

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2010-0178-AIR-E **TCEQ ID:** RN102495884 **CASE NO.:** 39093
RESPONDENT NAME: ConocoPhillips Company

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Borger Refinery, located on Spur 119, two miles northeast of Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2010-0675-AIR-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 August 2, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SBP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Andrew Stow, Environmental Manager, ConocoPhillips Company, P.O. Box 271, Borger, Texas 79008 Mr. Brian K. Lever, Refinery Manager, ConocoPhillips Company, P.O. Box 271, 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 checked="" 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: October 5 through 19, 2009 and February 9, 2010</p> <p>Date of NOV/NOE Relating to this Case: January 15, 2010 and March 3, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation and a records review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions from the GOHDS flare on August 17, 2009 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9868A/PSDTX102M7, Special Condition ("SC") No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to submit a complete deviation report no later than 30 days after the end of the reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A); Federal Operating Permit ("FOP") No. O-01440, Special Terms and Conditions ("STC") No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to maintain Unit 12, Engine 42's catalyst on March 27, 2009 so that the pressure drop across the catalyst does not exceed the limits established during the performance test [30 TEX. ADMIN. CODE § 113.1090, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.6640(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to collect one fresh feed sulfur sample once per eight-hour period [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4); FOP No. O-01440, STC No. 1.A.; 40 CFR § 60.106(j)(1); and TEX.</p>	<p>Total Assessed: \$47,084</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$23,542</p> <p>Total Paid to General Revenue: \$23,542</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Criteria 3 – three repeated enforcement actions for the same violation over the five year period. The Respondent had four prior actions for deficient deviation report and four prior actions for deficient emission event final reports.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. To prevent the recurrence of an incident similar to Incident No. 128273:</p> <p>i. On October 5, 2009, updated the startup procedures to ensure that valves PV008A and PV008B are in automatic, cascading control; and</p> <p>ii. On November 30, 2009, updated Unit 45 Level 2 Shutdown Monitor Graphics to ensure that the valves are open during startup.</p> <p>b. By January 14, 2010, purchased and installed a new scanner for the analyst who submits the annual permit certifications and deviation reports;</p> <p>c. On September 7, 2009, changed operating procedures (Management of Change Document M-09-0836) to require change out of the catalyst packs in engines when a high pressure differential occurs;</p> <p>d. On September 1, 2009, switched to an approved alternate monitoring method for monitoring SO₂, a continuous emission monitoring system (CEMS), instead of taking eight-hour feed samples;</p> <p>e. On April 4, 2008, satisfactorily submitted the information required to be included in the initial report for Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen) in the total annual benzene report for 2007;</p> <p>f. On February 25, 2010, conducted refresher training on reporting emissions events; and</p> <p>g. To prevent the recurrence of an incident similar to Incident No. 131870:</p> <p>i. On November 13, 2009, shut down Substation 17 and repaired the West Main Breaker; and</p>

<p>HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to submit the initial required benzene reports within 90 days of startup for the following units, which were started in June 2007: Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen), [30 TEX. ADMIN. CODE § 101.20(1), 40 CFR § 61.357(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to submit a complete final report for emissions event No. 124305 which occurred on May 15, 2009 [30 TEX. ADMIN. CODE § 101.201(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to prevent unauthorized emissions from the Unit 34 incinerator stack on November 10, 2009 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9868A/PSDTX102M7, SC No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>ii. On January 29, 2010, finished evaluating the other main breakers in the Plant similar to those in Substation 17 and reviewing the electrical inspection process prior to new equipment commissioning.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>
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Additional ID No(s): HW0018P

Attachment A
Docket Number: 2010-0178-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Payable Penalty Amount:	Forty-Seven Thousand Eighty-Four Dollars (\$47,084)
SEP Amount:	Twenty-Three Thousand Five Hundred Forty-Two Dollars (\$23,542)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 211 – Amarillo-Lubbock

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

ConocoPhillips Company
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Jan-2010	Screening	2-Feb-2010	EPA Due	12-Oct-2010
	PCW	3-Feb-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN102495884
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39093	No. of Violations	7
Docket No.	2010-0178-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

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
The penalty was enhanced for nine same or similar NOVs, four other NOVs, ten 1660 orders, one findings order, one EPA order without a denial of liability, and one EPA consent decree containing a denial of liability. The penalty was reduced for nine NOAs and five 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	\$130	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,509	

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

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 2-Feb-2010

Docket No. 2010-0178-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 39093

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	10	200%
	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	2	50%
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)	1	30%
	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)	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	5	-10%
<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) 314%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced for nine same or similar NOVs, four other NOVs, ten 1660 orders, one findings order, one EPA order without a denial of liability, and one EPA consent decree containing a denial of liability. The penalty was reduced for nine NOAs and five DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 314%

Screening Date 2-Feb-2010

Docket No. 2010-0178-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 39093

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a); Flexible Permit No. 9868A/PSDTX102M7, Special Condition ("SC") No. 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 1,600 pounds ("lbs") of sulfur dioxide ("SO2") and 18 lbs of hydrogen sulfide ("H2S") from the Gas Oil Hydrodesulfurization ("GOHDS") flare on August 17, 2009 during an emissions event lasting 33 minutes (Incident No. 128273). Specifically, a lightning strike resulted in the shutdown of Unit 45 due to temperature reading failure and the tripping of the the H2S compressor. During startup, the unit reactor over-pressurized because two valves, PV008A and PV008B, were left in a closed position, and the emissions were routed to the flare. The startup procedure did not require the operator to verify the mode of the valves during the startup, and the control panel did not display that the valves were in a closed position. Because this event could have been avoided by better operating and maintenance practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended for the emissions event which occurred on August 17, 2009.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement \$625

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The corrective actions were completed on November 30, 2009, and the NOE was issued January 15, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Estimated EB Amount \$7

Statutory Limit Test

Violation Final Penalty Total \$9,725

This violation Final Assessed Penalty (adjusted for limits) \$9,725

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 39093
Reg. Ent. Reference No. RN102495884
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-Aug-2009	30-Nov-2009	0.29	\$7	n/a	\$7

Notes for DELAYED costs

The estimated cost for updating the startup procedures to ensure that valves PV008A and PV008B are in automatic, cascading control and updating Unit 45 Level 2 Shutdown Monitor Graphics to ensure that the valves are open during startup. The Date required is the date of the violation and Final Date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

Screening Date: 2-Feb-2010 **Docket No.:** 2010-0178-AIR-E **PCW**
Respondent: ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No.: 39093 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102495884
Media [Statute]: Air
Enf. Coordinator: Miriam Hall
Violation Number: 2
Rule Cite(s): 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A); Federal Operating Permit ("FOP") No. O-01440, Special Terms and Conditions ("STC") No. 18; and Tex. Health & Safety Code § 382.085(b)
Violation Description: Failed to submit a complete deviation report no later than 30 days after the end of the reporting period. Specifically, an incomplete deviation report for the certification period January 1 through June 30, 2009 was submitted on July 30, 2009, and a revised report containing the previous 18 missing pages was submitted on August 4, 2009.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
Actual			x		10%
Potential					

Matrix Notes: The Respondent met about 67% of the rule requirement.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 5 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty: \$1,000

One single event is recommended for the deficient report.

Good Faith Efforts to Comply 25.0% Reduction \$250

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

Notes: The Respondent completed corrective actions on January 14, 2010, and the NGE was issued January 15, 2010.

