

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-2001-AIR-E **TCEQ ID:** RN101619179 **CASE NO.:** 40842
RESPONDENT NAME: ConocoPhillips Company

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: ConocoPhillips Sweeny Refinery, Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is 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 25, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8970; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Chris Coon, Plant Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480 Mr. Gary A. Freiburger, General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480 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 23, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 29, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,186 pounds ("lbs") of particulate matter, 216 lbs of volatile organic compounds, 147.8 lbs of carbon monoxide, 21.7 lbs of sulfur dioxide, and 20 lbs of nitrogen oxide from the Unit 27 Regenerator Flue Gas Stack, Coker Flare, HP Expansion Flare No. 16, and LP Expansion Flare No. 17 during an avoidable emissions event (Incident No. 144709) that began September 13, 2010 and lasted for 17 hours and 54 minutes. The unauthorized release was the result of a catalyst leak from thermo-fatigue on the regenerator unloading line that caused an outage in the Unit 27 Regenerator Flue Gas Stack. Since sufficient information regarding the cause of this emissions event was not provided, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit Nos. 5920A and PSD-TX-103M3, Special Conditions No. 1].</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: \$4,000</p> <p>Total Paid to General Revenue: \$4,000</p> <p>Compliance History Classifications: 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>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures and procedures to prevent catalyst leaks resulting from thermo-fatigue, in order to prevent the reoccurrence of an emissions event due to the same causes as Incident No. 144709; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): Air Account BL0042G

Attachment A
Docket Number: 2010-2001-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Penalty Amount: Eight Thousand Dollars (\$8,000)

SEP Offset Amount: Four Thousand Dollars (\$4,000)

Type of SEP: Pre-approved

Third-Party Recipient: Brazoria County – *Brazoria County Vehicle and Equipment Program*

Location of SEP: Brazoria County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by **Brazoria County** for the *Brazoria County Vehicle and Equipment Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

Retirement of Vehicles. The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Brazoria County Parks Department
313 W. Mulberry
Angleton, Texas 77155

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned PCW	6-Dec-2010	Screening	13-Dec-2010	EPA Due	26-Aug-2011
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RESPONDENT/FACILITY INFORMATION	
Respondent	ConocoPhillips Company
Reg. Ent. Ref. No.	RN101619179
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	40842	Order Type	1660
Docket No.	2010-2001-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	John Muennink
Multi-Media		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** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **619.0%** Enhancement **Subtotals 2, 3, & 7** **\$30,950**

Notes: Enhancement for 41 NOVs with same/similar violations, 16 NOVs with dissimilar violations, 10 orders without denial of liability, and seven orders with denial of liability. Reduction for four Notices of Intent to conduct an audit and two 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 **\$71**
 Apprx. Cost of Compliance **\$2,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$35,950**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount **\$35,950**

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

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

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$8,000**

Screening Date 13-Dec-2010

Docket No. 2010-2001-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 40842

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator John Muennink

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>)	41	205%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	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	10	250%
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>)	4	-4%
	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>)	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 619%

>> 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 41 NOVs with same/similar violations, 16 NOVs with dissimilar violations, 10 orders without denial of liability, and seven orders with denial of liability. Reduction for four Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 619%

Screening Date 13-Dec-2010
Respondent ConocoPhillips Company
Case ID No. 40842

Docket No. 2010-2001-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit Nos. 5920A and PSD-TX-103M3, Special Conditions No. 1

Violation Description
 Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,186 pounds ("lbs") of particulate matter, 216 lbs of volatile organic compounds, 147.8 lbs of carbon monoxide, 21.7 lbs of sulfur dioxide, and 20 lbs of nitrogen oxide from the Unit 27 Regenerator Flue Gas Stack, Coker Flare, HP Expansion Flare No. 16, and LP Expansion Flare No. 17 during an avoidable emissions event (Incident No. 144709) that began September 13, 2010 and lasted for 17 hours and 54 minutes. The unauthorized release was the result of a catalyst leak from thermo fatigue on the regenerator unloading line that caused an outage in the Unit 27 Regenerator Flue Gas Stack. Since sufficient information regarding the cause of this emissions event was not provided, 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			Percent
		Major	Moderate	Minor	
	Actual		x		50%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%
Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.					

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events: 1 1 Number of violation days

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

Violation Base Penalty \$5,000

One monthly 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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$71

Violation Final Penalty Total \$35,950

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

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 40842
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$2,000	13-Sep-2010	31-May-2011	0.71	\$71	n/a

Notes for DELAYED costs

Estimated expense to implement measures and procedures to prevent catalyst leaks resulting from thermo-fatigue, in order to prevent the reoccurrence of an emissions event due to the same causes as Incident No. 144709. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures are estimated 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 \$71

Compliance History

Customer/Respondent/Owner-Operator:	CN601674351 ConocoPhillips Company	Classification: AVERAGE	Rating: 3.71
Regulated Entity:	RN101619179 CONOCOPHILLIPS SWEENEY REFINERY	Classification: AVERAGE	Site Rating: 8.98

