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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1881-AIR-E **TCEQ ID:** RN102320850 **CASE NO.:** 40745  
**RESPONDENT NAME:** Chevron Phillips Chemical Company LP

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	

<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>

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

**TYPE OF OPERATION:** Organic chemical manufacturing plant

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 16, 2011. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

**Respondent:** Mr. D.P. Digman, Borger Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008

Mr. Todd Williams, Environmental Team Leader, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 27, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 12, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>Failed to reduce the organic Hazardous Air Pollutant ("HAP") outlet concentration to less than or equal to 20 parts per million by volume ("ppmv") as total organic HAP. Specifically, the stack outlet concentration of total organic HAPs taken during a stack test conducted on July 7, 2010 at the Ryton Quench Plant Wash Column was 58.898 ppmv. The average concentrations of HAPs for 1,4 Dichlorobenzene, Benzene, Phenol, Cresol, and Phthalic Anhydride were 0.006 ppmv, 58.46 ppmv, 0.103 ppmv, 0.046 ppmv, and 0.182 ppmv, respectively, resulting in the release of less than 1 pound of HAPs [30 TEX. ADMIN. CODE § 113.890, TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and 40 CODE OF FEDERAL REGULATIONS § 63.2460(a)].</p>	<p><b>Total Assessed:</b> \$23,250</p> <p><b>Total Deferred:</b> \$4,650  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$18,600</p> <p><b>Compliance History Classifications:</b>                      Person/CN - Average                      Site/RN - Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, perform a stack test to demonstrate compliance with the total outlet concentration of HAPs exiting the Ryton Quench Plant Wash Column;</p> <p>b. Within 60 days after the stack sampling, submit stack sampling results; and</p> <p>c. Within 180 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): Air Account HW0013C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	15-Nov-2010	<b>Screening</b>	18-Nov-2010	<b>EPA Due</b>	9-Aug-2011
	<b>PCW</b>	15-Feb-2011				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40745	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1881-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Podlipny
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$5,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>315.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$15,750</b>
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Notes: Enhancement for 13 orders with denial of liability, eight same/similar NOV's, 12 dissimilar NOV's, three Notices of Intent, and three Disclosures of Violations.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>50.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$2,500</b>
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Total EB Amounts: \$353,198  
 Approx. Cost of Compliance: \$6,335,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$23,250</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$23,250</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$23,250</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$4,650</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$18,600</b>
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Screening Date 18-Nov-2010

Docket No. 2010-1881-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 40745

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Air

Enf. Coordinator Heather Podlipny

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	8	40%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	13	260%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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> )	3	-3%
	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) 315%

#### >> 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 13 orders with denial of liability, eight same/similar NOVs, 12 dissimilar NOVs, three Notices of Intent, and three Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 315%

Screening Date 18-Nov-2010

Docket No. 2010-1881-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 40745

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102320850

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 113.890, Tex. Health & Safety Code § 382.085(b), and 40 Code of Federal Regulations § 63.2460(a)

Violation Description

Failed to reduce the organic Hazardous Air Pollutant ("HAP") outlet concentration to less than or equal to 20 parts per million by volume ("ppmv") as total organic HAP. Specifically, the stack outlet concentration of total organic HAPs taken during a stack test conducted on July 7, 2010 at the Ryton Quench Plant Wash Column was 58.898 ppmv. The average concentrations of HAPs for 1,4 Dichlorobenzene, Benzene, Phenol, Cresol, and Phthalic Anhydride were 0.006 ppmv, 58.46 ppmv, 0.103 ppmv, 0.046 ppmv, and 0.182 ppmv, respectively, resulting in the release of less than 1 pound of HAPs.

