

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1845-AIR-E **TCEQ ID:** RN103919817 **CASE NO.:** 40692
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: Cedar Bayou Plant, 9500 Interstate 10 East, Baytown, Harris County</p> <p>TYPE OF OPERATION: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</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 April 4, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. William M. Turk, Environmental Health and Safety Manager, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521-9570 Mr. Van Long, Plant Manager, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521-9570 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 27, 2010</p> <p>Date of NOV/NOE Relating to this Case: October 26, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, 725 pounds of volatile organic compounds were released when the Respondent failed to ensure that Flare X-901 was lit while waste gases were being routed to the flare, resulting in an emissions event (Incident No. 142660) which began on July 22, 2010, and lasted for 13 hours. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c) and 101.221(a), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), Air Permit No. 2462C, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,000</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</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 on July 28, 2010, the Respondent opened the minimum flow valves on the steam lines to the flare and implemented a work practice to prevent inadvertent closure of the steam minimum flow valves as part of the corrective action measures taken with regard to preventing the recurrence of emissions events from same or similar causes at the Plant.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <ol style="list-style-type: none"> 1) Within 30 days after the effective date of this Agreed Order, to prevent recurrence of emissions events due to a similar cause as Incident No. 142660: <ol style="list-style-type: none"> a. Communicate the change in procedures to the operators to ensure that they are aware of the condensate build-up potential when valves are inadvertently closed; and b. Complete the evaluation to determine if a modification to the steam control system on the flare is necessary and implement its recommendations. 2) Within 45 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 1.a. and 1.b. |

Additional ID No(s): HGO310V



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

ICEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 1-Nov-2010 | Screening | 8-Nov-2010 | EPA Due | |
| | PCW | 12-Nov-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. | 40692 | No. of Violations | 1 |
| Docket No. | 2010-1845-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Nadia Hameed |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **382.0%** Enhancement *Subtotals 2, 3, & 7* **\$9,550**

Notes: Enhancement for eight orders with denial of liability, four orders without denial of liability, 23 same/similar NOV's and nine dissimilar NOV's. Reduction for five Notices of Audit and three Disclosures of Violations.

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* **\$0**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **\$0**

Total EB Amounts \$57
Approx. Cost of Compliance \$2,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$12,050**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$12,050**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$10,000**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$2,000**

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 **\$8,000**

Screening Date 8-Nov-2010

Docket No. 2010-1845-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 40692

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 23 | 115% |
| | Other written NOVs | 9 | 18% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 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 | 4 | 100% |
| 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 (<i>number of judgements or consent decrees meeting criteria</i>) | 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 (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 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 (<i>number of audits for which notices were submitted</i>) | 5 | -5% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 3 | -6% |

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 382%

>> 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

Enhancement for eight orders with denial of liability, four orders without denial of liability, 23 same/similar NOVs and nine dissimilar NOVs. Reduction for five Notices of Audit and three Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 382%

Screening Date 8-Nov-2010

Docket No. 2010-1845-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 40692

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 101.221(a), 40 Code of Federal Regulations § 60.18(c)(2), Air Permit No. 2462C, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 725 pounds of volatile organic compounds were released when the Respondent failed to ensure that Flare X-901 was lit while waste gases were being routed to the flare, resulting in an emissions event (Incident No. 142660) which began on July 22, 2010, and lasted for 13 hours. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | X |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | X | (mark with x) |

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$12,050

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

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 40692
Req. 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 commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 22-Jul-2010 | 28-Jul-2010 | 0.02 | \$0 | \$1 | \$1 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$500 | 22-Jul-2010 | 25-Apr-2011 | 0.76 | \$19 | n/a | \$19 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,000 | 22-Jul-2010 | 24-Apr-2011 | 0.76 | \$38 | n/a | \$38 |

Notes for DELAYED costs

Estimated cost for opening minimum flow valves on the steam lines, implementing a work practice to prevent inadvertent closure of the steam minimum flow valves (completed July 28, 2010), communicating new practices to the operators, and conducting an evaluation to determine if a modification to the steam control system on the flare is necessary. The date required is based on the start date of the violation. The final dates are the dates the corrective actions were completed or are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$57

