

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-0489-AIR-E **TCEQ ID:** RN100209857 **CASE NO.:** 37425  
**RESPONDENT NAME:** Chevron Phillips Chemical Company LP

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chevron Phillips Chemical Port Arthur Facility, 2001 Gulfway Drive, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0389-AIR-E and 2009-0221-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 24, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. J. T. Becker, Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 1547, Port Arthur, Texas 77641  Mr. Ron Deakins, Vice President, Operations, Chevron Phillips Chemical Company LP, P.O. Box 1547, Port Arthur, Texas 77641  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 14, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 10, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions during Incident No. 105342. Specifically, the following unauthorized emissions were released from Flare 17 during a planned shut-down activity that started on March 28, 2008 and ended on May 15, 2008: 810.83 pounds ("lbs") of benzene, 485.83 lbs of carbon monoxide, 356.09 lbs of cumene, 125.79 lbs of diisopropylbenzene, 67.26 lbs of nitrogen oxides, 62.45 lbs of volatile organic compounds, 40.92 lbs of propane, and 20 lbs of propylene. Since the incident was not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [Air Permit No. 18568, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to properly report Incident No. 105342. Specifically, the final report for the planned shut-down activity was due to be submitted by May 29, 2008; however, it was not submitted until July 2, 2008 [30 TEX. ADMIN. CODE § 101.211(b) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,034</p> <p><b>Total Deferred:</b> \$1,606  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$6,428</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that incidents are properly reported; 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 a.</p>

Additional ID No(s): JE0508W



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

ICEQ

DATES	Assigned	30-Mar-2009	Screening	8-Apr-2009	EPA Due	7-Nov-2009
	PCW	8-Apr-2009		8-Apr-2009		7-Nov-2009

### RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN100209857		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

### CASE INFORMATION

Enf./Case ID No.	37425	No. of Violations	2
Docket No.	2009-0489-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
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**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Penalty enhancement due to six NOVs issued for same or similar violations, two NOVs issued for unrelated violations, four agreed orders with a denial of liability, and four agreed orders without a denial of liability. Penalty reduction due to five Notices of Intended Audits submitted.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
Approx. Cost of Compliance

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 8-Apr-2009

Docket No. 2009-0489-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 37425

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

**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)	6	30%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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	4	100%
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 judgments 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)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 209%

>> 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 six NOVs issued for same or similar violations, two NOVs issued for unrelated violations, four agreed orders with a denial of liability, and four agreed orders without a denial of liability. Penalty reduction due to five Notices of Intended Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 209%

<b>Screening Date</b> 8-Apr-2009	<b>Docket No.</b> 2009-0489-AIR-E	<b>PCW</b>	
<b>Respondent</b> Chevron Phillips Chemical Company LP	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37425	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100209857			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Rebecca Johnson			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	Air Permit No. 18568, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to prevent unauthorized emissions during Incident No. 105342. Specifically, the following unauthorized emissions were released from Flare 17 during a planned shut-down activity that started on March 28, 2008 and ended on May 15, 2008: 810.83 pounds ("lbs") of benzene, 485.83 lbs of carbon monoxide, 356.09 lbs of cumene, 125.79 lbs of diisopropylbenzene, 67.26 lbs of nitrogen oxides, 62.45 lbs of volatile organic compounds, 40.92 lbs of propane, and 20 lbs of propylene. Since the incident was not properly reported, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.		
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>Harm</b>			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>		<input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>			
<b>Falsification</b>			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Percent</b>		<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.		
<b>Adjustment</b>		<input type="text" value="\$7,500"/>	
		<input type="text" value="\$2,500"/>	
<b>Violation Events</b>			
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<input type="text" value="48"/>
		<b>Number of violation days</b>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<input type="text" value="2,500"/>			<input type="text" value="\$2,500"/>
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$0"/>
<b>0.0% Reduction</b>			
<small>Before NOV    NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>		<input type="text" value="\$2,500"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		<b>Violation Final Penalty Total</b>	
<input type="text" value="\$0"/>		<input type="text" value="\$7,725"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$7,725"/>	

### Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 37425  
**Reg. Ent. Reference No.** RN100209857  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included in Violation No. 2.