Violation Subtotal: \$750

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

Estimated EB Amount: \$49

Violation Final Penalty Total: \$3,890

This violation Final Assessed Penalty (adjusted for limits): \$3,890

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 39093
Req. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,509	30-Jul-2009	14-Jan-2010	0.46	\$2	\$46	\$49
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The cost for a new scanner for the analyst who submits the reports from the due date of the report to installation date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,509

TOTAL

\$49

Screening Date 2-Feb-2010 **Docket No.** 2010-0178-AIR-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 39093 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air
Enf. Coordinator Miriam Hall
Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 113.1090, 40 Code of Federal Regulations ("CFR") § 63.6640(a), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain Unit 12, Engine 42's catalyst on March 27, 2009 so that the pressure drop across the catalyst does not exceed the limits established during the performance test.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended for March 27, 2009.

Good Faith Efforts to Comply 25.0% Reduction \$250

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

Notes Corrective actions were completed on September 7, 2009, and the NOE was issued January 15, 2010.

Violation Subtotal \$750

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$3,890

This violation Final Assessed Penalty (adjusted for limits) \$3,890

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No: 39093
Req. Ent. Reference No: RN102495884
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	27-Mar-2009	7-Sep-2009	0.45	\$11	n/a	\$11

Notes for DELAYED costs

The estimated cost to change operating procedures [Management of Change ("MOC") Document M-09-0836], to change out the catalyst packs in the engines when a high-pressure differential occurs. The begin date is the date of the violation and the final date is the effective date of the MOC.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$11

Screening Date 2-Feb-2010 **Docket No.** 2010-0178-AIR-E **PCW**
Respondent ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No. 39093 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102495884
Media [Statute] Air
Enf. Coordinator Miriam Hall
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 122.143(4); FOP No. O-01440, STC No. 1.A., 40 CFR § 60.106(j)(1); and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to collect one fresh feed sulfur sample once per eight-hour period. Specifically, only two instead of three samples were collected from Units 29 and 40 on January 9, 2009. Unit 29 on January 10, 2009, and Unit 40 on February 14, March 23, and April 8, 2009.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could have been exposed to significant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for January 9 through April 8, 2009.

Good Faith Efforts (to Comply) 25.0% Reduction \$625

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

Notes The Respondent completed corrective actions on September 1, 2009. The NOE was issued on January 15, 2010.

Violation Subtotal \$1,875

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

Estimated EB Amount \$14

Violation Final Penalty Total \$9,725

This violation Final Assessed Penalty (adjusted for limits) \$9,725

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No: 39093
Reg. Ent. Reference No.: RN102496884
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$500	14-Feb-2009	1-Sep-2009	0.55	\$14	n/a	\$14

Notes for DELAYED costs

The estimated cost of applying for an alternate monitoring method, a continuous emission monitoring system ("CEMS"), from the date of the first violation to date the alternate method was approved. (The CEMS had already been operating onsite for years so no new equipment was required.)

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$14

Screening Date: 2-Feb-2010 **Docket No.:** 2010-0178-AIR-E **PCW**
Respondent: ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No.: 39093 *FCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102495884
Media [Statute]: Air
Enf. Coordinator: Miriam Hall
Violation Number: 5
Rule Cite(s): 30 Tex. Admin. Code § 101.20(1), 40 CFR § 61.357(a), and Tex. Health & Safety Code § 382.065(b)
Violation Description: Failed to submit the initial required benzene reports within 90 days of startup for the following units, which were started in June 2007: Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen)

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			25%

The Respondent failed to comply with 100% of the rule requirement.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 Number of violation days: 215

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$2,500

One single event is recommended for one report. Because the units were started up in the same month, all could have been included in one report.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes: The Respondent came into compliance on April 4, 2008, and the NOE was issued on January 16, 2010.

Violation Subtotal: \$1,875

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

Estimated EB Amount: \$16 **Violation Final Penalty Total:** \$9,725

This violation Final Assessed Penalty (adjusted for limits): \$9,725

Economic Benefit Worksheet

Respondent: ConocoPhillips Company

Case ID No.: 39093

Reg. Ent. Reference No.: RN102495884

Media: Air

Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$500	2-Sep-2007	4-Apr-2008	0.69	\$15	n/a	\$15

Notes for DELAYED costs

The estimated cost of preparing the report from the due date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$15

Screening Date 2-Feb-2010

Docket No: 2010-0178-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No: 39093

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN102495884

Media [Statute]: Air

Enf. Coordinator: Miriam Hall

Violation Number: 6

Rule Cite(s): 30 Tex. Adm. Code § 101.201(b)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to submit a complete final report for emissions event No. 124305 which occurred on May 15, 2009. Specifically, the Respondent failed to provide the information for two flaring activities during this incident, including the emission points, the air contaminants, and the total quantities of compounds released into the atmosphere.

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	1%

Matrix Notes: The Respondent met more than 70% of the rule requirement. (The emissions event involved multiple emission points, and the Respondent had not reported all contaminants below the reportable quantities.)

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events: 1 Number of violation days: 94

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for one incomplete report.

Good Faith Efforts to Comply

10.0% Reduction \$10

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

Notes: Corrective actions were completed on February 25, 2010, and the NOE was issued January 15, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$404

This violation Final Assessed Penalty (adjusted for limits) \$404

Economic Benefit Worksheet

Respondent: ConocoPhillips Company

Case ID No.: 39093

Reg. Ent. Reference No.: RN102495884

Media: Air

Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	29-May-2009	25-Feb-2010	0.75	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for emissions event reporting training from the first date of the violation (final report due date) to the date of training.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date: 2-Feb-2010 **Docket No.:** 2010-0178-AIR-E **PCW**
Respondent: ConocoPhillips Company *Policy Revision 2 (September 2002)*
Case ID No.: 39093 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN102495884
Media [Statute]: Air
Enf. Coordinator: Miriam Hall

Violation Number: 7
Rule Cite(s): 30 Tex. Admin. Code §§ 101.20(3) and 116.716(a); Flexible Permit No. 9868AVPSDTX102M7, SC No. 1; and Tex. Health & Safety Code § 382.085(b)
Violation Description: Failed to prevent unauthorized emissions of 787 lbs of SO2 and 15.74 lbs of H2S, 1.59 lbs of nitric oxide, and 0.38 lbs of carbon monoxide from the Unit 34 incinerator stack on November 10, 2009 during an emissions event lasting 30 minutes (Incident No. 131870). The event was the result of a power failure caused by the incorrect installation of the West Main Breaker at Substation 17. Because this event could have been avoided by better operating and maintenance practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment: \$7,500
Total: \$2,500

Violation Events

Number of violation days: 1
 mark only one with an x:
 daily:
 weekly:
 monthly:
 quarterly:
 semiannual:
 annual:
 single event:
Violation Base Penalty: \$2,500

One quarterly event is recommended for the emissions event which occurred on November 10, 2009.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes: Corrective actions were completed on January 29, 2009, and the NOE was issued on March 3, 2010.
Violation Subtotal: \$1,875

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

Estimated EB Amount: \$16 **Violation Final Penalty Total:** \$9,725
This violation Final Assessed Penalty (adjusted for limits): \$9,725

Economic Benefit Worksheet

Respondent: ConocoPhillips Company
Case ID No.: 39093
Reg. Ent. Reference No.: RN102495884
Media: Air
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	10-Nov-2009	29-Jan-2010	0.22	\$16	n/a	\$16

Notes for DELAYED costs: The estimated cost of repairing the breaker, evaluating the other main breakers similar to the West Main Breaker, and updating inspection procedures from the date of the violation to the date corrective actions were completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$1,500	TOTAL	\$16
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Compliance History Report