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 2

135 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Two quarterly events are recommended from the stack test date (July 7, 2010) to the screening date (November 18, 2010).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$353,198

Violation Final Penalty Total \$23,250

This violation Final Assessed Penalty (adjusted for limits) \$23,250

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 40745  
**Req. Ent. Reference No.** RN102320850  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,335,000	7-Jul-2010	18-Aug-2011	1.12	\$353,198	n/a	\$353,198

**Notes for DELAYED costs**

Estimated costs to either change process conditions or to install equipment to ensure the total HAP concentration limit is met. The Date Required is the date of the stack test and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$6,335,000

**TOTAL**

\$353,198

## Compliance History

Customer/Respondent/Owner-Operator:	CN600303614	Chevron Phillips Chemical Company, LP	Classification: AVERAGE	Rating: 4.51
Regulated Entity:	RN102320850	PHILTEX RYTON PLANT	Classification: AVERAGE	Site Rating: 8.66 TXD041516709
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30131
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50254
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50018
	AIR NEW SOURCE PERMITS	REGISTRATION		93727
	AIR NEW SOURCE PERMITS	REGISTRATION		91758
	AIR NEW SOURCE PERMITS	REGISTRATION		92077
	AIR NEW SOURCE PERMITS	REGISTRATION		92460
	AIR NEW SOURCE PERMITS	REGISTRATION		92045
	AIR NEW SOURCE PERMITS	REGISTRATION		39927
	AIR NEW SOURCE PERMITS	REGISTRATION		40813
	AIR NEW SOURCE PERMITS	REGISTRATION		41609
	AIR NEW SOURCE PERMITS	REGISTRATION		45470
	AIR NEW SOURCE PERMITS	REGISTRATION		45708
	AIR NEW SOURCE PERMITS	REGISTRATION		46022
	AIR NEW SOURCE PERMITS	REGISTRATION		46698
	AIR NEW SOURCE PERMITS	REGISTRATION		47618
	AIR NEW SOURCE PERMITS	REGISTRATION		47873
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HW0013C
	AIR NEW SOURCE PERMITS	PERMIT		7719A
	AIR NEW SOURCE PERMITS	PERMIT		21918
	AIR NEW SOURCE PERMITS	REGISTRATION		31409
	AIR NEW SOURCE PERMITS	REGISTRATION		55433
	AIR NEW SOURCE PERMITS	REGISTRATION		70021
	AIR NEW SOURCE PERMITS	AFS NUM		4823300004
	AIR NEW SOURCE PERMITS	REGISTRATION		71299
	AIR NEW SOURCE PERMITS	REGISTRATION		88312
	AIR NEW SOURCE PERMITS	REGISTRATION		54297
	AIR NEW SOURCE PERMITS	REGISTRATION		53267
	AIR NEW SOURCE PERMITS	REGISTRATION		53320
	AIR NEW SOURCE PERMITS	REGISTRATION		50537
	AIR NEW SOURCE PERMITS	REGISTRATION		72623
	AIR NEW SOURCE PERMITS	REGISTRATION		74568
	AIR NEW SOURCE PERMITS	REGISTRATION		75050

AIR NEW SOURCE PERMITS	REGISTRATION	81490
AIR NEW SOURCE PERMITS	REGISTRATION	84319
AIR NEW SOURCE PERMITS	REGISTRATION	87362
AIR NEW SOURCE PERMITS	REGISTRATION	85444
AIR NEW SOURCE PERMITS	REGISTRATION	83292
UNDERGROUND INJECTION CONTROL	PERMIT	WDW381
UNDERGROUND INJECTION CONTROL	PERMIT	WDW067
UNDERGROUND INJECTION CONTROL	PERMIT	WDW068
UNDERGROUND INJECTION CONTROL	PERMIT	WDW219
AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0013C
AIR OPERATING PERMITS	PERMIT	2164
AIR OPERATING PERMITS	PERMIT	2165
AIR OPERATING PERMITS	PERMIT	2166
AIR OPERATING PERMITS	PERMIT	1440
WASTEWATER	PERMIT	WQ0002484000
WASTEWATER	EPA ID	TX0095869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30131
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HW0013C

Location: FROM INTX OF SH SPURS 119 & 245 GO 2 MI NE ON PRIVATE RD  
TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: November 17, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 15, 2005 to November 15, 2010

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

Name: Heather Podlipny Phone: 239 - 2603

### 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: 02/20/2006

ADMINORDER 2005-0094-AIR-E

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 39918.

Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 1 PERMIT

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

Effective Date: 04/29/2006

ADMINORDER 2005-1638-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 17.C. PERMIT

Description: Failed to keep complete records.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 32 PERMIT

Description: Failed to control vapors from a loading operation.

Classification: Moderate

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

Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT

Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service

Classification: Moderate

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

Rqmt Prov: Special Condition No. 46 PERMIT

Description: Failed to use data required by the permit in emissions calculations.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include all instances of deviations in a report.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 2 PERMIT

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

Classification: Major

Citation: 30 TAC Chapter 113, SubChapter C 113.110  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart F 63.104(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Part 63, Subpart A 63.11(b)(5)  
40 CFR Part 63, Subpart H 63.172(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC NO. 6 PERMIT

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

Effective Date: 07/22/2006

ADMINORDER 2006-0189-AIR-E

Classification: Moderate

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

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

Effective Date: 03/08/2008

ADMINORDER 2007-0993-AIR-E

Classification: Minor

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

Rqmt Prov: Special Condition No. 8D PERMIT

Description: Failed to note the date and time of each AVO check for hydrogen sulfide leaks in the operator's log

Classification: Moderate

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

Description: Failed to report in writing all instances of deviations to the Executive Director

Classification: Moderate

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

Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.0518(a)

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

Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants

Effective Date: 11/06/2008

ADMINORDER 2008-0230-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

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

Effective Date: 12/04/2008

ADMINORDER 2008-0916-AIR-E

Classification: Moderate

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

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

Effective Date: 05/03/2009

ADMINORDER 2008-1771-AIR-E

Classification: Moderate

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

Rqmt Prov: 7719A PERMIT

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

Effective Date: 09/21/2009

ADMINORDER 2009-0396-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 7719A PERMIT

Special Terms & Conditions No. 1 OP

Description: failed to maintain the emissions limit within the MAERT, , as documented during an investigation conducted on February 18, 2009. Specifically, during a stack test conducted on January 24, 2008, the Crude NMP Surge Tank Condenser Scrubber (EPN: R-V2) was found to exceed the H2S MAERT limit of 0.1 lbs/hr with a rate of 1.17 lbs/hr.

Effective Date: 11/27/2009

ADMINORDER 2009-0893-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 21918 PERMIT

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

Effective Date: 07/11/2010

ADMINORDER 2009-2066-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits for TSS as documented by a TCEQ record review of self-reported data. Specifically, the TSS daily maximum exceeded the permit limit of 100 milligrams per liter ("mg/L") for the monitoring periods ending April 30, 2009 (150 mg/L) and June 30, 2009 (1412 mg/L).

Classification: Moderate

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

Rqmt Prov: WQ0002484000 PERMIT

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

Effective Date: 08/21/2010

ADMINORDER 2010-0247-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 7719A, Special Condition No. 24. B. PERMIT

7719A, Special Condition No. 24. C. PERMIT

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

Effective Date: 10/25/2010

ADMINORDER 2010-0550-UIC-E

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter A 331.6

Rqmt Prov: Class I UIC PERMIT

Description: Failure to prevent the unauthorized injection of a characteristically hazardous waste into a Class 1 non-hazardous injection well, according to permit provision VI.A. On December 23, 2009, the facility injected approximately 1,234 gallons of a hazardous waste characteristic for corrosivity. The waste stream was generated when cleaning scale from the line that leads to the injection well with dilute aqueous tetrasodium ethylenediaminetetraacetate (EDTA) solution.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/16/2006	(435821)
2	01/05/2006	(451244)
3	01/05/2006	(451253)
4	01/05/2006	(451257)
5	02/16/2006	(454969)
6	02/13/2006	(455043)
7	03/13/2006	(458844)
8	03/23/2006	(459163)
9	05/25/2006	(463016)
10	04/25/2006	(463313)
11	04/25/2006	(463321)
12	04/25/2006	(463322)
13	05/22/2006	(467041)
14	02/06/2006	(478288)
15	03/10/2006	(478289)
16	12/15/2005	(478292)
17	01/23/2006	(478293)
18	04/20/2006	(504534)
19	05/08/2006	(504535)
20	08/18/2006	(509410)
21	10/03/2006	(513312)
22	10/03/2006	(513315)
23	10/03/2006	(513316)
24	10/03/2006	(514853)
25	10/03/2006	(514870)
26	10/03/2006	(514879)
27	10/16/2006	(515500)

