

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0607-AIR-E **TCEQ ID:** RN103919817 **CASE NO.:** 39514
RESPONDENT NAME: Chevron Phillips Chemical Company LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input 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: Chevron Phillips Chemical Co - Cedar Bayou Plant, 9500 Interstate Highway 10 East, Baytown, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2010-1154-AIR-E and 2010-0410-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 October 11, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Chip Stewart, Environmental Lead, Chevron Phillips Chemical Company LP, 9500 Interstate Highway 10 East, Exit 796, Baytown, Texas 77521 Mr. Van Long, Plant Manager, Chevron Phillips Chemical Company LP, 9500 Interstate Highway 10 East, Exit 796, Baytown, Texas 77521 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 type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 12, 2010</p> <p>Date of NOV/NOE Relating to this Case: March 31, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to comply with the permitted emissions limits for volatile organic compounds ("VOC"), nitrogen oxides ("NOx"), and carbon monoxide ("CO") from a flare. Specifically, the Respondent reported that, beginning July 2008, emissions from Emissions Point Number ("EPN") 1592-16 have exceeded the rolling twelve month average limit for VOC by as much as 154%, the limit for NOx by as much as 101%, and the limit for CO by as much as 98% [New Source Review ("NSR") Permit No. 1504A/PSDTX748, Special Condition 1, 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)].</p> <p>2) Failed to properly maintain Continuous Emissions Monitoring Systems ("CEMS") to measure and record emissions. Specifically, the Respondent reported that, beginning August 29, 2004, the CEMS for EPNs 1592-01A, 1592-02A, 1592-02B, 1592-03A, 1592-03B, 1592-04B, 1592-05A, 1592-06A, 1592-06B, and 1592-07 have not been operational for periods ranging from 5.10% to 27.10% of the time [NSR Permit No. 1504A/PSDTX748, Special Condition 16, 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)].</p>	<p>Total Assessed: \$527,900</p> <p>Total Deferred: \$105,580 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$211,160</p> <p>Total Paid to General Revenue: \$211,160</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On February 23, 2010, was issued an amendment to NSR Permit Number 1504A/PSDTX748 that allows for a higher permitted emissions limit for VOC, NOx, and CO from the CB 701 flare, EPN 1592-16.</p> <p>b. By April 20, 2010, in order to ensure proper maintenance of the CEMS:</p> <p>i. Modified work practices to designate four individuals who will be primarily responsible for the calibration, validation and maintenance of the CEMS;</p> <p>ii. Formed a team to evaluate and develop solutions, with one of the team's proposals being the repositioning and replacement of the CEMS; and</p> <p>iii. Began a monthly review of CEMS' total downtimes as an indicator for where efforts should be focused.</p> <p>c. By May 12, 2010, the valve replacement project designed to ensure compliance with the permitted emissions limit for VOC, NOx, and CO from the CB 701 flare, EPN 1592-16 was completed.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, complete the evaluation of the CEMS</p>

		<p>maintenance problems, and begin implementation of the recommendations reached by the team formed for that purpose;</p> <p>b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision No. 2.a.;</p> <p>c. Within 180 days of the effective date of this Agreed Order, complete the implementation of the recommendations made by the CEMS evaluation team; and</p> <p>d. Within 195 days of the effective date of this Agreed Order, certify that the CEMS for EPNs 1592-01A, 1592-02A, 1592-02B, 1592-03A, 1592-03B, 1592-04B, 1592-05A, 1592-06A, 1592-06B, and 1592-07 are being maintained to properly measure and record emissions, as required by NSR Permit No. 1504A/PSDTX748, Special Condition 16.</p>
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Additional ID No(s): HG0310V

Attachment A

Docket Number: 2010-0607-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP
Penalty Amount: Four Hundred Twenty-Two Thousand Three Hundred Twenty Dollars (\$422,320)
SEP Offset Amount: Two Hundred Eleven Thousand One Hundred Sixty Dollars (\$211,160)
Type of SEP: Pre-approved
Third-Party Recipient: Houston Regional Monitoring Corporation – *HRMC Houston Area Air Monitoring*
Location of SEP: Harris County

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 offset 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 the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound ("VOC"), nitrogen oxides ("NOx"), ozone ("O₃"), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset 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 offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset 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 expenditure of the SEP offset 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 offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 Offset Amount identified in this Agreed Order has not been, and shall not be, included as a 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

DATES	Assigned	5-Apr-2010	Screening	14-Apr-2010	EPA Due	25-Dec-2010
	PCW	13-Oct-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Chevron Phillips Chemical Company LP
Reg. Ent. Ref. No.	RN103919817
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	39514	No. of Violations	2
Docket No.	2010-0607-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		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** **\$110,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **339.0%** Enhancement **Subtotals 2, 3, & 7** **\$372,900**

Notes
The penalty was enhanced by 20 NOVs for same or similar violations, nine NOVs for dissimilar violations, eight agreed orders with denial of liability, and three findings agreed orders. The penalty was reduced for five NOAs, two DOVs, and a voluntary pollution reduction program.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$10,000**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$55,000**

Total EB Amounts **\$372,323** *Capped at the Total EB \$ Amount
Approx. Cost of Compliance **\$1,215,000**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$527,900**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$527,900**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$527,900**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$105,580**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$422,320**

Screening Date: 14-Apr-2010

Docket No. 2010-0607-AIR-E

PCW

Respondent: Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No.: 39514

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN103919817

Media [Statute]: Air

Enf. Coordinator: Heather Podlipny

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)	20	100%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 339%

>> 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 by 20 NOVs for same or similar violations, nine NOVs for dissimilar violations, eight agreed orders with denial of liability, and three findings agreed orders. The penalty was reduced for five NOAs, two DOVs, and a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 339%

Screening Date 14-Apr-2010

Docket No. 2010-0607-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 39514

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) New Source Review Permit No. 1504A/PSDTX748, Special Condition 1, 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the permitted emissions limits for volatile organic compounds ("VOC"), nitrogen oxides ("NOx"), and carbon monoxide ("CO") from a flare, as documented during an investigation conducted on January 12, 2010. Specifically, the Respondent reported that, beginning July 2008, emissions from Emissions Point Number ("EPN") 1592-16 have exceeded the rolling twelve month average limit for VOC by as much as 154%, the limit for NOx by as much as 101%, and the limit for CO by as much as 98%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment have been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 20 608 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$100,000

Twenty monthly events are recommended, one for each month the 12-month rolling average has been exceeded, from July 2008 through March 31, 2010.

