

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-1203-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 38039  
**RESPONDENT NAME:** ConocoPhillips Company

<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> ConocoPhillips Sweeny Refinery, Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria County</p> <p><b>TYPE OF OPERATION:</b> Refinery</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 is one additional pending enforcement action regarding this facility location, Docket No. 2009-1481-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 December 21, 1009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Tom J. Rich, General Manager, ConocoPhillips Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701  <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> May 1, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 10, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, the Respondent released 988.7 pounds ("lbs") of sulfur dioxide, 751.85 lbs of carbon monoxide, 366 lbs of volatile organic compounds, 40.45 lbs of nitrogen oxide and 11 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to the shutdown of several units for repair. The use of a single size reduction carbon steel bushing is prohibited by company pipe specifications in all service applications. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b) and Permit No. 5920A, Special Condition No. 1].</p>	<p><b>Total Assessed:</b> \$16,975</p> <p><b>Total Deferred:</b> \$3,395  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$6,790</p> <p><b>Total Paid to General Revenue:</b> \$6,790</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>1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p> <p>2. The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that company design specifications for the Coker Unit piping are appropriately followed and understood; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): BL0042G

**Attachment A**  
**Docket Number: 2009-1203-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ConocoPhillips Company</b>
<b>Penalty Amount:</b>	<b>Thirteen Thousand Five Hundred Eighty Dollars (\$13,580)</b>
<b>SEP Offset Amount:</b>	<b>Six Thousand Seven Hundred Ninety Dollars (\$6,790)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas PTA – <i>Clean School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216 – Houston-Galveston</b>

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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



**2. Performance Schedule**

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

Texas Congress of Parents and Teachers dba Texas PTA  
Clean School Bus Program  
Suzy Swan, Director of Finance  
408 West 11<sup>th</sup> Street  
Austin, Texas 78707

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3087

**5. Publicity**

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



**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>TCEQ DATES</b>	Assigned	14-Jul-2009	Screening	29-Jul-2009	EPA Due	10-Apr-2010
	PCW	29-Jul-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN101619179		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38039	No. of Violations	1
Docket No.	2009-1203-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	579.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$14,475
Notes	Enhancement due to 37 NOVs with same or similar violations, 10 NOVs with unrelated violations, nine 1660 Agreed Orders and eight Findings Orders. Reduction due to two notice of audit letters submitted and two disclosures of violations.	
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b> \$0
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> \$0
<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b> \$0
Total EB Amounts	\$3,458	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$85,000	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$16,975
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b> \$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes		
	<b>Final Penalty Amount</b>	\$16,975
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> \$16,975
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b> -\$3,395
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		\$13,580

**Screening Date** 29-Jul-2009

**Docket No.** 2009-1203-AIR-E

**PCW**

**Respondent** ConocoPhillips Company

Policy Revision 2 (September 2002)

**Case ID No.** 38039

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101619179

**Media [Statute]** Air

**Enf. Coordinator** John Muennink

**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)	37	185%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 579%

>> **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**

Enhancement due to 37 NOVs with same or similar violations, 10 NOVs with unrelated violations, nine 1660 Agreed Orders and eight Findings Orders. Reduction due to two notice of audit letters submitted and two disclosures of violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 579%