Compliance History Report

Customer/Respondent/Owner-Operator: CN600303614 Chevron Phillips Chemical Company LP Classification: AVERAG Rating: 4.51
 Regulated Entity: RN103919817 CHEVRON PHILLIPS CHEMICAL CO CEDAR BAYOU PLANT Classification: AVERAGE Site Rating: 7.19

TXD003913381

| | | | |
|---------------|-------------------------------------|----------------------------------|--------------|
| ID Number(s): | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | |
| | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 30091 |
| | WASTEWATER | PERMIT | WQ0001006000 |
| | WASTEWATER | EPA ID | 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 |
| | 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 | 6517A |
| | 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 | 37063 |
| 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 | PSDTX748 |
| 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 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 92856 |
| 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: November 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 08, 2005 to November 08, 2010

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

Name: Nadia Hameed Phone: 713-767-3629

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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 2006-0528-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.

Effective Date: 10/15/2010 ADMINORDER 2010-0410-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: Failed to prevent unauthorized emissions during an emissions event. Chevron failed to prevent the trip of boilers BF-801A and C.

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 | 01/26/2006 | (405968) |
| 2 | 02/08/2006 | (405969) |
| 3 | 02/28/2006 | (431936) |
| 4 | 12/15/2005 | (435582) |
| 5 | 04/03/2006 | (452797) |
| 6 | 03/29/2006 | (453494) |
| 7 | 04/25/2006 | (455025) |
| 8 | 02/22/2006 | (455830) |
| 9 | 03/21/2006 | (456836) |
| 10 | 03/28/2006 | (456883) |
| 11 | 02/28/2006 | (457017) |
| 12 | 07/26/2006 | (457460) |
| 13 | 08/30/2006 | (457471) |
| 14 | 04/12/2006 | (458187) |
| 15 | 03/29/2006 | (459443) |
| 16 | 06/08/2006 | (464678) |
| 17 | 02/20/2007 | (464696) |
| 18 | 08/23/2006 | (464714) |
| 19 | 06/05/2006 | (467064) |
| 20 | 05/25/2006 | (467431) |
| 21 | 05/25/2006 | (467433) |
| 22 | 05/25/2006 | (467438) |
| 23 | 05/25/2006 | (467440) |
| 24 | 05/25/2006 | (467443) |
| 25 | 05/25/2006 | (467445) |
| 26 | 02/21/2006 | (468258) |
| 27 | 11/22/2005 | (468260) |
| 28 | 01/23/2006 | (468261) |
| 29 | 07/26/2006 | (481894) |

30 09/28/2006 (486905)
31 08/23/2006 (497553)
32 03/23/2006 (498082)
33 04/24/2006 (498083)
34 05/22/2006 (498084)
35 06/26/2006 (498085)
36 06/26/2006 (498086)
37 08/30/2006 (508885)
38 05/21/2007 (509420)
39 05/31/2007 (510231)
40 03/18/2009 (511787)
41 12/04/2006 (518861)
42 07/25/2006 (520101)
43 08/21/2006 (520102)
44 08/25/2006 (520103)
45 09/18/2006 (520104)
46 08/21/2006 (520105)
47 01/19/2007 (532509)
48 12/12/2006 (533185)
49 07/30/2007 (533377)
50 12/21/2006 (533938)
51 02/13/2007 (534351)
52 07/06/2007 (543644)
53 02/15/2007 (544358)
54 02/15/2007 (544359)
55 10/24/2006 (544360)
56 11/16/2006 (544361)
57 01/16/2007 (544362)
58 04/10/2007 (555531)
59 08/13/2007 (565766)
60 08/10/2007 (568519)

61 08/17/2007 (568619)
62 08/28/2007 (571092)
63 08/28/2007 (571093)
64 09/04/2007 (571264)
65 08/22/2007 (572958)
66 08/22/2007 (573015)
67 03/19/2007 (575061)
68 04/12/2007 (575062)
69 05/18/2007 (575063)
70 07/03/2007 (575064)
71 07/03/2007 (575065)
72 12/20/2007 (594047)
73 11/28/2007 (595536)
74 06/04/2007 (600126)
75 08/17/2007 (607514)
76 09/20/2007 (607515)
77 10/17/2007 (607516)
78 08/17/2007 (607517)
79 01/29/2008 (609276)
80 02/11/2008 (609284)
81 01/25/2008 (609372)
82 10/22/2008 (609658)
83 03/28/2008 (609856)
84 03/25/2008 (610630)
85 05/01/2008 (615845)
86 02/05/2008 (617290)
87 11/16/2007 (619443)
88 07/22/2008 (637042)
89 03/17/2008 (638930)
90 04/21/2008 (640952)