Good Faith Efforts to Comply

10.0% Reduction

\$10,000

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

Notes

The Respondent returned to compliance on May 12, 2010 and the NOE is dated March 31, 2010.

Violation Subtotal \$90,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,638

Violation Final Penalty Total \$479,000

This violation Final Assessed Penalty (adjusted for limits) \$479,000

Economic Benefit Worksheet

Respondent: Chevron Phillips Chemical Company LP

Case ID No.: 39514

Reg. Ent. Reference No.: RN103919817

Media: Air

Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10,000	31-Jul-2008	12-May-2010	1.78	\$59	\$1,187	\$1,247
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	\$5,000	31-Jul-2008	23-Feb-2010	1.57	\$392	n/a	\$392
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to amend the permit to allow for higher emissions limits (\$5,000), and estimated costs to complete a valve replacement project (\$10,000). The Date Required is the last day of the first month a rolling-average exceedance occurred. The Final Date for the permit costs is the date the permit was amended, and the Final Date for the valve replacement project is the date the project was completed by.

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

\$16,000

TOTAL

\$1,638

Screening Date 14-Apr-2010

Docket No. 2010-0607-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 39614

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Heather Podjorny

Violation Number 2

Rule Cite(s)

New Source Review Permit No. 1504VPSD TX748, Special Condition 16, 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly maintain continuous emissions monitoring systems ("CEMS") to measure and record emissions, as documented during an investigation conducted on January 12, 2010. Specifically, the Respondent reported that, beginning August 29, 2004, the CEMS for EPNs 1592-01A, 1592-02A, 1592-02B, 1592-03A, 1592-03B, 1592-04B, 1592-05A, 1592-06A, 1592-06B, and 1592-07 have not been operational for periods ranging from 5.10% to 27.10% of the time.

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

Failure to properly maintain CEMS could expose human health or the environment to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 10

2054 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10,000

Ten single events are recommended, one for each of the ten EPNs monitored.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$370,685

Violation Final Penalty Total \$48,900

This violation Final Assessed Penalty (adjusted for limits) \$48,900

Economic Benefit Worksheet

Respondent: Chevron Phillips Chemical Company LP

Case ID No.: 39514

Reg. Ent. Reference No.: RN103919817

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				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)	\$1,200,000	29-Aug-2004	1-Nov-2010	6.18	\$370,685	n/a	\$370,685

Notes for DELAYED costs

The Respondent has estimated that costs to reposition and replace the ten CEMS will be \$120,000 per CEMS. The Date Required is the date of the first reported CEMS down-time, and the Final Date is the date the repositioning and replacement is expected to be 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

\$1,200,000

TOTAL

\$370,685

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600303614	Chevron Phillips Chemical Company LP	Classification: AVERAGE	Rating: 4.00
Regulated Entity:	RN103919817	CHEVRON PHILLIPS CHEMICAL CO - CEDAR BAYOU PLANT	Classification: AVERAGE	Site Rating: 6.34
ID Number(s):	WASTEWATER	PERMIT	WQ0001008000	
	WASTEWATER	PERMIT	TPDES0003948	
	WASTEWATER	PERMIT	TX0003948	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012335	
	AIR OPERATING PERMITS	PERMIT	3247	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0310V	
	AIR OPERATING PERMITS	PERMIT	2113	
	AIR OPERATING PERMITS	PERMIT	2114	
	AIR OPERATING PERMITS	PERMIT	2115	
	AIR OPERATING PERMITS	PERMIT	2370	
	AIR OPERATING PERMITS	PERMIT	3247	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD003913381	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30091	
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	28477	
	WATER LICENSING	LICENSE	1012335	
	USED OIL	ID NUMBER	HOU00074	
	AIR NEW SOURCE PERMITS	REGISTRATION	52188	
	AIR NEW SOURCE PERMITS	REGISTRATION	54882	
	AIR NEW SOURCE PERMITS	REGISTRATION	54930	
	AIR NEW SOURCE PERMITS	REGISTRATION	75918	
	AIR NEW SOURCE PERMITS	REGISTRATION	75577	
	AIR NEW SOURCE PERMITS	REGISTRATION	55648	
	AIR NEW SOURCE PERMITS	REGISTRATION	75545	
	AIR NEW SOURCE PERMITS	REGISTRATION	75546	
	AIR NEW SOURCE PERMITS	REGISTRATION	56852	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0310V	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100018	
	AIR NEW SOURCE PERMITS	PERMIT	1504A	
	AIR NEW SOURCE PERMITS	PERMIT	2136A	
	AIR NEW SOURCE PERMITS	PERMIT	2139A	
	AIR NEW SOURCE PERMITS	PERMIT	8517A	
	AIR NEW SOURCE PERMITS	PERMIT	7403A	
	AIR NEW SOURCE PERMITS	PERMIT	2462C	
	AIR NEW SOURCE PERMITS	PERMIT	19027	
	AIR NEW SOURCE PERMITS	REGISTRATION	24093	
	AIR NEW SOURCE PERMITS	REGISTRATION	32866	
	AIR NEW SOURCE PERMITS	PERMIT	37083	
	AIR NEW SOURCE PERMITS	REGISTRATION	38590	
	AIR NEW SOURCE PERMITS	REGISTRATION	40534	
	AIR NEW SOURCE PERMITS	REGISTRATION	41691	
	AIR NEW SOURCE PERMITS	REGISTRATION	44005	
	AIR NEW SOURCE PERMITS	REGISTRATION	44759	
	AIR NEW SOURCE PERMITS	PERMIT	46305	
	AIR NEW SOURCE PERMITS	PERMIT	46783	
	AIR NEW SOURCE PERMITS	REGISTRATION	48084	
	AIR NEW SOURCE PERMITS	REGISTRATION	49322	
	AIR NEW SOURCE PERMITS	REGISTRATION	50325	
	AIR NEW SOURCE PERMITS	REGISTRATION	71487	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX749	
	AIR NEW SOURCE PERMITS	REGISTRATION	71350	
	AIR NEW SOURCE PERMITS	REGISTRATION	71479	
	AIR NEW SOURCE PERMITS	REGISTRATION	71483	
	AIR NEW SOURCE PERMITS	REGISTRATION	71530	
	AIR NEW SOURCE PERMITS	REGISTRATION	50757	
	AIR NEW SOURCE PERMITS	REGISTRATION	50758	
	AIR NEW SOURCE PERMITS	REGISTRATION	50759	
	AIR NEW SOURCE PERMITS	REGISTRATION	52312	
	AIR NEW SOURCE PERMITS	REGISTRATION	72420	
	AIR NEW SOURCE PERMITS	REGISTRATION	70326	
	AIR NEW SOURCE PERMITS	REGISTRATION	53768	
	AIR NEW SOURCE PERMITS	REGISTRATION	53752	
	AIR NEW SOURCE PERMITS	REGISTRATION	53751	
	AIR NEW SOURCE PERMITS	REGISTRATION	54712	
	AIR NEW SOURCE PERMITS	REGISTRATION	72911	
	AIR NEW SOURCE PERMITS	REGISTRATION	56502	
	AIR NEW SOURCE PERMITS	REGISTRATION	50370	
	AIR NEW SOURCE PERMITS	REGISTRATION	74596	
	AIR NEW SOURCE PERMITS	REGISTRATION	74458	