Customer/Respondent/Owner-Operator:	CN601674351 ConocoPhillips Company	Classification: AVERAGE	Rating: 2.79
Regulated Entity:	RN102495884 BORGER REFINERY	Classification: AVERAGE	Site Rating: 24.43
ID Number(s):	WASTEWATER PERMIT WQ0001064000 WASTEWATER PERMIT TX0009148000 WASTEWATER PERMIT TX0009148 AIR NEW SOURCE PERMITS PERMIT 9888A AIR NEW SOURCE PERMITS REGISTRATION 11042A AIR NEW SOURCE PERMITS PERMIT 11449A AIR NEW SOURCE PERMITS PERMIT 11935A AIR NEW SOURCE PERMITS PERMIT 11429A AIR NEW SOURCE PERMITS PERMIT 14441A AIR NEW SOURCE PERMITS REGISTRATION 22777 AIR NEW SOURCE PERMITS REGISTRATION 34417 AIR NEW SOURCE PERMITS PERMIT 43073 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HW0018P AIR NEW SOURCE PERMITS AFS NUM 4823300015 AIR NEW SOURCE PERMITS REGISTRATION 71385 AIR NEW SOURCE PERMITS EPA ID PSDTX102M6 AIR NEW SOURCE PERMITS PERMIT 71385 AIR NEW SOURCE PERMITS PERMIT 80799 AIR NEW SOURCE PERMITS EPA ID PSDTX1119 AIR NEW SOURCE PERMITS REGISTRATION 82659 AIR NEW SOURCE PERMITS REGISTRATION 90208 AIR NEW SOURCE PERMITS REGISTRATION 89064 AIR NEW SOURCE PERMITS REGISTRATION 90182 AIR NEW SOURCE PERMITS EPA ID PSDTX1158 AIR NEW SOURCE PERMITS PERMIT 85872 AIR NEW SOURCE PERMITS EPA ID PSDTX102M7 AIR NEW SOURCE PERMITS REGISTRATION 87666 AIR NEW SOURCE PERMITS REGISTRATION 88476 AIR NEW SOURCE PERMITS REGISTRATION 87458 AIR NEW SOURCE PERMITS REGISTRATION 87158 AIR NEW SOURCE PERMITS EPA ID PSDTX102M8 AIR OPERATING PERMITS ACCOUNT NUMBER HW0018P AIR OPERATING PERMITS PERMIT 1440 AIR OPERATING PERMITS PERMIT 2166 INDUSTRIAL AND HAZARDOUS WASTE GENERATION SOLID WASTE REGISTRATION # (SWR) 30111 INDUSTRIAL AND HAZARDOUS WASTE GENERATION EPA ID TXD980626774 INDUSTRIAL AND HAZARDOUS WASTE STORAGE PERMIT 50078 INDUSTRIAL AND HAZARDOUS WASTE STORAGE PERMIT 50078 UNDERGROUND INJECTION CONTROL PERMIT WDW380 UNDERGROUND INJECTION CONTROL PERMIT WDW382 UNDERGROUND INJECTION CONTROL PERMIT WDW325 WASTEWATER LICENSING LICENSE WQ0001064000 INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE PERMIT 50078 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30111 WASTE WATER GENERAL PERMIT PERMIT TXG670002 INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS PERMIT 50078 AIR EMISSIONS INVENTORY ACCOUNT NUMBER HW0018P		
Location:	STATE SPUR 119, two miles northeast of Borger		
TCEQ Region:	REGION 01 - AMARILLO		
Date Compliance History Prepared:	February 25, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 25, 2005 to February 25, 2010		

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?

OWNOPR	ConocoPhillips Company
OWNOPR	ConocoPhillips Company
OWN	WRB Refining LLC
4. If Yes, who was/were the prior owner(s)/operator(s) ?

OWNOPR	ConocoPhillips Company
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5. When did the change(s) in owner or operator occur?

02/08/2010	OWNOPR	ConocoPhillips Company
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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: 08/20/2005

ADMINORDER 2002-0351-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5(C) PERMIT

Description: Failure to operate the flares with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2&5B PERMIT

Description: Failure to operate the affected flares with a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 2 & 30 PERMIT

Description: Failed to operate the affected units with fuel H2S concentrations within the allowable value of less than 0/a0 grains per dry standard cubic feet..

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102MA, SC2 PERMIT

Description: Failure to show the correct vapor pressure for Tank No. 8031.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 4 PERMIT

Description: Failure to ensure that the open-ended valve on Tank No. 3001 was sealed with a cap, blind, plug, or a second valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 12 PERMIT

Description: Failure to continuously monitor and record the firebox temperature every 4 hours. Specifically, the operator confirmed that due to equipment malfunction, the firebox temp. at the Tail Gas Incinerator at Unit 34 was not continuously monitored or recorded.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 44 PERMIT

Description: Failure to use the proper preservation temperature for submitting samples from the cooling towers. Specifically, their records showed that the temps. rose above the required 4 degrees C. on 4/26/00 (9 deg. C), 7/14/00 (23 deg. C) & 8/9/00 (19 deg. C).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 61, Subpart FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC 3 PERMIT

Description: Failure to conduct quarterly visual inspection of the vacuum trucks in 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(2)
40 CFR Part 60, Subpart Kb 60.115b(d)(3)
40 CFR Part 61, Subpart FF 61.357(d)(7)(iv)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC Nos. 2 & 3 PERMIT

Description: Failure to submit complete quarterly reports. Specifically, the reports submitted on 5/31 and 8/30/01 failed to include the # of times the flare pilot flame was absent.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart QQQ 60.698(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to timely submit the semi-annual certification showing that all inspections had been conducted for the period of 4/8 - 10/7/01. Specifically, the report was due 12/8/01. The rpt. was received on 2/5/02 (i. e. 59 days late).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Part 61, Subpart V 61.242-2(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC. No. 2 PERMIT

Description: Failure to conduct fugitive emission monitoring for the months of 2/00 & 9/00 for pumps at Unit 19.3, 1165.000, 494.000, 69.000, 76.000, & 86.000. Additionally, they failed to conduct fug. emis. monitoring for 9 and 11/01 for the following pumps at COL 130: 650 and 666.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A and PSD-TX-102M4, SC No. 2 PERMIT

Description: Failure to repair valve No. 1035.000 at Unit 19.3 within 15 days of the leak being detected. Specifically, the leak was detected on 4/21/01, and was repaired on 6/28/01.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 60, Subpart J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M, SC 2 PERMIT

Description: Discharging into the atmosphere SO2 with a 12 hr. rolling average concentration in excess of 250 ppm by volume at 0% excess air. Specifically, a review of the CEM data for 00 and 01 shows that Unit 43 exceeded the SO2 concentration allowable 74 times during 00 & 01.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 50E PERMIT

Description: Failure to submit a copy of the final sampling report for Unit 40 Air Cooler engine w/in 45 days after sampling was completed. Specifically, the testing was completed on July 31, 2001. The final rpt. was submitted in November 6, 2001.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 5C PERMIT

Description: Failure to operate the Acid Gas Flare with no visible emissions. Specifically, during the stack test conducted on 12/14/00, visible emissions were observed from the Acid Gas Flare.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC 51B PERMIT

Description: Failed to perform emission testing within 14 days of replacing the oxygen sensors on Engines 41, 42, 43, 44, 45, and 47.

Classification: Moderate

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

Rqmt Prov: 9868A & PSD-TX-102M4, SC No. 48 PERMIT

Description: Failure to change the oxygen sensors for the affected engines 41, 42, 43, 44, 45, and 47 quarterly, as required by the provisions of permit No. 9868A.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to timely submit the initial/final upset reports. Specifically, the initial rpt. for Incident No. 17283 was due on 3/12/03, and was received on 3/13/03, and the final rpts. for Inc. Nos. 25555 & 29549 were due on 8/23/03, & were rec'd. on 8/25/03.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 116, SubChapter B 116.160
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to submit complete upset reports. Specifically, the reports submitted for emission events which occurred on 11/7/02, 1/27/03, 2/22/03, 2/17/03, 4/26/03, 6/27/03, & 7/20/03 failed to include sufficient information for the cause of the emission events.

