

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-2037-AIR-E **TCEQ ID:** RN100209857 **CASE NO.:** 38886  
**RESPONDENT NAME:** Chevron Phillips Chemical Company LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Chevron Phillips Chemical Port Arthur Facility, 2001 South Gulfway Drive, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Ethylene production plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 7, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Adrian Stovall, Environmental Manager, Chevron Phillips Chemical Company LP, P.O. Box 1547, Port Arthur, Texas 77641-1547  Mr. J.T. Becker, Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 1547, Port Arthur, Texas 77641-1547  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 25, 2009 and October 13, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 20, 2009</p> <p><b>Background Facts:</b> These were records reviews.</p> <p><b>AIR</b></p> <p>1) Failure to prevent the unauthorized release of 265.2 pounds ("lbs") of nitrogen oxides ("NO<sub>x</sub>"), 1,855.3 lbs of carbon monoxide ("CO"), and 1,519.5 lbs of volatile organic compounds ("VOC") from Flare 24 during a six-hour emissions event on July 7, 2009 (Incident No. 126542). The event resulted from the improper regeneration of the ethylene Guard Dryer FA-403 desiccant. A manually operated valve on the dryer's inlet line had been left partially open which had impeded the regeneration of the dryer bed desiccant. Because these emissions could have been foreseen and avoided by good operating 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), 122.143(4), New Source Review Permit ("NSRP") No. 21101, General Condition ("GC") No. 8, Special Condition ("SC") No. 8, Federal Operating Permit ("FOP") No. O-01235, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent the unauthorized release from Flare 24 of 215.08 lbs of VOC, 863.28 lbs of CO, and 202.8 lbs of NO<sub>x</sub> during the 24-hour event, and</p>	<p><b>Total Assessed:</b> \$31,250</p> <p><b>Total Deferred:</b> \$6,250  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$25,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. For the July 7, 2009 emissions event:</p> <p>i. Within 30 days after the effective date of this Agreed Order, implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the July 7, 2009 emissions event and are designed to prevent recurrence of same or similar incidents; and</p> <p>ii. Within 45 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.e., to demonstrate compliance with Ordering Provision a.i.</p> <p>b. Within 180 days after the effective date of this Agreed Order, the Respondent shall either:</p> <p>i. Submit an application to amend NSRP No. 21101 to allow venting to Flare 24 when the RFG system becomes overpressured due to circumstances similar to the September 9 and October 1, 2009 events (Incident Numbers 129206 and 130187); or</p> <p>ii. Submit a plan to reduce venting to Flare 24 from the RFG system ("the Plan").</p> <p>c. If a permit amendment application is submitted:</p> <p>i. Respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>ii. Within 30 days after the effective date of amended NSRP No. 21101, submit written certification that the permit amendment has been obtained to address the RFG system flaring issue or operation of the RFG system has ceased.</p> <p>d. If the Plan is submitted:</p>

<p>1,704.28 lbs of CO and 420.3 lbs of NO<sub>x</sub> during the 49-hour event starting on September 9 and October 1, 2009, respectively (Incident Numbers 129206 and 130187). The releases are not considered emissions events because the incidents do not meet the definition of an upset event since they were not caused due to an unavoidable breakdown or malfunction of any process equipment and/or process causing unauthorized emissions. The current operational procedure and control scheme of the Refinery Fuel Gas ("RFG") system requires the Respondent to initiate flaring in those instances where the RFG system becomes overpressured. Because these events are normal operating procedure and are considered planned, they do not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [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 &amp; SAFETY CODE § 382.085(b)].</p>		<p>i. Respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>ii. Upon Commission approval, implement the Plan in accordance with the approved schedule; and</p> <p>iii. Within 30 days upon completion of the Plan, per approved schedule, submit written certification to demonstrate compliance with Ordering Provision d.ii.</p>
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Additional ID: Air Account No. JE0508W





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	29-Nov-2009	Screening	17-Dec-2009	EPA Due	17-Aug-2010
	PCW	21-Dec-2009				

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

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38886	No. of Violations	2
Docket No.	2009-2037-AIR-E	Order Type	1660
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**

