EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0550-UIC-E TCEQ ID: RN102320850 CASE NO.: 39468
RESPONDENT NAME: CHEVRON PHILLIPS CHEMICAL COMPANY LP

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

SITE WHERE VIOLATION(S) OCCURRED: Philtex Ryton Plant, Spur 119 North, Borger, Hutchinson County

TYPE OF OPERATION: Petroleum refinery plant

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0247-AIR-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 6, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-0577; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. D.P. Digman, Plant Manager, CHEVRON PHILLIPS CHEMICAL COMPANY LP, Spur 119 North, Borger, Texas 79007
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** February 3, 2010 **Date of NOV/NOE Relating to this Case:** March 23, 2010 (NOE) **Background Facts:** This was a routine investigation. **WATER** Failure to prevent the unauthorized injection of a hazardous waste into a Class 1 non-hazardous injection well. Specifically, the Respondent injected approximately 1,234 gallons of a waste stream that was characteristically hazardous for corrosivity. The waste stream was generated when cleaning scale from the line that leads to the injection well with a caustic solution [30 TEX. ADMIN. CODE § 331.6 and Underground Injection Control Permit No. WDW068 Part VI. Waste Streams Prohibited From Injection].	**Total Assessed:** $10,000 **Total Deferred:** $2,000 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $8,000 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that by March 29, 2010, the Respondent developed standard operating procedure SOP 4904, Philtex Brine Line Treatment with cleaning solution Ethylene Diamine Tetra Acetic Acid ("EDTA") to prevent injection of hazardous wastes during future line cleaning efforts. **Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, provide additional training to Plant personnel for discharge to D3 (WDW068) well concerning well layout, sampling and consequences of deviations; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

Additional ID No(s).: IHW ID No. 50254

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	5-Apr-2010				
PCW	6-Apr-2010	Screening	6-Apr-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	CHEVRON PHILLIPS CHEMICAL COMPANY LP		
Reg. Ent. Ref. No.	RN102320850		
Facility/Site Region	1-Amarillo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	39468	No. of Violations	1
Docket No.	2010-0550-UIC-E	Order Type	1660
Media Program(s)	Underground Injection Control	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 6

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

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 204.0% Enhancement — *Subtotals 2, 3, & 7* $10,200

Notes: Enhancement due to sixteen NOVs for non-similar violations and nine agreed orders with a denial of liability. Penalty reduction due to four Notices of Intended Audits and two Disclosures of Violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$653
Approx. Cost of Compliance	$2,055

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $15,200

OTHER FACTORS AS JUSTICE MAY REQUIRE 3.8% — *Adjustment* $584

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with the violation.

Final Penalty Amount $15,784

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

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

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $8,000

Screening Date 6-Apr-2010 **Docket No.** 2010-0550-UIC-E **PCW**

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP *Policy Revision 2 (September 2002)*

Case ID No. 39468 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102320850

Media [Statute] Underground Injection Control

Enf. Coordinator Rajesh Acharya

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*)	0	0%
	Other written NOVs	16	32%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

		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) 204%

>> **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 sixteen NOVs for non-similar violations and nine agreed orders with a denial of liability. Penalty reduction due to four Notices of Intended Audits and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 204%

Screening Date 6-Apr-2010 **Docket No.** 2010-0550-UIC-E **PCW**

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP *Policy Revision 2 (September 2002)*

Case ID No. 39468 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102320850

Media [Statute] Underground Injection Control

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 331.6 and Underground Injection Control Permit No. WDW068 Part VI. Waste Streams Prohibited From Injection

Violation Description Failed to prevent the unauthorized injection of a hazardous waste into a Class 1 non-hazardous injection well. Specifically, the Respondent injected approximately 1,234 gallons of a waste stream that was characteristically hazardous for corrosivity. The waste stream was generated when cleaning scale from the line that leads to the injection well with a caustic solution.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended based on unauthorized injection of hazardous waste on December 23, 2009.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $653

Statutory Limit Test

Violation Final Penalty Total $15,784

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

Economic Benefit Worksheet

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP
Case ID No. 39468
Req. Ent. Reference No. RN102320850
Media Underground Injection Control
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$1,500	23-Dec-2009	23-Nov-2010	0.92	$69	n/a	$69

Notes for DELAYED costs: Estimated cost for additional oversight and management practices designed to ensure proper operation, maintenance and monitoring of the injection process. Date Required is the date when the hazardous waste was injected. Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]	$555	12-Dec-2009	3-Feb-2010	1.06	$29	$555	$584
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs: Estimated avoided cost for disposing off site 1,234 gallons of hazardous waste. Date Required is the date when the hazardous waste was injected. Final Date is the investigation date.

