

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0221-AIR-E TCEQ ID NO.: RN100209857 CASE NO.: 37168
RESPONDENT NAME: CHEVRON PHILLIPS CHEMICAL COMPANY LP

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATIONS OCCURRED: 2001 South Gulfway Drive, Port Arthur, Jefferson County

TYPE OF OPERATION: Ethylene production plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location (2009-2037-AIR-E).

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

COMMENTS RECEIVED: The *Texas Register* comment period expired February 15, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Ms. Miriam Hall, Air Enforcement Section, MC 149, (512) 239-1044

TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. David A. Speaker, Sr. Counsel, Environmental, Chevron Phillips Chemical Company LP, 10001 Six Pines Dr., The Woodlands, TX 77380

Respondent's Attorney: Ms. Kristine K. Linville, Pillsbury Winthrop Shaw Pittman LLP, 2 Houston Center, 909 Fannin, Suite 2000, Houston, Texas 77010-1018

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Dates of Investigation Relating to this Case: November 19, 2008 and January 13, 2009</p> <p>Dates of NOEs Relating to this Case: January 24, 2009 and February 19, 2009</p> <p>Background Facts: The EDRP was filed on August 12, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on November 11, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>AIR:</p> <ol style="list-style-type: none"> Failed to report an emissions event properly. Specifically, on the report for the May 22, 2008, emissions event, Respondent failed to include the emissions for carbon monoxide ("CO"), acetylene, propane, propylene, butane and butene released during the event [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(F) and (G), 122.143(4), Federal Operating Permit ("FOP") No. O-01235, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to prevent the unauthorized release of 5,205.52 pounds ("lbs") of nitrogen oxides ("NO_x"), 38,345.29 lbs of CO, and 20,059.83 lbs of volatile organic compounds ("VOC") from Flare 24 during an emissions event starting on June 9, 2008 and lasting 20 hours and 29 minutes. The event was caused by failing to bring pump GA701 on line after excessive vibrations and a bent coupling caused the main pump GA702S to be shut down for repairs. Respondent was unable to provide sufficient information to demonstrate that the event was unavoidable; therefore, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit ("NSRP") No. 21101, GC No. 8, Special Condition ("SC") No. 8, FOP No. O-01235, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$20,278</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$20,278</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: The environment has been exposed to significant amounts of pollutants which exceed levels that are protective (violation nos. 2 and 3).</p>	<p>Corrective Actions Taken: The Executive Director recognizes that the Respondent performed the following corrective actions at the Plant:</p> <ol style="list-style-type: none"> On August 14, 2008, submitted the missing emissions data for the May 22, 2008 emissions event, and by September 30, 2008, reviewed the regulatory reporting requirements with appropriate staff to ensure that employees responsible for submitting the emissions event notification provide the necessary information. By June 30, 2008, repaired the steam turbine of pump GA702S and replaced the bent shim-pack coupling with a diaphragm-pack coupling to prevent recurrence of the June 9, 2008 emissions event. By August 31, 2008, replaced the flow transmitter with a diaphragm sealed system to prevent recurrence of the July 30, 2008 emissions event.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to prevent the unauthorized release of 3,028.02 lbs of NO_x, 21,899.59 lbs of CO, and 23,101.95 lbs of VOC from Flare 24 during an emissions event starting on July 29, 2008 and lasting 24 hours. The event was caused by Respondent failing to prevent unsealed capillaries to the flow transmitter from becoming clogged. Because these emissions could have been foreseen and avoided by good design and/or maintenance practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), NSRP No. 21101, General Condition (“GC”) No. 8, SC No. 8, FOP No. O-01235, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-Feb-2009			
	PCW	27-Oct-2009	Screening	17-Feb-2009	EPA Due 20-Oct-2009