**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 \$0

TOTAL \$0

<b>Screening Date</b> 8-Apr-2009	<b>Docket No.</b> 2009-0489-AIR-E	<b>PCW</b>			
<b>Respondent</b> Chevron Phillips Chemical Company LP	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 37425	<small>PCW Revision October 30, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN100209857					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Rebecca Johnson					
<b>Violation Number</b> 2					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.211(b) and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to properly report Incident No. 105342. Specifically, the final report for the planned shut-down activity was due to be submitted by May 29, 2008, however, it was not submitted until July 2, 2008.				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> 0%	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	X
				<b>Percent</b> 1%	
<b>Matrix Notes</b>	Less than 30% of the reporting requirements were not met.				
<b>Adjustment</b>				\$9,900	
				\$100	
<b>Violation Events</b>					
		Number of Violation Events	1	34	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>			<b>Violation Base Penalty</b> \$100
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	X			
One single event is recommended based on the one final report that was submitted late.					
<b>Good Faith Efforts to Comply</b>		0.0% Reduction		\$0	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	X	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$100	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$20	<b>Violation Final Penalty Total</b> \$309		
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$309		

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 37425  
**Reg. Ent. Reference No.** RN100209857  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$200	29-May-2008	7-Nov-2009	1.44	\$1	\$19	\$20
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to prevent unauthorized emissions and implement measures designed to ensure that final reports are properly submitted. The date required is the date the final report for Incident No. 105342 was due to be submitted and was not. The final date is the projected date corrective actions will 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 \$200

TOTAL \$20

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600303614 Chevron Phillips Chemical Company LP Classification: AVERAGE Rating: 3.12  
Regulated Entity: RN100209857 CHEVRON PHILLIPS CHEMICAL PORT ARTHUR FACILITY Classification: AVERAGE Site Rating: 21.65

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0508W
	AIR OPERATING PERMITS	PERMIT	1235
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0508W
	AIR NEW SOURCE PERMITS	PERMIT	18568
	AIR NEW SOURCE PERMITS	PERMIT	21101
	AIR NEW SOURCE PERMITS	PERMIT	24266
	AIR NEW SOURCE PERMITS	PERMIT	32713
	AIR NEW SOURCE PERMITS	REGISTRATION	83968
	AIR NEW SOURCE PERMITS	REGISTRATION	76323
	AIR NEW SOURCE PERMITS	REGISTRATION	76324
	AIR NEW SOURCE PERMITS	REGISTRATION	76321
	AIR NEW SOURCE PERMITS	AFS NUM	4824500162
	AIR NEW SOURCE PERMITS	REGISTRATION	73945
	AIR NEW SOURCE PERMITS	REGISTRATION	78071
	AIR NEW SOURCE PERMITS	REGISTRATION	77954
	AIR NEW SOURCE PERMITS	REGISTRATION	78021
	AIR NEW SOURCE PERMITS	REGISTRATION	78162
	AIR NEW SOURCE PERMITS	REGISTRATION	78143
	AIR NEW SOURCE PERMITS	REGISTRATION	79446
	AIR NEW SOURCE PERMITS	REGISTRATION	79030
	AIR NEW SOURCE PERMITS	REGISTRATION	79568
	AIR NEW SOURCE PERMITS	REGISTRATION	80459
	AIR NEW SOURCE PERMITS	REGISTRATION	80392
	AIR NEW SOURCE PERMITS	REGISTRATION	80781
	AIR NEW SOURCE PERMITS	REGISTRATION	80939
	AIR NEW SOURCE PERMITS	REGISTRATION	81433
	AIR NEW SOURCE PERMITS	REGISTRATION	81329
	AIR NEW SOURCE PERMITS	REGISTRATION	81205
	AIR NEW SOURCE PERMITS	REGISTRATION	80886
	AIR NEW SOURCE PERMITS	REGISTRATION	82948
	AIR NEW SOURCE PERMITS	PERMIT	83741
	AIR NEW SOURCE PERMITS	REGISTRATION	83797
	AIR NEW SOURCE PERMITS	REGISTRATION	82949
	AIR NEW SOURCE PERMITS	REGISTRATION	82950