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

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

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

**Notes**

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

**Notes**

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

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

Total EB Amounts	\$378	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$6,000	

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 17-Dec-2009

Docket No. 2009-2037-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38886

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)	1	5%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
	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	5	125%
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)	1	-2%

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) 300%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty has been enhanced for one similar NOV, eight other NOVs, eight 1660 orders, five Findings orders, and Repeat Violator status. The penalty was reduced for four Notices of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 325%

Screening Date 17-Dec-2009

Docket No. 2009-2037-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38886

PCW Revision October 30, 2009

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), NSRP No. 21101, GC No. 8, SC No. 8, FOP No. O-01235, GTC and STC No. 21, and Tex. Health & Safety Code § 362.085(b)

Violation Description

Failed to prevent the unauthorized release from Flare 24 of 215.08 lbs of VOC, 863.28 lbs of CO, and 202.8 lbs of NOx during the 24-hour event, and 1,704.28 lbs of CO and 420.3 lbs of NOx during the 49-hour event starting on September 9 and October 1, 2009, respectively (Incident Numbers 129206 and 130187). The releases are not considered emissions events because the incidents do not meet the definition of an upset event since they were not caused due to an unavoidable breakdown or malfunction of any process equipment and/or process causing unauthorized emissions. The current operational procedure and control scheme of the Refinery Fuel Gas ("RFG") system requires the Respondent to initiate flaring in those instances where the RFG system becomes overpressured. Because these events are normal operating procedure and are considered planned, they do not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 4

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty \$5,000

Two quarterly events are recommended, one for each event.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$327

Violation Final Penalty Total \$21,250

This violation Final Assessed Penalty (adjusted for limits) \$21,250

# Economic Benefit Worksheet

**Respondent:** Chevron Phillips Chemical Company LP

**Case ID No.:** 38886

**Reg. Ent. Reference No.:** RN100209857

**Media:** Air

**Violation No.:** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$5,000	9-Sep-2009	31-Dec-2010	1.31	\$327	n/a	\$327

Notes for DELAYED costs

The estimated cost of either obtaining a permit to allow the emissions to be vented to the flare or take other corrective measures from the date of the first violation to the estimated compliance date.

**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

\$5,000

**TOTAL**

\$327

Screening Date 17-Dec-2009

Docket No. 2009-2037-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38386

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 §§ 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, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the unauthorized release of 265.2 pounds ("lbs") of nitrogen oxides ("NOx"), 1,855.3 lbs of carbon monoxide ("CO"), and 1,519.5 lbs of volatile organic compounds ("VOC") from Flare 24 during a six-hour emissions event on July 7, 2009 (Incident No. 126542). The event resulted from the improper regeneration of the ethylene Guard Dryer FA-403 desiccant. A manually operated valve on the dryer's inlet line had been left partially open which had impeded the regeneration of the dryer bed desiccant. Because these emissions could have been foreseen and avoided by good operating 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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semianual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$10,625

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

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 38886  
**Reg. Ent. Reference No.** RN100209857  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,000	7-Jul-2009	30-Jun-2010	0.98	\$49	n/a	\$49
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 additional training, sampling, and operational procedures to prevent the recurrence of the violation from the date of the violation to the estimated compliance date.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$1,000

**TOTAL**

\$49

# Compliance History Report

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

Regulated Entity: RN100209857 CHEVRON PHILLIPS CHEMICAL Classification: AVERAGE Site Rating: 24.21  
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	78323
	AIR NEW SOURCE PERMITS	REGISTRATION	78324
	AIR NEW SOURCE PERMITS	REGISTRATION	78321
	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	89947
	AIR NEW SOURCE PERMITS	REGISTRATION	84494
	AIR NEW SOURCE PERMITS	REGISTRATION	85115
	AIR NEW SOURCE PERMITS	REGISTRATION	90098
	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
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0508W

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 14, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

December 14, 2004 to December 14, 2009

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

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/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: YES

### Components (Multimedia) for the Site :

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

Effective Date: 11/24/2005

ADMINORDER 2003-0646-AIR-E

Classification: Moderate

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

Rqmt Prov: 21101, Special Condition 14 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 32713, Special Condition 15 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 5215A, Special Condition 5 PERMIT

Description: Failure to operate the Cumene Unit process flare.