Approx. Cost of Compliance $2,055

TOTAL $653

Compliance History Report

Customer/Respondent/Owner-Operator: CN600303614 Chevron Phillips Chemical Company LP Classification: AVERAGE Rating: 4.00

Regulated Entity: RN102320850 PHILTEX RYTON PLANT Classification: AVERAGE Site Rating: 7.73

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD041516709
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30131
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50254
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50254
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50018
AIR NEW SOURCE PERMITS	REGISTRATION	91758
AIR NEW SOURCE PERMITS	REGISTRATION	92077
AIR NEW SOURCE PERMITS	REGISTRATION	92045
AIR NEW SOURCE PERMITS	REGISTRATION	39927
AIR NEW SOURCE PERMITS	REGISTRATION	40813
AIR NEW SOURCE PERMITS	REGISTRATION	41609
AIR NEW SOURCE PERMITS	REGISTRATION	45470
AIR NEW SOURCE PERMITS	REGISTRATION	45708
AIR NEW SOURCE PERMITS	REGISTRATION	46022
AIR NEW SOURCE PERMITS	REGISTRATION	46698
AIR NEW SOURCE PERMITS	REGISTRATION	47618
AIR NEW SOURCE PERMITS	REGISTRATION	47873
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0013C
AIR NEW SOURCE PERMITS	PERMIT	7719A
AIR NEW SOURCE PERMITS	PERMIT	21918
AIR NEW SOURCE PERMITS	REGISTRATION	31409
AIR NEW SOURCE PERMITS	REGISTRATION	55433
AIR NEW SOURCE PERMITS	REGISTRATION	70021
AIR NEW SOURCE PERMITS	AFS NUM	4823300004
AIR NEW SOURCE PERMITS	REGISTRATION	71299
AIR NEW SOURCE PERMITS	REGISTRATION	88312
AIR NEW SOURCE PERMITS	REGISTRATION	54297
AIR NEW SOURCE PERMITS	REGISTRATION	53267
AIR NEW SOURCE PERMITS	REGISTRATION	53320
AIR NEW SOURCE PERMITS	REGISTRATION	50537
AIR NEW SOURCE PERMITS	REGISTRATION	72623
AIR NEW SOURCE PERMITS	REGISTRATION	74568
AIR NEW SOURCE PERMITS	REGISTRATION	75050
AIR NEW SOURCE PERMITS	REGISTRATION	81490
AIR NEW SOURCE PERMITS	REGISTRATION	84319
AIR NEW SOURCE PERMITS	REGISTRATION	87362
AIR NEW SOURCE PERMITS	REGISTRATION	85444
AIR NEW SOURCE PERMITS	REGISTRATION	83292
UNDERGROUND INJECTION CONTROL	PERMIT	WDW381
UNDERGROUND INJECTION CONTROL	PERMIT	WDW067
UNDERGROUND INJECTION CONTROL	PERMIT	WDW068
UNDERGROUND INJECTION CONTROL	PERMIT	WDW219
AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0013C
AIR OPERATING PERMITS	PERMIT	2164
AIR OPERATING PERMITS	PERMIT	2165
AIR OPERATING PERMITS	PERMIT	2166
AIR OPERATING PERMITS	PERMIT	1440
WASTEWATER	PERMIT	WQ0002484000
WASTEWATER	PERMIT	TPDES0095869
WASTEWATER	PERMIT	TX0095869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30131
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50254
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HW0013C

Location: Spur 119 North, Borger, Texas 79007

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: April 05, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 05, 2005 to April 05, 2010

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

Name: Rajesh Acharya Phone: (512) 239-0577

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: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/06/2005 ADMINORDER 2005-0704-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to operate the North Flare (EPN FL-1) in the manner designed to prevent the release of unauthorized emissions during Incident No. 48675. Since this emissions event was foreseeable and avoidable, and the air pollution control equipment was not operated in a manner consistent with good practice for minimizing emi

Effective Date: 02/20/2006 ADMINORDER 2005-0094-AIR-E

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 39918. Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 40338. Since these emissions were avoidable the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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 the initial report for Incident No. 39918 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to identify all compounds known to have been released during Incident No. 42118 on the final report.