28 10/31/2006 (517537)  
29 06/07/2006 (526852)  
30 09/06/2006 (526853)  
31 08/04/2006 (526854)  
32 09/18/2006 (526855)  
33 12/15/2006 (534378)  
34 12/20/2006 (534635)  
35 01/04/2007 (535636)  
36 01/31/2007 (538435)  
37 02/26/2007 (541686)  
38 02/27/2007 (541861)  
39 02/27/2007 (541900)  
40 03/09/2007 (542559)  
41 03/09/2007 (542571)  
42 10/06/2006 (550824)  
43 11/03/2006 (550825)  
44 03/26/2007 (553818)  
45 03/26/2007 (553892)  
46 03/23/2007 (554148)  
47 05/17/2007 (555906)  
48 04/11/2007 (556504)  
  
49 04/11/2007 (556514)  
50 04/11/2007 (556516)  
51 04/13/2007 (556569)  
52 04/13/2007 (556570)  
53 04/13/2007 (556572)  
54 04/30/2007 (556728)  
55 06/01/2007 (561465)  
56 08/06/2007 (569756)  
57 02/09/2007 (587244)  
58 03/05/2007 (587245)  
59 04/16/2007 (587246)  
60 05/03/2007 (587247)  
61 06/08/2007 (587248)  
62 01/08/2007 (587249)  
63 10/03/2007 (594741)  
64 09/24/2007 (595445)  
65 09/24/2007 (595457)  
66 09/24/2007 (595458)  
67 01/31/2008 (600338)  
68 07/16/2007 (604964)  
69 08/08/2007 (604965)  
70 09/20/2007 (604966)  
71 01/18/2008 (610441)  
72 01/04/2008 (610787)  
73 01/04/2008 (610798)  
74 03/11/2008 (613242)  
75 02/12/2008 (617665)  
76 03/03/2008 (618691)  
77 03/03/2008 (618707)  
78 03/03/2008 (618712)

79 10/16/2007 (626933)  
80 11/20/2007 (626934)  
81 12/07/2007 (626935)  
82 04/07/2008 (641601)  
83 04/17/2008 (646530)  
84 04/29/2008 (653798)  
85 05/13/2008 (657400)  
86 05/30/2008 (671606)  
87 02/15/2008 (676033)  
88 03/17/2008 (676034)  
89 01/16/2008 (676035)  
90 05/30/2008 (680205)  
91 05/31/2008 (680219)  
92 05/30/2008 (681736)  
93 04/10/2008 (694409)  
94 05/14/2008 (694410)  
95 07/14/2008 (694411)  
96 09/04/2008 (700758)  
97 09/30/2008 (702026)  
98 09/30/2008 (702027)  
99 10/06/2008 (702239)  
100 10/20/2008 (702286)  
101 09/30/2008 (702481)  
102 09/29/2008 (702980)  
103 09/29/2008 (702990)  
104 09/29/2008 (702995)  
105 10/22/2008 (706153)  
106 10/22/2008 (706189)  
107 10/22/2008 (706211)  
108 11/18/2008 (708165)  
109 03/03/2009 (709311)  
110 02/18/2009 (709614)  
111 12/08/2008 (709727)  
112 06/16/2008 (715805)  
113 08/11/2008 (715806)  
114 09/08/2008 (715807)  
115 06/03/2009 (721715)  
116 01/16/2009 (723360)  
117 01/16/2009 (723370)  
118 01/16/2009 (723381)  
119 03/02/2009 (723467)  
120 02/02/2009 (723517)  
121 01/29/2009 (724335)  
122 01/29/2009 (724397)  
123 01/29/2009 (724493)  
124 10/21/2008 (731482)  
125 11/24/2008 (731483)  
126 12/22/2008 (731484)  
127 02/19/2009 (735565)  
128 06/19/2009 (736345)  
129 04/21/2009 (743029)