AIR NEW SOURCE PERMITS	REGISTRATION	75055
AIR NEW SOURCE PERMITS	REGISTRATION	77053
AIR NEW SOURCE PERMITS	REGISTRATION	78553
AIR NEW SOURCE PERMITS	REGISTRATION	78917
AIR NEW SOURCE PERMITS	REGISTRATION	80099
AIR NEW SOURCE PERMITS	REGISTRATION	87899
AIR NEW SOURCE PERMITS	REGISTRATION	90731
AIR NEW SOURCE PERMITS	PERMIT	83791
STORMWATER	PERMIT	TXR05Q341
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30091
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0310V

Location: 9500 INTERSTATE 10 E, BAYTOWN, TX, 77521

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 12, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 12, 2005 to April 12, 2010

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

Name: Terry Murphy Phone: (512) 239-5025

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 06/26/2006

ADMINORDER 2005-0007-AIR-E

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 1, MAERT PERMIT

Description: Failed to limit emissions in the Normal Alpha Olefin Unit 1797 from 2 block valves (EPN F-130) and the SYS-740 Flare (EPN 136), to those limited by the permit.

Effective Date: 08/28/2006

ADMINORDER 2006-0147-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1504A/PSD-TX-748, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Air Permit #37063, Special Condition #1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 11/03/2006

ADMINORDER 2006-0628-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Air Permit #1504A/PSD-TX-748, SC#1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 01/12/2008

ADMINORDER 2007-0322-AIR-E

Classification: Minor

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

Description: ChevronPhillips failed to report the date of the Incident No. 70394 correctly on the TCEQ Notification Form. The incident occurred on January 15, 2006, but was reported as January 15, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70394.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit 1504A, SC1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70583.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70666.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70786.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 37063/Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 12/20/2008

ADMINORDER 2006-1960-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 1504A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 19027 Special Condition 20(E) PERMIT

Description: Failed to properly seal open-ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 19027 SC 20(F), 20(G), 21(A) PERMIT

Description: Failed to monitor components that were in volatile organic compound service at the PEU-1796 Unit.

Effective Date: 12/20/2008

ADMINORDER 2005-0859-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 OP

Description: Failed to prevent unauthorized emissions during a October 25, 2004 emissions event, in violation of 30 Tex. Admin. Code §§ 116.115(c) 101.20(3), Air Permit No. 1504A PSD-TX-748, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 8, 2005.

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 No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that was discovered on November 29, 2004 and determined to have started on November 18, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 1504A, PSD-TX-748, SC No. 1 PA

Description: Failed to prevent unauthorized emissions during a November 16, 2004 emissions event.

Effective Date: 02/08/2009

ADMINORDER 2007-1080-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 1504A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 1504A Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 03/12/2009

ADMINORDER 2008-0921-AIR-E

Classification: Moderate

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

Rqmt Prov: 37063/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Flare SYS-740 on January 15, 2008.

Classification: Moderate

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

Rqmt Prov: 46305/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008.

Effective Date: 03/23/2009

ADMINORDER 2008-1457-AIR-E

Classification: Moderate

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

Rqmt Prov: 2462C/Special Condition 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during Incident No. 108468.

Effective Date: 07/09/2009

ADMINORDER 2008-1927-AIR-E

Classification: Moderate

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

Rqmt Prov: 37063/SPECIAL CONDITION 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 111058.

Classification: Minor

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

Description: Failed to report Incident No. 111058 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 115, SubChapter H 115.722(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1504A/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 109537.

Classification: Minor

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

Description: Failed to report Incident No. 109537 within 24 hours after discovery.

Effective Date: 08/31/2009

ADMINORDER 2009-0428-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 615 pounds of biphenyl were released from the Normal Alpha Olefins Unit, when the Respondent failed to keep watch at a Dowtherm pump during a filling operation leading to the release of emissions through an open valve.

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	04/20/2005	(372236)	64	08/23/2006	(497553)	129	07/21/2008	(683729)
2	04/20/2005	(372237)	65	08/25/2006	(520103)	130	07/22/2008	(837042)