<b>Screening Date</b> 29-Jul-2009	<b>Docket No.</b> 2009-1203-AIR-E	<b>PCW</b>															
<b>Respondent</b> ConocoPhillips Company		<small>Policy Revision 2 (September 2002)</small>															
<b>Case ID No.</b> 38039		<small>PCW Revision October 30, 2008</small>															
<b>Reg. Ent. Reference No.</b> RN101619179																	
<b>Media [Statute]</b> Air																	
<b>Enf. Coordinator</b> John Muennink																	
<b>Violation Number</b> 1																	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit No. 5920A, Special Condition No. 1																
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 988.7 pounds ("lbs") of sulfur dioxide, 751.85 lbs of carbon monoxide, 386 lbs of volatile organic compounds, 40.45 lbs of nitrogen oxide and 11 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to the shutdown of several units for repair. The use of a single size reduction carbon steel bushing is prohibited by company pipe specifications in all service applications. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.																
	<b>Base Penalty</b>	\$10,000															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
<b>OR</b>	<b>Release</b>	<b>Harm</b>															
		Major    Moderate    Minor															
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Percent</b> 25%														
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>															
<b>&gt;&gt; Programmatic Matrix</b>																	
	<b>Falsification</b>	Major    Moderate    Minor															
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> 0%														
<b>Matrix Notes</b>	Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.																
	<b>Adjustment</b>	\$7,500															
			<b>\$2,500</b>														
<b>Violation Events</b>																	
	<b>Number of Violation Events</b>	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2	<b>Number of violation days</b>														
	<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	<b>Violation Base Penalty</b> \$2,500
daily	<input type="checkbox"/>																
weekly	<input type="checkbox"/>																
monthly	<input type="checkbox"/>																
quarterly	<input checked="" type="checkbox"/>																
semiannual	<input type="checkbox"/>																
annual	<input type="checkbox"/>																
single event	<input type="checkbox"/>																
	One quarterly event is recommended based on the emissions event which occurred April 9 through 10, 2009.																
<b>Good Faith Efforts to Comply</b>			<b>\$0</b>														
	<b>0.0% Reduction</b>	<b>Before NOV</b> <b>NOV to EDRP/ISettlement Offer</b>															
	Extraordinary	<input type="checkbox"/> <input type="checkbox"/>															
	Ordinary	<input type="checkbox"/> <input type="checkbox"/>															
	N/A	<input checked="" type="checkbox"/> (mark with x)															
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																
	<b>Violation Subtotal</b>		<b>\$2,500</b>														
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>														
	<b>Estimated EB Amount</b>	\$3,458	<b>Violation Final Penalty Total</b> \$16,975														
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$16,975														

## Economic Benefit Worksheet

Respondent ConocoPhillips Company  
 Case ID No. 38039  
 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 coinsurance							
<b>Delayed Costs</b>							
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	\$10,000	9-Apr-2009	31-Jan-2010	0.81	\$407	n/a	\$407
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75,000	9-Apr-2009	31-Jan-2010	0.81	\$3,051	n/a	\$3,051

Notes for DELAYED costs: Estimated expense for additional oversight and to ensure that company design specifications for the Coker Unit piping are appropriately followed and understood. Date Required is the date of the emissions event. Final Date is the estimated date that corrective measures will be completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
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: \$85,000 TOTAL \$3,458

# 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	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	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	PERMIT	80806
AIR NEW SOURCE PERMITS	REGISTRATION	81104
AIR NEW SOURCE PERMITS	REGISTRATION	88376
AIR NEW SOURCE PERMITS	REGISTRATION	82689
AIR NEW SOURCE PERMITS	REGISTRATION	82601
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	2151
WASTEWATER	PERMIT	TX0007536
WASTEWATER	PERMIT	TX0007536000
WASTEWATER	PERMIT	WQ0000721000
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	20580
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50186
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50186
WASTEWATER LICENSING	LICENSE	WQ0000721000

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 16, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 16, 2004 to July 16, 2009

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

Name: John Muennink Phone: (361) 825-3423

### 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 judgments, 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

Effective Date: 03/12/2009

ADMINORDER 2008-0687-AIR-E

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was incident No. 103700.

Effective Date: 06/15/2009

ADMINORDER 2008-1890-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failure to prevent unauthorized emissions, specifically, Conoco failed to prevent a high level of hydrocarbons from traveling to the gas liquid knockout drum causing the Wet Gas Compressor to trip offline.

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	07/16/2004	(352589)
2	08/18/2004	(282244)
3	08/23/2004	(352590)
4	08/23/2004	(352593)
5	08/24/2004	(260558)
6	08/25/2004	(261423)
7	08/31/2004	(271547)
8	08/31/2004	(273961)
9	09/01/2004	(280584)
10	09/01/2004	(289795)
11	09/10/2004	(333346)
12	09/16/2004	(352591)