AIR NEW SOURCE PERMITS	REGISTRATION	84494
AIR NEW SOURCE PERMITS	REGISTRATION	85115
AIR NEW SOURCE PERMITS	REGISTRATION	84274
AIR NEW SOURCE PERMITS	REGISTRATION	82951
AIR NEW SOURCE PERMITS	REGISTRATION	82603
AIR NEW SOURCE PERMITS	REGISTRATION	85121
AIR NEW SOURCE PERMITS	REGISTRATION	85122
AIR NEW SOURCE PERMITS	REGISTRATION	86391
AIR NEW SOURCE PERMITS	REGISTRATION	83220
AIR NEW SOURCE PERMITS	REGISTRATION	82952
AIR NEW SOURCE PERMITS	REGISTRATION	87113
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000004390
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83963
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83963

Location: 2001 GULFWAY DR, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 06, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 06, 2004 to April 06, 2009

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

Name: Rebecca Johnson Phone: (361) 825-3420

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator 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: 11/24/2005

ADMINORDER 2003-0646-AIR-E

Classification: Moderate

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

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 21101, Special Condition 14 PERMIT

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

Classification: Minor

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

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

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

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: 32713, Special Condition 15 PERMIT

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

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18

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

Rqmt Prov: 5215A, Special Condition 5 PERMIT

Description: Failure to operate the Cumene Unit process flare.

Classification: Moderate

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

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

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

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

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

Rqmt Prov: Permit 21101, Special Condition 14 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 21101, Special Condition 1 PERMIT

Description: Failed to prevent authorized emissions on August 18, 2003 at the #24 Flare.

Effective Date: 02/05/2006

ADMINORDER 2004-1533-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(g)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(h)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(j)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(f)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(g)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(h)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(j)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Minor

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

Rqmt Prov: 5215A, Special Condition 5 PA

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

Classification: Minor

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

Description: Allowed unauthorized emissions.

Classification: Minor

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

Description: Failed to satisfy a Permit by Rule condition.

Classification: Minor

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

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

Classification: Major

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

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

Description: Failed to obtain authorization for air emissions.

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT

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

**Effective Date: 02/20/2006**

**ADMINORDER 2005-0406-AIR-E**

Classification: Moderate

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

Rqmt Prov: PI-8 PERMIT

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

**Effective Date: 04/29/2006**

**ADMINORDER 2005-1808-AIR-E**

Classification: Minor

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

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

Rqmt Prov: 21101, General Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits.

**Effective Date: 07/14/2006**

**ADMINORDER 2006-0023-AIR-E**

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 21101 PERMIT

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

**Effective Date: 11/09/2007**

**ADMINORDER 2007-0404-AIR-E**

Classification: Minor

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

Description: Failure to comply with the reporting requirements found in 30 TAC 101.201.

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: 21101 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Minor

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

Description: Failure to identify the correct agency established EPN and the correct authorized emissions for Flare 24 (EPN: E-24-Flare) in the Final Report for an emissions event (Incident # 76193) which occurred on May 19, 2006 in the Ethylene Unit 1544.

**Effective Date: 07/03/2008**

**ADMINORDER 2007-1514-AIR-E**

Classification: Moderate

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-01235, General Terms and Condition OP  
FOP O-01235, Special Condition 21 OP  
FOP O-01235, Special Condition 21 OP  
NSR Permit 21101, Special Condition 8 PERMIT

Description: Failed to comply with the permitted emissions limits.

