

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-0247-AIR-E **TCEQ ID:** RN102320850 **CASE NO.:** 39157
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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION(S) OCCURRED: Philtex Ryton Plant, on a private road two miles northeast of the intersection of State Highways 119 and 245, near Borger, Hutchinson County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location: Docket Nos. 2010-0550-UIC-E and 2009-2066-IWD-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on July 5, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Todd Williams, Environmental Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008
 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

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: January 15, 2010 through January 25, 2010</p> <p>Date of NOE Relating to this Case: January 26, 2010</p> <p>Background Facts: This was a records investigation.</p> <p>AIR</p> <p>Failure to stack test Caustic Scrubber R-V23 for all required air contaminants within 180 days after initial start-up on July 22, 2009. Specifically, stack testing of Caustic Scrubber R-V23 was conducted on October 23, 2009, however, testing for volatile organic compounds ("VOCs") was not conducted [Air Permit No. 7719A, Special Condition Nos. 24.B. and 24.C., 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$3,070</p> <p>Total Deferred: \$614 <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: \$2,456</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 120 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification demonstrating that stack testing of Caustic Scrubber R-V23 for VOCs has been completed; or</p> <p>ii. If the process has not returned to operation, submit written certification that approval for an amended testing schedule has been obtained from the TCEQ Lubbock Regional Office.</p> <p>b. If certification of an approved amended testing schedule is submitted, as described in Ordering Provision a.ii., implement the amended testing schedule as approved, and submit written certification to demonstrate compliance within 15 days after completion; and</p> <p>c. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and/or b.</p>

Additional ID No(s): HW0013C



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Assigned	1-Feb-2010	Screening	16-Feb-2010	EPA Due	23-Oct-2010
PCW	16-Feb-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Chevron Phillips Chemical Company LP
Reg. Ent. Ref. No.	RN102320860
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39157	No. of Violations	1
Docket No.	2010-0247-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
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 *Capped at the Total EB \$ Amount
Approx. Cost of Compliance

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 16-Feb-2010

Docket No. 2010-0247-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 39157

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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) 207%

>> 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

Penalty enhancement due to one same or similar NOV, 16 unrelated NOVs, and nine agreed orders with a denial of liability. Penalty reduction due to six Notices of Intended Audits and two Disclosures of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 207%

Screening Date 16-Feb-2010

Docket No. 2010-0247-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 39157

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 7719A, Special Condition Nos. 24.B. and 24.C., 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to stack test Caustic Scrubber R-V23 for all required air contaminants within 180 days after initial start-up on July 22, 2009. Specifically, stack testing of Caustic Scrubber R-V23 was conducted on October 23, 2009, however, testing for volatile organic compounds was not conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health of environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 28

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended based on the investigation conducted on January 15, 2010 through January 25, 2010.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$379

Violation Final Penalty Total \$3,070

This violation Final Assessed Penalty (adjusted for limits) \$3,070

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 39157
Reg. Ent. Reference No. RN102320850
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	19-Jan-2010	23-Oct-2010	0.76	\$379	n/a	\$379

Notes for DELAYED costs
 Estimated cost to conduct the required stack testing. The date required is the date the testing was required to be performed by. The final date is the projected 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
 (Empty box for notes)

Approx. Cost of Compliance \$10,000 **TOTAL** \$379

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600303614	Chevron Phillips Chemical Company LP	Classification: AVERAGE	Rating: 4.00
Regulated Entity:	RN102320850	PHILTEX RYTON PLANT	Classification: AVERAGE	Site Rating: 7.73
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD041516709
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30131
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50254
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50254
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50018
	AIR NEW SOURCE PERMITS	REGISTRATION		91758
	AIR NEW SOURCE PERMITS	REGISTRATION		39927
	AIR NEW SOURCE PERMITS	REGISTRATION		40813
	AIR NEW SOURCE PERMITS	REGISTRATION		41609
	AIR NEW SOURCE PERMITS	REGISTRATION		45470
	AIR NEW SOURCE PERMITS	REGISTRATION		45708
	AIR NEW SOURCE PERMITS	REGISTRATION		46022
	AIR NEW SOURCE PERMITS	REGISTRATION		46698
	AIR NEW SOURCE PERMITS	REGISTRATION		47618
	AIR NEW SOURCE PERMITS	REGISTRATION		47873
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HW0013C
	AIR NEW SOURCE PERMITS	PERMIT		7719A
	AIR NEW SOURCE PERMITS	PERMIT		21918
	AIR NEW SOURCE PERMITS	REGISTRATION		31409
	AIR NEW SOURCE PERMITS	REGISTRATION		55433
	AIR NEW SOURCE PERMITS	REGISTRATION		70021
	AIR NEW SOURCE PERMITS	AFS NUM		4823300004
	AIR NEW SOURCE PERMITS	REGISTRATION		71299
	AIR NEW SOURCE PERMITS	REGISTRATION		88312
	AIR NEW SOURCE PERMITS	REGISTRATION		54297
	AIR NEW SOURCE PERMITS	REGISTRATION		53267
	AIR NEW SOURCE PERMITS	REGISTRATION		53320
	AIR NEW SOURCE PERMITS	REGISTRATION		50537
	AIR NEW SOURCE PERMITS	REGISTRATION		72623
	AIR NEW SOURCE PERMITS	REGISTRATION		74568
	AIR NEW SOURCE PERMITS	REGISTRATION		75050
	AIR NEW SOURCE PERMITS	REGISTRATION		81490
	AIR NEW SOURCE PERMITS	REGISTRATION		83284