Classification: Moderate

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

Description: Failed to submit the final report for the emission event which occurred on June 21-23, 2004 within 14 days. Specifically, the final rpt. was due on 7/7/04 & was received on 7/8/04.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted into the atmosphere the following unauthorized pollutants during an emissions event which occurred June 21-23, 2004: CO-53 lbs, hydrogen sulfide-4.20 lbs, sulfur dioxide-369.10 lbs, and VOCs-139.9 lbs. Since this event was reported late, an affirmative defense, may not be claimed for the emissions.

Classification: Moderate

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

Description: Failed to submit the initial emission events reports w/in 24 hrs. of discovery for the events which occurred on 11/25/03, 12/7 and 9/03, and 2/18/04.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.710
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: 9868A & PSD-TX-102M4 PERMIT

Description: Failed to obtain authorization for the unauthorized emissions during 37 emission events

which did not qualify for an affirmative defense to an enforcement action.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.710
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9868A & PSD-TX-102M4, Sp. Cond. No. 1 PERMIT

Description: Emitting into the atmosphere unauthorized pollutants during 12 emission events.

Effective Date: 11/18/2006

ADMINORDER 2006-0646-AIR-E

Classification: Moderate

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 11/09/2007

ADMINORDER 2005-0717-UIC-E

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter A 331.7(a)

Rqmt Prov: VII.A - Waste Streams Prohibited ... OP

Description: Failed to prevent the unauthorized injection of a characteristically hazardous waste into a class I non-hazardous injection well, according to permit provision VII.A.

Effective Date: 11/19/2007

ADMINORDER 2005-1251-AIR-E

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(d)
40 CFR Part 61, Subpart FF 61.356(g)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)
40 CFR Part 61, Subpart FF 61.357(d)(8)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.424(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
40 CFR Part 63, Subpart R 63.428(h)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all required information in the fourth quarterly report of excess emissions for year 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with leak repair requirements for valve No. 2205.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart VV 60.486(b)
40 CFR Part 63, Subpart CC 63.648(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain tags for leaking components Specifically, valves No. 14005, 14254, and 14264 were not tagged as required.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate the flare with flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004.

Effective Date: 11/19/2007

ADMINORDER 2006-0087-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes.

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 1 PERMIT

Description: Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4 which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362).

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 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 5.B. PERMIT

Description: Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004.

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 5.D. PERMIT

Description: Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005.

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 9 PERMIT

Description: Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004.

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 11 PERMIT

Description: Failed to consistently maintain the required temperatures and oxygen concentrations for Unit 34 and 43.

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 14 PERMIT

Description: Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B.

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 20 PERMIT

Description: Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts.

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 26 PERMIT

Description: Failed to consistently maintain the CO concentration below 500 parts per million volume ("ppmv") from Fluid Catalytic Cracking Units 29 and 40.

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 30 PERMIT

Description: Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on between December 23 and 25, 2004 and January 16 and April 16, 2005.

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 37.D. PERMIT

Description: Failed to annually inspect Tank 5550 for seal integrity verification in 2004.

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 41.J. PERMIT

Description: Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005.

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 42.H. PERMIT

Description: Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Classification: Moderate

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

Rqmt Prov: Special Conditions 41.E. PERMIT

Description: Failed to seal 22 open ended valves in volatile organic compounds 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 48 PERMIT

Description: Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004.

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 50 PERMIT

Description: Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005.

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 51.A. PERMIT

Description: Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005.

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 54 PERMIT

Description: Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004.

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 59 PERMIT

Description: Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2.

Classification: Moderate

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

Rqmt Prov: Special Condition 8 PERMIT

Description: Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr").

Classification: Moderate

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

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million british thermal units per hour on March 2 and 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

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

Rqmt Prov: FOP No. O-01440, General Terms and Cond. PERMIT

Description: Failed to include all deviations on the semi-annual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

30 TAC Chapter 335, SubChapter A 335.4(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.35

40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1

Description: Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 101, SubChapter A 101.27(c)(1)

30 TAC Chapter 21 21.4

Description: Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005.

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 1 PERMIT

Description: Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623).

Effective Date: 12/20/2007

ADMINORDER 2007-0567-MLM-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial waste into or adjacent to the waters in the state.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to submit a complete final report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Description: Failed to include the names of all affected facilities on the emissions event report for Incident No. 79367.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Permit No. 9868A, S. C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008 ADMINORDER 2007-0558-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 23 PERMIT
Description: Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 30 PERMIT
Description: Failed to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT
Description: Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Part 60, Subpart A 60.18(c)(2)
40 CFR Part 63, Subpart A 63.11(b)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT
Description: Failed to operate the flare with a constant pilot flame.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 10 PERMIT

Description: Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(1)
40 CFR Part 63, Subpart A 63.11(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 in Units 34 and 43 on August 6 and December 15, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart Kb 60.115b(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
40 CFR Part 60, Subpart A 60.18(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame present at EPN and 66FL2 on 3 occasions between June 6 and 9, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, HDS, and Col. 39,

respectively, within 15 days after discovering a leak.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Part 60, Subpart KKK 60.632(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006.

Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(6)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

Effective Date: 02/08/2009

ADMINORDER 2008-0431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart J 60.103
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: ConocoPhillips Company, Borger Refinery Unit 40 FCCU Stack (EPN 40P1) failed to meet the requirements of Permit No. 9868A/PSD-TX-102M6, 30 TAC §113.780 relating to the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries, and 40 CFR §60.103. Specifically, during the stack performance test conducted on September 14, 2007, Unit 40 FCCU Stack failed to meet the 500 ppm allowable for Carbon Monoxide.

Classification: Moderate

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

Rqmt Prov: 9868A/PSD-Tx-102M6 PERMIT

Description: The facility failed to prevent unauthorized emissions during the incident No. 103836. The facility did not meet the affirmative defense criteria (b)(2) and (b)(3) of the provisions of 30 TAC Chapter 101.222(b).

Classification: Moderate

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

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: The facility is in violation of the provisions of 30 TAC Chapter 116, §116.715(a) by failure to prevent unauthorized emissions during the incident No. 103818.

Effective Date: 05/18/2009

ADMINORDER 2008-1636-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit PERMIT
Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits for nitrogen oxides. Specifically, on September 3, 2008, Refinery Boiler 2.4 (EPN 81B17) exceeded the nitrogen oxides emissions subcap limit.

Effective Date: 11/27/2009

ADMINORDER 2009-0129-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 and 23 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on June 1, 2008, a tube failure occurred on Boiler 2.4 causing a steam system upset impacting most of the plant: the gas oil hydrosulfurizer hydrocarbons ("GOHDS HC") Flare [Emissions Point Number ("EPN") 66FL12], the Cat Flare (EPN 66FL3), Unit 40 Fluid Catalytic Cracking Unit ("FCCU") (EPN 40PI), Unit 34 Sulfur Recovery Unit ("SRU") Incinerator (EPN 34I1), and Unit 43 SRU (EPN 43I1) emitted

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on June 29, 2008, hydrocarbon contamination of the Central Still Amine Absorber caused a shut down, and the Unit 34 SRU Incinerator (EPN 34I1) emitted 464 lbs of SO₂, 175 lbs of H₂S, 2.1 lbs of NO_x, and 0.55 lb of CO over a 34 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on July 19, 2008, the Unit 34 Tail Gas Treatment Unit stripper foamed, causing a unit shut down, and the Unit 34 SRU Incinerator (EPN 34I1) emitted 716 lbs of SO₂, 7.62 lbs of H₂S, 1.53 lbs of NO_x, and 0.38 lb of CO over a 23 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on July 29, 2008, flaring occurred at the atmospheric residual desulfurization ("ARDS") Flare (EPN 66FL12) due to a pressure increase in the first stage suction scrubber in the Flash Gas Compressor in Unit 41, and the flare emitted 639 lbs of SO₂, seven lbs of H₂S, 0.86 lb of NO_x, 1.03 lbs of CO, and 3.37 lbs of VOC over a 20 minute period. Since these emissions were not timely reported