Classification: Moderate

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

Rqmt Prov: Permit 21101, Special Condition 14 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 21101, Special Condition 1 PERMIT

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

Effective Date: 02/05/2006

ADMINORDER 2004-1533-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: 5215A, Special Condition 5 PA

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

Classification: Minor  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Allowed unauthorized emissions.

Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(I)  
30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to satisfy a Permit by Rule condition.

Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter A 106.8  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to maintain, and make readily available for review, required records.

Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.0518(a)  
5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failed to obtain authorization for air emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)  
30 TAC Chapter 101, SubChapter F 101.201(b)(2)  
30 TAC Chapter 101, SubChapter F 101.201(b)(3)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(1)  
30 TAC Chapter 101, SubChapter F 101.211(b)(2)  
30 TAC Chapter 101, SubChapter F 101.211(b)(3)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to provide complete records of 72 non-reportable events and 40 maintenance activities that occurred from March 13, 2003 to August 31, 2004.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT  
Description: Failed to limit emissions from Flare 24 (EPN F-24-flare) to those authorized by the permit.

Effective Date: 02/20/2006 ADMINORDER 2005-0406-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PI-8 PERMIT  
Description: Failed to limit emissions from Flare-17 (EPN F-17-Flare) In Cyclohexane Unit 1741 to those authorized by a Permit by Rule.

Effective Date: 04/29/2006 ADMINORDER 2005-1808-AIR-E

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to submit a timely emission event report.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 21101, General Condition 8 PERMIT  
Description: Failed to comply with permitted emissions limits.

Effective Date: 07/14/2006 ADMINORDER 2006-0023-AIR-E

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to submit notification of an emissions event within 24 hrs. of discovery (Inc. No. 65155).

Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 21101 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere  
Effective Date: 11/09/2007 ADMINORDER 2007-0404-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 21101 PERMIT

Description: Failure to comply with an emissions limitation.

Classification: Minor

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

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

Effective Date: 07/03/2008 ADMINORDER 2007-1514-AIR-E

Classification: Moderate

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

Rqmt Prov: FOP O-01235, General Terms and Condition OP  
FOP O-01235, Special Condition 21 OP  
FOP O-01235, Special Condition 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.

Effective Date: 04/20/2009

ADMINORDER 2008-1584-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: NSR Permit 21101, Special Condition 8 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii MOD 2,D

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 106, SubChapter A 106.6(c)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: S.C. No. 9 PERMIT

Description: Failure to operate Temporary Flare 3 as represented in the application for PBR 78162. EIC A2C MOD 2G

Effective Date: 04/20/2009

ADMINORDER 2006-1028-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(b)  
30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to immediately provide notice of waste management methods and units.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(b)

Description: Failure to ship two hazardous waste streams, 0100102H (D018) and 0010003H (D018, D001) to an approved designated facility.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to store hazardous waste (D001 [Perchloric Acid]) on site for less than 90 days.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep a container of hazardous waste, 0100102H (D018) closed.

Effective Date: 06/15/2009 ADMINORDER 2008-1878-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

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

Description: Failed to prevent unauthorized emissions during an event that occurred on June 29, 2008.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions during an event that occurred on May 22, 2008.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions 2 OP

Description: Failed to properly report unauthorized emissions during two events, May 22, 2008 and June 29, 2008.

Effective Date: 09/21/2009 ADMINORDER 2009-0489-AIR-E

Classification: Minor

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

Description: Failed to properly report Incident No. 105342.

Classification: Major

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

Rqmt Prov: 18568, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 105342.

Effective Date: 09/21/2009 ADMINORDER 2009-0389-AIR-E

Classification: Moderate

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

Rqmt Prov: NSR Permit 21101 Special Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a three hour emissions event on November 24, 2008, an improperly set pressure control valve opened to Flare 24 (Emissions Point Number E-24-FLARE), and the flare released the following unauthorized emissions: 23.07 pounds ("lbs") of nitrogen oxides, 169.27 lbs of carbon monoxide, and 231.17 lbs of volatile organic compounds. Since the Respondent could have prevented the release by better operational oversight, . . .