3	04/21/2005	(372231)	66	08/30/2006	(457471)	131	07/30/2008	(686471)
4	05/17/2005	(372229)	67	08/30/2006	(508885)	132	08/15/2008	(710645)
5	05/18/2005	(419593)	68	09/18/2006	(520104)	133	08/22/2008	(687059)
6	05/18/2005	(419595)	69	09/28/2006	(486905)	134	09/16/2008	(710646)
7	06/14/2005	(375880)	70	10/24/2006	(544360)	135	10/06/2008	(702554)
8	06/17/2005	(419594)	71	11/16/2006	(544381)	136	10/15/2008	(710647)
9	06/21/2005	(393595)	72	12/04/2006	(518861)	137	10/20/2008	(701391)
10	06/22/2005	(393592)	73	12/12/2006	(533185)	138	10/22/2008	(609858)
11	06/29/2005	(344167)	74	12/21/2006	(533938)	139	11/19/2008	(727418)
12	06/29/2005	(344174)	75	01/16/2007	(544362)	140	12/01/2008	(701390)
13	07/11/2005	(396110)	76	01/19/2007	(532509)	141	12/17/2008	(684989)
14	07/21/2005	(400409)	77	02/13/2007	(534351)	142	12/17/2008	(727419)
15	07/29/2005	(401052)	78	02/15/2007	(544356)	143	01/16/2009	(727420)
16	08/02/2005	(402216)	79	02/15/2007	(544359)	144	02/06/2009	(758946)
17	08/03/2005	(402167)	80	02/20/2007	(464696)	145	02/10/2009	(703395)
18	08/05/2005	(379433)	81	03/19/2007	(575061)	146	02/11/2009	(721112)
19	08/08/2005	(396942)	82	04/10/2007	(555531)	147	02/19/2009	(726947)
20	08/13/2005	(404688)	83	04/12/2007	(575062)	148	02/19/2009	(750176)
21	08/22/2005	(405962)	84	05/18/2007	(575063)	149	02/19/2009	(750179)
22	08/23/2005	(401535)	85	05/21/2007	(509420)	150	02/20/2009	(726788)
23	08/23/2005	(440737)	86	05/31/2007	(510231)	151	03/13/2009	(738474)
24	08/23/2005	(440739)	87	06/04/2007	(600126)	152	03/17/2009	(725485)
25	09/23/2005	(440738)	88	07/03/2007	(575064)	153	03/18/2009	(511787)
26	09/28/2005	(418690)	89	07/03/2007	(575065)	154	03/18/2009	(750177)
27	10/10/2005	(468259)	90	07/06/2007	(543644)	155	03/19/2009	(738012)
28	11/04/2005	(433451)	91	07/30/2007	(533377)	156	04/02/2009	(735904)
29	11/22/2005	(468260)	92	08/10/2007	(568519)	157	04/06/2009	(740829)
30	12/15/2005	(435582)	93	08/13/2007	(565766)	158	04/06/2009	(740833)
31	01/23/2006	(468261)	94	08/17/2007	(568619)	159	04/06/2009	(741331)
32	01/26/2006	(405968)	95	08/17/2007	(607514)	160	04/20/2009	(750178)
33	02/08/2006	(405969)	96	08/17/2007	(607517)	161	05/07/2009	(744346)
34	02/21/2006	(468258)	97	08/22/2007	(572958)	162	05/20/2009	(768290)
35	02/22/2006	(456830)	98	08/22/2007	(573015)	163	05/26/2009	(774848)
36	02/28/2006	(431936)	99	08/28/2007	(571092)	164	06/10/2009	(745042)
37	02/28/2006	(457017)	100	08/28/2007	(571093)	165	06/15/2009	(768291)
38	03/21/2006	(456836)	101	09/04/2007	(571264)	166	06/17/2009	(749383)
39	03/23/2006	(498082)	102	09/20/2007	(607515)	167	07/01/2009	(746197)
40	03/28/2006	(456883)	103	10/17/2007	(607516)	168	07/08/2009	(737095)
41	03/29/2006	(453494)	104	11/16/2007	(619443)	169	07/10/2009	(749535)
42	03/29/2006	(459443)	105	11/26/2007	(595536)	170	08/03/2009	(764244)
43	04/03/2006	(452797)	106	12/20/2007	(594047)	171	08/26/2009	(744253)
44	04/12/2006	(458187)	107	01/25/2008	(609372)	172	09/11/2009	(759038)
45	04/24/2006	(498083)	108	01/29/2008	(609276)	173	09/16/2009	(766140)
46	04/25/2006	(455025)	109	02/05/2008	(617290)	174	09/28/2009	(777649)
47	05/22/2006	(498084)	110	02/11/2008	(609284)	175	09/30/2009	(777769)
48	05/25/2006	(467431)	111	02/19/2008	(671951)	176	10/23/2009	(767508)
49	05/25/2006	(467433)	112	03/11/2008	(671952)	177	11/17/2009	(781626)
50	05/25/2006	(467438)	113	03/17/2008	(638930)	178	11/23/2009	(781525)
51	05/25/2006	(467440)	114	03/25/2008	(610630)	179	12/09/2009	(785104)
52	05/25/2006	(467443)	115	03/28/2008	(609858)	180	12/10/2009	(784804)
53	05/25/2006	(467445)	116	04/15/2008	(671953)	181	12/18/2009	(776419)
54	06/05/2006	(467064)	117	04/21/2008	(640952)	182	12/22/2009	(747534)
55	06/08/2006	(464678)	118	05/01/2008	(615845)	183	01/05/2010	(779731)
56	06/26/2006	(498085)	119	05/08/2008	(653978)	184	01/06/2010	(782277)
57	06/26/2006	(498086)	120	05/14/2008	(654461)	185	01/13/2010	(787984)
58	07/25/2006	(520101)	121	05/19/2008	(689871)	186	01/25/2010	(788325)
59	07/26/2006	(457460)	122	05/29/2008	(654086)	187	02/01/2010	(788923)
60	07/26/2006	(481894)	123	06/08/2008	(654083)	188	02/24/2010	(776596)
61	08/21/2006	(520102)	124	06/10/2008	(689872)	189	03/19/2010	(795113)
62	08/21/2006	(520105)	125	06/18/2008	(683282)	190	03/24/2010	(793957)
63	08/23/2006	(464714)	126	07/01/2008	(684287)	191	03/30/2010	(781136)
			127	07/17/2008	(689873)	192	04/07/2010	(792262)
			128	07/18/2008	(680367)			

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

Date: 07/29/2005 (401052)

Self NO

Classification: Moderate

Citation: 19027, SC No. 201 PERMIT

30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 O-02116, SC 1A OP
Description: Failure to repair a leaking valve when it could have been repaired without unit shutdown.

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 O-02216, SC 3Aiii OP

Description: Failure to maintain an opacity of 20% for the 6 minute observation period for an emergency electrical generator.

Self Report? NO **Classification:** Moderate

Citation: 19027, GC 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Overflowed tank TK-501

Self Report? NO **Classification:** Moderate

Citation: 19027, SC No. 20 & 21 PERMIT
 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 O-02116, SC 1A OP

Description: Failure to monitor 14 valves and 33 connectors for fugitive monitoring.

Self Report? NO **Classification:** Moderate

Citation: 19027, SC No. 21 & 21 PERMIT
 30 TAC Chapter 115, SubChapter D 115.354
 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 O-02116, SC No. 1A OP

Description: Failure to monitor 85 valves and 349 connectors in HRVOC service.