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation

system at the Plant's Patton Creek area without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 1 (also known as North Coble) without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to have authorization to operate a source of air emissions. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 3 without notice or authorization. Emissions data subsequently submitted by the Respondent on November 21, 2008, in connection with attempting to claim Permit by Rule authorization for the system, established that emissions were above those authorized by Permit by Rule.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 4 without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's HP-7 remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Jackson's Hole remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Canyon Dam (also known as Area 3A) without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Lot 7 remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Caustic Pond remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 2B PERMIT

Description: Failed to maintain instrument monitoring of the flare pilot flame. Specifically, the Non-Corrosive Flare's (EPN 66FL4) pilot flame was not monitored by instrument on the following dates: December 22, 2007, March 3, May 7, and May 8, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 2C PERMIT

Description: Failed to operate flares with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hours. Specifically, those conditions were exceeded at the 100M Sour Water Treater Brine Flare Pit (EPN 66FL10) on March 13, 2008, at the ARDS Emergency Sulfur Flare (EPN 66FL13) on May 23, 2008, and at the Natural Gas Liquids Non-Corrosive Flare (EPN 66FL4) on March 7 and June 16, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 10 PERMIT

Description: Failed to operate the SRU Tail Gas Incinerator with no visible emissions, except for uncombined steam. Specifically, visible emissions were observed from the Unit 43 incinerator stack on January 11 and April 2, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 11 PERMIT

Description: Failed to operate the SRU thermal reactor at all times with a stable flame and to maintain the flame temperature at not less than 2,000 degrees Fahrenheit. Specifically, the SRU Unit 43 A's Thermal Reactor did not maintain the required flame and temperature on November 12, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 14 PERMIT

Description: Failed to maintain the SRU 43 sulfur pit connected to a vapor collection system which routes the recovered vapors back into the process. Specifically, the SRU Unit 43 vapor collection system was not operational on January 2 and April 9, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 28 PERMIT

Description: Failed to limit the fuel gas used to fire all of the Plant's heaters, boilers, and TGIs to a short term H2S concentration of no more than 162 parts per million volume. Specifically, the fuel gas exceeded that concentration on August 9, 2007 and March 9, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 41 PERMIT

Description: Failed to limit NOX emissions from an engine. Specifically, Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the NOx emissions limit of 2.0 grams per horse-power hour during a stack test on October 2, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 55 PERMIT

Description: Failed to ensure that a minimum coke moisture content of six percent by weight was maintained during coke handling and storage operations. Specifically, 60 samples taken between December 3, 2007 and December 23, 2008 showed moisture content between 0.7 and 5.95%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC59B PERMIT

Description: Failed to take samples and perform moisture analyses of coke piles. Specifically, the Respondent failed to do the sampling and analyses on the following dates: November 27, December 13, December 21, December 23, December 27, 2007, January 30, February 4, April 21, and April 26, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to limit PM emissions from the Unit 29 FCCU catalyst regenerator to no more than 1.0 kilograms per megagram (2.0 lb/ton). Specifically, a test conducted on December 6, 2007 showed that limit was exceeded.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 23 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on January 17, 2009, contaminated amine caused a temperature excursion and shut-down of the SRU 34 Feed Heater due to faulty level transmitters and the design of the level gauges, which made it difficult for plant operations to see the actual level of the absorbers. This condition, in turn, resulted in the following unauthorized emissions from the SRU incinerator (EPN 3411):

Effective Date: 12/18/2009

ADMINORDER 2009-1156-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 9868A and PSD-TX-10M7, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flex Permit 9868A and PSD-TX-102, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/16/2005	(335811)
2	03/18/2005	(335817)
3	06/17/2005	(396298)
4	07/01/2005	(377888)
5	08/26/2005	(402145)
6	08/29/2005	(418249)
7	08/29/2005	(418255)
8	08/29/2005	(418264)
9	08/29/2005	(418278)
10	08/29/2005	(418284)
11	09/16/2005	(431894)
12	09/19/2005	(398612)
13	09/19/2005	(418617)
14	09/21/2005	(432528)
15	09/27/2005	(432573)
16	10/05/2005	(398603)
17	10/27/2005	(435707)
18	10/28/2005	(435763)
19	10/31/2005	(436015)
20	11/08/2005	(436544)

21	11/09/2005	(437151)
22	11/16/2005	(398003)
23	11/16/2005	(436047)
24	12/12/2005	(439539)
25	12/14/2005	(439324)
26	12/19/2005	(449774)
27	12/19/2005	(449781)
28	12/21/2005	(434070)
29	12/22/2005	(450310)
30	01/05/2006	(451297)
31	01/06/2006	(451394)
32	01/13/2006	(451363)
33	01/13/2006	(452190)
34	01/17/2006	(437777)
35	01/24/2006	(452945)
36	01/25/2006	(452960)
37	01/25/2006	(453089)
38	01/30/2006	(453345)
39	01/31/2006	(453394)
40	01/31/2006	(453752)
41	02/02/2006	(453395)
42	02/02/2006	(453859)
43	02/13/2006	(455152)
44	02/28/2006	(457545)
45	03/21/2006	(459612)
46	03/23/2006	(458845)
47	03/23/2006	(460163)
48	04/19/2006	(462453)
49	04/19/2006	(462466)
50	04/26/2006	(463535)
51	05/09/2006	(465242)
52	05/15/2006	(463536)
53	05/25/2006	(465241)
54	05/26/2006	(480084)
55	05/31/2006	(480736)
56	06/07/2006	(481805)
57	06/07/2006	(481812)
58	06/08/2006	(481987)
59	06/08/2006	(481992)
60	06/13/2006	(482336)
61	06/16/2006	(481242)
62	06/28/2006	(482752)
63	06/29/2006	(482750)
64	07/10/2006	(485853)
65	08/02/2006	(484098)
66	08/02/2006	(488630)
67	09/05/2006	(511072)
68	09/14/2006	(512534)
69	09/22/2006	(511317)
70	09/28/2006	(514413)
71	09/28/2006	(514455)
72	10/02/2006	(514550)
73	10/02/2006	(514675)
74	10/11/2006	(515667)
75	10/25/2006	(536054)
76	11/03/2006	(518149)
77	11/03/2006	(518237)
78	11/03/2006	(518272)
79	11/30/2006	(532446)