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE	EPA ID SOLID WASTE REGISTRATION # (SWR)	TXD048210645 30048
	INDUSTRIAL AND HAZARDOUS WASTE USED OIL	PERMIT REGISTRATION	50186 C88564
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M4
	AIR NEW SOURCE PERMITS	REGISTRATION	92284
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1210
	AIR NEW SOURCE PERMITS	EPA ID	N124
	AIR NEW SOURCE PERMITS	PERMIT	91902
	AIR NEW SOURCE PERMITS	REGISTRATION	72035
	AIR NEW SOURCE PERMITS	REGISTRATION	72036
	AIR NEW SOURCE PERMITS	PERMIT	10779
	AIR NEW SOURCE PERMITS	PERMIT	12344
	AIR NEW SOURCE PERMITS	REGISTRATION	12993
	AIR NEW SOURCE PERMITS	REGISTRATION	13744
	AIR NEW SOURCE PERMITS	REGISTRATION	13929
	AIR NEW SOURCE PERMITS	REGISTRATION	13978
	AIR NEW SOURCE PERMITS	PERMIT	1486A
	AIR NEW SOURCE PERMITS	PERMIT	5689A
	AIR NEW SOURCE PERMITS	PERMIT	5920A
	AIR NEW SOURCE PERMITS	PERMIT	7467A
	AIR NEW SOURCE PERMITS	PERMIT	7754A
	AIR NEW SOURCE PERMITS	PERMIT	18142
	AIR NEW SOURCE PERMITS	PERMIT	21265
	AIR NEW SOURCE PERMITS	PERMIT	22086
	AIR NEW SOURCE PERMITS	REGISTRATION	24161
	AIR NEW SOURCE PERMITS	REGISTRATION	24717
	AIR NEW SOURCE PERMITS	REGISTRATION	24162
	AIR NEW SOURCE PERMITS	REGISTRATION	26533
	AIR NEW SOURCE PERMITS	REGISTRATION	25434
	AIR NEW SOURCE PERMITS	PERMIT	30513
	AIR NEW SOURCE PERMITS	REGISTRATION	33153
	AIR NEW SOURCE PERMITS	REGISTRATION	35367
	AIR NEW SOURCE PERMITS	REGISTRATION	35506
	AIR NEW SOURCE PERMITS	REGISTRATION	35780
	AIR NEW SOURCE PERMITS	REGISTRATION	39026
	AIR NEW SOURCE PERMITS	REGISTRATION	42367
	AIR NEW SOURCE PERMITS	REGISTRATION	43038
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0042G
	AIR NEW SOURCE PERMITS	REGISTRATION	55489
	AIR NEW SOURCE PERMITS	REGISTRATION	75616
	AIR NEW SOURCE PERMITS	REGISTRATION	75905
	AIR NEW SOURCE PERMITS	REGISTRATION	75713
	AIR NEW SOURCE PERMITS	AFS NUM	4803900010
	AIR NEW SOURCE PERMITS	REGISTRATION	70113
	AIR NEW SOURCE PERMITS	PERMIT	49140
	AIR NEW SOURCE PERMITS	REGISTRATION	54666
	AIR NEW SOURCE PERMITS	REGISTRATION	52705
	AIR NEW SOURCE PERMITS	REGISTRATION	53563
	AIR NEW SOURCE PERMITS	REGISTRATION	74130
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M1
	AIR NEW SOURCE PERMITS	REGISTRATION	76776
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M2
	AIR NEW SOURCE PERMITS	REGISTRATION	76731
	AIR NEW SOURCE PERMITS	REGISTRATION	76644
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX103M3
	AIR NEW SOURCE PERMITS	REGISTRATION	77648
	AIR NEW SOURCE PERMITS	REGISTRATION	77153
	AIR NEW SOURCE PERMITS	REGISTRATION	77156
	AIR NEW SOURCE PERMITS	REGISTRATION	77157
	AIR NEW SOURCE PERMITS	REGISTRATION	77152
	AIR NEW SOURCE PERMITS	REGISTRATION	77154
	AIR NEW SOURCE PERMITS	REGISTRATION	77155
	AIR NEW SOURCE PERMITS	REGISTRATION	77336
	AIR NEW SOURCE PERMITS	REGISTRATION	78566
	AIR NEW SOURCE PERMITS	PERMIT	80806
	AIR NEW SOURCE PERMITS	REGISTRATION	81104
	AIR NEW SOURCE PERMITS	REGISTRATION	88376
	AIR NEW SOURCE PERMITS	REGISTRATION	82689
	AIR NEW SOURCE PERMITS	REGISTRATION	82601
	AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
	AIR OPERATING PERMITS	PERMIT	1626
	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
	AIR OPERATING PERMITS	PERMIT	2151
	WASTEWATER	EPA ID	TX0007536

WASTEWATER PETROLEUM STORAGE TANK REGISTRATION IHW CORRECTIVE ACTION	PERMIT REGISTRATION	WQ0000721000 20580
WASTEWATER LICENSING AIR EMISSIONS INVENTORY	SOLID WASTE REGISTRATION # (SWR) LICENSE ACCOUNT NUMBER	30048 WQ0000721000 BL0042G

Location: HIGHWAY 35 AND FM 524, OLD OCEAN, TX, 77463

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 07, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 07, 2005 to December 07, 2010

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

Name: John Muennink Phone: (713) 422-8970

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: 01/26/2006 ADMINORDER 2005-0163-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: No. 5682 & PSD-TX-103M2, S.C. #1 PERMIT
 Description: Failure to prevent an unplanned shutdown of an incinerator resulting in unauthorized emissions.

Effective Date: 04/14/2006 ADMINORDER 2005-1660-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: Permit # 49140 PA
 Description: RE failed to prevent an avoidable emissions event.

Effective Date: 07/14/2006 ADMINORDER 2005-1904-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: 7467A SC 1 PERMIT
 Permit No. 5920A and PSD-TX-103M2, SC 1 PA
 Description: RE failed to prevent avoidable emissions events.

Effective Date: 09/21/2006

ADMINORDER 2006-0252-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: TCEQ Air Permit No. 5682A, SC1 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: Permit # 5682A & PSD-TX-103M2, SC 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate final report after an emissions event

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 5920A PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit initial notification within 24 hours from the discovery date for a reportable emissions event.

Effective Date: 12/02/2006

ADMINORDER 2006-0706-AIR-E

Classification: Minor

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

Description: Failed to submit the initial notification within 24 hours of discovery for the emission event that occurred on February 11, 2006. Specifically, the initial notification for Incident No. 71652 was submitted 46 hours after the emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, and 0.06 lbs/hr for sulfur dioxide from the Coker Flare (EPN 29-61-1) on February 11, 2006.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits of 0.11 lbs/hr for nitrogen oxides, 0.83 lbs/hr for carbon monoxide, 0.06 lbs/hr for sulfur dioxide, and zero lbs/hr for volatile organic compounds ("VOCs") Coker Flare [emission point number ("EPN") 29-61-1] on January 10, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1563(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 49140 Special Condition 12 PERMIT

Description: Failed to comply with the permitted emission rate of 1.0 lbs of PM per 1,000 lbs of coke burned-off. Specifically, during the stack testings of November 3-4, 2004, June 30, 2005, and December 13, 2005 PM emissions from the Fluid Catalytic Cracking Unit (FCCU) No. 3 Regenerator Vent (EPN 3-95-3) were exceeded.

Effective Date: 05/25/2007

ADMINORDER 2005-1212-AIR-E

Classification: Minor

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 initial notification within 24 hours after the discovery of an emissions event that occurred on October 29-30, 2004 at Unit 26.2.

