is recommended based upon the emissions event which occurred on September 30, 2008.			
Good Faith Efforts to Comply			<input type="text" value="\$0"/>
	0.0% Reduction		
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
			Violation Subtotal <input type="text" value="\$10,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$139"/>	Violation Final Penalty Total	<input type="text" value="\$67,600"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$10,000"/>

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 37249
Reg. Ent. Reference No.: RN101619179
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	30-Sep-2008	10-Nov-2009	1.11	\$139	n/a	\$139

Notes for DELAYED costs

Estimated cost of procedures and/or training designed to prevent bypassing the Fail Safe Controller during maintenance activities. The date required is the date of the violation. The final date is based on the 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

\$2,500

TOTAL

\$139

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601674351	ConocoPhillips Company	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN101619179	CONOCOPHILLIPS SWEENEY 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 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 05, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 05, 2004 to March 05, 2009

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

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	03/17/2004	(257314)
2	03/22/2004	(264254)
3	03/22/2004	(296406)
4	04/06/2004	(257342)
5	04/08/2004	(258257)
6	04/22/2004	(296407)
7	05/07/2004	(266127)
8	05/25/2004	(296410)
9	06/21/2004	(352588)
10	06/30/2004	(271507)

11	06/30/2004	(273454)
12	07/01/2004	(275993)
13	07/02/2004	(278283)
14	07/12/2004	(258107)
15	07/12/2004	(259068)
16	07/16/2004	(352589)
17	08/18/2004	(282244)
18	08/23/2004	(352590)
19	08/23/2004	(352593)
20	08/24/2004	(260558)
21	08/25/2004	(261423)
22	08/31/2004	(271547)
23	08/31/2004	(273961)
24	09/01/2004	(280584)
25	09/01/2004	(289795)
26	09/10/2004	(333346)
27	09/16/2004	(352591)
28	09/30/2004	(280855)
29	10/05/2004	(336659)
30	10/06/2004	(333698)
31	10/06/2004	(333804)
32	10/06/2004	(333805)
33	10/15/2004	(352592)
34	11/12/2004	(287686)
35	11/19/2004	(575777)
36	11/22/2004	(333524)
37	11/22/2004	(335609)
38	11/22/2004	(338077)
39	11/22/2004	(339194)
40	11/29/2004	(336272)
41	11/29/2004	(340359)
42	11/29/2004	(340845)
43	11/29/2004	(340851)
44	11/29/2004	(340915)
45	11/29/2004	(341065)
46	11/30/2004	(340792)
47	12/06/2004	(283487)
48	12/11/2004	(342577)
49	12/11/2004	(342599)
50	12/16/2004	(382048)
51	12/17/2004	(288102)
52	12/17/2004	(340488)
53	12/17/2004	(341910)
54	12/20/2004	(289506)
55	12/22/2004	(340482)
56	12/22/2004	(342153)
57	12/28/2004	(277696)
58	12/28/2004	(342422)
59	12/29/2004	(289466)
60	12/30/2004	(287859)
61	12/30/2004	(342412)
62	12/30/2004	(345294)
63	12/30/2004	(345296)
64	12/30/2004	(345297)
65	12/30/2004	(345626)
66	01/04/2005	(342579)
67	01/07/2005	(345295)
68	01/07/2005	(345299)
69	01/17/2005	(286211)
70	01/27/2005	(343576)
71	02/10/2005	(343557)
72	02/14/2005	(349255)

73	02/21/2005	(349952)
74	02/21/2005	(351188)
75	02/22/2005	(350692)
76	02/23/2005	(382045)
77	02/23/2005	(382046)
78	02/23/2005	(382047)
79	02/25/2005	(350491)
80	03/03/2005	(349462)
81	03/03/2005	(371965)
82	03/09/2005	(345300)
83	03/09/2005	(372280)
84	03/16/2005	(343615)
85	03/16/2005	(373194)
86	03/21/2005	(575759)
87	03/29/2005	(372022)
88	03/31/2005	(350563)
89	04/12/2005	(374970)
90	04/12/2005	(375119)
91	05/19/2005	(378252)
92	05/20/2005	(375132)
93	05/23/2005	(575764)
94	06/20/2005	(396218)
95	06/22/2005	(575766)
96	06/23/2005	(349036)
97	06/24/2005	(374887)
98	06/24/2005	(397011)
99	07/11/2005	(396156)
100	07/11/2005	(398367)
101	07/15/2005	(400176)
102	07/20/2005	(399359)
103	07/20/2005	(575770)
104	07/20/2005	(575772)
105	07/26/2005	(400458)
106	08/02/2005	(402413)
107	08/15/2005	(404591)
108	08/22/2005	(406298)
109	08/24/2005	(406619)
110	08/30/2005	(402698)
111	08/30/2005	(418482)
112	09/26/2005	(575773)
113	10/12/2005	(345293)
114	10/21/2005	(433893)
115	10/24/2005	(575775)
116	10/28/2005	(403331)
117	10/28/2005	(418688)
118	10/31/2005	(433354)
119	11/21/2005	(575778)
120	12/01/2005	(438294)
121	12/22/2005	(575780)
122	01/02/2006	(439019)
123	01/23/2006	(575782)
124	01/30/2006	(440119)
125	01/30/2006	(451619)
126	01/30/2006	(453505)
127	02/07/2006	(453152)
128	02/08/2006	(440116)
129	02/08/2006	(440354)
130	02/13/2006	(440416)
131	02/21/2006	(449529)
132	02/23/2006	(451390)
133	02/23/2006	(453702)
134	02/23/2006	(455205)