130 05/25/2009 (746209)  
131 07/15/2009 (747284)  
132 06/17/2009 (749820)  
133 02/19/2009 (754812)  
134 01/14/2009 (754813)  
135 06/23/2009 (759508)  
136 07/14/2009 (761743)  
137 09/02/2009 (767218)  
138 09/03/2009 (767941)  
139 04/17/2009 (772004)  
140 04/17/2009 (772005)  
141 05/22/2009 (772006)  
142 09/28/2009 (776899)  
143 12/10/2009 (777685)  
144 11/19/2009 (782156)  
145 11/13/2009 (782323)  
146 11/24/2009 (783230)  
147 11/24/2009 (783234)  
148 11/24/2009 (783241)  
149 12/21/2009 (785373)  
150 12/17/2009 (785922)  
151 12/21/2009 (786006)  
152 01/26/2010 (788732)  
153 01/29/2010 (790317)  
154 02/02/2010 (790385)  
155 05/19/2010 (791211)  
156 02/25/2010 (792707)  
157 02/25/2010 (792708)  
158 02/25/2010 (792709)  
159 03/30/2010 (795750)  
160 03/30/2010 (795757)  
161 03/23/2010 (795970)  
162 05/24/2010 (802214)  
163 02/18/2010 (816080)  
164 06/22/2009 (816081)  
165 07/23/2009 (816082)  
166 08/20/2009 (816083)  
167 09/15/2009 (816084)  
168 10/23/2009 (816085)  
169 11/16/2009 (816086)  
170 12/11/2009 (816087)  
171 01/22/2010 (816088)  
172 07/26/2010 (830471)  
173 03/19/2010 (834838)  
174 04/19/2010 (834839)  
175 05/17/2010 (834840)  
176 07/29/2010 (843176)  
177 07/29/2010 (843243)  
178 07/29/2010 (843249)  
179 08/17/2010 (844569)  
180 08/18/2010 (844583)

181 06/21/2010 (847474)  
 182 09/08/2010 (860250)  
 183 07/21/2010 (861894)  
 184 09/27/2010 (865244)  
 185 09/27/2010 (865247)  
 186 09/27/2010 (865248)  
 187 08/18/2010 (868398)  
 188 11/12/2010 (872187)  
 189 09/20/2010 (875320)

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

Date: 03/23/2006 (459163) CN600303614  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Effluent Limitations and Monitoring PERMIT  
 Description: Failure to meet effluent limitations for pH, at outfall 001.

Date: 04/26/2006 (463322) CN600303614  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
 XI. Additional Requirements E. PERMIT  
 Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463321) CN600303614  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
 XI. Additional Requirements E. PERMIT  
 Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 04/26/2006 (463313) CN600303614  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)  
 XI. Additional Requirements PERMIT  
 Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.

Date: 05/25/2006 (463016) CN600303614  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)  
 Description: The facility failed to comply with the provisions of Subpart Kb standards.

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)  
 40 CFR Part 60, Subpart Kb 60.112b(a)(3)

Description: The facility failed to comply with the provisions of Subpart Kb standards.  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart VV 60.482-2

Description: The facility failed to comply with the provisions of Subpart VV.  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart VV 60.482-5

Description: The facility failed to comply with the provisions of Subpart VV.  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart VV 60.482-6

Description: The facility failed to comply with the provisions of Subpart VV.  
 Self Report? NO Classification: Moderate  
 Citation: 40 CFR Part 60, Subpart VV 60.482-7

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

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: The facility failed to comply with the provisions of the specila condition No. 35 of the permit number 21918 by failing to monitor valves associated with the closed vent system for the North Flare.