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

CASE INFORMATION					
Enf./Case ID No.	37168	No. of Violations	3		
Docket No.	2009-0221-AIR-E	Order Type	Findings		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Miriam Hall		
		EC's Team	Enforcement Team 4		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	203.0% Enhancement	Subtotals 2, 3, & 7	\$40,803
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Notes: The penalty was enhanced for five same or similar NOVs, one other NOV, four 1660 orders, and four findings orders. The penalty was reduced for four Notices of Audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$5,025
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$142
 Approx. Cost of Compliance: \$39,873
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$55,878
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$55,878
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,278
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$20,278
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Screening Date 17-Feb-2009

Docket No. 2009-0221-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 37168

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Miriam Hall

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)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 203%

>> 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

The penalty was enhanced for five same or similar NOVs, one other NOV, four 1660 orders, and four findings orders. The penalty was reduced for four Notices of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 203%

Screening Date 17-Feb-2009 **Docket No.** 2009-0221-AIR-E **PCW**
Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*
Case ID No. 37168 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100209857
Media [Statute] Air
Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(F) and (G), 122.143(4), Federal Operating Permit ("FOP") No. O-01235, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report an emissions event properly. Specifically, on the report for the May 22, 2008 emissions event, the Respondent failed to include the emissions for carbon monoxide ("CO"), acetylene, propane, propylene, butane and butene released during the event.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 83 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$25

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

Notes Corrective actions were completed by September 30, 2008 and the NOE was issued on January 26, 2009.

Violation Subtotal \$75

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$9

Violation Final Penalty Total \$278

This violation Final Assessed Penalty (adjusted for limits) \$278

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 37168
Reg. Ent. Reference No. RN100209857
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	23-May-2008	30-Sep-2008	0.36	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The estimated cost for the Respondent to review the regulatory reporting requirements with appropriate staff to ensure that employees responsible for submitting the emissions event notification provide the necessary information from the date the report was submitted to the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$9

Screening Date	17-Feb-2009	Docket No.	2009-0221-AIR-E	PCW
Respondent	Chevron Phillips Chemical Company LP			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	37168			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN100209857			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), New Source Review Permit ("NSRP") No. 21101, General Condition ("GC") No. 8, Special Condition ("SC") No. 8, FOP No. O-01235, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent the unauthorized release of 5,205.52 pounds (lbs) of nitrogen oxides ("NOx"), 38,345.29 lbs of CO, and 20,059.83 lbs of volatile organic compounds ("VOC") from Flare 24 during an emissions event starting on June 9, 2008 and lasting 20 hours and 29 minutes. The event was caused failing to bring pump GA701 on line after excessive vibrations and a bent coupling caused the main pump GA702S to be shut down for repairs. Because the Respondent was unable to provide sufficient information to demonstrate that the event was unavoidable, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

Violation Events

Number of Violation Events	1	Number of violation days	1
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<i>mark only one with an x</i>	daily	x	Violation Base Penalty
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event		
One daily event is recommended for the June 9, 2008 event.			\$10,000

Good Faith Efforts to Comply

	25.0% Reduction	\$2,500
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A	(mark with x)	
Notes	Corrective actions were completed by June 30, 2008 and the NOE was issued on January 26, 2009.	
Violation Subtotal		\$7,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$79
Violation Final Penalty Total	\$27,800
This violation Final Assessed Penalty (adjusted for limits)	\$10,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP

Case ID No. 37168

Reg. Ent. Reference No. RN100209857

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$27,373	9-Jun-2008	30-Jun-2008	0.06	\$79	n/a	\$79

Notes for DELAYED costs

The actual cost to repair the steam turbine of pump GA702S and to replace the coupling from the date the emissions event started to the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$27,373

TOTAL \$79

Screening Date 17-Feb-2009 **Docket No.** 2009-0221-AIR-E **PCW**
Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*
Case ID No. 37168 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100209857
Media [Statute] Air
Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 21101, GC No. 8, SC No. 8, FOP No. O-01235, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent the unauthorized release of 3,028.02 lbs of NOx, 21,899.59 lbs of CO, and 23,101.95 lbs of VOC from Flare 24 during an emissions event starting on July 29, 2008 and lasting 24 hours. The event was caused by the Respondent failing to prevent unsealed capillaries to the flow transmitter from becoming clogged. Because these emissions could have been foreseen and avoided by good design and/or maintenance practices, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