80 01/22/2007 (537059)
81 02/23/2007 (540568)
82 03/06/2007 (542490)
83 03/16/2007 (517551)
84 04/09/2007 (554950)
85 05/08/2007 (557892)
86 05/11/2007 (558928)
87 05/17/2007 (559988)
88 05/25/2007 (560211)
89 06/04/2007 (557890)
90 06/12/2007 (561958)
91 07/23/2007 (568756)
92 07/23/2007 (569200)
93 07/23/2007 (569278)
94 08/28/2007 (573763)
95 08/29/2007 (567645)
96 09/04/2007 (571794)
97 09/04/2007 (571799)
98 09/04/2007 (573098)
99 09/04/2007 (573119)
100 09/04/2007 (573126)
101 09/04/2007 (573132)
102 09/04/2007 (573137)
103 09/04/2007 (573145)
104 09/28/2007 (596149)
105 10/15/2007 (596734)
106 12/01/2007 (749338)
107 12/04/2007 (610826)
108 12/06/2007 (610871)
109 12/07/2007 (610766)
110 12/13/2007 (610872)
111 12/18/2007 (599297)
112 02/05/2008 (617236)
113 02/22/2008 (618682)
114 03/03/2008 (619078)
115 03/04/2008 (610874)
116 03/10/2008 (637208)
117 03/10/2008 (637850)
118 03/12/2008 (638570)
119 03/31/2008 (637441)
120 04/04/2008 (640052)
121 04/04/2008 (641113)
122 04/04/2008 (641120)
123 04/04/2008 (641123)
124 04/04/2008 (641124)
125 04/04/2008 (641262)
126 04/08/2008 (641450)
127 04/11/2008 (639948)
128 04/15/2008 (641833)
129 04/15/2008 (646318)
130 04/16/2008 (639947)
131 04/16/2008 (641345)
132 04/16/2008 (641606)
133 04/21/2008 (653421)
134 04/22/2008 (640269)
135 04/22/2008 (640274)
136 04/23/2008 (653422)
137 05/05/2008 (654697)
138 05/14/2008 (670875)

139	05/14/2008	(670877)
140	05/15/2008	(655931)
141	05/19/2008	(671263)
142	06/13/2008	(682985)
143	06/15/2008	(467250)
144	06/17/2008	(683143)
145	06/17/2008	(683152)
146	06/17/2008	(683436)
147	06/24/2008	(683654)
148	06/24/2008	(683997)
149	07/08/2008	(685211)
150	07/08/2008	(685238)
151	07/28/2008	(685550)
152	08/07/2008	(687671)
153	08/07/2008	(687839)
154	08/29/2008	(700947)
155	09/03/2008	(705401)
156	09/10/2008	(702303)
157	09/11/2008	(700350)
158	09/11/2008	(700366)
159	09/11/2008	(700371)
160	09/11/2008	(701024)
161	09/16/2008	(702968)
162	09/30/2008	(702043)
163	09/30/2008	(703769)
164	10/16/2008	(705600)
165	10/17/2008	(705742)
166	10/28/2008	(706256)
167	11/12/2008	(707907)
168	11/18/2008	(708075)
169	11/18/2008	(708314)
170	12/12/2008	(710274)
171	12/18/2008	(721682)
172	01/16/2009	(702466)
173	01/21/2009	(724249)
174	01/23/2009	(724227)
175	02/06/2009	(725574)
176	02/24/2009	(721140)
177	03/03/2009	(749334)
178	03/12/2009	(735634)
179	03/13/2009	(738460)
180	03/16/2009	(722376)
181	03/20/2009	(739343)
182	04/09/2009	(702467)
183	04/17/2009	(740572)
184	05/14/2009	(748444)
185	05/26/2009	(743528)
186	05/26/2009	(744736)
187	06/09/2009	(748196)
188	07/07/2009	(759763)
189	07/08/2009	(759105)
190	08/18/2009	(761247)
191	08/27/2009	(767178)
192	09/30/2009	(776673)
193	09/30/2009	(777291)
194	09/30/2009	(777352)
195	10/01/2009	(777985)
196	10/02/2009	(778026)
197	11/10/2009	(781161)

198 12/21/2009 (786080)
 199 12/21/2009 (786084)
 200 12/28/2009 (786674)
 201 01/14/2010 (787008)
 202 01/15/2010 (779772)

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

Date: 08/26/2005 (402145)
 Self Report? NO Classification: Moderate
 Citation: Permit Conditions PERMIT
 Description: Failure to prevent unauthorized discharges.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations and Monitoring Req PERMIT
 Description: Failure to maintain effluent parameters within the permitted limits.
 Date: 05/09/2006 (465242) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.710(a)
 Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 71313. The incident did not meet the criteria, specified in the provisions of §§101.222(b)(2) and (b)(3).
 Date: 04/09/2007 (554950)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.
 Date: 06/05/2007 (557890) CN601674351
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §§101.201(b)(1)(D) and (b)(1)(G) by failing to provide the names of all affected facilities and the non-combustible emission values associated with the flaring activity for the incident No. 84788.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86636.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86811.
 Date: 08/30/2007 (567645)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Monitoring and Reporting Requirements PERMIT
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)
 Description: Failure by the facility to prevent unauthorized discharges from the collection system.

Date: 12/18/2007 (599297)

CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: The review of the deviation report, submitted on January 30, 2007 indicated that Conoco-Phillips failed to provide the required information for the non-reportable events at this facility.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-7(c)(1).

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-2(a)(1).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(4)(A), 30 TAC §116.715(a), 40 CFR 63, §63.11(b)(4), and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(1)(B).

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(c)(1) and 40 CFR 63 Subpart CC, §63.648(a).

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)
 Description: The facility failed to comply with the provisions of 40 CFR 63, Subpart CC, §63.643(a)(2).

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(b)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(a)(1), §60.483-2(b)(2), and 40 CFR 63 Subpart CC, §63.648(a).

Date: 03/04/2008 (610874)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: The facility failed to submit the initial report within 24 hours following the discovery of the incident.

Date: 04/16/2008 (639947)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 101261.

Date: 04/16/2008 (641345) CN601674351

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 102617.

Date: 01/16/2009 (702466) CN601674351

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.1090
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
 Description: The facility is in violation of the provisions of 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)
 Description: The facility is in violation of provisions of §60.106(j)(1).

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(f)
 Description: The facility is in violation of provisions of §60.104(a)(2)(f).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 Description: The facility is in violation of provisions of §63.167(a)(1) and 30 TAC §113.130.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.340
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
 Description: The facility is in violation of the provisions of 30 TAC §113.340, §63.120(b)(9), and §63.646(a).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)
 Description: The facility is in violation of provisions of 30 TAC §122.165(a).

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
 Description: The facility is in violation of provisions of 40 CFR 60, §60.7(a)(3).
 Date: 02/24/2009 (721140)

Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Permit Conditions, 2,(g),pg 8 PERMIT
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)
 Description: Failure to prevent an unauthorized discharge from the Coker Quench Water Tank.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations and Monitoring,1 PERMIT
 Description: Failure to meet storm water limitations for pH at outfall 004.
 Date: 09/30/2009 (777985) CN601674351

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 9868A/PSD-TX-102M6 PERMIT
 Description: Failure to use an air-assisted flare only when the net heating value of the gas being combusted is 300 Btu/scf or greater.
 Date: 01/15/2010 (779772) CN601674351

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.1090
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
 5C THSC Chapter 382 382.085(b)
 General Condition OP
 Description: The review of the deviation reports submitted on January 30, 2009 and on July 30, 2009 indicated that on 12/16/2008 and during the period 02/04/2009 through 06/25/2009 for Unit 12, Engine 44, 4-hour average inlet temperature fell below the 750 degrees Fahrenheit. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.1090
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
 5C THSC Chapter 382 382.085(b)
 General Conditions OP
 Description: The review of the deviation report submitted on July 30, 2009 indicated that on 06/04/2009 for Unit 12, Engine 41, pressure drop across the catalyst did not operate within the established operating limitations, which were established during the performance test. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Provision No. 17(A) OP
 Special provision No. 41 PA
 Description: The review of information submitted by the company in the deviation report which was submitted on January 30, 2009 indicated that Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the CO emission limit of 3.0 gr/hp-hr