91 05/06/2008 (653978)
92 06/06/2008 (654083)
93 05/29/2008 (654086)
94 05/14/2008 (654461)
95 02/19/2008 (671951)
96 03/11/2008 (671952)
97 04/15/2008 (671953)
98 07/18/2008 (680367)
99 06/18/2008 (683282)
100 07/21/2008 (683729)
101 07/01/2008 (684287)
102 12/17/2008 (684989)
103 07/30/2008 (686471)
104 08/22/2008 (687059)
105 05/19/2008 (689871)
106 06/10/2008 (689872)
107 07/17/2008 (689873)
108 12/01/2008 (701390)
109 10/20/2008 (701391)
110 10/06/2008 (702554)
111 02/10/2009 (703395)
112 08/15/2008 (710645)
113 09/16/2008 (710646)
114 10/15/2008 (710647)
115 02/11/2009 (721112)
116 03/17/2009 (725485)
117 02/20/2009 (726788)
118 02/19/2009 (726947)
119 11/19/2008 (727418)
120 12/17/2008 (727419)
121 01/16/2009 (727420)

122 04/02/2009 (735904)
123 07/08/2009 (737095)
124 03/19/2009 (738012)
125 03/13/2009 (738474)
126 04/06/2009 (740829)
127 04/06/2009 (740833)
128 04/06/2009 (741331)
129 08/26/2009 (744253)
130 05/07/2009 (744346)
131 06/10/2009 (745042)
132 07/01/2009 (746197)
133 12/22/2009 (747534)
134 06/17/2009 (749383)
135 07/10/2009 (749535)
136 02/19/2009 (750176)
137 03/18/2009 (750177)
138 04/20/2009 (750178)
139 02/19/2009 (750179)
140 02/06/2009 (758946)
141 09/11/2009 (759038)
142 08/03/2009 (764244)
143 09/16/2009 (766140)
144 10/23/2009 (767508)
145 05/20/2009 (768290)
146 06/15/2009 (768291)
147 05/26/2009 (774848)
148 12/18/2009 (776419)
149 02/24/2010 (776596)
150 09/28/2009 (777649)
151 09/30/2009 (777769)
152 01/05/2010 (779731)

153 03/30/2010 (781136)
154 11/23/2009 (781525)
155 11/17/2009 (781626)
156 01/06/2010 (782277)
157 12/10/2009 (784904)
158 12/09/2009 (785104)
159 01/13/2010 (787984)
160 01/25/2010 (788325)
161 02/01/2010 (788923)
162 05/07/2010 (790365)
163 04/07/2010 (792262)
164 03/24/2010 (793957)
165 03/19/2010 (795113)
166 04/26/2010 (795840)
167 04/22/2010 (798156)
168 05/26/2010 (800984)
169 07/07/2010 (802128)
170 06/16/2010 (802154)
171 05/27/2010 (803556)
172 02/19/2010 (804439)
173 08/19/2009 (804440)
174 09/17/2009 (804441)
175 10/14/2009 (804442)
176 11/18/2009 (804443)
177 12/17/2009 (804444)
178 01/20/2010 (804445)
179 06/16/2010 (826504)
180 06/25/2010 (826665)
181 06/14/2010 (826928)
182 11/30/2009 (827781)

183 07/16/2010 (830313)
 184 03/20/2010 (830799)
 185 04/14/2010 (830800)
 186 05/18/2010 (830801)
 187 07/19/2010 (841484)
 188 09/01/2010 (843697)
 189 10/19/2010 (844282)
 190 06/18/2010 (846241)
 191 10/26/2010 (849362)
 192 07/16/2010 (860837)
 193 08/18/2010 (866801)
 194 10/29/2010 (872353)

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

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) CN600303614
 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
 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) CN600303614
 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.I 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) CN600303614

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) CN600303614

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)(B)(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)

CN600303614

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)

CN600303614

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) CN600303614

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) CN600303614

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 EMAX 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(I)(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) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
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) CN600303614

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) CN600303614

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)(ii)
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) CN600303614
 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) CN600303614
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) CN600303614
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. (CATERGORY 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-602 from emitting carbon monoxide in excess of 400 ppm (CATERGORY 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 (CATERGORY 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. (CATERGORY C4)