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	02/02/2005	(342775)
2	02/22/2005	(371695)
3	02/23/2005	(349112)
4	02/25/2005	(346983)
5	03/29/2005	(349695)
6	03/29/2005	(372068)
7	03/29/2005	(372071)
8	04/20/2005	(373914)
9	04/20/2005	(375210)
10	04/20/2005	(375692)
11	04/20/2005	(375919)
12	04/20/2005	(375928)
13	04/20/2005	(376051)
14	04/20/2005	(377313)
15	04/20/2005	(378099)
16	04/28/2005	(350987)
17	06/07/2005	(394217)
18	06/07/2005	(394278)
19	06/15/2005	(392859)
20	07/19/2005	(397037)
21	08/31/2005	(348609)
22	11/15/2005	(435694)
23	12/21/2005	(436261)
24	12/22/2005	(450202)
25	02/28/2006	(437666)
26	04/26/2006	(406843)
27	05/30/2006	(463478)
28	08/28/2006	(488322)
29	08/28/2006	(489560)
30	08/31/2006	(458241)
31	08/31/2006	(488575)
32	11/28/2006	(517158)
33	11/29/2006	(514240)
34	11/29/2006	(516808)
35	12/05/2006	(519672)
36	12/11/2006	(532265)
37	12/28/2006	(341362)
38	12/28/2006	(374971)
39	12/28/2006	(534760)
40	01/11/2007	(486288)
41	05/14/2007	(554939)
42	05/16/2007	(555965)
43	05/21/2007	(556453)
44	05/21/2007	(556743)
45	05/23/2007	(559175)
46	07/09/2007	(560572)
47	08/28/2007	(563168)
48	10/03/2007	(594932)
49	10/10/2007	(571849)
50	10/15/2007	(573350)
51	10/22/2007	(573439)
52	03/05/2008	(616484)

53	04/06/2008	(816137)
54	05/27/2008	(671309)
55	06/13/2008	(653659)
56	06/13/2008	(653679)
57	06/13/2008	(653682)
58	06/18/2008	(653647)
59	06/18/2008	(653652)
60	06/18/2008	(653689)
61	06/19/2008	(653603)
62	06/26/2008	(854341)
63	07/21/2008	(685979)
64	08/08/2008	(688599)
65	08/15/2008	(671234)
66	08/25/2008	(884503)
67	08/26/2008	(684779)
68	11/20/2008	(701001)
69	11/20/2008	(702196)
70	12/05/2008	(708622)
71	01/15/2009	(710264)
72	01/21/2009	(709592)
73	01/26/2009	(708989)
74	01/28/2009	(721275)
75	01/29/2009	(721606)
76	02/10/2009	(686371)
77	02/20/2009	(724927)
78	03/10/2009	(725637)
79	03/24/2009	(739143)
80	04/06/2009	(740619)
81	04/09/2009	(738631)
82	04/09/2009	(738647)
83	04/21/2009	(704057)
84	04/22/2009	(737807)
85	04/22/2009	(737991)
86	04/22/2009	(738076)
87	04/22/2009	(738231)
88	04/22/2009	(738247)
89	04/22/2009	(738256)
90	04/22/2009	(738280)
91	04/22/2009	(738571)
92	04/22/2009	(738600)
93	04/22/2009	(738653)
94	04/22/2009	(738663)
95	05/04/2009	(738149)
96	05/04/2009	(738165)
97	05/04/2009	(738351)
98	05/04/2009	(738362)
99	05/04/2009	(738581)
100	05/04/2009	(738623)
101	05/13/2009	(742572)
102	06/04/2009	(747794)
103	06/30/2009	(737873)
104	07/08/2009	(747724)
105	07/22/2009	(762990)
106	09/24/2009	(763955)
107	09/29/2009	(776123)
108	11/02/2009	(780262)
109	11/08/2009	(777968)
110	11/09/2009	(781276)
111	11/11/2009	(778009)

112 11/16/2009 (781707)  
113 11/20/2009 (778126)  
114 11/20/2009 (779137)

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

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 8, 2007. EIC B3 MOD 2B

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 22 OP  
Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B4 MOD 2B