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 42118. Since these emissions were incompletely reported the respondent failed to meet the demonstrations for

an affirmative defense in 30 Tex. Admin. Code § 101.222.

Effective Date: 04/29/2006 ADMINORDER 2005-1638-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 17.C. PERMIT

Description: Failed to keep complete records.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 32 PERMIT

Description: Failed to control vapors from a loading operation.

Classification: Moderate

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

Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT

Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service

Classification: Moderate

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

Rqmt Prov: Special Condition No. 46 PERMIT

Description: Failed to use data required by the permit in emissions calculations.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include all instances of deviations in a report.

Effective Date: 05/12/2006 ADMINORDER 2004-0958-AIR-E

Classification: Moderate

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

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.

Classification: Moderate

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

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.

Classification: Moderate

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 the initial upset report for Incident No. 33418 in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Part 63, Subpart A 63.11(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 2 PERMIT

Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.

Classification: Major

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 63, Subpart F 63.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart A 63.11(b)(5)
40 CFR Part 63, Subpart H 63.172(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to accurately report the number of valves monitored in August and November of 2003 on the semiannual report for the period of July 1 through December 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(4)
40 CFR Part 63, Subpart R 63.422(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to cross-check the tank identification numbers (Trailers Groendyke No. 356, BAFU 888703-6, and NATX 36035) with the tank vapor tightness documentation, and failed to notify the owners of trucks with invalid truck tightness documentation within the required time frames after the tanks were loaded.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(5)
40 CFR Part 63, Subpart R 63.422(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to assure that a nonvapor-tight tank (Groendyke No. 35, loaded on July 10 and August 25, 2003) would not be reloaded before obtaining vapor tightness documentation.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)
40 CFR Part 63, Subpart R 63.425(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to conduct a visual inspection of the internal floating roof and the seal of Tank H-6 after the tank was emptied on February 20, 2003.

Effective Date: 07/22/2006 ADMINORDER 2006-0189-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 67916.

Effective Date: 11/06/2008 ADMINORDER 2008-0230-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized disposal of industrial hazardous waste.

Effective Date: 12/04/2008 ADMINORDER 2008-0916-AIR-E

Classification: Moderate

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

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number ("EPN") FL-1]. Specifically, 559 pounds of sulfur dioxide and eight pounds of other pollutants (hydrogen sulfide, sulfur dioxide, carbon monoxide and tert-butyl mercaptan 75-66-1) were release in a one hour and ten minute period on March 1, 2008.

Effective Date: 05/03/2009 ADMINORDER 2008-1771-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 THSC Chapter 382 382.085(b)

Rqmt Prov: 7719A PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 218 pounds of 1,4-dichlorobenzene were released when the operator erroneously changed the set point from manual to a remote set point at the Lights Column kettle, causing the column temperature and pressure to rise and the relief valve to lift, resulting in an emissions event which began on July 10, 2008. (The unauthorized emissions were released during an emissions event which did not meet all affirmative defense criteria.)

Effective Date: 11/27/2009 ADMINORDER 2009-0893-AIR-E

Classification: Moderate

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

Description: Failed to report an emissions event within twenty-four hours after the discovery, as documented during an investigation conducted on April 30, 2009. Specifically, the Respondent had an emissions event on November 4, 2008 that was not reported until November 13, 2008.

Classification: Moderate

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

Rqmt Prov: 21918 PERMIT

Description: Failed to prevent unauthorized emissions during an event that occurred on November 4, 2008.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/13/2005	(425541)
2	05/16/2005	(425542)
3	06/02/2005	(394562)
4	06/06/2005	(425543)
5	06/17/2005	(396391)
6	07/22/2005	(446091)
7	08/05/2005	(446092)
8	08/26/2005	(400663)
9	09/07/2005	(446093)
10	09/08/2005	(431139)
11	09/08/2005	(431163)
12	09/08/2005	(431180)
13	10/11/2005	(478290)
14	11/10/2005	(478291)
15	12/15/2005	(478292)
16	01/05/2006	(451244)
17	01/05/2006	(451253)
18	01/05/2006	(451257)
19	01/23/2006	(478293)
20	02/06/2006	(478288)
21	02/13/2006	(455043)
22	02/16/2006	(435821)
23	02/16/2006	(454969)
24	03/10/2006	(478289)