13	09/30/2004	(280855)
14	10/05/2004	(336659)
15	10/06/2004	(333698)
16	10/06/2004	(333804)
17	10/06/2004	(333805)
18	10/15/2004	(352592)
19	11/12/2004	(287686)
20	11/19/2004	(575777)
21	11/22/2004	(333524)
22	11/22/2004	(335609)
23	11/22/2004	(338077)
24	11/22/2004	(339194)
25	11/29/2004	(336272)
26	11/29/2004	(340359)
27	11/29/2004	(340845)
28	11/29/2004	(340851)
29	11/29/2004	(340915)
30	11/29/2004	(341065)
31	11/30/2004	(340792)
32	12/06/2004	(283487)
33	12/11/2004	(342577)
34	12/11/2004	(342599)
35	12/16/2004	(382048)
36	12/17/2004	(288102)
37	12/17/2004	(340488)
38	12/17/2004	(341910)
39	12/20/2004	(289506)
40	12/22/2004	(340482)
41	12/22/2004	(342153)
42	12/28/2004	(277696)
43	12/28/2004	(342422)
44	12/29/2004	(289466)
45	12/30/2004	(287859)
46	12/30/2004	(342412)
47	12/30/2004	(345294)
48	12/30/2004	(345296)
49	12/30/2004	(345297)
50	12/30/2004	(345626)
51	01/04/2005	(342579)
52	01/07/2005	(345295)
53	01/07/2005	(345299)
54	01/17/2005	(286211)
55	01/27/2005	(343576)
56	02/10/2005	(343557)
57	02/14/2005	(349255)
58	02/21/2005	(349952)
59	02/21/2005	(351188)
60	02/22/2005	(350692)
61	02/23/2005	(382045)
62	02/23/2005	(382046)
63	02/23/2005	(382047)
64	02/25/2005	(350491)
65	03/03/2005	(349462)
66	03/03/2005	(371965)
67	03/09/2005	(345300)
68	03/09/2005	(372280)
69	03/16/2005	(343615)
70	03/16/2005	(373194)
71	03/21/2005	(575759)

72	03/29/2005	(872022)
73	03/31/2005	(350563)
74	04/12/2005	(374970)
75	04/12/2005	(375119)
76	05/19/2005	(378252)
77	05/20/2005	(375132)
78	05/23/2005	(575764)
79	06/20/2005	(396218)
80	06/22/2005	(575766)
81	06/23/2005	(349036)
82	06/24/2005	(374887)
83	06/24/2005	(397011)
84	07/11/2005	(396156)
85	07/11/2005	(398367)
86	07/15/2005	(400176)
87	07/20/2005	(399359)
88	07/20/2005	(575770)
89	07/20/2005	(575772)
90	07/26/2005	(400458)
91	08/02/2005	(402413)
92	08/15/2005	(404591)
93	08/22/2005	(406298)
94	08/24/2005	(406619)
95	08/30/2005	(402698)
96	08/30/2005	(418482)
97	09/26/2005	(575773)
98	10/12/2005	(345293)
99	10/21/2005	(433893)
100	10/24/2005	(575775)
101	10/28/2005	(403331)
102	10/28/2005	(418688)
103	10/31/2005	(433354)
104	11/21/2005	(575778)
105	12/01/2005	(438294)
106	12/22/2005	(575780)
107	01/02/2006	(439019)
108	01/23/2006	(575782)
109	01/30/2006	(440119)
110	01/30/2006	(451619)
111	01/30/2006	(453505)
112	02/07/2006	(453152)
113	02/08/2006	(440116)
114	02/08/2006	(440354)
115	02/13/2006	(440416)
116	02/21/2006	(449529)
117	02/23/2006	(451390)
118	02/23/2006	(453702)
119	02/23/2006	(455205)
120	02/23/2006	(575757)
121	02/24/2006	(438289)
122	02/27/2006	(440305)
123	03/13/2006	(453717)
124	03/14/2006	(453727)
125	03/16/2006	(433352)
126	03/16/2006	(438820)
127	03/16/2006	(450930)
128	03/17/2006	(438894)
129	03/20/2006	(278774)
130	03/21/2006	(345285)