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
Description: Failure to report deviations on several semi-annual deviation reports. EIC B3 MOD 2G

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

Date: 11/18/2008 (708622) CN600303614

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 18568, Special Condition 10D PERMIT  
Description: Failure to calibrate the Hydrocarbon Vapor Recovery Unit (HVRU) prior to loading operations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Condition OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 18568 Special Condition 4 PERMIT  
NSR Permit 21101 Special Condition 1A PERMIT  
NSR Permit 21101 Special Condition 2A PERMIT  
Description: Failure to maintain a sealing device on an open ended line. EIC C10 MOD 2D

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 1A OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 21101 SC 1A and 2A PERMIT  
NSR Permit 21101 Special Condition 17H PERMIT  
NSR Permit 21101 Special Condition 19 PERMIT  
Description: Failure to tag components on Delay of Repair (DOR). EIC C3 MOD 2B

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 12/07/2008 (710264)

Self Report? NO Classification: Moderate

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

NSR Permit 21101, Special Condition 2C PERMIT  
**Description:** Failure to operate Flare 24 with a pilot flame at all times. EIC B,18 MOD 2,G  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01235, General Terms and Condition OP  
 FOP O-01235, Special Condition 1A OP  
 FOP O-01235, Special Condition 21 OP  
 NSR Permit 21101, Special Condition 1A PERMIT  
**Description:** Failure to perform the second follow-up monitoring on Tag Number 48604. EIC B,1  
 MOD 2,A  
**Date:** 01/28/2009 (721275) **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. EIC C, 3 MOD 2, D  
**Date:** 07/01/2009 (737873)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 113, SubChapter C 113.120  
 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)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)  
 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 18568, Special Condition 3E PERMIT  
 NSR Permit 18568, Special Condition 9 PERMIT  
 NSR Permit 21101, Special Condition 14 PERMIT  
 NSR Permit 21101, Special Condition 2C PERMIT  
**Description:** Failure to operate Flare 24, Flare 3, and Flare 17 with a pilot flame at all times. EIC  
 B,18 MOD 2,D  
**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 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)  
 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 18568, Special Condition 3E PERMIT  
 NSR Permit 21101, Special Condition 2C PERMIT  
**Description:** Failure to conduct third quarter visual inspections of individual drain systems. EIC B,1  
 MOD 2,A  
**Date:** 07/08/2009 (747724) **CN600303614**  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter G 117.8100(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 21 OP

NSR Permit 21101 Special Condition 23B PERMIT  
Description: Failure to perform the first quarter CGA of the CEMS for Ethylene Furnaces BA115, BA116, BA117, and BA118. EIC B,1 MOD 2,A

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 21101 Special Condition 5 PERMIT

Description: Failure to monitor the presence of a pilot flame. EIC B,1 MOD 2,A  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)  
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 60.482-2(a)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01235 General Terms and Conditions OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 21101 Special Condition 1A PERMIT

Description: Failure to perform monthly monitoring of pumps 7163, 7175, and 7195. EIC B,1 MOD 2,A  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 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 Conditions OP  
FOP O-01235 Special Condition 21 OP  
NSR Permit 21101 Special Condition 1 PERMIT  
NSR Permit 21101 Special Condition 2 PERMIT  
NSR Permit 21101 Special Condition 2C PERMIT

Description: Failure to maintain a sealing device on an open-ended. EIC C,10 MOD 2,D  
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 Ineos Phenol on May 31, 2008. EIC C,3 MOD 2,B  
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 32713 Special Condition 12 PERMIT

Description: Failure to calculate the 12-month rolling emissions on a monthly basis from Group 1 sources and compare them to the Emission CAP of NSR Permit 32713. EIC B,1 MOD 2,A  
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 1A 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 B,1 MOD 2,A

F. Environmental audits.

Notice of Intent Date: 03/16/2005 (376225)  
No DOV Associated

Notice of Intent Date: 11/06/2006 (534260)  
No DOV Associated

Notice of Intent Date: 08/30/2007 (595568)  
No DOV Associated

Notice of Intent Date: 02/16/2009 (739498)  
Disclosure Date: 08/06/2009

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)

