

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2009-2066-IWD-E **TCEQ ID:** RN102320850 **CASE NO.:** 38889
RESPONDENT NAME: Chevron Phillips Chemical Company LP

ORDER TYPE:		
<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	
CASE TYPE:		
<input 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 checked="" 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>SITE WHERE VIOLATION(S) OCCURRED: Philtex Ryton Plant, located approximately two miles northeast of Borger on State Highway Spur 119, Hutchinson County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant with a storm water collection system and wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2010-0247-AIR-E and 2010-0550-UIC-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 14, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. D. P. Digman, Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 28, 2009 and January 27, 2010</p> <p>Date of NOE Relating to this Case: December 10, 2009</p> <p>Background Facts: These were records reviews.</p> <p>WATER</p> <p>1) Failure to comply with permitted effluent limits for total suspended solids ("TSS"). Specifically, the TSS daily maximum exceeded the permit limit of 100 milligrams per liter ("mg/L") for the monitoring periods ending April 30, 2009 (150 mg/L) and June 30, 2009 (1,412 mg/L) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002484000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001].</p> <p>2) Failure to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more. Specifically, the TSS daily maximum exceeded the permit effluent limit by 40% or more during April 2009 and June 2009, and the TCEQ was not notified [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0002484001, Monitoring and Reporting Requirements No. 7.c].</p>	<p>Total Assessed: \$9,050</p> <p>Total Deferred: \$1,810 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,240</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that by July 31, 2009, the Respondent implemented the following corrective measures at the Facility:</p> <p>a. Began treating storm water to reduce the TSS; and</p> <p>b. Returned to compliance with all permitted effluent limits.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, update operational guidance to ensure that exceedances of the permitted effluent limits by 40% or more are properly reported to the TCEQ; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): WQ0002484000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Dec-2009	Screening	22-Dec-2009	EPA Due	
	PCW	22-Dec-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Chevron Phillips Chemical Company LP
Reg. Ent. Ref. No.	RN102320850
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38889	No. of Violations	1
Docket No.	2009-2066-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lanae Foard
		EC's Team	Enforcement Team 1
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:

An enhancement is recommended due to nine final agreed orders with denial of liability, 13 non-similar NOVs, two same or similar NOVs, and three self-reported monthly effluent violations; and a reduction is recommended for six NOIs and two DOVs.

Culpability Enhancement **Subtotal 4**

Notes:

The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$18
Approx. Cost of Compliance	\$1,000

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Recommended reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were self-reported.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 22-Dec-2009

Docket No. 2009-2066-IWD-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38889

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

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	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
<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) 221%

>> 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

An enhancement is recommended due to nine final agreed orders with denial of liability, 13 non-similar NOV's, two same or similar NOV's, and three self-reported monthly effluent violations; and a reduction is recommended for six NOIs and two DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 221%

Screening Date 22-Dec-2009

Docket No. 2009-2066-IWD-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38889

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0002484000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001

Violation Description Failed to comply with permitted effluent limits for total suspended solids ("TSS") as documented during a record review conducted on September 28, 2009. Specifically, the TSS daily maximum exceeded the permit limit of 100 milligrams per liter ("mg/L") for the monitoring periods ending April 30, 2009 (150 mg/L) and June 30, 2009 (1412 mg/L).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

TSS were considered to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 60

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

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$250

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent returned to compliance by July 31, 2009.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount \$18

Statutory Limit Test

Violation Final Penalty Total \$2,930

This violation Final Assessed Penalty (adjusted for limits) \$2,930

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 38889
Reg. Ent. Reference No. RN102320850
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	30-Apr-2009	31-Jul-2009	0.25	\$1	\$17	\$18
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to hold and treat storm water during rain events to reduce TSS and prevent effluent violations. Date required is the initial date of noncompliance. Final date is the date compliance was achieved.