131	03/22/2006	(575760)
132	03/28/2006	(433648)
133	03/28/2006	(451496)
134	03/30/2006	(458137)
135	03/30/2006	(458160)
136	04/20/2006	(458139)
137	04/20/2006	(460114)
138	04/24/2006	(575762)
139	04/25/2006	(461497)
140	05/04/2006	(461458)
141	05/16/2006	(462220)
142	05/16/2006	(462319)
143	05/17/2006	(461841)
144	05/17/2006	(463612)
145	05/18/2006	(575765)
146	05/22/2006	(434378)
147	05/22/2006	(463514)
148	05/25/2006	(458131)
149	05/31/2006	(460763)
150	06/22/2006	(575767)
151	06/23/2006	(480400)
152	06/23/2006	(480579)
153	06/27/2006	(480326)
154	06/27/2006	(480331)
155	06/30/2006	(463704)
156	06/30/2006	(482027)
157	07/07/2006	(460719)
158	07/10/2006	(480119)
159	07/10/2006	(482038)
160	07/11/2006	(483052)
161	07/19/2006	(484922)
162	07/21/2006	(486875)
163	07/21/2006	(575768)
164	07/24/2006	(465685)
165	07/28/2006	(484927)
166	07/31/2006	(484998)
167	08/04/2006	(483248)
168	08/07/2006	(483230)
169	08/07/2006	(484904)
170	08/16/2006	(485078)
171	08/16/2006	(497297)
172	08/21/2006	(497477)
173	08/21/2006	(497714)
174	08/22/2006	(575771)
175	08/25/2006	(484989)
176	08/29/2006	(485092)
177	08/29/2006	(485973)
178	09/01/2006	(487285)
179	09/05/2006	(481595)
180	09/05/2006	(487182)
181	09/18/2006	(575774)
182	10/02/2006	(511382)
183	10/20/2006	(497684)
184	10/23/2006	(575776)
185	10/24/2006	(516622)
186	10/30/2006	(289180)
187	10/30/2006	(511381)
188	11/03/2006	(513963)
189	11/03/2006	(514125)

190	11/03/2006	(514242)
191	11/06/2006	(453818)
192	11/07/2006	(487028)
193	11/15/2006	(432050)
194	11/21/2006	(514771)
195	11/21/2006	(514871)
196	11/22/2006	(575779)
197	11/30/2006	(514772)
198	12/06/2006	(514931)
199	12/08/2006	(514770)
200	12/19/2006	(531219)
201	12/21/2006	(514890)
202	12/22/2006	(575781)
203	12/28/2006	(533933)
204	01/05/2007	(514904)
205	01/10/2007	(534506)
206	01/19/2007	(575783)
207	01/25/2007	(531232)
208	01/25/2007	(535014)
209	01/29/2007	(531242)
210	01/29/2007	(534512)
211	02/05/2007	(516120)
212	02/05/2007	(536784)
213	02/05/2007	(538614)
214	02/22/2007	(516228)
215	02/22/2007	(516309)
216	02/22/2007	(516368)
217	02/22/2007	(516413)
218	02/22/2007	(538168)
219	02/26/2007	(575758)
220	02/28/2007	(534513)
221	02/28/2007	(535042)
222	02/28/2007	(541083)
223	03/01/2007	(489392)
224	03/23/2007	(508787)
225	03/23/2007	(575761)
226	03/28/2007	(554903)
227	03/28/2007	(555356)
228	03/30/2007	(541806)
229	04/04/2007	(553900)
230	04/05/2007	(554567)
231	04/12/2007	(555765)
232	04/18/2007	(535818)
233	04/20/2007	(541785)
234	04/23/2007	(575763)
235	04/27/2007	(536863)
236	04/27/2007	(538234)
237	05/02/2007	(557193)
238	05/08/2007	(536805)
239	05/16/2007	(543939)
240	05/16/2007	(556084)
241	05/21/2007	(560688)
242	05/21/2007	(607617)
243	05/29/2007	(560939)
244	05/30/2007	(558665)
245	05/31/2007	(557814)
246	05/31/2007	(557887)
247	05/31/2007	(558165)
248	05/31/2007	(558933)

249	05/31/2007	(561604)
250	06/08/2007	(563044)
251	06/18/2007	(564174)
252	06/20/2007	(563448)
253	06/27/2007	(564004)
254	06/27/2007	(564948)
255	07/06/2007	(562320)
256	07/06/2007	(566372)
257	07/10/2007	(566109)
258	07/12/2007	(566817)
259	07/18/2007	(562884)
260	07/18/2007	(564160)
261	07/18/2007	(565411)
262	07/20/2007	(575769)
263	07/26/2007	(534491)
264	07/30/2007	(570079)
265	08/13/2007	(562652)
266	08/20/2007	(572167)
267	08/24/2007	(570711)
268	09/05/2007	(572989)
269	09/22/2007	(607618)
270	09/22/2007	(607619)
271	09/24/2007	(607621)
272	09/26/2007	(594057)
273	10/12/2007	(594704)
274	10/12/2007	(595879)
275	10/12/2007	(595919)
276	10/15/2007	(557764)
277	10/16/2007	(597749)
278	10/22/2007	(607620)
279	11/02/2007	(571706)
280	11/06/2007	(599098)
281	11/20/2007	(608723)
282	11/20/2007	(608750)
283	11/21/2007	(596538)
284	11/21/2007	(596539)
285	11/21/2007	(596540)
286	12/03/2007	(609822)
287	12/17/2007	(612145)
288	12/18/2007	(599171)
289	12/19/2007	(612456)
290	12/21/2007	(593859)
291	12/21/2007	(600228)
292	12/21/2007	(612851)
293	01/03/2008	(612155)
294	01/04/2008	(612937)
295	01/07/2008	(557934)
296	01/14/2008	(613926)
297	01/18/2008	(614903)
298	01/18/2008	(615198)
299	01/24/2008	(612103)
300	01/28/2008	(612848)
301	01/28/2008	(613020)
302	01/31/2008	(613321)
303	02/11/2008	(613195)
304	02/11/2008	(614276)
305	02/11/2008	(616106)
306	02/13/2008	(608867)
307	02/14/2008	(618465)