135	02/23/2006	(575757)
136	02/24/2006	(438289)
137	02/27/2006	(440305)
138	03/13/2006	(453717)
139	03/14/2006	(453727)
140	03/16/2006	(433352)
141	03/16/2006	(438820)
142	03/16/2006	(450930)
143	03/17/2006	(438894)
144	03/20/2006	(278774)
145	03/21/2006	(345285)
146	03/22/2006	(575760)
147	03/28/2006	(433648)
148	03/28/2006	(451496)
149	03/30/2006	(458137)
150	03/30/2006	(458160)
151	04/20/2006	(458139)
152	04/20/2006	(460114)
153	04/24/2006	(575762)
154	04/25/2006	(461497)
155	05/04/2006	(461458)
156	05/16/2006	(462220)
157	05/16/2006	(462319)
158	05/17/2006	(461841)
159	05/17/2006	(463612)
160	05/18/2006	(575765)
161	05/22/2006	(434378)
162	05/22/2006	(463514)
163	05/25/2006	(458131)
164	05/31/2006	(460763)
165	06/22/2006	(575767)
166	06/23/2006	(480400)
167	06/23/2006	(480579)
168	06/27/2006	(480326)
169	06/27/2006	(480331)
170	06/30/2006	(463704)
171	06/30/2006	(482027)
172	07/07/2006	(460719)
173	07/10/2006	(480119)
174	07/10/2006	(482038)
175	07/11/2006	(483052)
176	07/19/2006	(484922)
177	07/21/2006	(486875)
178	07/21/2006	(575768)
179	07/24/2006	(465685)
180	07/28/2006	(484927)
181	07/31/2006	(484998)
182	08/04/2006	(483248)
183	08/07/2006	(483230)
184	08/07/2006	(484904)
185	08/16/2006	(485078)
186	08/16/2006	(497297)
187	08/21/2006	(497477)
188	08/21/2006	(497714)
189	08/22/2006	(575771)
190	08/25/2006	(484989)
191	08/29/2006	(485092)
192	08/29/2006	(485973)
193	09/01/2006	(487285)
194	09/05/2006	(481595)
195	09/05/2006	(487182)
196	09/18/2006	(575774)

197	10/02/2006	(511382)
198	10/20/2006	(497684)
199	10/23/2006	(575776)
200	10/24/2006	(516622)
201	10/30/2006	(289180)
202	10/30/2006	(511381)
203	11/03/2006	(513963)
204	11/03/2006	(514125)
205	11/03/2006	(514242)
206	11/06/2006	(453818)
207	11/07/2006	(487028)
208	11/15/2006	(432050)
209	11/21/2006	(514771)
210	11/21/2006	(514871)
211	11/22/2006	(575779)
212	11/30/2006	(514772)
213	12/06/2006	(514931)
214	12/08/2006	(514770)
215	12/19/2006	(531219)
216	12/21/2006	(514890)
217	12/22/2006	(575781)
218	12/28/2006	(533933)
219	01/05/2007	(514904)
220	01/10/2007	(534506)
221	01/19/2007	(575783)
222	01/25/2007	(531232)
223	01/25/2007	(535014)
224	01/29/2007	(531242)
225	01/29/2007	(534512)
226	02/05/2007	(516120)
227	02/05/2007	(536784)
228	02/05/2007	(538614)
229	02/22/2007	(516228)
230	02/22/2007	(516309)
231	02/22/2007	(516368)
232	02/22/2007	(516413)
233	02/22/2007	(538168)
234	02/26/2007	(575758)
235	02/28/2007	(534513)
236	02/28/2007	(535042)
237	02/28/2007	(541083)
238	03/01/2007	(489392)
239	03/23/2007	(508787)
240	03/23/2007	(575761)
241	03/28/2007	(554903)
242	03/28/2007	(555356)
243	03/30/2007	(541806)
244	04/04/2007	(553900)
245	04/05/2007	(554567)
246	04/12/2007	(555765)
247	04/18/2007	(535818)
248	04/20/2007	(541785)
249	04/23/2007	(575763)
250	04/27/2007	(536863)
251	04/27/2007	(538234)
252	05/02/2007	(557193)
253	05/08/2007	(536805)
254	05/16/2007	(543939)
255	05/16/2007	(556084)
256	05/21/2007	(560688)
257	05/21/2007	(607617)
258	05/29/2007	(560939)
259	05/30/2007	(558665)