One daily event is recommended for the July 29, 2008 event.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The corrective actions were completed by August 31, 2008, and the NOE was issued February 19, 2009.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$27,800

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

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP

Case ID No. 37168

Reg. Ent. Reference No. RN100209857

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$12,000	29-Jul-2008	31-Aug-2008	0.09	\$54	n/a	\$54

Notes for DELAYED costs

The actual cost for replacing the flow transmitter with a diaphragm sealed capillary system from the date the event began to the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$12,000 **TOTAL** \$54

Compliance History Report

Customer/Respondent/Owner-Operator: CN600303614 Chevron Phillips Chemical Company LP Classification: AVERAGE Rating: 3.24

Regulated Entity: RN100209857 CHEVRON PHILLIPS CHEMICAL Classification: AVERAGE Site Rating: 24.08
 PORT ARTHUR FACILITY

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0508W
	AIR OPERATING PERMITS	PERMIT	1235
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0508W
	AIR NEW SOURCE PERMITS	PERMIT	18568
	AIR NEW SOURCE PERMITS	PERMIT	21101
	AIR NEW SOURCE PERMITS	PERMIT	24266
	AIR NEW SOURCE PERMITS	PERMIT	32713
	AIR NEW SOURCE PERMITS	REGISTRATION	83968
	AIR NEW SOURCE PERMITS	REGISTRATION	76323
	AIR NEW SOURCE PERMITS	REGISTRATION	76324
	AIR NEW SOURCE PERMITS	REGISTRATION	76321
	AIR NEW SOURCE PERMITS	AFS NUM	4824500162
	AIR NEW SOURCE PERMITS	REGISTRATION	73945
	AIR NEW SOURCE PERMITS	REGISTRATION	78071
	AIR NEW SOURCE PERMITS	REGISTRATION	77954
	AIR NEW SOURCE PERMITS	REGISTRATION	78021
	AIR NEW SOURCE PERMITS	REGISTRATION	78162
	AIR NEW SOURCE PERMITS	REGISTRATION	78143
	AIR NEW SOURCE PERMITS	REGISTRATION	79446
	AIR NEW SOURCE PERMITS	REGISTRATION	79030
	AIR NEW SOURCE PERMITS	REGISTRATION	79568
	AIR NEW SOURCE PERMITS	REGISTRATION	80459
	AIR NEW SOURCE PERMITS	REGISTRATION	80392
	AIR NEW SOURCE PERMITS	REGISTRATION	80781
	AIR NEW SOURCE PERMITS	REGISTRATION	80939
	AIR NEW SOURCE PERMITS	REGISTRATION	81433
	AIR NEW SOURCE PERMITS	REGISTRATION	81329
	AIR NEW SOURCE PERMITS	REGISTRATION	81205
	AIR NEW SOURCE PERMITS	REGISTRATION	80886
	AIR NEW SOURCE PERMITS	REGISTRATION	82948
	AIR NEW SOURCE PERMITS	PERMIT	83741
	AIR NEW SOURCE PERMITS	REGISTRATION	83797
	AIR NEW SOURCE PERMITS	REGISTRATION	82949
	AIR NEW SOURCE PERMITS	REGISTRATION	82950
	AIR NEW SOURCE PERMITS	REGISTRATION	84494
	AIR NEW SOURCE PERMITS	REGISTRATION	85115
	AIR NEW SOURCE PERMITS	REGISTRATION	84274
	AIR NEW SOURCE PERMITS	REGISTRATION	82951
	AIR NEW SOURCE PERMITS	REGISTRATION	82603
	AIR NEW SOURCE PERMITS	REGISTRATION	85121
	AIR NEW SOURCE PERMITS	REGISTRATION	85122
	AIR NEW SOURCE PERMITS	REGISTRATION	86391
	AIR NEW SOURCE PERMITS	REGISTRATION	83220
	AIR NEW SOURCE PERMITS	REGISTRATION	82952
	AIR NEW SOURCE PERMITS	REGISTRATION	87113
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000004390
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83963
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83963