Date: 12/20/2006 (534635) CN600303614

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)

Description: failure to keep cold solvent cleaner lid closed

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)

Description: failure to label cold solvent cleaner

Self Report? NO Classification: Moderate

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

Description: failure to test mercaptan loading dock scrubber every five years

Self Report? NO Classification: Minor

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

Description: failure to include sulfur compounds in 2005 annual flare test for FL-2

Self Report? NO Classification: Minor

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

Description: failure to include deviation in deviation report

Date: 01/31/2008 (600338) CN600303614

Self Report? NO Classification: Moderate

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

Description: failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough

Self Report? NO Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

Description: failure to make first attempt to repair a pump within 5 days

Self Report? NO Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: failure to make first attempt to repair three valves within 5 days

Self Report? NO Classification: Moderate

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

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

Description: failure to make first attempt to repair one valve within 5 days

Self Report? NO Classification: Moderate

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

Description: failure to continuously monitor H2S Flare (FL-1) for SO2

Self Report? NO Classification: Moderate

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

Description: failure to monitor various components as required by the applicable fugitive monitoring program

Self Report? NO Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Description: failure to conduct monthly fugitive monitoring for one pump

Self Report? NO Classification: Moderate

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

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

Description: failure to conduct monthly fugitive monitoring for various valves

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)

Description: failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars

Self Report? NO Classification: Moderate

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

Description: failure to repair a leak no later than 15 days after detection

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Description: failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Part 63, Subpart H 63.167  
 Description: failure to prevent open-ended valves or lines  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
 Description: failure to report all instances of deviations on deviation reports

Date: 02/12/2008 (617665) CN600303614  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)(2)  
 Description: Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).

Date: 03/11/2008 (613242) CN600303614  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event (which did not meet all affirmative defense criteria)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 Description: Failure to submit initial notification within 24 hours of discovery of an emissions event

Date: 05/31/2008 (715805) CN600303614  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/02/2009 (723517) CN600303614  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Effluent limitations and Monitoring PERMIT  
 Description: Failure to meet permit effluent limitations for Total suspended Solids (TSS) during a discharge at outfall 001.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Effluent Limitations and Monitoring PERMIT  
 Description: Failure to collect samples and analyze for Total Dissolved Solids (TDS) as permit required at outfall 003 (when discharging) and to correctly report the analysis results on the monthly Discharge Monitoring Reports.

Date: 02/20/2009 (735565) CN600303614  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to prevent unauthorized emissions. The release of unauthorized emissions occurred during an emissions event (which did not meet all affirmative defense criteria).

Date: 03/03/2009 (709311) CN600303614  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Permit No. 7719A PERMIT  
 Description: failure to record finding of daily inspection of Dryer A and Dryer B filter vents for visible particulate emissions  
 Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Date: 04/30/2009 (772006) CN600303614

Self Report? YES Classification: Moderate

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

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

Date: 06/23/2009 (759508) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 327 327.3(b)

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

Date: 06/30/2009 (816082) CN600303614

Self Report? YES Classification: Moderate

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

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

Date: 07/14/2009 (761743) CN600303614

Self Report? NO Classification: Moderate

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

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

Date: 09/02/2009 (767218) CN600303614

Self Report? NO Classification: Moderate

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

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

Date: 08/17/2010 (844569) CN600303614

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(a)  
 5C THSC Chapter 382 382.085(b)

Description: failure to submit NSPS Dc notification for EPN H-10

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7A of Permit No. 7719A PERMIT

Description: failure to record visible emissions walkthrough at A-Dryer vent and B-Dryer vent

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23A of Permit No. 7719 PERMIT

Description: failure to record H2S and VOC walkthroughs at F-R1

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 23B of Permit No. 7719 PERMIT

Description: failure to isolate, contain, and/or repair fugitive leaks within one hour of detection

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)  
 5C THSC Chapter 382 382.085(b)

Description: failure to monitor cooling tower for Ryton Quench area exchanger leaks in July and August 2009

Date: 08/18/2010 (844583) CN600303614

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THSC Chapter 382 382.085(b)  
 Permit No. 21918 SC 1 PERMIT

Description: failure to represent sulfolene emissions from shipping vans and waste luggers

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 9G of Permit No. 21918 PERMIT

Description: failure to monitor pump

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 9F of Permit No. 21918 PERMIT

Description: failure to monitor various components

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 9I of Permit No. 21918 PERMIT

Description: failure to execute 15-day repair on B-battery Corken Compressor

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 15A of Permit No. 2191 PERMIT