308	02/15/2008	(617395)
309	03/13/2008	(613193)
310	03/24/2008	(639374)
311	03/27/2008	(639901)
312	04/02/2008	(640059)
313	04/04/2008	(637905)
314	04/04/2008	(640212)
315	04/04/2008	(640783)
316	04/09/2008	(641666)
317	04/09/2008	(641681)
318	04/10/2008	(680347)
319	04/17/2008	(653311)
320	04/30/2008	(640815)
321	04/30/2008	(641819)
322	04/30/2008	(653939)
323	05/16/2008	(653953)
324	05/19/2008	(639382)
325	06/06/2008	(640956)
326	06/25/2008	(682772)
327	07/21/2008	(685742)
328	07/21/2008	(687073)
329	07/23/2008	(686359)
330	08/01/2008	(687062)
331	08/01/2008	(687867)
332	08/11/2008	(689155)
333	08/27/2008	(700348)
334	09/20/2008	(702288)
335	09/24/2008	(699681)
336	10/01/2008	(703544)
337	10/01/2008	(703696)
338	10/01/2008	(703971)
339	10/03/2008	(688505)
340	10/03/2008	(688528)
341	10/03/2008	(688665)
342	10/03/2008	(688675)
343	10/30/2008	(706377)
344	11/21/2008	(706390)
345	12/04/2008	(707940)
346	12/17/2008	(700784)
347	01/21/2009	(709192)
348	02/03/2009	(723350)
349	02/06/2009	(709033)
350	02/13/2009	(709189)
351	02/18/2009	(709028)
352	02/20/2009	(709032)
353	02/20/2009	(709498)
354	02/20/2009	(709539)
355	02/20/2009	(710155)
356	02/20/2009	(710201)
357	02/27/2009	(735795)
358	03/20/2009	(726792)
359	03/24/2009	(726793)
360	03/27/2009	(726794)
361	04/03/2009	(709031)
362	04/10/2009	(741090)
363	04/22/2009	(726795)
364	05/07/2009	(739098)
365	05/11/2009	(740936)
366	06/05/2009	(741192)

367 06/10/2009 (738530)  
368 06/23/2009 (747659)  
369 06/25/2009 (742122)  
370 07/10/2009 (744410)

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

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)  
No. 5682A and PSD-TX-103M2, S.C. 1 PERMIT  
Description: Failure to submit separate notification for each facility, and failure to identify correct facility names.

Date: 12/30/2004 (345626)  
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: #5682A and PSD-TX-103M2, S.C. #1 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain cooling water flow to debutanizer resulting in unauthorized emissions.

Date: 01/31/2005 (382045)  
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)  
SC 12 PERMIT  
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)  
Special Condition 1 PERMIT

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)  
Special Condition 1 PERMIT

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)  
Special Condition 12 PERMIT

Description: Failure to keep the opacity level at the Regenerator ESP stack within permit limits while returning the unit to full operating rates following a stack test.

Date: 06/28/2006 (480331)

Self Report? NO Classification: Moderate

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

Description: Failure to prevent overpressures in Units 7 and 35.

Date: 06/28/2006 (480326)

Self Report? NO Classification: Moderate

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

Description: Failed to properly design the electrostatic precipitator.

Date: 07/07/2006 (460719)

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)  
Special Condition 12 PERMIT

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)  
Special Condition 1 PERMIT

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)  
Special Condition 1 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Date: 11/30/2006 (514772)

Self Report? NO Classification: Moderate

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

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

Date: 12/11/2006 (514770)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to meet the affirmative defense.