Date 09/30/2005 (468259)

Self Report? YES **Classification:** Moderate

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

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

Date 02/08/2006 (405969)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 46783, General Condition #8 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent a pipe leak resulting in unauthorized emissions.

Date 03/22/2006 (456836)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(4)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 FOP O-02115, STC 13 OP

Description: Failure to keep the lid on the parts washer closed at all times, resulting in emissions.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 FOP O-02115, SC 12 OP
 NSR Permit 2462C, SC 9 PERMIT

Description: Failure to operate the catalytic converter at 95% efficiency in disposing of the VOC (B19.g.(1))

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 FOP # O-02115, SC 12 OP
 NSR Permit# 2462C, SC 17(E) PERMIT

Description: Failure to plug eight open-ended valves or lines

Date 04/03/2006 (452797)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 SC #21E PERMIT
 ST & C #12 OP

Description: Failure to comply with 30 TAC Chapter 115.352(4) which requires valves and pipelines containing VOC to be operated with either a second valve, blind flange, or a tightly-fitting plug or cap.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Special Condition #3(A)(i). OP
Description: Failure to operate engines in accordance with 30 TAC Chapter 111.111(a)(1)(B)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 NSR Permit 1504A, Special Condition 21.1 PA
 ST & C #1.L.(iv) OP
 ST & C #12 OP
Description: Failure to repair leaking components within the required timeframes.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(II)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 ST & C #1.L.(iv) OP
Description: Failure to perform initial emissions rate calculations within 30 calendar days.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 SC #21E PERMIT
 SC #22A PERMIT
 ST & C #12 OP
Description: Failure to conduct Method 21 monitoring as required to 325, valves, 818 connectors, and 2 pumps.

Date 06/30/2006 (520101)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 07/31/2006 (520102)
Self Report? YES **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date 08/23/2006 (464714)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Air Permit No. 2462C, SC1 PERMIT
Description: Investigation No. 464714 determined that CPC failed to prevent a decomposition reaction in the Line 4 Reactor during Incident No. 72456.

Date 09/28/2006 (486905)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 37063 Special Condition 1 PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to prevent unauthorized emissions.
Date 02/13/2007 (534351)
Self Report? NO **Classification:** Moderate
Citation: 19027/Special Condition 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to prevent unauthorized emissions.
Date 07/06/2007 (543644)
Self Report? NO **Classification:** Moderate
Citation: 2462C, SC # 17E PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #12 OP
 FOP O-02115, SC #1A OP
Description: Failure to cap or plug open-ended lines.
Self Report? NO **Classification:** Moderate
Citation: 2462C, SC #9 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #12 OP
Description: Failure to maintain a 95% VOC destruction efficiency for H-3030 and ZZ-702 from November 1, 2005 to December 31, 2005.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(I)
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #1A OP
Description: Failure to keep the parts washer lid closed on March 21, 2006 and again on April 20, 2006.

Date 08/10/2007 (568519)
Self Report? NO **Classification:** Moderate
Citation: 1504A Special Condition 10 PERMIT
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to meet applicable opacity limit
Date 09/04/2007 (571264)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)
 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)
Description: Secondary containment systems for hazardous waste storage Tank T-903 (NOR 035) was not free of gaps

Date 11/28/2007 (595536)
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02370 SC 5 OP
 NSR 46305 SC 8A PA
Description: Failure to operate the process vent flare (Title V ID VE-9003; EPN 1799-20) at a heat value of at least 300 Btu/scf on 4 occasions for at least 1 hour from July 8, 2006 through May 10, 2007 [FOP O-02370; NSR 46305].
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02370 SC 1A OP
 FOP O-02370 SC 5 OP
 NSR 46305 SC 3E PA
Description: Failure to equip an open-ended line in VOC service with a plug [FOP O-02370; NSR 46305]. Category C10.

Date 03/25/2008 (610630)
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-2114, ST&C 15 OP
 Permit 37063, SC 11E PERMIT
 Permit 6517A, SC 1E PERMIT
Description: Failure to cap or plug open-ended lines.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18
 5C THSC Chapter 382 382.085(b)
 FOP O-2114 ST&C 15 OP
 Permit 37063 OP
Description: Failure to operate Flares in compliance with the 300BTU/scf standard
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-2114 ST&C 15 OP
Description: Failed to submit the required Post Change Notification within 30 days relating to Flare # SYS-740

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-2114 ST&C 15 OP
Description: Failed to report the failure to submit a post change notification in the earlier deviation report for the reporting period of February 1, 2006 through July 31, 2006

Date 03/28/2008 (609856)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 14 OP

Description: Failure to notify TCEQ prior to EMACT tank inspection.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 17 OP
 NSR Permit 1504A/PSD-TX-748 SC 1 PA

Description: Failure to maintain emissions within the MAERT.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC (1)(J)(iv) OP

Description: Failure to repair leaking component within required time frame.

Self Report? NO **Classification:** Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)

Description: Failure to record canister change-out after breakthrough.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1095(b)(2)
 FOP O-02113 STC 1GI OP

Description: Failure to conduct monthly monitoring

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 17 OP

Description: Failure to provide 30 days notice prior to changes to facilities.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 1(J)(ii) OP

Description: Failure to maintain Net Heating Value greater than 300 btu/scf.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 SC 17 OP
 FOP O-02113 STC 1(I)(ii) OP
 NSR Permit 1504A/PSD-TX-748 SC 16E PA

Description: Failed to maintain a seal on open ended lines.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 17 OP
 NSR Permit 1504A/PSD-TX-748 PA

Description: Failure to conduct fugitive monitoring on components in VOC service.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 17 OP
 NSR Permit 1504A/PSD-TX-748 SC 17A PA

Description: Failure to conduct fugitive monitoring on connectors in VOC service.

Self Report? NO **Classification:** Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 1(j)(i) OP
Description: Failure to conduct fugitive monitoring on pumps in benzene service.
Self Report? NO **Classification:** Minor
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)

Description: Failure to report all instances of deviations.
Date 07/22/2008 (637042)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 ST&C 12 OP

Description: Failure to control VOC emissions for flare (unit X-902) and heat exchanger (unit H-3030).
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 9 PERMIT
 ST&C 12 OP

Description: Failure to maintain 95% destruction efficiency of VOC.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 12 OP
 SC 16E PERMIT
 ST&C 1A OP

Description: Failure to seal open-ended lines that are in VOC service.
Date 07/30/2008 (686471)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to submit semiannual Deviation report within 30 days of the reporting period.
Date 02/06/2009 (758946)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date 02/10/2009 (703395)
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Condition 3(E) PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 5 OP

Description: Failure to seal open-ended lines with a cap, plug, blind flange, or a second valve.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Condition 8(A) PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 5 OP

Description: Failure to meet the BTU/scf heating value for the flare (EPN 1799-20) for a total of 13 hours from December 14, 2007 through June 17, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP

Description: Failure to properly control VOC emissions from intermittent vents.