Classification: Minor

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

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

Description: Failed to submit a final report within two weeks after the end of an emissions event which occurred on October 29-30, 2004 at Unit 26.2

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: #5682 and PSD-TX-103M2, S.C. #1 PERMIT

Description: failed to control unauthorized emissions at the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 29-30, 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: Permit # 5862A/PSD-TX-103M2 PERMIT

Description: Failed to control unauthorized emissions from the LP Emergency Flare during an emissions event which occurred on October 7, 2004 during the startup of Unit 26.1

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: #5682A and PSD-TX-103M2, S.C. #1 PERMIT

Description: failed to control unauthorized emissions from the LP Emergency Flare due to the unplanned shutdown of a compressor at Unit 26.2 on October 21, 2004.

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.211(a)

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

Description: Failed to report an emissions event, which occurred on October 7, 2004, when the emissions during startup of Unit 26.1 exceeded the initial estimates in the startup notification.

Effective Date: 06/29/2007

ADMINORDER 2006-1550-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)

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

Rqmt Prov: General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 25, 2006 at 3:00 a.m., but was not reported until June 7, 2006 at 12:05 p.m.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on June 1, 2006 at 2:00 a.m., but was not reported until June 12, 2006 at 4:48 p.m.

Effective Date: 07/13/2007

ADMINORDER 2006-2030-AIR-E

Classification: Major

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent an avoidable emissions event.

Effective Date: 03/08/2008

ADMINORDER 2007-0670-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 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: Permit 49140, Special Condition 12 PERMIT

Description: Failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit Representations 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: 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: TCEQ Air Permit No. 5920A, SC #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: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/05/2008

ADMINORDER 2007-1194-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PA
TCEQ Air Permit No. SP75864, GC #8 PERMIT

Description: Failed to control unauthorized emissions from April 2 through April 10, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01626, ST&C 1A OP

Description: Failed to maintain the RTO at or above the required 1500°F.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condition 15 PERMIT
Permit 22086, Special Condition 9 PERMIT
Permit 30513, Special Condition 5 PERMIT
Permit 5920A, Special Condition 4B PERMIT
Permit 7467A, Special Condition 4 PERMIT

Description: Failed to maintain a continuous pilot light on four flares.

Classification: Minor

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

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 5920A, Special Condition 1 PERMIT
Permit 5920A, Special Condition 9 PERMIT

Description: Failed to comply with the SRU TGI (EPN 28.2-36-2) MAER for SO₂ of 115.42 lbs/hr and/or an in-stack hourly average concentration of 250 ppmv.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 30513, Special Condition 1 PERMIT
Permit 5920A, Special Condition 1 PERMIT
Permit 5920A, Special Condition 23 PERMIT

Description: Failed to comply with the CO emission rates on the HOC Unit Regenerator Stack (EPN 27.1-36-RE), Vacuum Unit Heater (EPN 29.1-36-1), Coke Heaters (EPN Unit 29.2-36-CS), and CCR Furnace (EPN 35-36-1)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 J 60.104(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 5920A, Special Condition 3 PERMIT
Description: Failed to comply with the average fuel gas H2S maximum concentration limit of 160 ppmv for one hour and/or the three-hour rolling average of 162 ppmv.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01626, ST&C 1A OP
Description: Failed to maintain the pH level in the Caustic Scrubber (EPN 35-95-102) at or above 7.68.

Effective Date: 06/19/2008 ADMINORDER 2007-1730-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 THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit No. 21265, GC #8 PERMIT
Description: Failed to prevent unauthorized emissions
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 D 382.085(b)
Rqmt Prov: TCEQ Permit No. 5920A, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions

Effective Date: 03/12/2009 ADMINORDER 2008-0687-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Permit No. 5920A, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was Incident No. 103700.

Effective Date: 06/15/2009 ADMINORDER 2008-1890-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failure to prevent unauthorized emissions, specifically, Conoco failed to prevent a high level of hydrocarbons from traveling to the gas liquid knockout drum causing the Wet Gas Compressor to trip offline.

Effective Date: 09/21/2009 ADMINORDER 2009-0301-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. The regulated entity failed to bypass the Fail Safe Controller due to operator error.

Effective Date: 01/28/2010 ADMINORDER 2009-1203-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: #5920A, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 987.26 pounds ("lbs") of sulfur dioxide, 731.86 lbs of carbon monoxide, 314 lbs of volatile organic compounds, 37.8 lbs of nitrogen oxide and 9.84 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to th

Effective Date: 03/20/2010 ADMINORDER 2009-1481-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit 30513 SC 1 PERMIT
Permit 7467 SC No. 1 PERMIT
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the ultrasonic meter probe contacting a bare, hot wire thus shutting down Units 26.1 and 26.2
Violation track nos. 373115 and 373119 were combined into violation track no.371461 as all violations stemmed from one emissions event.

Effective Date: 08/30/2010 ADMINORDER 2010-0284-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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. Since the cause of the event was never clearly defined, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/20/2006	(278774)
2	10/30/2006	(289180)
3	03/21/2006	(345285)
4	11/15/2006	(432050)
5	03/16/2006	(433352)
6	03/28/2006	(433648)
7	05/22/2006	(434378)
8	02/24/2006	(438289)
9	03/16/2006	(438820)
10	03/17/2006	(438894)
11	01/02/2006	(439019)
12	02/08/2006	(440116)
13	01/30/2006	(440119)
14	02/27/2006	(440305)
15	02/08/2006	(440354)
16	02/13/2006	(440416)
17	02/21/2006	(449529)
18	03/16/2006	(450930)
19	02/23/2006	(451390)
20	03/28/2006	(451496)
21	01/30/2006	(451619)
22	02/07/2006	(453152)
23	01/30/2006	(453505)
24	02/23/2006	(453702)
25	03/13/2006	(453717)
26	03/14/2006	(453727)
27	11/06/2006	(453818)
28	02/23/2006	(455205)
29	05/25/2006	(458131)
30	03/30/2006	(458137)
31	04/20/2006	(458139)
32	03/30/2006	(458160)
33	04/20/2006	(460114)
34	07/07/2006	(460719)
35	05/31/2006	(460763)
36	05/04/2006	(461458)
37	04/25/2006	(461497)
38	05/17/2006	(461841)
39	05/16/2006	(462220)
40	05/16/2006	(462319)
41	05/22/2006	(463514)
42	05/17/2006	(463612)
43	06/30/2006	(463704)
44	07/24/2006	(465685)
45	07/10/2006	(480119)
46	06/27/2006	(480326)
47	06/27/2006	(480331)
48	06/23/2006	(480400)
49	06/23/2006	(480579)
50	09/05/2006	(481595)
51	06/30/2006	(482027)
52	07/10/2006	(482038)
53	07/11/2006	(483052)
54	08/07/2006	(483230)
55	08/04/2006	(483248)
56	08/07/2006	(484904)
57	07/19/2006	(484922)
58	07/28/2006	(484927)
59	08/25/2006	(484989)
60	07/31/2006	(484998)
61	08/16/2006	(485078)
62	08/29/2006	(485092)
63	08/29/2006	(485973)
64	07/21/2006	(486875)
65	11/07/2006	(487028)
66	09/05/2006	(487182)