Classification: Moderate

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 list the compound descriptive type for an emissions event and to furnish the correct authorized emission limit.

**Effective Date: 12/20/2008**

**ADMINORDER 2006-1598-AIR-E**

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 01235 OP

Description: Failed to limit emissions to the PBR authorizations. Specifically, an analyzer without a flame ionization detector was installed at Ethylene Unit 1544, but its emissions were not registered with the agency.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 113, SubChapter C 113.520  
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)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT J 61.112(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 21101 PERMIT  
O1235 OP

Description: Failed to equip each open-ended line with a cap, blind flange, plug, or a second valve. Specifically, during a period from February 23, 2005 through February 9, 2006, 98 components were identified without sealing devices.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(D)  
30 TAC Chapter 106, SubChapter T 106.452(2)(E)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

Description: Failed to register an outside blast cleaning facility with the TCEQ using Form PI-7 and failure to receive written site approval from the executive director prior to construction. Specifically, a

completed PI-7 was not submitted and approved for the DACF prior to construction.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

Description: Failed to maintain records required for PBRs. Specifically, fugitive emissions monitoring records, calibration records, abrasive usage records, and operating hours records were not maintained.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(f)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 01235 OP

Description: Failed to comply with CO emission limitations at Boiler BA-118. Specifically, the 24-hour rolling average limit of 400 ppmv for CO was exceeded for nine hours on September 16, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.1  
30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 106, SubChapter A 106.6(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

Description: Failed to comply with the maximum emission rates as certified in the application for a Permit by Rule (PBR). Specifically, the 12-month rolling average limits for VOCs were exceeded under three PBRs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 106, SubChapter A 106.6(c)  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
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: O1235 OP

Description: Failed to monitor fugitive components as required by the applicable PBR.

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	05/07/2004	(264932)
2	05/12/2004	(266872)
3	05/14/2004	(268767)
4	05/21/2004	(270623)
5	05/27/2004	(269047)
6	05/27/2004	(269429)
7	07/07/2004	(277842)
8	07/07/2004	(277866)
9	07/07/2004	(278397)
10	08/31/2004	(292814)
11	10/20/2004	(334660)
12	10/20/2004	(334670)
13	10/20/2004	(335672)
14	11/12/2004	(336801)
15	12/10/2004	(341172)
16	02/02/2005	(342775)
17	02/22/2005	(371695)
18	02/23/2005	(349112)
19	02/25/2005	(346983)

20	03/29/2005	(349695)
21	03/29/2005	(372068)
22	03/29/2005	(372071)
23	04/20/2005	(373914)
24	04/20/2005	(375210)
25	04/20/2005	(375692)
26	04/20/2005	(375919)
27	04/20/2005	(375928)
28	04/20/2005	(376051)
29	04/20/2005	(377313)
30	04/20/2005	(378099)
31	04/28/2005	(350987)
32	06/07/2005	(394217)
33	06/07/2005	(394278)
34	06/15/2005	(392859)
35	07/19/2005	(397037)
36	08/31/2005	(348609)
37	11/15/2005	(435694)
38	12/21/2005	(436261)
39	12/22/2005	(450202)
40	02/28/2006	(437666)
41	04/26/2006	(406843)
42	05/30/2006	(463478)
43	08/28/2006	(488322)
44	08/28/2006	(489560)
45	08/31/2006	(458241)
46	08/31/2006	(488575)
47	11/28/2006	(517158)
48	11/29/2006	(514240)
49	11/29/2006	(516808)
50	12/05/2006	(519672)
51	12/11/2006	(532265)
52	12/28/2006	(341362)
53	12/28/2006	(374971)
54	12/28/2006	(534760)
55	01/11/2007	(486288)
56	05/14/2007	(554939)
57	05/16/2007	(555965)
58	05/21/2007	(556453)
59	05/21/2007	(556743)
60	05/23/2007	(559175)
61	07/09/2007	(560572)
62	08/28/2007	(563168)
63	10/03/2007	(594932)
64	10/10/2007	(571849)
65	10/15/2007	(573350)
66	10/22/2007	(573439)
67	03/05/2008	(616484)
68	04/06/2008	(616137)
69	05/27/2008	(671309)
70	06/13/2008	(653659)
71	06/13/2008	(653679)
72	06/13/2008	(653682)
73	06/18/2008	(653647)
74	06/18/2008	(653652)
75	06/18/2008	(653689)
76	06/19/2008	(653603)
77	06/26/2008	(654341)
78	07/21/2008	(685979)