Date 02/13/2009 (721112)

Self Report? NO Classification: Moderate

Citation: 1504A, SC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to comply with MAERT limits.

Self Report? NO Classification: Minor

Citation: 1504A, SC 16E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to plug/cap all open ended lines (C10).

Self Report? NO Classification: Minor

Citation: 1504A, SC 16F PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to conduct LDAR on all components

Self Report? NO Classification: Moderate

Citation: 1504A, SC 11A PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain BTU value in flare header per specifications in 40 CFR 60.18.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-02113, GC 1 OP

Description: Failure to include all deviations in the deviation report.

Self Report? NO Classification: Minor

Citation: 1504A, SC 11B PERMIT
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain a continuous pilot monitoring record.

Self Report? NO Classification: Minor

Citation: 1504A, GC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain proper operating temperature in Light Pyrolysis Fuel Oil tank.

Date 04/02/2009 (735904)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. This event occurred due to operations failure to check the inventory of the propylene surge drum residual below the sight glass.

Date 05/26/2009 (774848)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date 07/09/2009 (737095)
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 19E PERMIT
SC 1A OP
Description: Failure to maintain a seal on open ended lines. Four open ended lines were reported in the August 8, 2008 deviation report and two open ended lines were reported in the December 18, 2008 deviation report.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a renewal application for Permit No. O-02116 within 180 days of the permit expiration date. The permit expiration date was January 12, 2009. A permit application was required by July 6, 2008, but was not submitted until December 19, 2008. This constitutes a violation of 30 TAC 122.241(b) which requires renewal applications to be submitted in a timely manner which is defined by 30 TAC 122.133(2) as at least six months before the permit expiration date.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9 OP
Description: Failure to adhere to the HRVOC monitoring requirements of the permit between September 22, 2008 and October 9, 2008 due to a blockage in the cooling water sample filter to the HRVOC analyzer. This constitutes a violation of 30 TAC 115.764(a)(2) which requires the regulated entity to "install, calibrate, operate, and maintain a system to continuously determine the total strippable volatile organic compound (VOC) concentration at each inlet of each cooling tower."
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
SC 1A OP
SC 9 OP
Description: Failure to comply with the NOx and CO tons per year limits of the MAERT. The deviation report dated August 8, 2008 notes that the 2007 NOx level of 4.84 tons per year exceeded the limit of 2.39 tons per year and that the 2007 CO level of 34.72 tons per year exceeded the limit of 12.15 tons/year. This constitutes a violation of Permit No. 19027 Special Condition No. 1 which states, "the facilities covered by this permit are authorized to emit subject to the emission rate limits of that table."
Date 08/26/2009 (744253)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #16E PERMIT
Special Terms and Conditions #12 OP
Special Terms and Conditions #1A OP
Description: Failure to seal eleven open ended lines containing volatile organic compounds. (CATEGORY C4)
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions #1A OP
Description: Failure to prevent EPN H-802 from emitting carbon monoxide in excess of 400 ppm (CATEGORY B19(g)(1))
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 2426C, SC#9 PERMIT
Special Terms and Conditions #12 OP
Description: Failure to maintain incinerator ZZ-702 95% destruction efficiency for waste gases (CATEGORY B19(g)(1))
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)
General Terms and Conditions OP
Description: Failure to report in previous deviation report dated May 8, 2008, routing of ZZ-702 vent gases to H-3030 incinerator. (CATEGORY C4)

Date 10/23/2009 (767508)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 6 OP

Description: Failed to maintain the net heating value on the flare VE-9003 (EPN: 1799-20) on 10/11/2008 at approximately 1000.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 6 OP

Description: Failed to maintain the emissions of NOX and CO during the 6/1/2008 through 5/31/2009 semi annual deviation period on flare, FS-9004.

Self Report? NO Classification: Moderate

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

Description: Failure to report as a deviation in the semi annual deviation report dated 12/19/2008 the exceedance of NOX and CO on flare FS-9004.

Date 11/23/2009 (781525)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions from Ethylene Unit 1592

Date 12/22/2009 (747534)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 11 E PERMIT
Special Terms and Conditions No. 15 OP

Description: Failure to seal open ended lines in VOC and HRVOC services from August 1, 2007 through January 31, 2008

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition No. 6D PERMIT
Special Terms and Conditions No. 15 OP

Description: Failure to prevent visible emissions from Flare Z-101 on August 31, 2007

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to maintain a continuous pilot monitoring records

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to maintain the firebox temperature of process heater H-530 above the minimum temperature of 758 °F on July 14, 2008

Self Report? NO Classification: Minor

Citation: Special Condition No. 6C PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Terms and Conditions No. 15 OP

Description: Failed to maintain pilot flame lit at all times

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 6A PERMIT
 Special Terms and Conditions No. 15 OP
Description: Failed to maintain the flare net heating value above 300 Btu/scf
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(d)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failed to maintain documentation for environmental car seals
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 7 PERMIT
 Special Terms and Conditions No. 15 OP

Description: Failed to maintain the flow to Absorber T-101 at 5,000 lb/hr on August 23-24, 2007 during maintenance activity.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(b)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failed to replace a missing car seal on the T-420 vent to D-531 on December 1, 2007
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failed to close the hatch of the G-202B API separator
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 1 PERMIT
 Special Terms and Conditions No. 15 OP

Description: Exceeded the permitted annual VOC, CO, and NOx limits
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failed to report exceedances and pilot outage in deviation reports
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 8 PERMIT
 Special Terms and Conditions No. 15 OP

Description: Failure to maintain and update monthly emissions record of calculated emissions of VOC from all loading operations over the previous rolling 12 months.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 10B PERMIT
 Special Terms and Conditions No. 15 OP

Description: Exceeded the pump rate (P-805) during the loading of butene from TK-12 into a railcar at 24,000 gallons per hour.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 1 PERMIT
 Special Terms and Condition No. 15 OP

Description: Exceeded the permitted 0.65 tons NOx limits and the 1.11 tons CO limit from Flare SYS-740 during this compliance period.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Description: Failed to report NOx and CO exceedances from Flare SYS-740 in deviation reports dated February 29, 2008 and August 27, 2008.