67	09/01/2006	(487285)
68	03/01/2007	(489392)
69	08/16/2006	(497297)
70	08/21/2006	(497477)
71	10/20/2006	(497684)
72	08/21/2006	(497714)
73	03/23/2007	(508787)
74	10/30/2006	(511381)
75	10/02/2006	(511382)
76	11/03/2006	(513963)
77	11/03/2006	(514125)
78	11/03/2006	(514242)
79	12/08/2006	(514770)
80	11/21/2006	(514771)
81	11/30/2006	(514772)
82	11/21/2006	(514871)
83	12/21/2006	(514890)
84	01/05/2007	(514904)
85	12/06/2006	(514931)
86	02/05/2007	(516120)
87	02/22/2007	(516228)
88	02/22/2007	(516309)
89	02/22/2007	(516368)
90	02/22/2007	(516413)
91	10/24/2006	(516622)
92	12/19/2006	(531219)
93	01/25/2007	(531232)
94	01/29/2007	(531242)
95	12/28/2006	(533933)
96	07/26/2007	(534491)
97	01/10/2007	(534506)
98	01/29/2007	(534512)
99	02/28/2007	(534513)
100	01/25/2007	(535014)
101	02/28/2007	(535042)
102	04/18/2007	(535818)
103	02/05/2007	(536784)
104	05/08/2007	(536805)
105	04/27/2007	(536863)
106	02/22/2007	(538168)
107	04/27/2007	(538234)
108	02/05/2007	(538614)
109	02/28/2007	(541083)
110	04/20/2007	(541785)
111	03/30/2007	(541806)
112	05/16/2007	(543939)
113	04/04/2007	(553900)
114	04/05/2007	(554567)
115	03/28/2007	(554903)
116	03/28/2007	(555356)
117	04/12/2007	(555765)
118	05/16/2007	(556084)
119	05/02/2007	(557193)
120	10/15/2007	(557764)
121	05/31/2007	(557814)
122	05/31/2007	(557887)
123	01/07/2008	(557934)
124	05/31/2007	(558165)
125	05/30/2007	(558665)
126	05/31/2007	(558933)
127	05/21/2007	(560688)
128	05/29/2007	(560939)
129	05/31/2007	(561604)
130	07/06/2007	(562320)
131	08/13/2007	(562652)
132	07/18/2007	(562884)
133	06/08/2007	(563044)
134	06/20/2007	(563448)
135	06/27/2007	(564004)
136	07/18/2007	(564160)
137	06/18/2007	(564174)
138	06/27/2007	(564948)
139	07/18/2007	(565411)
140	07/10/2007	(566109)
141	07/06/2007	(566372)
142	07/12/2007	(566817)
143	07/30/2007	(570079)
144	08/24/2007	(570711)
145	11/02/2007	(571706)

146	08/20/2007	(572167)
147	09/05/2007	(572989)
148	02/23/2006	(575757)
149	02/26/2007	(575758)
150	03/22/2006	(575760)
151	03/23/2007	(575761)
152	04/24/2006	(575762)
153	04/23/2007	(575763)
154	05/18/2006	(575765)
155	06/22/2006	(575767)
156	07/21/2006	(575768)
157	07/20/2007	(575769)
158	08/22/2006	(575771)
159	09/18/2006	(575774)
160	10/23/2006	(575776)
161	11/22/2006	(575779)
162	12/22/2005	(575780)
163	12/22/2006	(575781)
164	01/23/2006	(575782)
165	01/19/2007	(575783)
166	12/21/2007	(593859)
167	09/26/2007	(594057)
168	10/12/2007	(594704)
169	10/12/2007	(595879)
170	10/12/2007	(595919)
171	11/21/2007	(596538)
172	11/21/2007	(596539)
173	11/21/2007	(596540)
174	10/16/2007	(597749)
175	11/06/2007	(599098)
176	12/18/2007	(599171)
177	12/21/2007	(600228)
178	05/21/2007	(607617)
179	09/22/2007	(607618)
180	09/22/2007	(607619)
181	10/22/2007	(607620)
182	09/24/2007	(607621)
183	11/20/2007	(608723)
184	11/20/2007	(608750)
185	02/13/2008	(608867)
186	12/03/2007	(609822)
187	01/24/2008	(612103)
188	12/17/2007	(612145)
189	01/03/2008	(612155)
190	12/19/2007	(612456)
191	01/28/2008	(612848)
192	12/21/2007	(612851)
193	01/04/2008	(612937)
194	01/28/2008	(613020)
195	03/13/2008	(613193)
196	02/11/2008	(613195)
197	01/31/2008	(613321)
198	01/14/2008	(613926)
199	02/11/2008	(614276)
200	01/18/2008	(614903)
201	01/18/2008	(615198)
202	02/11/2008	(616106)
203	02/15/2008	(617395)
204	02/14/2008	(618465)
205	04/04/2008	(637905)
206	03/24/2008	(639374)
207	05/19/2008	(639382)
208	03/27/2008	(639901)
209	04/02/2008	(640059)
210	04/04/2008	(640212)
211	04/04/2008	(640783)
212	04/30/2008	(640815)
213	06/06/2008	(640956)
214	04/09/2008	(641666)
215	04/09/2008	(641681)
216	04/30/2008	(641819)
217	04/17/2008	(653311)
218	04/30/2008	(653939)
219	05/16/2008	(653953)
220	04/10/2008	(680347)
221	06/25/2008	(682772)
222	07/21/2008	(685742)
223	07/23/2008	(686359)
224	08/01/2008	(687062)