25	03/13/2006	(458844)
26	03/23/2006	(459163)
27	04/20/2006	(504534)
28	04/25/2006	(463313)
29	04/25/2006	(463321)
30	04/25/2006	(463322)
31	05/08/2006	(504535)
32	05/22/2006	(467041)
33	05/25/2006	(463016)
34	06/07/2006	(526852)
35	08/04/2006	(526854)
36	08/18/2006	(509410)
37	09/06/2006	(526853)
38	09/18/2006	(526855)
39	10/03/2006	(513312)
40	10/03/2006	(513315)
41	10/03/2006	(513316)
42	10/03/2006	(514853)
43	10/03/2006	(514870)
44	10/03/2006	(514879)
45	10/06/2006	(550824)
46	10/16/2006	(515500)
47	10/31/2006	(517537)
48	11/03/2006	(550825)
49	12/15/2006	(534378)
50	12/20/2006	(534635)
51	01/04/2007	(535636)
52	01/08/2007	(587249)
53	01/31/2007	(538435)
54	02/09/2007	(587244)
55	02/26/2007	(541686)
56	02/27/2007	(541861)
57	02/27/2007	(541900)
58	03/05/2007	(587245)
59	03/09/2007	(542559)
60	03/09/2007	(542571)
61	03/23/2007	(554148)
62	03/26/2007	(553818)
63	03/26/2007	(553892)
64	04/11/2007	(556504)
65	04/11/2007	(556514)
66	04/11/2007	(556516)
67	04/13/2007	(556569)
68	04/13/2007	(556570)
69	04/13/2007	(556572)
70	04/16/2007	(587246)
71	04/30/2007	(556728)
72	05/03/2007	(587247)
73	05/17/2007	(555906)
74	06/01/2007	(561465)
75	06/08/2007	(587248)
76	07/16/2007	(604964)
77	08/06/2007	(569756)
78	08/08/2007	(604965)
79	09/20/2007	(604966)
80	09/24/2007	(595445)
81	09/24/2007	(595457)
82	09/24/2007	(595458)
83	10/03/2007	(594741)

84	10/16/2007	(626933)
85	11/20/2007	(626934)
86	12/07/2007	(626935)
87	01/04/2008	(610787)
88	01/04/2008	(610798)
89	01/16/2008	(676035)
90	01/18/2008	(610441)
91	01/31/2008	(600338)
92	02/12/2008	(617665)
93	02/15/2008	(676033)
94	03/03/2008	(618691)
95	03/03/2008	(618707)
96	03/03/2008	(618712)
97	03/11/2008	(613242)
98	03/17/2008	(676034)
99	04/07/2008	(641601)
100	04/10/2008	(694409)
101	04/17/2008	(646530)
102	04/29/2008	(653798)
103	05/13/2008	(657400)
104	05/14/2008	(694410)
105	05/30/2008	(671606)
106	05/30/2008	(680205)
107	05/30/2008	(681736)
108	05/31/2008	(680219)
109	06/16/2008	(715805)
110	07/14/2008	(694411)
111	08/11/2008	(715806)
112	09/04/2008	(700758)
113	09/08/2008	(715807)
114	09/29/2008	(702980)
115	09/29/2008	(702990)
116	09/29/2008	(702995)
117	09/30/2008	(702026)
118	09/30/2008	(702027)
119	09/30/2008	(702481)
120	10/06/2008	(702239)
121	10/20/2008	(702286)
122	10/21/2008	(731482)
123	10/22/2008	(706153)
124	10/22/2008	(706189)
125	10/22/2008	(706211)
126	11/18/2008	(708165)
127	11/24/2008	(731483)
128	12/08/2008	(709727)
129	12/22/2008	(731484)
130	01/14/2009	(754813)
131	01/16/2009	(723360)
132	01/16/2009	(723370)
133	01/16/2009	(723381)
134	01/29/2009	(724335)
135	01/29/2009	(724397)
136	01/29/2009	(724493)
137	02/02/2009	(723517)
138	02/18/2009	(709614)
139	02/19/2009	(735565)
140	02/19/2009	(754812)
141	03/02/2009	(723467)
142	03/03/2009	(709311)