Date: 10/23/2009 (767508)

CN600303614

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)

CN600303614

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: 11/30/2009 (827781) CN600303614
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: 12/22/2009 (747534) CN600303614
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 to 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 0.55 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 with in 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 monitors 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 Condition 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 Condition 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 composition 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)

Date: 05/07/2010 (790365)

CN600303614

Self Report? NO Classification: Moderate

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)
5C THSC Chapter 382 382.085(b)
SC 16E PERMIT
ST&C 12 OP
ST&C 1A OP

Description: Failure to seal 12 Open-ended lines during the certification period of November 4,
2004 until October 31, 2009 (Category C10 violation)

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
ST&C 12 OP

Description: Failure to maintain the annual limit for VOC on UNIT ID X-901 during the
certification period of November 4, 2008 until October 31, 2009 (Category
B.19.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)
SC 9 PERMIT
ST&C 12 OP

Description: Failure to route all HRVOC and/or other organic compound waste gases from
existing storage bins (V-379, 380, 381, and 382) to the Catalytic Incinerator
ZZ-702 (EPN-1742-4A) (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.131(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(f)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain the vapor pressure of PEU 1792 API Separator (UNIT ID G-214)
below 0.5 psia (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain 98% of the daily flare observation records from January 1,
2008 through December 31, 2008 (Category B3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2445
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(b)(4)
5C THSC Chapter 382 382.085(b)
ST&C 10 OP

Description: Failure to submit the MON periodic report by the regulatory due date of August
30, 2009 (Category B3 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)
GT&C OP

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

Date: 05/26/2010 (800984) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
General Provisions PERMIT

Description: Chevron failed to prevent the release of unauthorized emissions from the E-439 Depropanizer reboiler .

Date: 09/01/2010 (843697) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, Chevron failed to prevent unauthorized emissions from a low point bleed valve following a maintenance activity.

Date: 10/19/2010 (844282)
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. Chevron Phillips failed to operate the Ethylene Recycle Compressor (GB-450) within the manufacturer's recommended operating parameters, which caused the seal to fail.

F. Environmental audits.

Notice of Intent Date: 05/18/2006 (481743)
Disclosure Date: 08/09/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(B)
Rqmt Prov: 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 Prov: PERMIT O-2113

Description: Failure to ensure that semiannual continuous emissions 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 Prov: 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 fugitive emissions 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 Prov: PERMIT O-2113

Description: Failure to ensure that multipoint validations were performed following midpoint validation failures on the highly reactive volatile organic 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)(6)

Rqmt Prov: 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)

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 Prov: 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 Prov: 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 Prov: 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 Prov: 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)

Disclosure Date: 06/24/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(c)(1)

Rqmt Prov: PERMIT NSR Permit No. 19027

Description: Failure to ensure the catalytic incinerator temperature is in compliance with limits under 40 CFR 60.565(c) and to ensure the fire box temperature requirements are met during performance tests.

Notice of Intent Date: 04/16/2010 (801342)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

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**

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

**AGREED ORDER
DOCKET NO. 2010-1845-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 petrochemical plant at 9500 Interstate 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 October 31, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand Dollars (\$2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on July 28, 2010, the Respondent opened the minimum flow valves on the steam lines to the flare and implemented a work practice to prevent inadvertent closure of the steam minimum flow valves as part of the corrective action measures taken with regard to preventing the recurrence of emissions events from same or similar causes at the Plant.
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 failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.221(a), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), Air Permit No. 2462C, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 27, 2010. Specifically, 725 pounds of volatile organic compounds were released when the Respondent failed to ensure that Flare X-901 was lit while waste gases were being routed to the flare, resulting in an emissions event (Incident No. 142660) which began on July 22, 2010, and lasted for 13 hours. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2010-1845-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, to prevent recurrence of emissions events due to a similar cause as Incident No. 142660:
 - i. Communicate the change in procedures to the operators to ensure that they are aware of the condensate build-up potential when valves are inadvertently closed; and
 - ii. Complete the evaluation to determine if a modification to the steam control system on the flare is necessary and implement its recommendations.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Soder
For the Executive Director

Date 3/11/2011

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

Date 1/28/2011

VAN LONG
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

Title PLANT MANAGER

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.