225	07/21/2008	(687073)
226	08/01/2008	(687867)
227	10/03/2008	(688505)
228	10/03/2008	(688528)
229	10/03/2008	(688665)
230	10/03/2008	(688675)
231	08/11/2008	(689155)
232	09/24/2008	(699681)
233	08/27/2008	(700348)
234	12/17/2008	(700784)
235	09/20/2008	(702288)
236	10/01/2008	(703544)
237	10/01/2008	(703696)
238	10/01/2008	(703971)
239	10/30/2008	(706377)
240	11/21/2008	(706390)
241	12/04/2008	(707940)
242	02/18/2009	(709028)
243	04/03/2009	(709031)
244	02/20/2009	(709032)
245	02/06/2009	(709033)
246	02/13/2009	(709189)
247	01/21/2009	(709192)
248	02/20/2009	(709498)
249	02/20/2009	(709539)
250	02/20/2009	(710155)
251	02/20/2009	(710201)
252	02/03/2009	(723350)
253	03/20/2009	(726792)
254	03/24/2009	(726793)
255	03/27/2009	(726794)
256	04/22/2009	(726795)
257	02/27/2009	(735795)
258	06/10/2009	(738530)
259	05/07/2009	(739098)
260	05/11/2009	(740936)
261	04/10/2009	(741090)
262	06/05/2009	(741192)
263	06/25/2009	(742122)
264	07/10/2009	(744410)
265	06/23/2009	(747659)
266	09/02/2009	(748016)
267	07/31/2009	(749895)
268	07/31/2009	(759437)
269	07/20/2009	(759475)
270	10/27/2010	(759827)
271	07/20/2009	(759854)
272	09/16/2009	(760944)
273	08/10/2009	(760953)
274	07/23/2009	(761549)
275	08/12/2009	(762649)
276	12/16/2009	(766970)
277	12/16/2009	(766971)
278	10/14/2009	(777475)
279	10/23/2009	(778904)
280	10/23/2009	(779448)
281	12/03/2009	(779587)
282	12/21/2009	(784380)
283	01/15/2010	(785551)
284	12/18/2009	(785568)
285	01/11/2010	(786835)
286	02/17/2010	(787393)
287	02/17/2010	(787709)
288	02/22/2010	(787724)
289	02/12/2010	(788304)
290	02/01/2010	(788979)
291	02/26/2010	(789204)
292	02/23/2010	(791112)
293	02/23/2010	(791148)
294	03/01/2010	(791494)
295	02/17/2010	(791774)
296	02/16/2010	(791839)
297	02/22/2010	(792042)
298	08/03/2010	(794196)
299	03/15/2010	(794228)
300	03/15/2010	(794265)
301	03/31/2010	(794524)
302	05/27/2010	(798903)

303 06/21/2010 (798906)
 304 04/16/2010 (798923)
 305 05/26/2010 (801655)
 306 07/15/2010 (802097)
 307 02/23/2009 (805045)
 308 02/22/2010 (805046)
 309 03/11/2009 (805047)
 310 04/21/2009 (805048)
 311 05/26/2009 (805049)
 312 06/24/2009 (805050)
 313 07/21/2009 (805051)
 314 08/22/2008 (805052)
 315 08/20/2009 (805053)
 316 09/25/2008 (805054)
 317 09/18/2009 (805055)
 318 10/22/2008 (805056)
 319 10/22/2009 (805057)
 320 11/24/2008 (805058)
 321 11/23/2009 (805059)
 322 12/22/2008 (805060)
 323 12/23/2009 (805061)
 324 12/22/2008 (805062)
 325 01/25/2010 (805063)
 326 05/26/2010 (824767)
 327 06/15/2010 (825378)
 328 06/25/2010 (827684)
 329 10/08/2010 (828768)
 330 03/22/2010 (831019)
 331 04/22/2010 (831020)
 332 05/21/2010 (831021)
 333 09/02/2010 (843405)
 334 09/03/2010 (843440)
 335 06/14/2010 (846314)
 336 10/12/2010 (860252)
 337 04/22/2010 (860904)
 338 10/07/2010 (864086)
 339 11/29/2010 (865494)
 340 08/23/2010 (866880)
 341 10/29/2010 (872298)
 342 11/05/2010 (873247)
 343 09/20/2010 (873950)
 344 12/06/2010 (880440)

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

Date: 03/22/2006 (438894) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 SC 12 PERMIT
 Description: Failure to properly control the torch oil atomizing steam injection rate.

Date: 05/04/2006 (461458)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 Description: Failure to determine if the event is a reportable emissions event within 24 hours of discovery a of a reportable emissions event and failure to notify the affected TCEQ Regional Office within 24 hours of discovery.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to keep emissions of SO2 and CO from the Coker Flare within their Maximum Allowable Emision Rate limits under TCEQ Air Permit No. 5920A.

Date: 05/17/2006 (462220) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Special Condition 1 PERMIT

Description: Failed to keep regenerator flue gas opacity within permitted limits.

Date: 06/16/2006 (462319) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: Failure to keep the opacity level at the Regenerator ESP stack within permit limits while returning the unit to full operating rates following a stack test.

Date: 06/28/2006 (480331) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent overpressures in Units 7 and 35.

Date: 06/28/2006 (480326) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: Failed to properly design the electrostatic precipitator.

Date: 07/07/2006 (460719)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Failure to include the several light paraffins on the final report and amounts of all unauthorized pollutants released.

Date: 07/12/2006 (483052) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT

Description: Failure to properly control opacity from the Regenerator resulting in the excess opacity event.

Date: 07/31/2006 (484998) CN601674351

Self Report? NO Classification: Minor

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

Description: Failure to submit the Initial Notification for an Emissions Event to the TCEQ within 24 hours of discovery.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent an avoidable emissions event.

Date: 08/29/2006 (485092) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT

Description: Failed to properly design, maintain, and operate feed stream to Unit 27, leading to interruption of the feed stream and of process operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to keep the opacity of the Regenerator Flue Gas Stream at or below 20%.

Date: 11/30/2006 (514772) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT
Description: The RE failed to properly design the electrostatic precipitator on the Unit 3 Regenerator.

Date: 12/11/2006 (514770) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 6 PERMIT
Description: The RE failed to route the vent stream from Aeration Tank 69 to the Regenerative Thermal Oxidizer.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to meet the affirmative defense.