Description: failure to route various emissions to control device

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THSC Chapter 382 382.085(b)  
 Special Conditions 1 and 31 of Permit No PERMIT

Description: failure to follow submerged loading practices

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 Permit No. 21918 PERMIT

Description: failure to submit construction start-up notification

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19A of Permit No. 2191 PERMIT  
 Description: failure to notify agency of stack sampling

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)  
 5C THSC Chapter 382 382.085(b)  
 Description: failure to prevent open-ended lines

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 9F of Permit No. 21918 PERMIT  
 Description: failure to monitor various components

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
 5C THSC Chapter 382 382.085(b)  
 Description: failure to include all instances of deviations on deviation reports

F. Environmental audits.

Notice of Intent Date: 09/21/2005 (434811)

Disclosure Date: 03/07/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter C 305.44

Rqmt Prov: PERMIT TPDES permit 02484

Description: Failure to amend TPDES permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101

40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11

Description: Failure to adequately characterize wastewater discharge streams to ensure that any toxic pollutants do not exceed the limitations prescribed in the subpart.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)

Description: Failure to sample for all specific parameters during annual underground injection well sampling.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64

Rqmt Prov: PERMIT WDW 219

Description: Failure to adequately implement underground injection well monitoring requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)

Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failure to maintain all required waste stream documentation.

Viol. Classification: Moderate

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

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

Notice of Intent Date: 06/22/2006 (486718)

No DOV Associated

Notice of Intent Date: 03/09/2009 (740234)

Disclosure Date: 08/25/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)  
30 TAC Chapter 335, SubChapter O 335.431

Description: Failure to ensure that each EPA Uniform Hazardous Waste Manifest and Land Disposal Restriction (LDR) document was properly completed and maintained in the facility files.

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

Disclosure Date: 12/03/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(C)

Description: Failure to ensure that each wastewater sample event was documented properly to include all of the prescribed elements.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>CHEVRON PHILLIPS CHEMICAL</b>	<b>§</b>	
<b>COMPANY LP</b>	<b>§</b>	
<b>RN102320850</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2010-1881-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 an organic chemical manufacturing plant located on a private road two miles northeast of the intersection of State Highway Spurs 119 and 245, in Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 17, 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 Twenty-Three Thousand Two Hundred Fifty Dollars (\$23,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eighteen Thousand Six Hundred Dollars (\$18,600) of the administrative penalty and Four Thousand Six Hundred Fifty Dollars (\$4,650) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to reduce the organic Hazardous Air Pollutant ("HAP") outlet concentration to less than or equal to 20 parts per million by volume ("ppmv") as total organic HAP, in violation of 30 TEX. ADMIN. CODE § 113.890, TEX. HEALTH & SAFETY CODE § 382.085(b), and 40 CODE OF FEDERAL REGULATIONS § 63.2460(a), as documented during a record review conducted on October 27, 2010. Specifically, the stack outlet concentration of total organic HAPs taken during a stack test conducted on July 7, 2010 at the Ryton Quench Plant Wash Column was 58.898 ppmv. The average concentrations of HAPs for 1,4 Dichlorobenzene, Benzene, Phenol, Cresol, and Phthalic Anhydride were 0.006 ppmv, 58.46 ppmv, 0.103 ppmv, 0.046 ppmv, and 0.182 ppmv, respectively, resulting in the release of less than 1 pound of HAPs.

## **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. 2010-1881-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 60 days after the effective date of this Agreed Order, perform a stack test to demonstrate compliance with the total outlet concentration of HAPs exiting the Ryton Quench Plant Wash Column in accordance with 40 CFR Part 63, Subpart FFFF;

- b. Within 60 days after the stack sampling, submit stack sampling results to:

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

- c. Within 180 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

and to:

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

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

  
\_\_\_\_\_  
For the Executive Director

4.14.2011  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

8 March 2011  
\_\_\_\_\_  
Date

DP DUGMAN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Chevron Phillips Chemical Company LP

BERGER PLANT MANAGER  
\_\_\_\_\_  
Title

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