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

\$1,000

TOTAL

\$18



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Feb-2010	Screening	9-Feb-2010	EPA Due	
	PCW	5-Feb-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN102320850		
Facility/Site Region	1-Amarillo	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38889	No. of Violations	1
Docket No.	2009-2066-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lanae Foard
		EC's Team	Enforcement Team 1
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	\$17	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

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 9-Feb-2010

Docket No. 2009-2066-IWD-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38889

PCW Revision: October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 206%

>> 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

An enhancement is recommended due to nine final agreed orders with denial of liability and 18 non-similar NOV's; and a reduction is recommended for six NOIs and two DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 206%

Screening Date 9-Feb-2010

Docket No. 2009-2086-IWD-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 38889

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102320850

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0002484000, Monitoring and Reporting Requirements No. 7.c

Violation Description Failed to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more, as documented during a record review conducted on January 27, 2010. Specifically, the total suspended solids daily maximum exceeded the permit effluent limit by 40% or more during April 2009 and June 2009 and the TCEQ was not notified.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 261

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

Violation Base Penalty \$2,000

Two single events are recommended (one for each noncompliance report).

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$6,120

This violation Final Assessed Penalty (adjusted for limits) \$6,120

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 38889
Reg. Ent. Reference No. RN102320850
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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	\$250	21-Apr-2009	6-Sep-2010	1.38	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to update operational guidance to ensure that exceedances of the permitted effluent limits by 40% or more are properly reported to the TCEQ. Date required is the date the first report was due. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$250	TOTAL	\$17
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1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/08/2005 ADMINORDER 2005-0704-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
 5C THC Chapter 382, SubChapter A 382.085(b)

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

Effective Date: 02/20/2006 ADMINORDER 2005-0094-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT
 Description: Failed to maintain an emission rate below represented levels during Incident No. 39918. Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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

Rqmt Prov: General Condition No. 1 PERMIT
 Description: Failed to maintain an emission rate below represented levels during Incident No. 40338. Since these emissions were avoidable the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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

Description: Failed to submit the initial report for Incident No. 39918 within 24 hours after discovery.
 Classification: Moderate

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

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

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

Rqmt Prov: General Condition No. 1 PERMIT
 Description: Failed to maintain an emission rate below represented levels during incident No. 42118. Since these emissions were incompletely reported the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT
Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 17.C. PERMIT
Description: Failed to keep complete records.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 32 PERMIT
Description: Failed to control vapors from a loading operation.

Classification: Moderate

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

Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT
Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service

Classification: Moderate

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

Rqmt Prov: Special Condition No. 46 PERMIT
Description: Failed to use data required by the permit in emissions calculations.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP
Description: Failed to include all instances of deviations in a report.

Effective Date: 05/12/2006

ADMINORDER 2004-0958-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.

Classification: Moderate

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

Description: Failed to submit the initial upset report for Incident No. 33418 in a timely manner.

Classification: Moderate

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

Rqmt Prov: 2 PERMIT
Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.

Classification: Major

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Part 63, Subpart A 63.11(b)(5)
40 CFR Part 63, Subpart H 63.172(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 8 PERMIT
Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(4)
40 CFR Part 63, Subpart R 63.422(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(5)
40 CFR Part 63, Subpart R 63.422(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to assure that a nonvapor-tight tank (Groendyke No. 35, loaded on July 19 and August 25, 2003) would not be reloaded before obtaining vapor tightness documentation.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)
40 CFR Part 63, Subpart R 63.425(d)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Effective Date: 07/22/2006

ADMINORDER 2008-0189-AIR-E

Classification: Moderate

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

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

Effective Date: 11/08/2008

ADMINORDER 2008-0230-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

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

Effective Date: 12/04/2008

ADMINORDER 2008-0916-AIR-E

Classification: Moderate

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

Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number ("EPN") FL-1]. Specifically, 559 pounds of sulfur dioxide and eight pounds of other pollutants (hydrogen sulfide, sulfur dioxide, carbon monoxide and tert-butyl mercaptan 75-86-1) were release in a one hour and ten minute period on March 1, 2008.