Date: 12/21/2006 (514890) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT
Description: The RE failed to properly design the electrostatic precipitator in Unit 3, resulting in avoidable periods of excess opacity, and thereby failed to minimize the durations and intensities of periods of excess opacity.

Date: 01/05/2007 (514904) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT
Description: The RE failed to prevent an unnecessary maintenance event resulting in unauthorized emissions.

Date: 01/26/2007 (535014) CN601674351

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: CP failed to submit a complete final report.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 75864, GC #8 PERMIT
Description: CP failed to prevent overfilling of Drum D-1.

Date: 01/26/2007 (531232)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 12 PERMIT
Description: The RE failed to properly design the ESP and failed to recognize, within a timely manner, the underlying causes of the event, resulting in an extended excess opacity event.

Date: 01/28/2007 (534512) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 1 PERMIT
Description: The RE failed to prevent a leak caused by avoidable corrosion.

Date: 01/29/2007 (531242) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)
General Condition 2 PERMIT
Description: The RE failed to promptly refill the Coker Flare water seal following a pressure spike.

Date: 03/30/2007 (541806) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 49140, SC #12 PERMIT
Description: Chevron failed to control excess opacity.

Date: 04/04/2007 (553900) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(1)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit No. 75864, GC #8 PERMIT
Description: Conoco failed to completely remove trapped water from the bottom pumps prior to a unit startup resulting in unauthorized emissions

Date: 04/26/2007 (542918) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Special Condition 1 PERMIT
Description: The RE failed to prevent a coke conveyor belt fire.

Date: 05/22/2007 (555841) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter D 382.085(b)
Description: ConocoPhillips Sweeny refinery caused nuisance dust emissions as a result of transportation of Coker product in uncovered railcars.

Date: 05/31/2007 (558665) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Conoco failed to properly maintain the governor valve on the C-111 compressor in Unit 26.2 resulting in unauthorized emissions.

Date: 07/06/2007 (543586) CN601674351
Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 30513, Special Condition 15F PERMIT
Permit 49140, Special Condition 6F PERMIT
Permit 5920A, Special Condition 16F PERMIT

Description: Failure to perform initial Method 21 monitoring of 38 new LDAR components.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condition 7H PERMIT
Permit 22086, Special Condition 6H PERMIT
Permit 49140, Special Condition 6H PERMIT
Permit 5920A Special Condition 17H PERMIT

Description: Failure to repair 34 leaking components within 15 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP

Description: Failure to make a first attempt of repair to 27 leaking components within 5 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP
FOP O-01626, ST&C 1N(v) OP

Description: Failure to repair HRVOC-service leaks within 1 business day.
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 GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP
Permit 18142, Special Condition 7E PERMIT
Permit 22086, Special Condition 6E PERMIT
Permit 30513, Special Condition 15E PERMIT
Permit 49140, Special Condition 6E PERMIT
Permit 5920A Special Condition 17E PERMIT

Description: Failure to cap or plug open-ended valves/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)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP
Permit 49140, Special Condition 12 PERMIT

Description: Failure to comply with the limit of 1.0 lbs of PM per 1000 lbs of Cokeburn.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.214(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 1A OP

Description: Failure to perform weekly ammonia sampling to the Crude Charge Heater on Unit 25.1.
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 THC Chapter 382, SubChapter A 382.085(b)
FOP O-01626, ST&C 19 OP

FOP O-01626, ST&C 1A OP
 Permit 49140, Special Condition 14B PERMIT
 Description: Failure to perform Cylinder Gas Audits.
 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 J 60.104(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 19 OP
 FOP O-01626, ST&C 1A OP
 Permit 5920A, Special Condition 3 PERMIT

Description: Failure to comply with the 162 ppm H2S limit in fuel gas streams.
 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 THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 19 OP
 Permit 49140, Special Condition 12 PERMIT

Description: Failure to comply with the 200 PPM NOX Limit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 1A OP

Description: Failure to make roof repairs to Tank 96 within the required time frames.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 1A OP

Description: Failure to submit NSPS Inspection Results letter for Tank 249.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 19 OP
 FOP O-01626, ST&C 1A OP
 Permit 18142, Special Condition 7F PERMIT
 Permit 49140, Special Condition 6F PERMIT
 Permit 5920A, Special Condition 17F PERMIT

Description: Failure to perform Method 21 monitoring to leaking components on Delay of Repair.
 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 J 60.102(a)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 19 OP
 FOP O-01626, ST&C 1A OP
 Permit 49140, Special Condition 12 PERMIT

Description: Failure to Comply with Opacity Emissions Limits during the second quarter of 2005..
 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 J 60.105(a)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626, ST&C 19 OP
 FOP O-01626, ST&C 1A OP
 Permit 49140, Special Condition 14 PERMIT

Description: Failure to perform continuous monitoring for CO on EPN-3-95-3.
 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 THC Chapter 382, SubChapter A 382.085(b)
 FOP O-01626 General Terms and Conditions OP

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

Date: 09/30/2007 (607620) CN601674351
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: 11/20/2007 (596538) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125
PP V-A-1 PERMIT
Description: Permitted units were not marked with the TCEQ permit numbers.

Date: 12/18/2007 (613193) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 21265, GC #8 PERMIT
Description: Failure to prevent valve malfunctioning.

Date: 01/07/2008 (557934) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
No. 5920A, S.C. No. 1 PERMIT
Description: ConocoPhillips exceeded the MAERT limit for NOx emission.

Date: 02/15/2008 (617395) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 49140, SC #1 PERMIT
Description: Conoco failed to prevent a valve fitting blow out.

Date: 04/02/2008 (640059) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: ConocoPhillips failed to prevent an excess opacity in Unit 27.1.

Date: 04/04/2008 (637905) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Air Permit No. 49140, SC #12 PERMIT
Description: Failure to control excess opacity.

Date: 04/04/2008 (640212) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 21265, GC #8 PERMIT
Description: Failure to prevent failure of #2 chamber valve pin.

Date: 06/25/2008 (682772) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
TCEQ Standard Permit No. 75864, GC #8 PERMIT
Description: ConocoPhillips failed to prevent the shutdown of the unit charge pump.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 5920A, SC #1 PERMIT
Description: ConocoPhillips failed to prevent the shutdown of the unit charge pump.

Date: 07/22/2008 (686359) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ00721-002 PERMIT

Description: Failure to comply with permitted effluent limits for oil and grease (O&G), total suspended solids (TSS), and pH.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
Description: Failure to collect Oil and Grease (O&G) samples as required.