143 04/17/2009 (772004)
144 04/17/2009 (772005)
145 04/21/2009 (743029)
146 05/22/2009 (772006)
147 05/25/2009 (746209)
148 06/03/2009 (721715)
149 06/17/2009 (749820)
150 06/19/2009 (736345)
151 06/23/2009 (759508)
152 07/14/2009 (761743)
153 07/15/2009 (747284)
154 09/02/2009 (767218)
155 09/03/2009 (767941)
156 09/28/2009 (776899)
157 11/13/2009 (782323)
158 11/19/2009 (782156)
159 11/24/2009 (783230)
160 11/24/2009 (783234)
161 11/24/2009 (783241)
162 12/10/2009 (777685)
163 12/17/2009 (785922)
164 12/21/2009 (785373)
165 12/21/2009 (786006)
166 12/29/2009 (786932)
167 01/26/2010 (788732)
168 01/29/2010 (790317)
169 02/02/2010 (790385)
170 02/25/2010 (792707)
171 02/25/2010 (792708)
172 02/25/2010 (792709)
173 03/23/2010 (795970)
174 03/30/2010 (795750)
175 03/30/2010 (795757)

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

Date: 03/23/2006 (459163) CN600303614
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring PERMIT
Description: Failure to meet effluent limitations for pH, at outfall 001.

Date: 04/26/2006 (463322) CN600303614
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)
XI. Additional Requirements E. PERMIT
Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463321) CN600303614
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)
XI. Additional Requirements E. PERMIT
Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463313) CN600303614
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)
XI. Additional Requirements PERMIT
Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 05/25/2006 (463016) CN600303614
Self Report? NO Classification: Moderate
Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)

Description: The facility failed to comply with the provisions of Subpart Kb standards.
Self Report? NO Classification: Moderate
Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)
40 CFR Part 60, Subpart Kb 60.112b(a)(3)
Description: The facility failed to comply with the provisions of Subpart Kb standards.
Self Report? NO Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-2
Description: The facility failed to comply with the provisions of Subpart VV.
Self Report? NO Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-5
Description: The facility failed to comply with the provisions of Subpart VV.
Self Report? NO Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-6
Description: The facility failed to comply with the provisions of Subpart VV.
Self Report? NO Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-7
Description: The facility failed to comply with the provisions of Subpart VV.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: The facility failed to comply with the provisions of the specila condition No. 35 of the permit number 21918 by failing to monitor valves associated with the closed vent system for the North Flare.

Date: 12/20/2006 (534635) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
Description: failure to keep cold solvent cleaner lid closed
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)
Description: failure to label cold solvent cleaner
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to test mercaptan loading dock scrubber every five years
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to include sulfur compounds in 2005 annual flare test for FL-2
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
Description: failure to include deviation in deviation report

Date: 01/31/2008 (600338) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
Description: failure to make first attempt to repair a pump within 5 days
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
Description: failure to make first attempt to repair three valves within 5 days
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
Description: failure to make first attempt to repair one valve within 5 days
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to continuously monitor H2S Flare (FL-1) for SO2
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to monitor various components as required by the applicable fugitive monitoring program
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
Description: failure to conduct monthly fugitive monitoring for one pump
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Description: failure to conduct monthly fugitive monitoring for various valves
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)
Description: failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
Description: failure to repair a leak no later than 15 days after detection
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart H 63.167
Description: failure to prevent open-ended valves or lines
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
Description: failure to report all instances of deviations on deviation reports

Date: 02/12/2008 (617665) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)(2)
Description: Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).

Date: 03/11/2008 (613242)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event (which did not meet all affirmative defense criteria)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit initial notification within 24 hours of discovery of an emissions event

Date: 05/31/2008 (715805) CN600303614
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: 02/02/2009 (723517) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent limitations and Monitoring PERMIT
Description: Failure to meet permit effluent limitations for Total suspended Solids (TSS) during a discharge at outfall 001.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monotoring PERMIT
Description: Failure to collect samples and analyze for Total Dissolved Solids (TDS) as permit required at outfall 003 (when discharging) and to correctly report the analysis results on the monthly Discharge Monitoring Reports.

Date: 02/20/2009 (735565) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent unauthorized emissions. The release of unauthorized emissions occurred during an emissions event (which did not meet all affirmative defense criteria).