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 10, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 10, 2004 to March 10, 2009

Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? Yes
- 2. Has there been a (known) change in ownership of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A
- 6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/24/2005

ADMINORDER 2003-0646-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101, Special Condition 14 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 32713, Special Condition 15 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 5215A, Special Condition 5 PERMIT

Description: Failure to operate the Cumene Unit process flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 30 TAC Chapter 101, SubChapter F 101.201(b)(9)
 30 TAC Chapter 101, SubChapter F 101.211(b)(10)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 21101, Special Condition 14 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT
Description: Failure to maintain emission rates below the allowable emissions limits at the Cumene Unit - #17 Flare on October 29, 2002, October 31, 2002 and March 2, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions at the Cumene Unit - #3 Flare on January 22, 2003.

Classification: Moderate

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

Rqmt Prov: 21101, Special Condition 1 PERMIT
Description: Failed to prevent authorized emissions on August 18, 2003 at the #24 Flare.

Effective Date: 02/05/2006

ADMINORDER 2004-1533-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: 5215A, Special Condition 5 PA
Description: Failure to operate a flare with a pilot flame lit at all times.

Classification: Minor

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

Description: Allowed unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)

30 TAC Chapter 115, SubChapter E 115.412(1)(A)

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

Description: Failed to satisfy a Permit by Rule condition.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.8

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

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

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.0518(a)

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

Description: Failed to obtain authorization for air emissions.

Classification: Moderate

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

30 TAC Chapter 101, SubChapter F 101.201(b)(2)

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

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

30 TAC Chapter 101, SubChapter F 101.211(b)(1)

30 TAC Chapter 101, SubChapter F 101.211(b)(2)

30 TAC Chapter 101, SubChapter F 101.211(b)(3)

30 TAC Chapter 101, SubChapter F 101.211(b)(9)

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

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

Classification: Moderate

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

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

Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT

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

Effective Date: 02/20/2006

ADMINORDER 2005-0406-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

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

Rqmt Prov: PI-8 PERMIT

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

Effective Date: 04/29/2006

ADMINORDER 2005-1808-AIR-E

Classification: Minor

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

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

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

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

Rqmt Prov: 21101, General Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 07/14/2006

ADMINORDER 2006-0023-AIR-E

Classification: Minor

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 21101 PERMIT

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

Effective Date: 11/09/2007

ADMINORDER 2007-0404-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 21101 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Minor

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

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

Effective Date: 07/03/2008

ADMINORDER 2007-1514-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01235, General Terms and Condition OP
FOP O-01235, Special Condition 21 OP
FOP O-01235, Special Condition 2I OP
NSR Permit 21101, Special Condition 8 PERMIT

Description: Failed to comply with the permitted emissions limits.

Classification: Moderate

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

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

Effective Date: 12/20/2008

ADMINORDER 2006-1598-AIR-E

Classification: Minor

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

Rqmt Prov: 01235 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT J 61.112(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 21101 PERMIT
O1235 OP

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

Classification: Major

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

Rqmt Prov: O1235 OP

Description: Failed to register an outside blast cleaning facility with the TCEQ using Form PI-7 and failure to receive written site approval from the executive director prior to construction. Specifically, a completed PI-7 was not submitted and approved for the DACF prior to construction.

Classification: Minor

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

Rqmt Prov: O1235 OP

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

Classification: Moderate

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

Rqmt Prov: O1235 OP

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

Classification: Moderate

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

Rqmt Prov: O1235 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/26/2004	(264422)
2	03/26/2004	(266501)
3	03/26/2004	(266567)
4	03/30/2004	(264278)
5	03/30/2004	(264423)
6	05/07/2004	(264932)
7	05/12/2004	(266872)
8	05/14/2004	(268767)
9	05/21/2004	(270623)
10	05/27/2004	(269047)
11	05/27/2004	(269429)
12	07/07/2004	(277842)