79 08/15/2008 (671234)  
 80 08/25/2008 (684503)  
 81 08/26/2008 (684779)  
 82 11/20/2008 (701001)  
 83 11/20/2008 (702196)  
 84 12/05/2008 (708622)  
 85 01/15/2009 (710264)  
 86 01/21/2009 (709592)  
 87 01/26/2009 (708989)  
 88 01/28/2009 (721275)  
 89 01/29/2009 (721606)  
 90 02/10/2009 (686371)  
 91 02/20/2009 (724927)  
 92 03/10/2009 (725637)  
 93 03/24/2009 (739143)  
 94 04/06/2009 (740619)

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

**Date: 05/21/2004 (270623)**

Self Report? NO

Classification: Moderate

Citation: 21101 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with MAER limits.

**Date: 11/29/2006 (514240)**

Self Report? NO

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 NNN 60.665(l)(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 1235 Special Condition 1A OP  
 Permit 21101 Special Condition 1 PERMIT

Description: Failure to report a flare pilot outage on an NSPS semi-annual report. Minor C,3

Self Report? NO

Classification: Moderate

Citation: 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)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 1235 Special Condition 1A OP  
 Permit 21101/Special Condition 14 PERMIT

Description: Failure to operate Flare 24 with a pilot flame at all times. MOD,B18

Self Report? NO

Classification: Minor

Citation: 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 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(F)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 1235 Special Condition 10K OP  
 Permit 21101 Special Condition 2C PERMIT

Description: Failure to report a flare pilot outage on a NESHAP Report. Minor C,3

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP 1235 Special Condition 26 OP

Description: Failure to submit all of the required information in the excess emissions report for the reporting period of 07/01/2005 through 12/31/2005. Minor C,3  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP 1235 Special Condition 26 OP  
Description: Failure to submit a semi-annual report in a timely manner. Minor C,3

Date: 05/16/2007 (555965)

Self Report? NO Classification: Moderate  
Citation: 21101 Special Condition 1A PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
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 VV 60.482-8(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP 1235 General Terms and Conditions OP  
FOP 1235 Special Condition 21 OP

Description: Failure to make a first attempt repair on a leaking component within five days.  
EIC B1 MOD 2(E)

Self Report? NO Classification: Minor  
Citation: 21101 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(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)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP 1235 OP

Description: Failure to maintain a sealing device on an open ended line. EIC C(4) MIN (3)  
(D)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.262  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP 1235 Special Condition 22 OP

Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B(4) MOD 2(B)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP 1235 General Terms and Conditions OP

Description: Failure to report deviations on two separate semi-annual deviation reports for the reporting periods of February 16, 2006, through August 17, 2006, and August 18, 2006, through February 15, 2007. EIC B(3) MOD 2(B)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP 1235 General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the periods of February 16, 2005, through February 15, 2006, and February 16, 2006, through February 15, 2007. EIC B(3) MOD 2(B)

Date: 06/20/2008 (653603)

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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235, General Terms and Condition OP  
FOP O-01235, Special Condition 1A OP  
FOP O-01235, Special Condition 21 OP  
NSR Permit 21101, Special Condition 14 PERMIT  
NSR Permit 21101, Special Condition 1B PERMIT  
NSR Permit 21101, Special Condition 1C PERMIT  
NSR Permit 21101, Special Condition 2C PERMIT