during its third quarterly stack test on September 30, 2008. The facility is in violation of the provisions of §116.715(a), §382.085(b), 30 TAC §122.143(4), and the Special Condition No. 17(A) of the SOP No. O-01440.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(f) 5C THSC Chapter 382 382.085(b) Special Provision No. 17(A) OP		
Description:	The semi-annual report, required under the provisions of 40 CFR 60 Subpart J was submitted on August 1, 2008 and was late. The facility is in violation of provisions of 40 CFR 60 Subpart J, §60.107(f), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2) 5C THSC Chapter 382 382.085(b) Special Condition No. 2(B) PA Special provision No. 17(A) OP		
Description:	The review of the deviation reports indicated that the facility was unable to monitor by instrumentation on 07/25/2008 for the flare 66FL10, on 07/25/2008 for the flare 66FL11, on 12/09/2008 and 03/14/2009 for the flare 66FL4, and on 07/25/2008 for the flare 66FL8 in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(f)(2), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition No. 55 PA Special Provision No. 17(A) OP		
Description:	The review of the deviation report, submitted on July 30, 2009 indicated that the Coke moisture content was less than 6 percent on 01/06/2009 and 01/12/2009. The facility is in violation of the provisions of the special condition No. 55 of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special condition No. 59(B) PA Special Provision No. 17(A) OP		
Description:	The review of the deviation reports indicated that samples for Coke moisture analysis were not collected every other day on 11/15/2008, 12/01/2008, 12/03/2008, 12/07/2008, 12/17/2008, 12/21/2008, and 01/16/2009. The facility is in violation of the provisions of the special condition No. 59(B) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) Special Provision No. 18 OP		
Description:	The deviation reports which were submitted on January 25, 2008 and July 30, 2008 were incomplete and did not contain the deviations regarding the facility's failure to maintain Coke moisture content of 6 percent on several occasions. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.145(2)(A), 30 TAC §122.143(4), and the special condition No. 18 of the SOP No. O-01440.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4) 5C THSC Chapter 382 382.085(b)		
Description:	The review of the deviation report submitted on January 30, 2009 indicated that for Tank 1165, the facility failed to submit the seal gap inspection results within 30 days. The tank was inspected on July 15, 2008. A report was due by August		

14, 2008. The report was not submitted until September 8, 2008. The facility is in violation of provisions of 40 CFR 60 Subpart Kb, §60.115b(b)(4), §382.085(b), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: The review of the deviation report submitted on January 30, 2009 indicated that open-ended lines were discovered as follows:

Unit 19 Naphtha HDS: tag No. 50344 on 07/14/2008
Unit 29 FCCU Heater: tag No. 56906 on 08/06/2008
Column 134: tag No. 45866 on 08/07/2008
Unit 40 Fractionator: tag Nos. 13990 and 53449 on 08/12/2008

The facility is in violation of the provisions of 40 CFR 63, §63.648(a), 40 CFR 63, §63.167(a), 40 CFR 60, §60.482-6(a)(1), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 45(E) PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on January 30, 2009 indicated that the stack test reports for the engines 12E2, 12E3, 12E5, 93E2, and 93E3 were not submitted within 60 days (the deadline was July 22, 2008 but the report was not submitted until August 12, 2008). The facility is in violation of the provisions of the special condition No. 45(E) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 45(B) PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that Unit 12 Engine 47 was not tested within 14 days of replacement of O2 sensor. The oxygen sensor was changed on February 18, 2009 but the engine was not tested until March 18, 2009. The facility is in violation of the provisions of the special condition No. 45(B) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)
General Conditions OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that 23 new valves were tagged but not monitored during the period 01/01/2009 through 04/30/2009. The facility is in violation of the provisions of 40 CFR 60, §60.482-7(a)(2), and §122.145(2)(A), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 28 PA
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that the hydrogen sulfide concentrations in the fuel gas exceeded the allowable value on 05/06/2009. The facility is in violation of the provisions of the special condition No. 28 of the flexible permit No. 9868A, §116.715(a), 40 CFR 60, §60.104(a)(1), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)
5C THSC Chapter 382 382.085(b)
Special Provision No. 5(E) OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that waste which potentially contained benzene was stored in an uncontrolled tank during the period 03/10/2009 through 03/30/2009 in violation of emission control provisions of Subparts A and FF. The facility is in violation of the provisions of §61.12(c), §61.343(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 5(E) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.650(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(c)(1)
5C THSC Chapter 382 382.085(b)
Special Provision No. 9(B) OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that the facility failed to record and maintain the temperature of the thermal oxidizer during the period 06/01/2009 through 06/03/2009. The facility is in violation of the provisions of 40 CFR 63 Subpart CC, §63.650(a), Subpart R, §63.428(c)(1), §382.085(b), 30 TAC §122.143(4), and the special condition No. 9(B) of the SOP No. O-01440.

F. Environmental audits.

Notice of Intent Date: 09/01/2005 (439523)
No DOV Associated

Notice of Intent Date: 12/02/2005 (450648)
Disclosure Date: 05/19/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Description: Failure to identify changes to the LDAR Component Inventory.

Notice of Intent Date: 08/11/2006 (514112)
Disclosure Date: 11/08/2006

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to meet repair deadlines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.593(d)

Description: Failure to properly identify some components in crude oil service.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6

Description: Failure to close 7 open-ended lines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

Description: Exceeded 3% cap for DTM components in Unit 45.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

Description: Failure to include all required components in LDAR program.

Notice of Intent Date: 11/13/2006 (534247)
Disclosure Date: 12/20/2006

Viol. Classification: Minor

Rqmt Prov: PERMIT PSD-TX102-M5

Description: Failure to monitor all relief valves for leaks quarterly.

Viol. Classification: Moderate

Rqmt Prov: PERMIT PSD-TX-102M5

Description: Failure to maintain records of monthly average temperature and vapor pressure of tanks which receive liquids above ambient temperature.

Notice of Intent Date: 04/27/2007 (561240)

No DOV Associated

Notice of Intent Date: 07/21/2008 (700395)

Disclosure Date: 02/19/2009

Viol. Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to complete routine method 21 inspections for 14 pumps. In addition, 3 AVO (audible, visual, olfactory) leaks exceeded the required 5 day first attempt at repair.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Unit 28 was found to exceed the 3% difficult-to-monitor valve cap by 3.4 %.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1

40 CFR Part 60, Subpart VV 60.482-7

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to tag components. Specifically, approximately 97 tags in Unit 9 plus smaller amounts in several other reviewed units were not available in the LeakDAS database.

Viol. Classification: Moderate

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

40 CFR Part 63, Subpart H 63.167

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to close open ended lines. Specifically, 3 open ended lines were found without control by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)

Description: Failure to fill out all leak tags with appropriate data in Units 6 and 7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to meet the 30 day monitoring requirement for 5 management of change components.

Notice of Intent Date: 10/20/2008 (707547)

Disclosure Date: 06/04/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(5)

Description: Failure to include uncontrolled wastewater streams in the 2007 total annual benzene report and benzene quantity quantifications.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)

Description: Failure to properly identify the HP7 recovery system equipment in the 2007 TAB/BQ report as "controlled"; however, the equipment in this area did not meet the physical control requirements (e.g., junction box covers) and the equipment was not included in the BWON program for visual inspections and fugitive monitoring.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failure to maintain a record of carbon canister design replacement interval for the South Coble carbon canister system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)

Description: Failure to comply with BWON regulations as they applied to a Remediation Pilot Project. Specifically, during the audit, the Borger Refinery discovered that BWON regulations applied to the Remediation Project which had been previously installed. The Pilot Project had operated from June 05, 2008 to December 01, 2008 without carbon canister controls on an enclosed Frac tank. Carbon canisters had been added to bring the Pilot Project in compliance with Texas Permit by Rule requirements.