Effective Date: 05/03/2009

ADMINORDER 2008-1771-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 7719A PERMIT

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

Effective Date: 11/27/2009

ADMINORDER 2009-0893-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 21918 PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/26/2004	(340368)
2	12/26/2004	(340456)
3	12/29/2004	(345489)
4	01/05/2005	(387908)
5	01/07/2005	(346404)
6	01/07/2005	(346409)
7	02/07/2005	(425539)
8	02/16/2005	(350931)
9	03/03/2005	(345470)
10	03/03/2005	(372687)
11	03/03/2005	(372692)
12	03/03/2005	(372701)
13	03/14/2005	(425540)
14	04/13/2005	(425541)
15	05/16/2005	(425542)
16	06/02/2005	(394562)
17	06/06/2005	(425543)
18	06/17/2005	(396391)
19	07/22/2005	(446091)

20	08/05/2005	(446092)
21	08/26/2005	(400663)
22	09/07/2005	(446093)
23	09/08/2005	(431139)
24	09/08/2005	(431163)
25	09/08/2005	(431180)
26	10/11/2005	(478290)
27	11/10/2005	(478291)
28	12/15/2005	(478292)
29	01/05/2006	(451244)
30	01/05/2006	(451253)
31	01/05/2006	(451257)
32	01/23/2006	(478293)
33	02/06/2006	(478288)
34	02/13/2006	(455043)
35	02/16/2006	(435821)
36	02/16/2006	(454959)
37	03/10/2006	(478289)
38	03/13/2006	(458844)
39	03/23/2006	(459163)
40	04/20/2006	(504534)
41	04/25/2006	(463313)
42	04/25/2006	(463321)
43	04/25/2006	(463322)
44	05/08/2006	(504535)
45	05/22/2006	(467041)
46	05/25/2006	(463016)
47	06/07/2006	(526852)
48	06/04/2006	(526854)
49	08/18/2006	(509410)
50	09/06/2006	(526853)
51	09/18/2006	(526855)
52	10/03/2006	(513312)
53	10/03/2006	(513315)
54	10/03/2006	(513316)
55	10/03/2006	(514853)
56	10/03/2006	(514870)
57	10/03/2006	(514879)
58	10/06/2006	(550824)
59	10/16/2006	(515500)
60	10/31/2006	(517537)
61	11/03/2006	(550825)
62	12/15/2006	(534378)
63	12/20/2006	(534635)
64	01/04/2007	(535636)
65	01/08/2007	(587249)
66	01/31/2007	(538435)
67	02/09/2007	(587244)
68	02/26/2007	(541686)
69	02/27/2007	(541881)
70	02/27/2007	(541900)
71	03/05/2007	(587245)
72	03/09/2007	(542559)
73	03/09/2007	(542571)
74	03/23/2007	(554148)
75	03/26/2007	(553818)
76	03/26/2007	(553892)
77	04/11/2007	(556504)
78	04/11/2007	(556514)
79	04/11/2007	(556516)
80	04/13/2007	(556569)
81	04/13/2007	(556570)
82	04/13/2007	(556572)
83	04/16/2007	(587246)
84	04/30/2007	(556728)
85	05/03/2007	(587247)
86	05/17/2007	(555906)
87	06/01/2007	(561465)
88	06/08/2007	(587248)
89	07/16/2007	(604964)

90	08/06/2007	(569756)
91	08/08/2007	(604965)
92	09/20/2007	(604966)
93	09/24/2007	(595445)
94	09/24/2007	(595457)
95	09/24/2007	(595458)
96	10/03/2007	(594741)
97	10/16/2007	(626933)
98	11/20/2007	(626934)
99	12/07/2007	(626935)
100	01/04/2008	(610787)
101	01/04/2008	(610798)
102	01/16/2008	(676035)
103	01/18/2008	(610441)
104	01/31/2008	(600336)
105	02/12/2008	(617865)
106	02/15/2008	(676033)
107	03/03/2008	(616691)
108	03/03/2008	(618707)
109	03/03/2008	(618712)
110	03/11/2008	(613242)
111	03/17/2008	(678034)
112	04/07/2008	(641601)
113	04/10/2008	(694409)
114	04/17/2008	(646530)
115	04/28/2008	(653798)
116	05/13/2008	(657400)
117	05/14/2008	(694410)
118	05/30/2008	(671606)
119	05/30/2008	(680205)
120	05/30/2008	(681736)
121	05/31/2008	(680219)
122	06/16/2008	(715805)
123	07/14/2008	(694411)
124	08/11/2008	(715806)
125	09/04/2008	(700758)
126	09/08/2008	(715807)
127	09/29/2008	(702980)
128	09/29/2008	(702990)
129	09/29/2008	(702995)
130	09/30/2008	(702026)
131	09/30/2008	(702027)
132	09/30/2008	(702481)
133	10/06/2008	(702239)
134	10/20/2008	(702286)
135	10/21/2008	(731482)
136	10/22/2008	(706153)
137	10/22/2008	(706189)
138	10/22/2008	(706211)
139	11/18/2008	(708165)
140	11/24/2008	(731483)
141	12/08/2008	(709727)
142	12/22/2008	(731484)
143	01/14/2009	(754813)
144	01/16/2009	(723360)
145	01/16/2009	(723370)
146	01/16/2009	(723381)
147	01/29/2009	(724335)
148	01/29/2009	(724397)
149	01/29/2009	(724493)
150	02/02/2009	(723517)
151	02/18/2009	(709614)
152	02/19/2009	(735565)
153	02/19/2009	(754812)
154	03/02/2009	(723467)
155	03/03/2009	(709311)
156	04/17/2009	(772004)
157	04/17/2009	(772005)
158	04/21/2009	(743029)
159	05/22/2009	(772006)
160	05/25/2009	(746209)