260	05/31/2007	(557814)
261	05/31/2007	(557887)
262	05/31/2007	(558165)
263	05/31/2007	(558933)
264	05/31/2007	(561604)
265	06/08/2007	(563044)
266	06/18/2007	(564174)
267	06/20/2007	(563448)
268	06/27/2007	(564004)
269	06/27/2007	(564948)
270	07/06/2007	(562320)
271	07/06/2007	(566372)
272	07/10/2007	(566109)
273	07/12/2007	(566817)
274	07/18/2007	(562884)
275	07/18/2007	(564160)
276	07/18/2007	(565411)
277	07/20/2007	(575769)
278	07/26/2007	(534491)
279	07/30/2007	(570079)
280	08/13/2007	(562652)
281	08/20/2007	(572167)
282	08/24/2007	(570711)
283	09/05/2007	(572989)
284	09/22/2007	(607618)
285	09/22/2007	(607619)
286	09/24/2007	(607621)
287	09/26/2007	(594057)
288	10/12/2007	(594704)
289	10/12/2007	(595879)
290	10/12/2007	(595919)
291	10/15/2007	(557764)
292	10/16/2007	(597749)
293	10/22/2007	(607620)
294	11/02/2007	(571706)
295	11/06/2007	(599098)
296	11/20/2007	(608723)
297	11/20/2007	(608750)
298	11/21/2007	(596538)
299	11/21/2007	(596539)
300	11/21/2007	(596540)
301	12/03/2007	(609822)
302	12/17/2007	(612145)
303	12/18/2007	(599171)
304	12/19/2007	(612456)
305	12/21/2007	(593859)
306	12/21/2007	(600228)
307	12/21/2007	(612851)
308	01/03/2008	(612155)
309	01/04/2008	(612937)
310	01/07/2008	(557934)
311	01/14/2008	(613926)
312	01/18/2008	(614903)
313	01/18/2008	(615198)
314	01/24/2008	(612103)
315	01/28/2008	(612848)
316	01/28/2008	(613020)
317	01/31/2008	(613321)
318	02/11/2008	(613195)
319	02/11/2008	(614276)
320	02/11/2008	(616106)
321	02/13/2008	(608867)

322	02/14/2008	(618465)
323	02/15/2008	(617395)
324	03/13/2008	(613193)
325	03/24/2008	(639374)
326	03/27/2008	(639901)
327	04/02/2008	(640059)
328	04/04/2008	(637905)
329	04/04/2008	(640212)
330	04/04/2008	(640783)
331	04/09/2008	(641666)
332	04/09/2008	(641681)
333	04/10/2008	(680347)
334	04/17/2008	(653311)
335	04/30/2008	(640815)
336	04/30/2008	(641819)
337	04/30/2008	(653939)
338	05/16/2008	(653953)
339	05/19/2008	(639382)
340	06/06/2008	(640956)
341	06/25/2008	(682772)
342	07/21/2008	(685742)
343	07/21/2008	(687073)
344	07/23/2008	(686359)
345	08/01/2008	(687062)
346	08/01/2008	(687867)
347	08/11/2008	(689155)
348	08/27/2008	(700348)
349	09/20/2008	(702288)
350	09/24/2008	(699681)
351	10/01/2008	(703544)
352	10/01/2008	(703696)
353	10/01/2008	(703971)
354	10/03/2008	(688505)
355	10/03/2008	(688528)
356	10/03/2008	(688665)
357	10/03/2008	(688675)
358	10/30/2008	(706377)
359	11/21/2008	(706390)
360	12/04/2008	(707940)
361	12/17/2008	(700784)
362	01/21/2009	(709192)
363	02/03/2009	(723350)
364	02/06/2009	(709033)
365	02/13/2009	(709189)
366	02/18/2009	(709028)
367	02/20/2009	(709032)
368	02/20/2009	(709498)
369	02/20/2009	(709539)
370	02/20/2009	(710155)
371	02/20/2009	(710201)
372	02/27/2009	(735795)

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

Date: 03/18/2004 (257314)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 5682A SC 1

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)
Rqmt Prov: PA 5920A SC(6)(E)
Description: Failure to conduct second quarter cylinder gas audit in 2003, for unit 9, F-4 crude heater.