13	07/07/2004	(277866)
14	07/07/2004	(278397)
15	08/31/2004	(292814)
16	10/20/2004	(334660)
17	10/20/2004	(334670)
18	10/20/2004	(335672)
19	11/12/2004	(336801)
20	12/10/2004	(341172)
21	02/02/2005	(342775)
22	02/22/2005	(371695)
23	02/23/2005	(349112)
24	02/25/2005	(346983)
25	03/29/2005	(349695)
26	03/29/2005	(372068)
27	03/29/2005	(372071)
28	04/20/2005	(373914)
29	04/20/2005	(375210)
30	04/20/2005	(375692)
31	04/20/2005	(375919)
32	04/20/2005	(375928)
33	04/20/2005	(376051)
34	04/20/2005	(377313)
35	04/20/2005	(378099)
36	04/28/2005	(350987)
37	06/07/2005	(394217)
38	06/07/2005	(394278)
39	06/15/2005	(392859)
40	07/19/2005	(397037)
41	08/31/2005	(348609)
42	11/15/2005	(435694)
43	12/21/2005	(436261)
44	12/22/2005	(450202)
45	02/28/2006	(437666)
46	04/26/2006	(406843)
47	05/30/2006	(463478)
48	08/28/2006	(488322)
49	08/28/2006	(489560)
50	08/31/2006	(458241)
51	08/31/2006	(488575)
52	11/28/2006	(517158)
53	11/29/2006	(514240)
54	11/29/2006	(516808)
55	12/05/2006	(519672)
56	12/11/2006	(532265)
57	12/28/2006	(341362)
58	12/28/2006	(374971)
59	12/28/2006	(534760)
60	01/11/2007	(486288)
61	05/14/2007	(554939)
62	05/16/2007	(555965)
63	05/21/2007	(556453)
64	05/21/2007	(556743)
65	05/23/2007	(559175)
66	07/09/2007	(560572)
67	08/28/2007	(563168)
68	10/03/2007	(594932)
69	10/10/2007	(571849)
70	10/15/2007	(573350)
71	10/22/2007	(573439)

72 03/05/2008 (616484)
 73 04/06/2008 (616137)
 74 05/27/2008 (671309)
 75 06/13/2008 (653659)
 76 06/13/2008 (653679)
 77 06/13/2008 (653682)
 78 06/18/2008 (653647)
 79 06/18/2008 (653652)
 80 06/18/2008 (653689)
 81 06/19/2008 (653603)
 82 06/26/2008 (654341)
 83 07/21/2008 (685979)
 84 08/15/2008 (671234)
 85 08/25/2008 (684503)
 86 08/26/2008 (684779)
 87 11/20/2008 (701001)
 88 11/20/2008 (702196)
 89 12/05/2008 (708622)
 90 01/15/2009 (710264)
 91 01/21/2009 (709592)
 92 01/26/2009 (708989)
 93 01/28/2009 (721275)
 94 01/29/2009 (721606)
 95 02/10/2009 (686371)
 96 02/20/2009 (724927)
 97 03/10/2009 (725637)

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

Date: **05/21/2004** (270623)
 Self Report? NO Classification: Moderate

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

Description: Failure to comply with MAER limits.

Date: **11/29/2006** (514240)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 Special Condition 1A OP
 Permit 21101 Special Condition 1 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 Special Condition 1A OP
 Permit 21101/Special Condition 14 PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(F)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 Special Condition 10K OP
 Permit 21101 Special Condition 2C PERMIT

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 Special Condition 26 OP
Description: Failure to submit all of the required information in the excess emissions report for the reporting period of 07/01/2005 through 12/31/2005. Minor C,3

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 Special Condition 26 OP
Description: Failure to submit a semi-annual report in a timely manner. Minor C,3
Date: **05/16/2007** (555965) **CN600303614**

Self Report? NO Classification: Moderate
Citation: 21101 Special Condition 1A PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 General Terms and Conditions OP
FOP 1235 Special Condition 21 OP
Description: Failure to make a first attempt repair on a leaking component within five days. EIC B1 MOD 2(E)