161 06/03/2009 (721715)
 162 06/17/2009 (749620)
 163 06/19/2009 (736345)
 164 06/23/2009 (759508)
 165 07/14/2009 (761743)
 166 07/15/2009 (747284)
 167 09/02/2009 (767218)
 168 09/03/2009 (767941)
 169 09/28/2009 (776899)
 170 11/13/2009 (782323)
 171 11/19/2009 (782156)
 172 11/24/2009 (783230)
 173 11/24/2009 (783234)
 174 11/24/2009 (783241)
 175 12/10/2009 (777685)
 176 12/17/2009 (785922)

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

Date: 03/23/2006 (459163) CN600303614

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations and Monitoring PERMIT
 Description: Failure to meet effluent limitations for pH, at outfall 001.
 Date: 04/26/2006 (463322)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)

XI. Additional Requirements E. PERMIT
 Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.
 Date: 04/26/2006 (463321) CN600303614

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)

XI. Additional Requirements E. PERMIT
 Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.
 Date: 04/26/2006 (463313)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)

XI. Additional Requirements PERMIT
 Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.
 Date: 05/25/2006 (463016) CN600303614

Self Report? NO Classification: Moderate
 Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)

Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)
 40 CFR Part 60, Subpart Kb 60.112b(a)(3)

Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-2

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-5

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-7

Description: The facility failed to comply with the provisions of Subpart VV.

Self Report? NO Classification: Moderate

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

Description: The facility failed to comply with the provisions of the special condition No. 35 of the permit number 21918 by failing to monitor valves associated with the closed vent system for the North Flare.

Date: 12/20/2006 (634635) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 108, SubChapter T 108.454(3)(B)

Description: failure to keep cold solvent cleaner lid closed

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 108, SubChapter T 108.454(1)(E)

Description: failure to label cold solvent cleaner

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to test mercaptan loading dock scrubber every five years		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to include sulfur compounds in 2005 annual flare test for FL-2		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)		
Description:	failure to include deviation in deviation report		
Date:	01/31/2008 (600338)	CN600303614	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2) failure to make first attempt to repair a pump within 5 days		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2) failure to make first attempt to repair three valves within 5 days		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2) failure to make first attempt to repair one valve within 5 days		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to continuously monitor H2S Flare (FL-1) for SO2		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to monitor various components as required by the applicable fugitive monitoring program		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1) failure to conduct monthly fugitive monitoring for one pump		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a) failure to conduct monthly fugitive monitoring for various valves		
Self Report?	NO	Classification:	Minor
Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)		
Description:	failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1) failure to repair a leak no later than 15 days after detection		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
Description:	40 CFR Part 63, Subpart H 63.167 failure to prevent open-ended valves or lines		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)		
Description:	failure to report all instances of deviations on deviation reports		
Date:	02/12/2008 (617665)	CN600303614	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 331, SubChapter D 331.64(d)(2)		
Description:	Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).		
Date:	03/11/2008 (613242)	CN600303614	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(c)(7)		
Description:	5C THSC Chapter 382 382.085(b) Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event (which did not meet all affirmative defense criteria)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)		

Description: Failure to submit Initial notification within 24 hours of discovery of an emissions event

Date: 05/31/2008 (715805) CN600303614

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/02/2009 (723517) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent limitations and Monitoring PERMIT

Description: Failure to meet permit effluent limitations for Total suspended Solids (TSS) during a discharge at outfall 001.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations and Monitoring PERMIT

Description: Failure to collect samples and analyze for Total Dissolved Solids (TDS) as permit required at outfall 003 (when discharging) and to correctly report the analysis results on the monthly Discharge Monitoring Reports.