Date: 03/31/2004 (296407)

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)

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)

Rqmt Prov: PERMIT Permit No. 21265, Special Condition #4.B

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

Date: 04/30/2004 (296410)

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)

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)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT No. 22690 and PSD-TX-751M1, S.C. #1

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

Date: 07/12/2004 (259068)

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)

Rqmt Prov: PERMIT Air Permit #5682A/PSD-TX-103M2 SC #1

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

Date: 08/31/2004 (271547)

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)

Rqmt Prov: PERMIT No. 5682A and PSD-TX-103M2, S.C. 1

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

Date: 12/30/2004 (345626)

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)

Self Report? NO 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 and PSD-TX-103M2, S.C. #1
Description: Failure to maintain cooling water flow to debutanizer resulting in unauthorized emissions.

Date: 01/31/2005 (382045)
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)
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)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT SC 12
Description: Failure to properly control the torch oil atomizing steam injection rate.

Date: 05/04/2006 (461458)
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)
Rqmt Prov: PERMIT Special Condition 1
Description: Failure to keep emissions of SO2 and CO from the Coker Flare within their Maximum Allowable Emission Rate limits under TCEQ Air Permit No. 5920A.

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

Date: 06/16/2006 (462319)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 12
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)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failure to prevent overpressures in Units 7 and 35.

Date: 06/28/2006 (480326)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 12
Description: Failed to properly design the electrostatic precipitator.

Date: 07/07/2006 (460719)
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)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 12

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

Date: 07/31/2006 (484998)

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)

Rqmt Prov: PERMIT Special Condition 1

Description: Failure to prevent an avoidable emissions event.

Date: 08/29/2006 (485092)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 1

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)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 12

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

Date: 12/11/2006 (514770)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 6

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)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 12

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)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 1

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

Date: 01/26/2007 (535014)

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)

Rqmt Prov: PERMIT TCEQ Air Permit No. 75864, GC #8

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)
 Rqmt Prov: PERMIT Special Condition 12
 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)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT Special Condition 1
 Description: The RE failed to prevent a leak caused by avoidable corrosion.
 Date: 01/29/2007 (531242)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT General Condition 2
 Description: The RE failed to promptly refill the Coker Flare water seal following a pressure spike.
 Date: 03/30/2007 (541806)

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)
 Rqmt Prov: PERMIT TCEQ Air Permit No. 49140, SC #12
 Description: Chevron failed to control excess opacity.
 Date: 04/04/2007 (553900)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit No. 75864, GC #8
 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)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT Special Condition 1
 Description: The RE failed to prevent a coke conveyor belt fire.
 Date: 05/22/2007 (555841)

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)

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)

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)
 Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 30513, Special Condition 15F
 PERMIT Permit 49140, Special Condition 6F
 PERMIT Permit 5920A, Special Condition 16F

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)
 Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 18142, Special Condition 7H
 PERMIT Permit 22086, Special Condition 6H
 PERMIT Permit 49140, Special Condition 6H
 PERMIT Permit 5920A Special Condition 17H

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)
 Rqmt Prov: OP FOP O-01626, ST&C 1A

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)
 Rqmt Prov: OP FOP O-01626, ST&C 1A
 OP FOP O-01626, ST&C 1N(v)

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)
 Rqmt Prov: OP FOP O-01626, ST&C 19
 OP FOP O-01626, ST&C 1A
 PERMIT Permit 18142, Special Condition 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

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)
 Rqmt Prov: OP FOP O-01626, ST&C 19
 PERMIT Permit 49140, Special Condition 12

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)
 Rqmt Prov: OP FOP O-01626, ST&C 1A

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)