Description: Failure to operate Flare 24 with a pilot flame at all times. EIC B,18 MOD 2,G

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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235, General Terms and Condition OP  
FOP O-01235, Special Condition 1A OP  
FOP O-01235, Special Condition 21 OP  
NSR Permit 21101, Special Condition 1A PERMIT

Description: Failure to perform the second follow-up monitoring on Tag Number 48604. EIC B,1 MOD 2,A

Date: 08/15/2008 (671234)

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-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 18568, Special Condition 10D PERMIT

Description: Failure to calibrate the Hydrocarbon Vapor Recovery Unit (HVRU) prior to loading operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
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)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Condition OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 18568 Special Condition 4 PERMIT  
NSR Permit 21101 Special Condition 1A PERMIT  
NSR Permit 21101 Special Condition 2A PERMIT

Description: Failure to maintain a sealing device on an open ended line. EIC C10 MOD 2D

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)  
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 60.486(b)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 21 OP

NSR Permit 21101 SC 1A and 2A PERMIT  
 NSR Permit 21101 Special Condition 17H PERMIT  
 NSR Permit 21101 Special Condition 19 PERMIT

Description: Failure to tag components on Delay of Repair (DOR). EIC C3 MOD 2B  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(E)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01235 General Terms and Conditions OP  
 FOP O-01235 Special Condition 1A OP  
 FOP O-01235 Special Condition 20 OP  
 FOP O-01235 Special Condition 21 OP

Description: Failure to maintain a free-board ratio greater than 0.71 for Degreasers 1 and 2.  
 EIC B18 MOD 2G

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01235 General Terms and Conditions OP  
 FOP O-01235 Special Condition 20 OP

Description: Failure to inspect Degreasers 1 and 2 on a monthly basis and to maintain records  
 demonstrating inspection. EIC B1 MOD 2A

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01235 General Terms and Conditions OP  
 FOP O-01235 Special Condition 2F OP

Description: Failure to create a final record of the non-reportable emission event experienced  
 by the facility on December 6, 2007. EIC B3 MOD 2B

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01235 General Terms and Conditions OP  
 FOP O-01235 Special Condition 22 OP

Description: Failure to provide notification within ten days following the installation or  
 modification of facilities. EIC B4 MOD 2B

Self Report? NO Classification: Moderate  
 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)  
 FOP O-01235 General Terms and Conditions OP

Description: Failure to report deviations on several semi-annual deviation reports. EIC B3  
 MOD 2G

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01235 General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the periods of  
 February 16, 2005, through February 15, 2006; February 16, 2006, through  
 February 15, 2007; and February 16, 2007, through February 15, 2008. EIC B3  
 MOD 2G

**Date: 11/18/2008 (708622)**

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-01235 General Terms and Conditions OP  
 FOP O-01235 Special Condition 21 OP  
 NSR Permit 18568, Special Condition 10D PERMIT

Description: Failure to calibrate the Hydrocarbon Vapor Recovery Unit (HVRU) prior to loading

operations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130

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)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Condition OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 18568 Special Condition 4 PERMIT  
NSR Permit 21101 Special Condition 1A PERMIT  
NSR Permit 21101 Special Condition 2A PERMIT

Description: Failure to maintain a sealing device on an open ended line. EIC C10 MOD 2D  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)  
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 60.486(b)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 21101 SC 1A and 2A PERMIT  
NSR Permit 21101 Special Condition 17H PERMIT  
NSR Permit 21101 Special Condition 19 PERMIT

Description: Failure to tag components on Delay of Repair (DOR). EIC C3 MOD 2B  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(E)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 20 OP  
FOP O-01235 Special Condition 21 OP

Description: Failure to maintain a free-board ratio greater than 0.71 for Degreasers 1 and 2.  
EIC B18 MOD 2G

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 20 OP

Description: Failure to inspect Degreasers 1 and 2 on a monthly basis and to maintain records  
demonstrating inspection. EIC B1 MOD 2A