Date: 03/31/2010 (781136)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 18E PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP

Description: Failure to maintain a cap, blind flange, plug or second valve on all open ended lines. (Category C10 violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)
5C THSC Chapter 382 382.085(b)
Special Condition 11A PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP

Description: Failure to maintain a minimum of 300 BTU for flares CB-701 and CB-710. (Category B19(g)(1) violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1 PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain emissions for EPN 1592-72 below the permitted VOC limit of 0.02 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain CO emissions for furnace BA-112 below the permit limit of 20.49 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain vapor tight operations for water separators FB-204 and FB-862. (Category C4 violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(I)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 13B OP

Description: Failure to conduct quarterly inspections of all drains and water seal controls. (Category C1 violation)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12C PERMIT
Special Term and Condition 17 OP

Description: Failure to change the carbon drum within 24 hours of the outlet reading exceeding 20 ppm. (Category C4 violation)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12D PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain records of the date and time carbon canisters were changed out following breakthrough of the first bed. (Category C3 violation)

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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations. (Category B3 violation)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP
Description: Failure to maintain flare pilot monnlors for a four hour period for flare CB-701. (Category C1 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 1A OP
Special Term and Conditon 17 OP
Description: Failure to maintain a flare pilot at all times for flare CB-701. (Category B19(g)(1) violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11C PERMIT
Special Term and Condlion 17 OP
Special Term and Condition 1A OP
Description: Failure to limit visible emissions to less than five minutes within a two hour period from flare CB-701. (Category C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21 PERMIT
Special Term and Condition 17 OP
Description: Failure to monitor fuel gas composllion at least once a week. (Category C1 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain ammonia emissions below the rolling 24 hour limit of 10 ppm. (Category B19(g)(1) violation)

F. Environmental audits.

Notice of Intent Date: 05/13/2005 (400692)
No DOV Associated

Notice of Intent Date: 05/18/2006 (481743)
1 Disclosure Date: 09/09/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(B)
Rqmt PERMIT 37063

Description: Failure to maintain records justifying each component as difficult to monitor.
Disclosure Date: 08/29/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
Rqmt PERMIT O-2113

Description: Failure to ensure that semiannual continuous emissins monitoring system (CEMS) downtime reports for the cracking furnaces and boilers included out of control periods for the CEMS analyzers.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
Rqmt PERMIT O-2114

Description: Failure to ensure that all synthetic organic chemical manufacturing (SOCMI) units had no more than 3.0% of valves monitored for fuglilve emjssions be designated as difficult to monitor.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(I)
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
Rqmt PERMIT O-2113

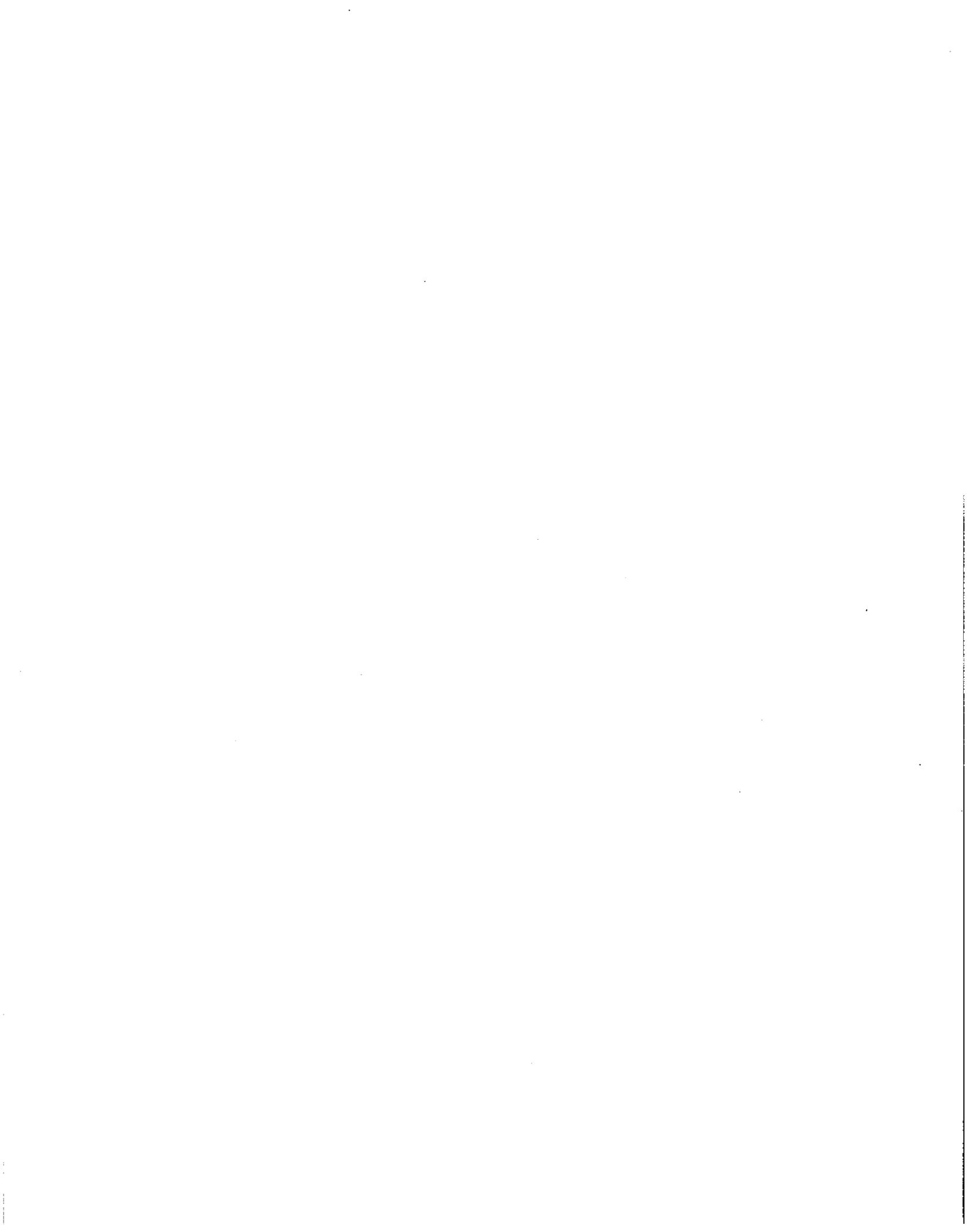
Description: Failure to ensure that multipoint validations were performed following midpoint validation failures on the highly reactive volatile oraginc compounds (HRVOC) analyzers.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.216(b)(2)

Description: Failure to ensure that written notifications were provided to TCEQ within 15 days after relative accuracy test audit (RATA) testing was completed.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.47(b)(1)

Description: Failure to ensure that all underground tank systems were provided cathodic protection.