Date: 03/03/2009 (709311)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit No. 7719A PERMIT

Description: failure to record finding of daily inspection of Dryer A and Dryer B filter vents for visible particulate emissions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit No. 7719A PERMIT

Description: failure to record the Crude NMP Condenser Scrubber liquid circulation rate at least once an hour

Self Report? NO Classification: Moderate

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

Description: failure to comply with VOC hourly emission limit for R-V2

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit No. 7719A PERMIT

Description: failure of R-V2 to comply with the maximum temperature limit for outlet gas stream

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Permit No. 7719A PERMIT

Description: failure to maintain required caustic charge for R-V8

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: failure to include all instances of deviations on previous deviation reports

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
Permit No. 7719A PERMIT

Description: failure to obtain authorization for H2S emissions from several facilities

Date: 04/30/2009 (772006) CN600303614

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: 06/23/2009 (759508) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 327 327.3(b)

Description: Failure to report a spill or discharge meeting a reportable quantity (RQ) to the agency no later than 24 hours after the discovery of the spill or discharge. The facility was notified, by the rancher who leases the property from ConocoPhillps, on April 20, 2009 of the release and did not notify the TCEQ until April 23, 2009.

Date: 07/14/2009 (761743)

Self Report? NO Classification: Moderate

Citation: 21918 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failure to meet the minimum net heating value of 300 Btu/scf for the gas being combusted in a flare during a flare performance test.

F. Environmental audits.

Notice of Intent Date: 09/21/2005 (434811)

Disclosure Date: 03/07/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter C 305.44

Rqmt Prov: PERMIT TPDES permit 02484

Description: Failure to amend TPDES permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101

40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11

Description: Failure to adequately charaterize wastewater discharge streams to ensure that any toxic pllutants do not exceed the limtations prescribed in the subpart.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)

Description: Failure to sample for all specific parameters during annual underground injection well sampling.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64

Rqmt Prov: PERMIT WDW 219

Description: Failure to adequately implement underground injection well monitoring requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)

Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failure to maintain all required waste stream documentation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to complete required weekly inpsections for all < 90 day hazardous waste storage areas looking for leaks and for deterioration caused by corrosion or other factors.

Notice of Intent Date: 06/22/2006 (486718)

No DOV Associated

Notice of Intent Date: 03/09/2009 (740234)

Disclosure Date: 08/25/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)

30 TAC Chapter 335, SubChapter O 335.431

Description: Failure to ensure that each EPA Uniform Hazardous Waste Manifest and Land Disposal Restriction (LDR) document was properly completed and maintained in the facility files.

Notice of Intent Date: 07/09/2009 (763435)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CHEVRON PHILLIPS CHEMICAL	§	
COMPANY LP	§	
RN102320850	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-0550-UIC-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CHEVRON PHILLIPS CHEMICAL COMPANY LP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").

2. The Respondent is utilizing an injection well as that term is defined in TEX. WATER CODE § 27.002(11).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 28, 2010.

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

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

Dollars ($2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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

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

9. The Executive Director recognizes that by March 29, 2010, the Respondent developed standard operating procedure SOP 4904, Philtex Brine Line Treatment with cleaning solution Ethylene Diamine Tetra Acetic Acid ("EDTA") to prevent injection of hazardous wastes during future line cleaning efforts.

10. 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.

11. 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.

12. 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 the unauthorized injection of a hazardous waste into a Class 1 non-hazardous injection well, in violation of 30 TEX. ADMIN. CODE § 331.6 and Underground Injection Control Permit No. WDW068 Part VI. Waste Streams Prohibited From Injection, as documented during an investigation conducted on February 3, 2010. Specifically, the Respondent injected approximately 1,234 gallons of a waste stream that was characteristically hazardous for corrosivity. The waste stream was generated when cleaning scale from the line that leads to the injection well with a caustic solution.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CHEVRON PHILLIPS CHEMICAL COMPANY LP, Docket No. 2010-0550-UIC-E" to:

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

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

   a. Within 30 days after the effective date of this Agreed Order, provide additional training to Plant personnel for discharge to D3 (WDW068) well concerning well layout, sampling and consequences of deviations; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Waste Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 8/13/2010
For the Executive Director Date

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

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

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

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

_____ 6 July 2010
Signature Date

D P Digman _____ Plant Manager
Name (Printed or typed) Title
Authorized Representative of
CHEVRON PHILLIPS CHEMICAL COMPANY LP

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.