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 2F OP

Description: Failure to create a final record of the non-reportable emission event experienced  
by the facility on December 6, 2007. EIC B3 MOD 2B

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 22 OP

Description: Failure to provide notification within ten days following the installation or  
modification of facilities. EIC B4 MOD 2B

Self Report? NO Classification: Moderate  
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)  
FOP O-01235 General Terms and Conditions OP  
Description: Failure to report deviations on several semi-annual deviation reports. EIC B3  
MOD 2G

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
Description: Failure to accurately certify an Annual Compliance Certification for the periods of  
February 16, 2005, through February 15, 2006; February 16, 2006, through  
February 15, 2007; and February 16, 2007, through February 15, 2008. EIC B3  
MOD 2G

**Date: 12/07/2008 (710264)**

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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235, General Terms and Condition OP  
FOP O-01235, Special Condition 1A OP  
FOP O-01235, Special Condition 21 OP  
NSR Permit 21101, Special Condition 14 PERMIT  
NSR Permit 21101, Special Condition 1B PERMIT  
NSR Permit 21101, Special Condition 1C PERMIT  
NSR Permit 21101, Special Condition 2C PERMIT

Description: Failure to operate Flare 24 with a pilot flame at all times. EIC B,18 MOD 2,G  
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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235, General Terms and Condition OP  
FOP O-01235, Special Condition 1A OP  
FOP O-01235, Special Condition 21 OP  
NSR Permit 21101, Special Condition 1A PERMIT

Description: Failure to perform the second follow-up monitoring on Tag Number 48604. EIC  
B,1 MOD 2,A

**Date: 01/28/2009 (721275)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 1A OP

Description: Failure to submit Continuous Emission Monitoring Systems (CEMS) Relative  
Accuracy Test Audits (RATAs) for Emission Point Numbers (EPNs) E-01A-1544,  
E-02A-1544, E-03A-1544, E-04A-1544, and E-05A-144, in a timely manner. EIC  
C, 3 MOD 2, D

F. Environmental audits.

Notice of Intent Date: 09/17/2004 (347257)

No DOV Associated

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

No DOV Associated

Notice of Intent Date: 11/06/2006 (534260)

No DOV Associated

Notice of Intent Date: 08/30/2007 (595568)

No DOV Associated

Notice of Intent Date: 02/16/2009 (739498)

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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-0489-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 2001 Gulfway Drive in Port Arthur, Jefferson 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 February 15, 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 Eight Thousand Thirty-Four Dollars (\$8,034) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Six Thousand Four Hundred Twenty-Eight Dollars (\$6,428) of the administrative penalty and One Thousand Six Hundred Six Dollars (\$1,606) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions during Incident No. 105342, in violation of Air Permit No. 18568, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 14, 2008. Specifically, the following unauthorized emissions were released from Flare 17 during a planned shut-down activity that started on March 28, 2008 and ended on May 15, 2008: 810.83 pounds ("lbs") of benzene, 485.83 lbs of carbon monoxide, 356.09 lbs of cumene, 125.79 lbs of diisopropylbenzene, 67.26 lbs of nitrogen oxides, 62.45 lbs of volatile organic compounds, 40.92 lbs of propane, and 20 lbs of propylene. Since the incident was not properly reported, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
2. Failed to properly report Incident No. 105342, in violation of 30 TEX. ADMIN. CODE § 101.211(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 14, 2008. Specifically, the final report for the planned shut-down activity was due to be submitted by May 29, 2008, however, it was not submitted until July 2, 2008.

### 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. 2009-0489-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that incidents are properly reported; 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. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Miller  
\_\_\_\_\_  
For the Executive Director

8/3/2009  
\_\_\_\_\_  
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.

Ron Deakins  
\_\_\_\_\_  
Signature

6/3/2009  
\_\_\_\_\_  
Date

Ron Deakins  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Chevron Phillips Chemical Company LP

VP Operations  
\_\_\_\_\_  
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.