Viol. Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.48

Description: Failure to ensure that all UST systems were included in the mechanical integrity and maintenance programs.

Viol. Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 117, SubChapter B 117.219(f)(8)

Rqmt PERMIT O-2113

Description: Failure to ensure that records were maintained of engine hours of operation or of start and end times for testing and maintenance.

Notice of Intent Date: 03/05/2007 (555111)

2 Disclosure Date: 08/20/2007

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Rqmt PERMIT Title V Operating Permit O-2113

Description: Failure to sample benzene contaminated wastewater with chilled sampling system.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(I)(III)
30 TAC Chapter 115, SubChapter H 115.783(3)(A)(ii)
30 TAC Chapter 115, SubChapter H 115.786(c)

Rqmt PERMIT Title V Operating Permit O-2113

Description: Failure to maintain records for past leaks, leak repair and extraordinary repair of pump GA-465.

Viol. Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.263

Rqmt PERMIT Title V Operating Permit O-2113

Description: Failure to limit use of temporary maintenance controls of the GA-465 pump to 180 days.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725
30 TAC Chapter 115, SubChapter H 115.726

Rqmt PERMIT Title V Permit O-2113

Description: Failure to monitor/test and maintain records for the carbon be series vent at the GA-465 pump.

Notice of Intent Date: 02/11/2009 (739326)

No DOV Associated

Notice of Intent Date: 05/05/2009 (746986)

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.

CLEAN TEXAS PROGRAM

05/01/2005

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN103919817**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-0607-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 9500 Interstate Highway 10 East in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 5, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Hundred Twenty-Seven Thousand Nine Hundred Dollars (\$527,900) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Eleven Thousand One Hundred Sixty Dollars (\$211,160) of the administrative penalty and One Hundred Five Thousand Five Hundred Eighty Dollars (\$105,580) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Hundred Eleven Thousand One Hundred Sixty Dollars (\$211,160) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 23, 2010, was issued an amendment to New Source Review ("NSR") Permit Number 1504A/PSDTX748 that allows for a higher permitted emissions limit for volatile organic compounds ("VOC"), nitrogen oxides ("NO_x"), and carbon monoxide ("CO") from the CB 701 flare, Emissions Point Number ("EPN") 1592-16.
 - b. By April 20, 2010, in order to ensure proper maintenance of the continuous emissions monitoring systems ("CEMS"):
 - i. Modified work practices to designate four individuals who will be primarily responsible for the calibration, validation and maintenance of the CEMS;
 - ii. Formed a team to evaluate and develop solutions, with one of the team's proposals being the repositioning and replacement of the CEMS; and
 - iii. Began a monthly review of CEMS' total downtimes as an indicator for where efforts should be focused.
 - c. By May 12, 2010, the valve replacement project designed to ensure compliance with the permitted emissions limit for VOC, NO_x, and CO from the CB 701 flare, EPN 1592-16 was completed.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with the permitted emissions limits for VOC, NO_x, and CO from a flare, in violation of NSR Permit No. 1504A/PSDTX748, Special Condition 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 12, 2010. Specifically, the Respondent reported that, beginning July 2008, emissions from EPN 1592-16 have exceeded the rolling twelve month average limit for VOC by as much as 154%, the limit for NO_x by as much as 101%, and the limit for CO by as much as 98%.
2. Failed to properly maintain CEMS to measure and record emissions, in violation of NSR Permit No. 1504A/PSDTX748, Special Condition 16, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 12, 2010. Specifically, the Respondent reported that, beginning August 29, 2004, the CEMS for EPNs 1592-01A, 1592-02A, 1592-02B, 1592-03A, 1592-03B, 1592-04B, 1592-05A, 1592-06A, 1592-06B, and 1592-07 have not been operational for periods ranging from 5.10% to 27.10% of the time.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2010-0607-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 I, Paragraph 6 above, Two Hundred Eleven Thousand One Hundred Sixty Dollars (\$211,160) of the assessed administrative penalty shall be offset with the condition that the Respondent implements 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, complete the evaluation of the CEMS maintenance problems, and begin implementation of the recommendations reached by the team formed for that purpose;
 - b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision No. 3.a.;
 - c. Within 180 days of the effective date of this Agreed Order, complete the implementation of the recommendations made by the CEMS evaluation team;
 - d. Within 195 days of the effective date of this Agreed Order, certify that the CEMS for EPNs 1592-01A, 1592-02A, 1592-02B, 1592-03A, 1592-03B, 1592-04B, 1592-05A, 1592-06A, 1592-06B, and 1592-07 are being maintained to properly measure and record emissions, as required by NSR Permit No. 1504A/PSD TX748, Special Condition 16; and
 - e. The certifications required by Ordering Provision Nos. 3.b. and 3.d. shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Siedler
For the Executive Director

12/6/2010
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Van Long
Signature

Dec 2, 2010
Date

Van Long
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

PLANT MANAGER
Title

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



Attachment A

Docket Number: 2010-0607-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Penalty Amount:	Four Hundred Twenty-Two Thousand Three Hundred Twenty Dollars (\$422,320)
SEP Offset Amount:	Two Hundred Eleven Thousand One Hundred Sixty Dollars (\$211,160)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston Regional Monitoring Corporation – <i>HRMC Houston Area Air Monitoring</i>
Location of SEP:	Harris County

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 offset 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 the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound ("VOC"), nitrogen oxides ("NOx"), ozone ("O₃"), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset 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 offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset 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 expenditure of the SEP offset 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 offset amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