Date: 02/20/2009 (735585) CN600303614

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. The release of unauthorized emissions occurred during an emissions event (which did not meet all affirmative defense criteria).

Date: 03/03/2009 (709311)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date: 04/30/2009 (772006) CN600303614

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/23/2009 (759508) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 327 327.3(b)

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

Date: 06/30/2009 CN600303614

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 07/14/2009 (761743) CN600303614
Self Report? NO Classification: Moderate

Citation: 21918 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Description: Failure to meet the minimum net heating value of 300 Btu/scf for the gas being combusted in a flare during a flare performance test.

Date: 09/02/2009 (767218) CN600303614
Self Report? NO Classification: Moderate

Citation: 21918 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Description: Failure to meet the minimum net heating value of 300 Btu/scf for the gas being combusted in a flare during a flare performance test.

F. Environmental audits.

Notice of Intent Date: 02/15/2005 (372352)
No DOV Associated
Notice of Intent Date: 02/24/2005 (374234)
No DOV Associated

Notice of Intent Date: 09/21/2005 (434811)
Disclosure Date: 03/07/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter C 305.44

Rqmt Prov: PERMIT TPDES permit 02484
Description: Failure to amend TPDES permit.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101

40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11
Description: Failure to adequately characterize wastewater discharge streams to ensure that any toxic pollutants do not exceed the limitations prescribed in the subpart.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)

Description: Failure to sample for all specific parameters during annual underground injection well sampling.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64

Rqmt Prov: PERMIT WDW 219
Description: Failure to adequately implement underground injection well monitoring requirements.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)

Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter R 335.613(c)

Description: Failure to maintain all required waste stream documentation.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

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

Notice of Intent Date: 06/22/2006 (486718)
No DOV Associated

Notice of Intent Date: 03/09/2009 (740234)
Disclosure Date: 08/25/2009
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)
30 TAC Chapter 335, SubChapter O 335.431
Description: Failure to ensure that each EPA Uniform Hazardous Waste Manifest and Land Disposal Restriction (LDR) document was properly completed and maintained in the facility files.

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

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN102320850

§
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§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-2066-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant with a storm water collection system and wastewater treatment facility located approximately two miles northeast of Borger on State Highway Spur 119 in Hutchinson County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 December 15, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Fifty Dollars (\$9,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The

Respondent has paid Seven Thousand Two Hundred Forty Dollars (\$7,240) of the administrative penalty and One Thousand Eight Hundred Ten Dollars (\$1,810) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by July 31, 2009, the Respondent implemented the following corrective measures at the Facility:
 - a. Began treating storm water to reduce the total suspended solids ("TSS"); and
 - b. Returned to compliance with all permitted effluent limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limits for TSS, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002484000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001, as documented during a record review on September 28, 2009. Specifically, the TSS daily maximum exceeded the permit limit of 100 milligrams per liter ("mg/L") for the monitoring periods ending April 30, 2009 (150 mg/L) and June 30, 2009 (1412 mg/L).
2. Failed to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more, in violation of 30 TEX. ADMIN CODE § 305.125(1) and TPDES Permit No. WQ0002484001, Monitoring and Reporting Requirements No. 7.c, as documented during a record review conducted on January 27, 2010. Specifically the TSS daily maximum

exceeded the permit effluent limit by 40% or more during April 2009 and June 2009, and the TCEQ was not notified.

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. 2009-2066-IWD-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update operational guidance to ensure that exceedances of the permitted effluent limits by 40% or more are properly reported to the TCEQ; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan

For the Executive Director

5/14/2010

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.

DP DIGMAN

Signature

8 APRIL 2010

Date

DP DIGMAN

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.