Date: 08/27/2008 (700348) CN601674351
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit an annual compliance certification within the required time frame.

Self Report? NO Classification: Minor
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 semi-annual deviation reports within the required time frame.

Date: 02/06/2009 (709033) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #12 PERMIT

Description: Failure to prevent excess opacity. The regulated entity failed to prevent the malfunction of the rapper system microprocessor.

Date: 02/20/2009 (709032) CN601674351
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. The regulated entity (RE) failed to prevent the overloading of the Regenerative Thermal Oxidizer (RTO) with volatile organic compounds (VOC).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to include permit number authorization in the incident report.

Date: 03/24/2009 (726793) CN601674351
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to include the permit number authorization in the incident reports for the process or operation.

Date: 04/22/2009 (726795) CN601674351
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. The regulated entity failed to prevent

the excessive amount of nitrogen in the Recycle Gas Loop.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 4B PERMIT

Description: Failure to prevent flare outage.

Date: 05/07/2009 (739098) CN601674351

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 6C PERMIT
Special Terms and Conditions 19 OP
Special Terms and Conditions 1A OP

Description: Failure to maintain hatch in closed position on Tank 75, Unit ID 68-95-75.
(CATEGORY C4 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions 1A OP

Description: Failure to keep the roof floated on liquid from 10/29/2008 to 03/09/2009 on Tank
98, Unit ID 68-95-98. (CATEGORY B18 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 Terms and Conditions 19 OP

Description: Failure to maintain emissions in pounds per hour (lbs/hr) below the limit listed in
the Maximum Allowable Emission Rate Table in NSR Permit 30513 on Tank 75, Unit
ID 68-95-75. (CATEGORY B14 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 Terms and Conditions 19 OP

Description: Failure to maintain emissions in pounds per hour (lbs/hr) below the limit listed in
the Maximum Allowable Emission Rate Table in NSR Permit 5920A on Tank 98,
Unit ID 68-95-98.

Date: 06/10/2009 (738530) CN601674351

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to identify in the final report, all compound descriptive types listed in the
definition of RQ.

Date: 06/24/2009 (747659) CN601674351

Self Report? NO Classification: Moderate
Citation: 21265 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Description: Failed to prevent unauthorized emissions. CP failed to have adequate operations
inspection procedures to allow for proper maintenance at the waste water
treatment unit.

Date: 07/31/2009 (759437) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THSC Chapter 382 382.085(b)
MAERT PERMIT

Description: Failure to prevent unauthorized emissions. This was due to Chamber #4 outlet valve in the Regenerative Thermal Oxidizer (RTO) getting stuck.

Date: 09/29/2009 (749836) CN601674351

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(e)(5)
30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: The RE failed to demonstrate that they achieved at least 90% control efficiency during the eight storage tank degassing and cleaning procedures conducted under 30 TAC §115.541(a)(1)(B) and and 30 TAC §106.263(e)(5).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(C)
30 TAC Chapter 115, SubChapter F 115.542(a)(4)
5C THSC Chapter 382 382.085(b)

Description: The RE failed to prevent vapor venting from Tanks 98, 109, 213, 214, and 215 during the spray washing procedure, as required by 30 TAC §115.541(a)(1)(A), which requires that all vapors emitted from the tank during degassing and cleaning be controlled.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter F 115.545
5C THSC Chapter 382 382.085(b)

Description: The RE used a portable gas analyzer to measure VOC concentrations during the cleaning and degassing of stationary storage tanks between July 1, 2007 and December 31, 2008, contrary to the requirements of 30 TAC §115.545(11).

Date: 09/30/2009 (805057) CN601674351

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: 12/16/2009 (766970) CN601674351

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: ConocoPhillips failed to prevent an avoidable emissions event. Specifically, ConocoPhillips failed to prevent the false activation of a Halon 1301 fire suppressant system.

Date: 12/16/2009 (766971) CN601674351

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, ConocoPhillips failed to prevent a false activation of the Halon 1301 fire suppressant system.

Date: 12/21/2009 (784380) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
PPVII.G.2 PERMIT

Description: Failure to maintain cover of its permitted land-based units in accordance with permit provisions.

Date: 01/11/2010 (786835) CN601674351

Self Report? NO Classification: Moderate

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

Special Condition 12 PERMIT

Description: Failure to prevent excess opacity due to a Torch Oil Double Block Valve.

Date: 01/19/2010 (785551) CN601674351

Self Report? NO Classification: Minor

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

Description: Failed to report all emissions in the final report

Date: 03/31/2010 (831020) CN601674351

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: 05/28/2010 (798903) CN601674351

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 Condition PERMIT

Description: Failure to prevent unauthorized emissions due to the valve box gear motor excess torque.

Self Report? NO Classification: Moderate

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

Description: Failure to report the initial notification within 24 hours of discovery of the incident.

Date: 05/31/2010 (846314) CN601674351

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: 06/30/2010 (860904) CN601674351

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: 08/03/2010 (794196) CN601674351

Self Report? NO Classification: Minor

Citation: 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 the deviation report, dated June 19, 2009, within 30 days of the end of the deviation period. [CATEGORY B3 VIOLATION]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.165(c)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to properly certify the Deviation Report (dated June 19, 2009) and the Permit Compliance Certification (dated December 17, 2009). [CATEGORY B3 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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 4B PERMIT
Special Term and Condition 1A and 19 OP

Description: Failure to operate 3 flares without losses of the pilot light. [CATEGORY B18 VIOLATION]

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 61.343(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.647(a)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to properly control emissions from Tank 302. [CATEGORY B18 VIOLATION]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to operate Unit 3 FCC (Unit ID 3-95-3) within the limit of 1.0 lbs particulate matter (PM) per 1000 lbs of coke burn-off. [CATEGORY B18 VIOLATION]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to operate Tank 98 (Unit ID 68-95-98), on March 5, 2009, with no roof landings. (CATEGORY B18 VIOLATION)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure failed to operate Tanks 75, 207, and 215 with closed gauge hatches. [CATEGORY C4 VIOLATION]

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 Part 60, Subpart VV 60.482-1(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12E PERMIT
 Special Condition 23E PERMIT
 Special Term and Condition 1A and 19 OP