Self Report? NO Classification: Minor
Citation: 21101 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 OP
Description: Failure to maintain a sealing device on an open ended line. EIC C(4) MIN (3)(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 Special Condition 22 OP
Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B(4) MOD 2(B)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 General Terms and Conditions OP
Description: Failure to report deviations on two separate semi-annual deviation reports for the reporting periods of February 16, 2006, through August 17, 2006, and August 18, 2006, through February 15, 2007. EIC B(3) MOD 2(B)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP 1235 General Terms and Conditions OP
Description: Failure to accurately certify an Annual Compliance Certification for the periods of

February 16, 2005, through February 15, 2006, and February 16, 2006, through February 15, 2007. EIC B(3) MOD 2(B)

Date: **06/20/2008** (653603)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
FOP O-01235, General Terms and Condition OP
FOP O-01235, Special Condition 1A OP
FOP O-01235, Special Condition 21 OP
NSR Permit 21101, Special Condition 14 PERMIT
NSR Permit 21101, Special Condition 1B PERMIT
NSR Permit 21101, Special Condition 1C PERMIT
NSR Permit 21101, Special Condition 2C PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)
5C THSC Chapter 382 382.085(b)
FOP O-01235, General Terms and Condition OP
FOP O-01235, Special Condition 1A OP
FOP O-01235, Special Condition 21 OP
NSR Permit 21101, Special Condition 1A PERMIT

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

Date: **08/15/2008** (671234)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 21 OP
NSR Permit 18568, Special Condition 10D PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Condition OP
FOP O-01235 Special Condition 1A OP
FOP O-01235 Special Condition 21 OP
NSR Permit 18568 Special Condition 4 PERMIT
NSR Permit 21101 Special Condition 1A PERMIT
NSR Permit 21101 Special Condition 2A PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 1A OP

FOP O-01235 Special Condition 21 OP
NSR Permit 21101 SC 1A and 2A PERMIT
NSR Permit 21101 Special Condition 17H PERMIT
NSR Permit 21101 Special Condition 19 PERMIT

Description: Failure to tag components on Delay of Repair (DOR). EIC C3 MOD 2B
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(E)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 1A OP
FOP O-01235 Special Condition 20 OP
FOP O-01235 Special Condition 21 OP

Description: Failure to maintain a free-board ratio greater than 0.71 for Degreasers 1 and 2. EIC B18 MOD 2G
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 20 OP

Description: Failure to inspect Degreasers 1 and 2 on a monthly basis and to maintain records demonstrating inspection. EIC B1 MOD 2A
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 2F OP

Description: Failure to create a final record of the non-reportable emission event experienced by the facility on December 6, 2007. EIC B3 MOD 2B
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 22 OP

Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B4 MOD 2B
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP

Description: Failure to report deviations on several semi-annual deviation reports. EIC B3 MOD 2G
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP

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

Date: **01/28/2008** (721275) CN600303614
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 1A OP

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

F. Environmental audits.

Notice of Intent Date:	09/17/2004	(347257)
No DOV Associated		
Notice of Intent Date:	03/16/2005	(376225)
No DOV Associated		
Notice of Intent Date:	11/06/2006	(534260)
No DOV Associated		
Notice of Intent Date:	08/30/2007	(595568)
No DOV Associated		

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
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN100209857**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-0221-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("Chevron") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Chevron represented by Kristine K. Linville, of the law firm of Pillsbury Winthrop Shaw Pittman LLP, presented this agreement to the Commission.

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

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Chevron.