Date: 12/21/2006 (514890)

Self Report? NO Classification: Moderate

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

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

Date: 01/05/2007 (514904)

Self Report? NO Classification: Moderate

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

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

Date: 01/26/2007 (535014)

Self Report? NO Classification: Minor

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

Description: CP failed to submit a complete final report.

Self Report? NO Classification: Moderate

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

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

Date: 01/26/2007 (531232)

Self Report? NO Classification: Moderate

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

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

Date: 01/28/2007 (534512)

Self Report? NO Classification: Moderate

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

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

Date: 01/29/2007 (531242)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
General Condition 2 PERMIT

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

Date: 03/30/2007 (541806)

Self Report? NO Classification: Moderate

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

Description: Chevron failed to control excess opacity.

Date: 04/04/2007 (553900)

Self Report? NO Classification: Moderate

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

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

Date: 04/26/2007 (542918)

Self Report? NO Classification: Moderate

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

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

Date: 05/22/2007 (555841)

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
FOP O-01626, ST&C 19 OP  
FOP O-01626, ST&C 1A OP  
Permit 18142, Special Condition 7H PERMIT  
Permit 22086, Special Condition 6H PERMIT  
Permit 49140, Special Condition 6H PERMIT  
Permit 5920A Special Condition 17H PERMIT

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Permit 49140, Special Condition 12 PERMIT  
 Description: Failure to comply with the limit of 1.0 lbs of PM per 1000 lbs of Cokeburn.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.214(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 1A OP

Description: Failure to perform weekly ammonia sampling to the Crude Charge Heater on Unit 25.1.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 19 OP  
 FOP O-01626, ST&C 1A OP  
 Permit 49140, Special Condition 14B PERMIT

Description: Failure to perform Cylinder Gas Audits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 19 OP  
 FOP O-01626, ST&C 1A OP  
 Permit 5920A, Special Condition 3 PERMIT

Description: Failure to comply with the 162 ppm 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)  
 FOP O-01626, ST&C 19 OP  
 Permit 49140, Special Condition 12 PERMIT

Description: Failure to comply with the 200 PPM NOX Limit.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 1A OP

Description: Failure to make roof repairs to Tank 96 within the required time frames.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 1A OP

Description: Failure to submit NSPS Inspection Results letter for Tank 249.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 19 OP  
 FOP O-01626, ST&C 1A OP  
 Permit 18142, Special Condition 7F PERMIT  
 Permit 49140, Special Condition 6F PERMIT  
 Permit 5920A, Special Condition 17F PERMIT

Description: Failure to perform Method 21 monitoring to leaking components on Delay of Repair.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 FOP O-01626, ST&C 19 OP  
 FOP O-01626, ST&C 1A OP  
 Permit 49140, Special Condition 12 PERMIT

Description: Failure to Comply with Opacity Emissions Limits during the second quarter of 2005..

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

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

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

Date: 11/20/2007 (596538)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 PP V-A-1 PERMIT  
 Description: Permitted units were not marked with the TCEQ permit numbers.

Date: 12/18/2007 (613193)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 5C THSC Chapter 382 382.085(b)  
 TCEQ Permit No. 21265, GC #8 PERMIT  
 Description: Failure to prevent valve malfunctioning.

Date: 01/07/2008 (557934)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 No. 5920A, S.C. No. 1 PERMIT  
 Description: ConocoPhillips exceeded the MAERT limit for NOx emission.

Date: 02/15/2008 (617395)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 TCEQ Permit No. 49140, SC #1 PERMIT  
 Description: Conoco failed to prevent a valve fitting blow out.

Date: 04/02/2008 (640059)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 5C THSC Chapter 382 382.085(b)  
 Description: ConocoPhillips failed to prevent an excess opacity in Unit 27.1.

Date: 04/04/2008 (637905)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 TCEQ Air Permit No. 49140, SC #12 PERMIT  
 Description: Failure to control excess opacity.

Date: 04/04/2008 (640212)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
5C THSC Chapter 382 382.085(b)  
TCEQ Permit No. 21265, GC #8 PERMIT  
Description: Failure to prevent failure of #2 chamber valve pin.

Date: 06/25/2008 (682772)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
TCEQ Standard Permit No. 75864, GC #8 PERMIT  
Description: ConocoPhillips failed to prevent the shutdown of the unit charge pump.