Description: Failure to maintain 60 open-ended lines with caps, plugs, or other closure devices. [CATEGORY C\$ VIOLATION]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
 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 60.486(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12H PERMIT
 Special Condition 23H PERMIT
 Special Term and Conditions 1A & 19 OP

Description: Failure to keep nine leaking component tags properly affixed to nine leaking components. [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 8 PERMIT
 Special Term & Condition 19 OP

Description: Failure to operate the SRU Incinerator, for one hour, within the permitted limit of 250 ppm for SO2. [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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7A PERMIT
 Special Term & Condition 1A and 19 OP

Description: Failure to operate the regenerative thermal oxidizer, (EPN 56-62-152), above the

minimum temperature of 1500 degrees Fahrenheit on three occasions for a total of approximately six hours. [CATEGORY C4 VIOLATION]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THSC Chapter 382 382.085(b)
Spec. Term & Condition 1A, 1P(v), & 19 OP
Special Condition 23F PERMIT

Description: Failure to perform quarterly Method 21 monitoring to a total of 2283 valves from May 20 through November 20, 2009. [CATEGORY B1 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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(ii)
5C THSC Chapter 382 382.085(b)
Spec. Term & Condition 1A, 8F, & 19 OP
Special Condition 19E PERMIT

Description: Failure to produce quality monitoring data from the H2S CEMS for Units 29.1 and 29.2. [CATEGORY B1 VIOLATION]

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to operate the vent scrubber (EPN 35-95-102) with the required minimum pH of 7.68. [CATEGORY B1 VIOLATION]

Date: 09/08/2010 (860252) CN601674351

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(c)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to properly certify the Deviation Report (dated June 19, 2009) and the Permit Compliance Certification (dated December 17, 2009). [CATEGORY B3 VIOLATION]

Date: 10/07/2010 (864086) CN601674351

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized opacity due to sudden dislodgment of a large quantity of particulates from the Electrostatic Precipitator (ESP) collection plates.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to report initial notification in a timely manner.

F. Environmental audits.

Notice of Intent Date: 09/27/2005 (434812)

Disclosure Date: 03/20/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(i)

Description: Failure to properly monitor skip periods on 19,140 HON valves.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.783
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)

Description: Failure to monitor single seal pumps that were incorrectly listed as exempt in the LDAR database.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-2
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to meet first attempt repair deadlines 17 times and successful repair deadlines 205 times.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)

Description: Failure to document all visual inspections.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Part 60, Subpart VV 60.482-6

Description: Failure to close 53 open-ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(2)

Description: Failure to monitor PRDs.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-3(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(a)

Description: Failure to monitor compressors.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Part 60, Subpart VV 60.482-9

Description: Failure to properly manage Delay of Repair issues.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to tag 56 components.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355

Description: Failure to replace calibration gas after expiration date.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.355
30 TAC Chapter 115, SubChapter H 115.781

Description: Failure to maintain written procedures for QA/QC review of monitoring data.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to properly manage several valves which were logged as temporarily out of service and not monitored.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter D 115.355
30 TAC Chapter 115, SubChapter H 115.781

Description: Failure to correctly include time stamps on monitoring data logs.

Notice of Intent Date: 08/02/2007 (594140)
Disclosure Date: 01/03/2008

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to close open ended lines.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.783
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)
40 CFR Part 63, Subpart H 63.168

Description: Failure to properly communicate management of change; therefore, components were not evaluated, documented, tagged and monitored in a timely manner.

Notice of Intent Date: 07/27/2009 (764948)
No DOV Associated

Notice of Intent Date: 09/16/2009 (777741)
No DOV Associated

Notice of Intent Date: 09/07/2010 (858408)
No DOV Associated

- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CONOCOPHILLIPS COMPANY
RN101619179**

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

**AGREED ORDER
DOCKET NO. 2010-2001-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 ConocoPhillips Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at Highway 35 and Farm-to-Market Road 524 in Old Ocean, Brazoria 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 December 4, 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 Four Thousand Dollars (\$4,000) 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. Four Thousand Dollars (\$4,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit Nos. 5920A and PSD-TX-103M3, Special Conditions No. 1, as documented during a record review conducted on September 23, 2010. Specifically, the Respondent released 14,186 pounds ("lbs") of particulate matter, 216 lbs of volatile organic compounds, 147.8 lbs of carbon monoxide, 21.7 lbs of sulfur dioxide, and 20 lbs of nitrogen oxide from the Unit 27 Regenerator Flue Gas Stack, Coker Flare, HP Expansion Flare No. 16, and LP Expansion Flare No. 17 during an avoidable emissions event (Incident No. 144709) that began September 13, 2010 and lasted for 17 hours and 54 minutes. The unauthorized release was the result of a catalyst leak from thermo-fatigue on the regenerator unloading line that caused an outage in the Unit 27 Regenerator Flue Gas Stack. Since sufficient information regarding the cause of this emissions event was not provided, 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: ConocoPhillips Company, Docket No. 2010-2001-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Dollars (\$4,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. 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, implement measures and procedures to prevent catalyst leaks resulting from thermo-fatigue, in order to prevent the reoccurrence of an emissions event due to the same causes as Incident No. 144709; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by a State of Texas Notary Public and contain the following 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

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

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/4/2011

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

2/10/2011

Date

GARY A. FREIBURGER

Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

GENERAL MANAGER

Title

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

Attachment A
Docket Number: 2010-2001-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Penalty Amount: Eight Thousand Dollars (\$8,000)

SEP Offset Amount: Four Thousand Dollars (\$4,000)

Type of SEP: Pre-approved

Third-Party Recipient: Brazoria County – *Brazoria County Vehicle and Equipment Program*

Location of SEP: Brazoria County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by **Brazoria County** for the *Brazoria County Vehicle and Equipment Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP funds to: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. *SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.*

Retirement of Vehicles. The Third-Party Recipient shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current EPA low-emission standards. The Third-Party Recipient shall ensure that equipment and vehicles being retired are operational and that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Recipient shall submit proof of registration, decommissioning, and scrapping by an authorized vehicle dismantler for all retired vehicles and equipment.

Retrofits and Conversions. The Third-Party Recipient shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, The Third-Party Recipient shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below. The Third-Party Recipient may utilize any of the following fuel technologies if the fuel is available for purchase within 15 miles of its fleet operation area:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: Biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff.

b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Brazoria County Parks Department
313 W. Mulberry
Angleton, Texas 77155

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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