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

FINDINGS OF FACT

1. Chevron owns and operates an ethylene production plant at 2001 South Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During record reviews conducted on November 19, 2008 and January 13, 2009, a TCEQ Beaumont Regional Office investigator documented that Chevron:
 - a. Failed to report an emissions event properly. Specifically, on the report for the May 22, 2008 emissions event, Chevron failed to include the emissions for carbon monoxide ("CO"), acetylene, propane, propylene, butane and butene released during the event.
 - b. Failed to prevent the unauthorized release of 5,205.52 pounds ("lbs") of nitrogen oxides ("NO_x"), 38,345.29 lbs of CO, and 20,059.83 lbs of volatile organic compounds ("VOC") from Flare 24 during an emissions event starting on June 9, 2008 and lasting 20 hours and 29 minutes. The event was caused by failing to bring pump GA701 on line after excessive vibrations and a bent coupling caused the main pump GA702S to be shut down for repairs. Chevron was unable to provide sufficient information to demonstrate that the event was unavoidable; therefore, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
 - c. Failed to prevent the unauthorized release of 3,028.02 lbs of NO_x, 21,899.59 lbs of CO, and 23,101.95 lbs of VOC from Flare 24 during an emissions event starting on July 29, 2008 and lasting 24 hours. The event was caused by Chevron failing to prevent unsealed capillaries to the flow transmitter from becoming clogged. Because these emissions could have been foreseen and avoided by good design and/or maintenance practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
4. Chevron received notice of the violations on or about January 31, 2009 and February 24, 2009.
5. The Executive Director recognizes that Chevron has implemented the following corrective measures at the Plant:
 - a. On August 14, 2008, submitted the missing emissions data for the May 22, 2008 emissions event, and by September 30, 2008, reviewed the regulatory reporting requirements with appropriate staff to ensure that employees responsible for submitting the emissions event notification provide the necessary information;

- b. By June 30, 2008, repaired the steam turbine of pump GA702S and replaced the bent shim-pack coupling with a diaphragm-pack coupling to prevent recurrence of the June 9, 2008 emissions event; and
- c. By August 31, 2008, replaced the flow transmitter with a diaphragm sealed system to prevent recurrence of the July 30, 2008 emissions event.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Chevron is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Chevron failed to report an emissions event properly, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(F) and (G), 122.143(4), Federal Operating Permit (“FOP”) No. O-01235, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b., Chevron failed to prevent the unauthorized release of 5,205.52 lbs of NO_x, 38,345.29 lbs of CO, and 20,059.83 lbs of VOC from Flare 24 during an emissions event starting on June 9, 2008 and lasting 20 hours and 29 minutes, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), New Source Review Permit (“NSRP”) No. 21101, General Condition (“GC”) No. 8, Special Condition (“SC”) No. 8, FOP No. O-01235, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., Chevron failed to prevent the unauthorized release of 3,028.02 lbs of NO_x, 21,899.59 lbs of CO, and 23,101.95 lbs of VOC from Flare 24 during an emissions event starting on July 29, 2008 and lasting 24 hours, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 21101, GC No. 8, SC No. 8, FOP No. O-01235, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Chevron for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of twenty thousand two hundred seventy-eight dollars (\$20,278.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Chevron has paid twenty thousand two hundred seventy-eight dollars (\$20,278.00) of the administrative penalty

ORDERING PROVISIONS

1. Chevron is assessed an administrative penalty in the amount of twenty thousand two hundred seventy-eight dollars (\$20,278.00) as set forth in Conclusion of Law No. 6 above. The payment of this administrative penalty and Chevron's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP; Docket No. 2009-0221-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

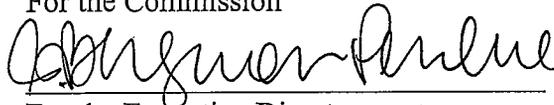
2. The provisions of this Agreed Order shall apply to and be binding upon Chevron. Chevron is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Chevron if the Executive Director determines that Chevron has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against Chevron 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.

6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Chevron, or three days after the date on which the Commission mails notice of this Agreed Order to Chevron, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

1/19/2010

Date

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

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

- A negative impact on Chevron's compliance history;
- Greater scrutiny of any permit applications submitted by Chevron;
- 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 against Chevron;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Chevron; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

11/11/09

Date

J.T. Becker

Name (printed or typed)

Plant Manager

Title

Authorized Representative
Chevron Phillips Chemical Company LP