Notice of Intent Date: 03/10/2009 (740239)

No DOV Associated

Notice of Intent Date: 05/19/2009 (759301)

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: Borger Refinery

Reg Entity Add: W Spur 119, Borger, TX **Reg Entity No:**
Reg Entity City: Borger **RN102495884**

Customer Name: ConocoPhillips **Customer No:** CN601674351

EPA Case No: 02-2004-0014 **Order Issue Date (yyyymmdd):** 20051205
Case Result: Final Order With Penalty **Statute:** CAA **Sect of Statute:** 111
Classification: MODERATE **Program:** NSPS **Citation:** 40CFR
Violation Type: Sulfuric Acid Plant NSPS Regulations **Cite Sect:** Subpart H **Cite Part:** 60

Enforcement Action: Consent Decree/Court Order

Reg Entity Name: CONOCO PHILLIPS, BORGER REFINERY TA

Reg Entity Add: P. O. BOX 271 **Reg Entity No:**
Reg Entity City: BORGER **RN102495884**

Customer Name: Conoco Phillips **Customer No:** CN601674351

EPA Case No: 06-2006-4510 **Order Issue Date (yyyymmdd):** 20060217
Case Result: Final Order With Penalty **Statute:** CWA **Sect of Statute:** 311B
Classification: MODERATE **Program:** NPDES - Spills/SPCC **Citation:** 40 CFR
Violation Type: Oil Spill Violation Under CWA/OPA **Cite Sect:** 311(b) **Cite Part:** 22

Enforcement Action: Administrative Penalty Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN102495884**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-0178-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ConocoPhillips Company ("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 presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery on State Spur 119, two miles northeast of 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. During an investigation on October 5 through 19, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions of 1,600 pounds ("lbs") of sulfur dioxide ("SO₂") and 18 lbs of hydrogen sulfide ("H₂S") from the Gas Oil Hydrodesulfurization ("GOHDS") flare on August 17, 2009 during an emissions event lasting 33 minutes (Incident No. 128273). Specifically, a lightning strike resulted in the shutdown of Unit 45 due to temperature reading failure and the tripping of the the H₂S compressor. During startup, the unit reactor over-pressurized because two valves, PV008A and PV008B, were left in a closed position, and the emissions were routed to the flare. The startup procedure did not require the operator to verify the mode of the valves during the startup, and the control panel did not display that the valves were in a closed position. Because this event could have been avoided by better operating and maintenance practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation on October 5 through 19, 2009, TCEQ staff documented that the Respondent failed to submit a complete deviation report no later than 30 days after the end of the reporting period. Specifically, an incomplete deviation report for the certification period January 1 through June 30, 2009 was submitted on July 30, 2009, and a revised report containing the previous 18 missing pages was submitted on August 4, 2009.
5. During an investigation on October 5 through 19, 2009, TCEQ staff documented that the Respondent failed to maintain Unit 12, Engine 42's catalyst on March 27, 2009 so that the pressure drop across the catalyst does not exceed the limits established during the performance test.
6. During an investigation on October 5 through 19, 2009, TCEQ staff documented that the Respondent failed to collect one fresh feed sulfur sample once per eight-hour period. Specifically, only two instead of three samples were collected from Units 29 and 40 on January 9, 2009, Unit 29 on January 10, 2009, and Unit 40 on February 14, March 23, and April 8, 2009.
7. During an investigation on October 5 through 19, 2009, TCEQ staff documented that the Respondent failed to submit the initial required benzene reports within 90 days of startup for the following units, which were started in June 2007: Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen).
8. During an investigation on October 5 through 19, 2009, TCEQ staff documented that the Respondent failed to submit a complete final report for emissions event No. 124305 which occurred on May 15, 2009. Specifically, the Respondent failed to provide the information for two flaring activities during this incident, including the emission points, the air contaminants, and the total quantities of compounds released into the atmosphere.
9. During a record review on February 9, 2010, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions of 787 lbs of SO₂ and 15.74 lbs of H₂S, 1.53 lbs of nitric oxide, and 0.38 lbs of carbon monoxide from the Unit 34 incinerator stack on November 10, 2009

during an emissions event lasting 30 minutes (Incident No. 131870). The event was the result of a power failure caused by the incorrect installation of the West Main Breaker at Substation 17. Because this event could have been avoided by better operating and maintenance practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

10. The Respondent received notices of the violations on January 19 and March 4, 2010.
11. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. To prevent the recurrence of an incident similar to Incident No. 128273:
 - i. On October 5, 2009, updated the startup procedures to ensure that valves PV008A and PV008B are in automatic, cascading control; and
 - ii. On November 30, 2009, updated Unit 45 Level 2 Shutdown Monitor Graphics to ensure that the valves are open during startup.
 - b. By January 14, 2010, purchased and installed a new scanner for the analyst who submits the annual permit certifications and deviation reports;
 - c. On September 7, 2009, changed operating procedures (Management of Change Document M-09-0836) to require change out of the catalyst packs in engines when a high pressure differential occurs;
 - d. On September 1, 2009, switched to an approved alternate monitoring method for monitoring SO₂, a continuous emission monitoring system (CEMS), instead of taking eight-hour feed samples;
 - e. On April 4, 2008, satisfactorily submitted the information required to be included in the initial report for Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen) in the total annual benzene report for 2007;
 - f. On February 25, 2010, conducted refresher training on reporting emissions events; and
 - g. To prevent the recurrence of an incident similar to Incident No. 131870:
 - i. On November 13, 2009, shut down Substation 17 and repaired the West Main Breaker; and
 - ii. On January 29, 2010, finished evaluating the other main breakers in the Plant similar to those in Substation 17 and reviewing the electrical inspection process prior to new equipment commissioning.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions from the GOHDS flare on August 17, 2009, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9868A/PSDTX102M7, Special Condition ("SC") No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit a complete deviation report no later than 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A); Federal Operating Permit ("FOP") No. O-01440, Special Terms and Conditions ("STC") No. 18; and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to maintain Unit 12, Engine 42's catalyst on March 27, 2009 so that the pressure drop across the catalyst does not exceed the limits established during the performance test, in violation of 30 TEX. ADMIN. CODE § 113.1090, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.6640(a), and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to collect one fresh feed sulfur sample once per eight-hour period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4); FOP No. O-01440, STC No. 1.A.; 40 CFR § 60.106(j)(1); and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to submit the initial required benzene reports within 90 days of startup for the following units, which were started in June 2007: Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen), in violation of 30 TEX. ADMIN. CODE § 101.20(1), 40 CFR § 61.357(a), and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to submit a complete final report for emissions event No. 124305 which occurred on May 15, 2009, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to prevent unauthorized emissions from the Unit 34 incinerator stack on November 10, 2009, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 9868A/PSDTX102M7, SC No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

10. An administrative penalty in the amount of Forty-Seven Thousand Eighty-Four Dollars (\$47,084) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twenty-Three Thousand Five Hundred Forty-Two Dollars (\$23,542) of the administrative penalty. Twenty-Three Thousand Five Hundred Forty-Two Dollars (\$23,542) of the administrative penalty shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Forty-Seven Thousand Eighty-Four Dollars (\$47,084) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2010-0178-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 10 above, Twenty-Three Thousand Five Hundred Forty-Two Dollars (\$23,542) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

7/15/2010
Date

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

I understand that by entering into this Agreed Order, ConocoPhillips Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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]
Signature

6/2/10
Date

BRIAN K. LEVER
Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

REFINERY MANAGER
Title

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

Attachment A
Docket Number: 2010-0178-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ConocoPhillips Company
Payable Penalty Amount:	Forty-Seven Thousand Eighty-Four Dollars (\$47,084)
SEP Amount:	Twenty-Three Thousand Five Hundred Forty-Two Dollars (\$23,542)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 211 – Amarillo-Lubbock

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

ConocoPhillips Company
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