AIR NEW SOURCE PERMITS	REGISTRATION	84319
AIR NEW SOURCE PERMITS	REGISTRATION	87362
AIR NEW SOURCE PERMITS	REGISTRATION	85444
AIR NEW SOURCE PERMITS	REGISTRATION	83292
UNDERGROUND INJECTION CONTROL	PERMIT	WDW381
UNDERGROUND INJECTION CONTROL	PERMIT	WDW067
UNDERGROUND INJECTION CONTROL	PERMIT	WDW068
UNDERGROUND INJECTION CONTROL	PERMIT	WDW219
AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0013C
AIR OPERATING PERMITS	PERMIT	2164
AIR OPERATING PERMITS	PERMIT	2165
AIR OPERATING PERMITS	PERMIT	2166
AIR OPERATING PERMITS	PERMIT	1440
WASTEWATER	PERMIT	WQ0002484000
WASTEWATER	PERMIT	TPDES0095869
WASTEWATER	PERMIT	TX0095869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30131
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50254
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HW0013C

Location: ON A PRIVATE ROAD TWO MILES NORTH EAST OF THE INTERSECTION OF STATE HIGHWAYS 119 AND 245 NEAR BORGER, HUTCHINSON COUNTY

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: February 02, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 02, 2005 to February 02, 2010

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

Name: Rebecca Johnson Phone: (361) 825-3420

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 11/06/2005

ADMINORDER 2005-0704-AIR-E

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

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

Effective Date: 02/20/2006

ADMINORDER 2005-0094-AIR-E

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

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

Effective Date: 04/29/2006

ADMINORDER 2005-1638-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 17.C. PERMIT
Description: Failed to keep complete records.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 32 PERMIT
Description: Failed to control vapors from a loading operation.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT
Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 46 PERMIT
Description: Failed to use data required by the permit in emissions calculations.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failed to include all instances of deviations in a report.

Effective Date: 05/12/2006

ADMINORDER 2004-0958-AIR-E

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit the initial upset report for Incident No. 33418 in a timely manner.
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Part 63, Subpart A 63.11(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 2 PERMIT
Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.
Classification: Major
Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart F 63.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC NO. 6 PERMIT
Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart A 63.11(b)(5)
40 CFR Part 63, Subpart H 63.172(d)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to accurately report the number of valves monitored in August and November of 2003 on the semiannual report for the period of July 1 through December 31, 2003.

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to conduct a visual inspection of the internal floating roof and the seal of Tank H-6 after the tank was emptied on February 20, 2003.

Effective Date: 07/22/2006

ADMINORDER 2006-0189-AIR-E

Classification: Moderate

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

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

Effective Date: 11/06/2008

ADMINORDER 2008-0230-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

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

Effective Date: 12/04/2008

ADMINORDER 2008-0916-AIR-E

Classification: Moderate

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

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

Effective Date: 05/03/2009

ADMINORDER 2008-1771-AIR-E

Classification: Moderate

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

Rqmt Prov: 7719A PERMIT

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

Effective Date: 11/27/2009

ADMINORDER 2009-0893-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 21918 PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/07/2005	(425539)
2	02/16/2005	(350931)
3	03/03/2005	(345470)
4	03/03/2005	(372687)
5	03/03/2005	(372692)
6	03/03/2005	(372701)
7	03/14/2005	(425540)
8	04/13/2005	(425541)
9	05/16/2005	(425542)
10	06/02/2005	(394562)
11	06/06/2005	(425543)
12	06/17/2005	(396391)
13	07/22/2005	(446091)
14	08/05/2005	(446092)
15	08/26/2005	(400663)
16	09/07/2005	(446093)
17	09/08/2005	(431139)
18	09/08/2005	(431163)
19	09/08/2005	(431180)
20	10/11/2005	(478290)
21	11/10/2005	(478291)
22	12/15/2005	(478292)
23	01/05/2006	(451244)
24	01/05/2006	(451253)
25	01/05/2006	(451257)