Description: Failure to ensure that emissions tests of all vacuum trucks used of Benzene Waste Operations NESHAP operations always included background level measurements.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-2037-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates 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. 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 November 25, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-One Thousand Two Hundred Fifty Dollars (\$31,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Five Thousand Dollars (\$25,000) of the

administrative penalty and Six Thousand Two Hundred Fifty Dollars (\$6,250) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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

## II. ALLEGATIONS

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

1. Failed to prevent the unauthorized release of 265.2 pounds ("lbs") of nitrogen oxides ("NO<sub>x</sub>"), 1,855.3 lbs of carbon monoxide ("CO"), and 1,519.5 lbs of volatile organic compounds ("VOC") from Flare 24 during a six-hour emissions event on July 7, 2009 (Incident No. 126542), 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, Federal Operating Permit ("FOP") No. O-01235, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 25, 2009. The event resulted from the improper regeneration of the ethylene Guard Dryer FA-403 desiccant. A manually operated valve on the dryer's inlet line had been left partially open which had impeded the regeneration of the dryer bed desiccant. Because these emissions could have been foreseen and avoided by good operating and/or maintenance practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.
2. Failed to prevent the unauthorized release from Flare 24 of 215.08 lbs of VOC, 863.28 lbs of CO, and 202.8 lbs of NO<sub>x</sub> during the 24-hour event, and 1,704.28 lbs of CO and 420.3 lbs of NO<sub>x</sub> during the 49-hour event starting on September 9 and October 1, 2009, respectively (Incident Numbers 129206 and 130187), 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), as documented during a record review conducted on October 13, 2009. The releases are not considered emissions events because the incidents do not meet the definition of an upset event since they were not caused due to an unavoidable breakdown or malfunction of any process equipment and/or process causing unauthorized emissions. The current operational procedure and control scheme of the Refinery Fuel Gas ("RFG") system requires the Respondent to initiate flaring in those instances where the RFG system becomes overpressured. Because these events are normal operating procedure and are considered planned, they do not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2009-2037-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. For the July 7, 2009 emissions event, the Respondent shall:
    - i. Within 30 days after the effective date of this Agreed Order, implement improvements to designs, operations, and/or maintenance practices that address the causes leading to the July 7, 2009 emissions event and are designed to prevent recurrence of same or similar incidents; and
    - ii. Within 45 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.e., to demonstrate compliance with Ordering Provision No. 2.a.i.
  - b. Within 180 days after the effective date of this Agreed Order, the Respondent shall either:
    - i. Submit an application to amend NSRP No. 21101 to allow venting to Flare 24 when the RFG system becomes overpressured due to circumstances similar to the

September 9 and October 1, 2009 events (Incident Numbers 129206 and 130187) to the address below, or:

Air Permits Division, MC 162  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- ii. Submit a plan to reduce venting to Flare 24 from the RFG system ("the Plan") to the addresses in Ordering Provision No. 2.e.
- c. If a permit amendment application is submitted in accordance with Ordering Provision 2.b.i.:
- i. Respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - ii. Within 30 days after the effective date of amended NSRP No. 21101, submit written certification, as described in Ordering Provision No. 2.e., that the permit amendment has been obtained to address the RFG system flaring issue or operation of the RFG system has ceased.
- d. If the Plan is submitted:
- i. Respond completely and adequately, as determined by the TCEQ, to all requests for information within 30 days after the date of such requests, or by any other deadline specified in writing;
  - ii. Upon Commission approval, implement the Plan in accordance with the approved schedule; and
  - iii. Within 30 days upon completion of the Plan, per approved schedule, submit written certification, as described in Ordering Provision No. 2.e., to demonstrate compliance with Ordering Provision No. 2.d.ii.
- e. The written certifications required by Ordering Provision Nos. 2.a.ii., 2.c.ii., and 2.d.iii, shall be as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the Ordering Provision. 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:

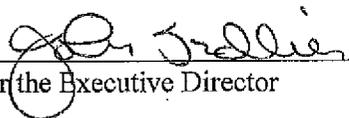
Air Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

5/21/2010  
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.

  
\_\_\_\_\_  
Signature

March 22, 2010  
Date

J.T. Becker  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Chevron Phillips Chemical Company LP

Plant Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.