Date: 07/22/2008 (686359)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ00721-002 PERMIT  
Description: Failure to comply with permitted effluent limits for oil and grease (O&G), total suspended solids (TSS), and pH.

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)  
General Terms and Conditions OP  
Description: Failure to submit an annual compliance certification 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)  
Special Condition #12 PERMIT  
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)  
Special Condition No. 1 PERMIT  
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).

Date: 02/20/2009 (709032)  
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.

**Date:** 03/24/2009 (726793)  
**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 the permit number authorization in the incident reports for the process or operation.

**Date:** 04/22/2009 (726795)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
**Description:** Failure to prevent unauthorized emissions. The regulated entity failed to prevent the excessive amount of nitrogen in the Recycle Gas Loop.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 4B PERMIT  
**Description:** Failure to prevent flare outage.

**Date:** 05/07/2009 (739098)  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.119(c)(2)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6C PERMIT  
Special Terms and Conditions 19 OP  
Special Terms and Conditions 1A OP  
**Description:** Failure to maintain hatch in closed position on Tank 75, Unit ID 68-95-75. (CATEGORY C4 Violation)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Conditions 1A OP  
**Description:** Failure to keep the roof floated on liquid from 10/29/2008 to 03/09/2009 on Tank 98, Unit ID 68-95-98. (CATEGORY B18 Violation)

**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)  
Special Condition 1 PERMIT  
Special Terms and Conditions 19 OP  
**Description:** Failure to maintain emissions in pounds per hour (lbs/hr) below the limit listed in the Maximum Allowable Emission Rate Table in NSR Permit 30513 on Tank 75, Unit ID 68-95-75. (CATEGORY B14 Violation)

**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)  
Special Condition 1 PERMIT  
Special Terms and Conditions 19 OP  
**Description:** Failure to maintain emissions in pounds per hour (lbs/hr) below the limit listed in the Maximum Allowable Emission Rate Table in NSR Permit 5920A on Tank 98, Unit ID 68-95-98.

Date: 06/10/2009 (738530)

Self Report? NO Classification: Minor

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

Description: Failure to identify in the final report, all compound descriptive types listed in the definition of RQ.

Date: 06/24/2009 (747659)

Self Report? NO Classification: Moderate

Citation: 21265 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)

Description: Failed to prevent unauthorized emissions. CP failed to have adequate operations inspection procedures to allow for proper maintenance at the waste water treatment unit.

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

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-1203-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a refinery at Highway 35 and Farm-to-Market Road 524 in Old Ocean, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 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 Sixteen Thousand Nine Hundred Seventy-Five Dollars (\$16,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Seven Hundred Ninety Dollars (\$6,790) of the administrative penalty and Three Thousand Three Hundred Ninety-Five Dollars (\$3,395) 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. Six Thousand Seven Hundred Ninety Dollars (\$6,790) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 5920A, Special Condition No. 1, as documented during a record review conducted on May 1, 2009. Specifically, the Respondent released 988.7 pounds ("lbs") of sulfur dioxide, 751.85 lbs of carbon monoxide, 366 lbs of volatile organic compounds, 40.45 lbs of nitrogen oxide and 11 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to the shutdown of several units for repair. The use of a single size reduction carbon steel bushing is prohibited by company pipe specifications in all service applications. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2009-1203-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Seven Hundred Ninety Dollars (\$6,790) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that company design specifications for the Coker Unit piping are appropriately followed and understood; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a.

The certification shall be notarized by a State of Texas Notary Public and contain the following language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

ConocoPhillips Company  
DOCKET NO. 2009-1203-AIR-E  
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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John Z. Quinn*  
For the Executive Director

12/11/2009  
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.

*TJR*  
Signature

10/6/09  
Date

TJ 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.



Attachment A  
Docket Number: 2009-1203-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ConocoPhillips Company</b>
<b>Penalty Amount:</b>	<b>Thirteen Thousand Five Hundred Eighty Dollars (\$13,580)</b>
<b>SEP Offset Amount:</b>	<b>Six Thousand Seven Hundred Ninety Dollars (\$6,790)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas PTA – <i>Clean School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216 – Houston-Galveston</b>

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas PTA* for the *Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

**2. Performance Schedule**

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

Texas Congress of Parents and Teachers dba Texas PTA  
Clean School Bus Program  
Suzy Swan, Director of Finance  
408 West 11<sup>th</sup> Street  
Austin, Texas 78707

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3087

**5. Publicity**

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



**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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