Rqmt Prov:	5C THC Chapter 382, SubChapter A 382.085(b) OP FOP O-01626, ST&C 19 OP FOP O-01626, ST&C 1A PERMIT Permit 49140, Special Condition 14B		
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)		
Rqmt Prov:	OP FOP O-01626, ST&C 19 OP FOP O-01626, ST&C 1A PERMIT Permit 5920A, Special Condition 3		
Description:	Failure to comply with the 162 ppm H2S 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)		
Rqmt Prov:	OP FOP O-01626, ST&C 19 PERMIT Permit 49140, Special Condition 12		
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)		
Rqmt Prov:	OP FOP O-01626, ST&C 1A		
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)		
Rqmt Prov:	OP FOP O-01626, ST&C 1A		
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)		
Rqmt Prov:	OP FOP O-01626, ST&C 19 OP FOP O-01626, ST&C 1A PERMIT Permit 18142, Special Condition 7F PERMIT Permit 49140, Special Condition 6F PERMIT Permit 5920A, Special Condition 17F		
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)		
Rqmt Prov:	OP FOP O-01626, ST&C 19 OP FOP O-01626, ST&C 1A PERMIT Permit 49140, Special Condition 12		
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)		
Rqmt Prov:	OP FOP O-01626, ST&C 19 OP FOP O-01626, ST&C 1A PERMIT Permit 49140, Special Condition 14		
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)		
Rqmt Prov:	OP FOP O-01626 General Terms and Conditions		

Description:	Failure to include all deviations in the deviation reports.	Classification:	Moderate
Date:	09/30/2007 (607620)		
Self Report?	YES		
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)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125		
Rqmt Prov:	PERMIT PP V-A-1		
Description:	Permitted units were not marked with the TCEQ permit numbers.		
Date:	12/18/2007 (613193)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Permit No. 21265, GC #8		
Description:	Failure to prevent valve malfunctioning.		
Date:	01/07/2008 (557934)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT No. 5920A, S.C. No. 1		
Description:	ConocoPhillips exceeded the MAERT limit for NOx emission.		
Date:	02/15/2008 (617395)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Permit No. 49140, SC #1		
Description:	Conoco failed to prevent a valve fitting blow out.		
Date:	04/02/2008 (640059)	Classification:	Moderate
Self Report?	NO		
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)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Air Permit No. 49140, SC #12		
Description:	Failure to control excess opacity.		
Date:	04/04/2008 (640212)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Permit No. 21265, GC #8		
Description:	Failure to prevent failure of #2 chamber valve pin.		
Date:	06/25/2008 (682772)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter F 116.615(2) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Standard Permit No. 75864, GC #8		
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)		
Rqmt Prov:	PERMIT TCEQ Permit No. 5920A, SC #1		
Description:	ConocoPhillips failed to prevent the shutdown of the unit charge pump.		
Date:	07/22/2008 (686359)	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT WQ00721-002		
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)

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)

Rqmt Prov: OP General Terms and Conditions

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)

Rqmt Prov: OP General Terms and Conditions

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

Date: 02/06/2009 (709033)

Self Report? NO

Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition #12

Description: Failure to prevent excess opacity. The regulated entity failed to prevent the malfunction of the rapper system microprocessor.

Date: 02/20/2009 (709032)

Self Report? NO

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failure to prevent unauthorized emissions. The regulated entity (RE) failed to prevent the overloading of the Regenerative Thermal Oxidizer (RTO) with volatile organic compounds (VOC).

Self Report? NO

Classification: Minor

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

Description: Failure to include permit number authorization in the incident report.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN101619179

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0301-AIR-E

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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant 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. During a record review investigation conducted on November 21, 2008, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 206.97 pounds ("lbs") of hydrogen sulfide, 19,078.45 lbs of sulfur dioxide from the Diethanolamine flare; 2,669.74 lbs of sulfur dioxide from the tail gas incinerator; 59.97 lbs of hydrogen sulfide and 5,554.80 lbs of sulfur dioxide from the sour water stripper flare were released into the atmosphere due to operator error in not bypassing the Fail Safe Controller during a maintenance activity, which caused the shutdown sequence resulting in the routing of gases to the flare during Incident No. 114838. The emissions event occurred on September 30, 2008 and lasted two hours and 40 minutes.
4. The Respondent received notice of the violations on February 23, 2009.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Air Permit No. 5290A, Special Condition No. 1. Since the emissions event was avoidable by better maintenance practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Ten Thousand Dollar (\$10,000) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any

manner from requiring corrective actions or penalties for other violations that 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. 2009-0301-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures and/or training designed to prevent bypassing the Fail Safe Controller during maintenance activities to prevent the recurrence of emissions events due to the same cause as the emissions event that began on September 30, 2008; 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 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

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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/24/2009
Date

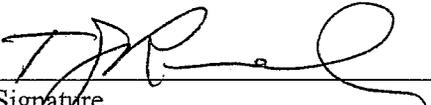
I, the undersigned, have read and understand the attached Agreed Order in the matter of ConocoPhillips Company. I am authorized to agree to the attached Agreed Order on behalf of ConocoPhillips Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting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

I understand that by entering into this Agreed Order, ConocoPhillips Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

6/2/09

Date

T J Rich

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

General 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.