26	01/23/2006	(478293)
27	02/06/2006	(478288)
28	02/13/2006	(455043)
29	02/16/2006	(435821)
30	02/16/2006	(454969)
31	03/10/2006	(478289)
32	03/13/2006	(458844)
33	03/23/2006	(459163)
34	04/20/2006	(504534)
35	04/25/2006	(463313)
36	04/25/2006	(463321)
37	04/25/2006	(463322)
38	05/08/2006	(504535)
39	05/22/2006	(467041)
40	05/25/2006	(463016)
41	06/07/2006	(526852)
42	08/04/2006	(526854)
43	08/18/2006	(509410)
44	09/06/2006	(526853)
45	09/18/2006	(526855)
46	10/03/2006	(513312)
47	10/03/2006	(513315)
48	10/03/2006	(513316)
49	10/03/2006	(514853)
50	10/03/2006	(514870)
51	10/03/2006	(514879)
52	10/06/2006	(550824)
53	10/16/2006	(515500)
54	10/31/2006	(517537)
55	11/03/2006	(550825)
56	12/15/2006	(534378)
57	12/20/2006	(534635)
58	01/04/2007	(535636)
59	01/08/2007	(587249)
60	01/31/2007	(538435)
61	02/09/2007	(587244)
62	02/26/2007	(541686)
63	02/27/2007	(541861)
64	02/27/2007	(541900)
65	03/05/2007	(587245)
66	03/09/2007	(542559)
67	03/09/2007	(542571)
68	03/23/2007	(554148)
69	03/26/2007	(553818)
70	03/26/2007	(553892)
71	04/11/2007	(556504)
72	04/11/2007	(556514)
73	04/11/2007	(556516)
74	04/13/2007	(556569)
75	04/13/2007	(556570)
76	04/13/2007	(556572)
77	04/16/2007	(587246)
78	04/30/2007	(556728)
79	05/03/2007	(587247)
80	05/17/2007	(555906)
81	06/01/2007	(561465)
82	06/08/2007	(587248)
83	07/16/2007	(604964)
84	08/06/2007	(569756)

85	08/08/2007	(604965)
86	09/20/2007	(604966)
87	09/24/2007	(595445)
88	09/24/2007	(595457)
89	09/24/2007	(595458)
90	10/03/2007	(594741)
91	10/16/2007	(626933)
92	11/20/2007	(626934)
93	12/07/2007	(626935)
94	01/04/2008	(610787)
95	01/04/2008	(610798)
96	01/16/2008	(676035)
97	01/18/2008	(610441)
98	01/31/2008	(600338)
99	02/12/2008	(617665)
100	02/15/2008	(676033)
101	03/03/2008	(618691)
102	03/03/2008	(618707)
103	03/03/2008	(618712)
104	03/11/2008	(613242)
105	03/17/2008	(676034)
106	04/07/2008	(641601)
107	04/10/2008	(694409)
108	04/17/2008	(646530)
109	04/29/2008	(653798)
110	05/13/2008	(657400)
111	05/14/2008	(694410)
112	05/30/2008	(671606)
113	05/30/2008	(680205)
114	05/30/2008	(681736)
115	05/31/2008	(680219)
116	06/16/2008	(715805)
117	07/14/2008	(694411)
118	08/11/2008	(715806)
119	09/04/2008	(700758)
120	09/08/2008	(715807)
121	09/29/2008	(702980)
122	09/29/2008	(702990)
123	09/29/2008	(702995)
124	09/30/2008	(702026)
125	09/30/2008	(702027)
126	09/30/2008	(702481)
127	10/06/2008	(702239)
128	10/20/2008	(702286)
129	10/21/2008	(731482)
130	10/22/2008	(706153)
131	10/22/2008	(706189)
132	10/22/2008	(706211)
133	11/18/2008	(708165)
134	11/24/2008	(731483)
135	12/08/2008	(709727)
136	12/22/2008	(731484)
137	01/14/2009	(754813)
138	01/16/2009	(723360)
139	01/16/2009	(723370)
140	01/16/2009	(723381)
141	01/29/2009	(724335)
142	01/29/2009	(724397)
143	01/29/2009	(724493)

144 02/02/2009 (723517)
 145 02/18/2009 (709614)
 146 02/19/2009 (735565)
 147 02/19/2009 (754812)
 148 03/02/2009 (723467)
 149 03/03/2009 (709311)
 150 04/17/2009 (772004)
 151 04/17/2009 (772005)
 152 04/21/2009 (743029)
 153 05/22/2009 (772006)
 154 05/25/2009 (746209)
 155 06/03/2009 (721715)
 156 06/17/2009 (749820)
 157 06/19/2009 (736345)
 158 06/23/2009 (759508)
 159 07/14/2009 (761743)
 160 07/15/2009 (747284)
 161 09/02/2009 (767218)
 162 09/03/2009 (767941)
 163 09/28/2009 (776899)
 164 11/13/2009 (782323)
 165 11/19/2009 (782156)
 166 11/24/2009 (783230)
 167 11/24/2009 (783234)
 168 11/24/2009 (783241)
 169 12/10/2009 (777685)
 170 12/17/2009 (785922)
 171 12/21/2009 (785373)
 172 12/21/2009 (786006)
 173 12/29/2009 (786932)
 174 01/26/2010 (788732)
 175 01/29/2010 (790317)

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

Date: 03/23/2006 (459163)
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) **Classification:** Minor
Self Report? NO
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) **Classification:** Minor
Self Report? NO
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) **Classification:** Minor
Self Report? NO
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)

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 (534635)

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

Date: 01/31/2008 (600338)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Description: failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
Description: failure to make first attempt to repair a pump within 5 days
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
Description: failure to make first attempt to repair three valves within 5 days
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

Description: failure to make first attempt to repair one valve within 5 days
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: failure to continuously monitor H2S Flare (FL-1) for SO2
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: failure to monitor various components as required by the applicable fugitive monitoring program
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Description: failure to conduct monthly fugitive monitoring for one pump
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: failure to conduct monthly fugitive monitoring for various valves
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)

Description: failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: failure to repair a leak no later than 15 days after detection
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart H 63.167

Description: failure to prevent open-ended valves or lines
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: failure to report all instances of deviations on deviation reports

Date: 02/12/2008 (617665)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)(2)

Description: Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).

Date: 03/11/2008 (613242)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Date: 05/31/2008 (715805)

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)

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 (735565)

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)

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)

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: 07/14/2009 (761743)

Self Report? NO

Classification: Moderate

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

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

Date: 09/02/2009 (767218)

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 335.513(c)

Description: Failure to maintain all required waste stream documentation.

Viol. Classification: Moderate

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

Description: Failure to complete required weekly 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. 2010-0247-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 a chemical manufacturing plant on a private road two miles northeast of the intersection of State Highways 119 and 245 near Borger, Hutchinson 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 January 31, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Seventy Dollars (\$3,070) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Four Hundred Fifty-Six Dollars (\$2,456) of the administrative penalty and Six Hundred Fourteen Dollars (\$614) 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 failed to stack test Caustic Scrubber R-V23 for all required air contaminants within 180 days after initial start-up on July 22, 2009, in violation of Air Permit No. 7719A, Special Condition Nos. 24.B. and 24.C., 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 15, 2010 through January 25, 2010. Specifically, stack testing of Caustic Scrubber R-V23 was conducted on October 23, 2009, however, testing for volatile organic compounds ("VOCs") was not conducted.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2010-0247-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. Within 120 days after the effective date of this Agreed Order:
 - i. Submit written certification demonstrating that stack testing of Caustic Scrubber R-V23 for VOCs has been completed; or
 - ii. If the process has not returned to operation, submit written certification that approval for an amended testing schedule has been obtained from the TCEQ Lubbock Regional Office.
 - b. If certification of an approved amended testing schedule is submitted, as described in Ordering Provision No. 2.a.ii., implement the amended testing schedule as approved, and submit written certification to demonstrate compliance within 15 days after completion; and
 - c. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and/or 2.b. The certifications 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 fine 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 copies to:

Air Section, Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421; and

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 6/18/2010

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

Date 3 MAY 2010

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.