

Executive Summary – Enforcement Matter – Case No. 41110
Chevron Phillips Chemical Company LP
RN100209857
Docket No. 2011-0202-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chevron Phillips Chemical Port Arthur Facility, 2001 Gulfway Drive, Port Arthur, Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 27, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$70,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$35,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$35,000

Name of SEP: Southeast Texas Regional Planning Commission – West Port Arthur

Home Energy Efficiency Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Maximum Limit Adjustment: \$231,000

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 41110
Chevron Phillips Chemical Company LP
RN100209857
Docket No. 2011-0202-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 22, 2010
Date(s) of NOE(s): January 19, 2011

Violation Information

Failed to prevent unauthorized emissions during an emissions event (Incident No. 141999) that began on July 11, 2010 and lasted 168 hours. Specifically, the Respondent released 85,200 pounds ("lbs") of volatile organic compounds including 73,819 lbs of ethylene, 79,945 lbs of carbon monoxide, 47 lbs of sulfur dioxide, and 11,350 lbs of nitrogen oxides from Flare 24 when an incorrect setpoint value was entered in a process controller. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 21101, Special Conditions No. 8, and Federal Operating Permit No. O-01235, Special Terms and Conditions No. 21].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by July 23, 2010, the Respondent completed additional training for appropriate Plant personnel on the operational procedures in the future start-ups of the ethylene unit to prevent the recurrence of an emissions event due to the same cause as Incident No. 141999.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 41110
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Docket No. 2011-0202-AIR-E

TCEQ Enforcement Coordinator: Todd Huddleson, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2541; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732

Respondent: Adrian Stovall, Environmental Manager, Chevron Phillips Chemical Company LP, 2001 Gulfway Drive, Port Arthur, Texas 77640
Margaret I. Conway, Plant Manager, Chevron Phillips Chemical Port Arthur Facility, 2001 Gulfway Drive, Port Arthur, Texas 77640

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0202-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP
Payable Penalty Amount: Seventy Thousand Dollars (\$70,000)
SEP Amount: Thirty-Five Thousand Dollars (\$35,000)
Type of SEP: Pre-approved
Third-Party Recipient: Southeast Texas Regional Planning Commission
- West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson 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 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 amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Chevron Phillips Chemical Company LP
Agreed Order - Attachment A

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	24-Jan-2011	Screening	28-Jan-2011	EPA Due	16-Oct-2011
	PCW	24-Mar-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP		
Reg. Ent. Ref. No.	RN100209857		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	41110	No. of Violations	1
Docket No.	2011-0202-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Todd Huddleson
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000
		EC's Team	Enforcement Team 4

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement *Subtotals 2, 3, & 7*

Notes: Enhancement for one same/similar NOV, eight dissimilar NOVs, seven agreed orders with a denial of liability, seven agreed orders without a denial of liability, and repeat violator designation. Reduction for four Notice of Intended Audit letters and one disclosure of violations.

Culpability Enhancement *Subtotal 4*

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5*

Economic Benefit Enhancement* *Subtotal 6*

Total EB Amounts
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal*

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*

DEFERRAL Reduction *Adjustment*

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 28-Jan-2011

Docket No. 2011-0202-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 41110

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Todd Huddleson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	7	175%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 330%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one same/similar NOV, eight dissimilar NOVs, seven agreed orders with a denial of liability, seven agreed orders without a denial of liability, and repeat violator designation. Reduction for four Notice of Intended Audit letters and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 355%

Screening Date 28-Jan-2011

Docket No. 2011-0202-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 41110

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Todd Huddleson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 21101, Special Conditions No. 8, and Federal Operating Permit No. O-01235, Special Terms and Conditions No. 21

Violation Description Failed to prevent unauthorized emissions during an emissions event (Incident No. 141999) that began on July 11, 2010 and lasted 168 hours. Specifically, the Respondent released 85,200 pounds ("lbs") of volatile organic compounds including 73,819 lbs of ethylene, 79,945 lbs of carbon monoxide, 47 lbs of sulfur dioxide, and 11,350 of nitrogen oxides from Flare 24 when an incorrect setpoint value was entered in a process controller. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to significant amount of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 7 Number of violation days 7

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

Violation Base Penalty \$70,000

Seven daily events are recommended based on the emissions event that began July 11, 2010 and ended on July 18, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$17,500

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

Notes The Respondent completed corrective actions by July 23, 2010 and the NOE is dated January 19, 2011.

Violation Subtotal \$52,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$301,000

This violation Final Assessed Penalty (adjusted for limits) \$70,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 41110
Reg. Ent. Reference No. RN100209857
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-Jul-2010	23-Jul-2010	0.03	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to develop and implement measures and procedures designed to prevent the recurrence of unauthorized emissions caused during the start-up of the ethylene unit. The Date Required is the start date of the emissions event. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$2

Compliance History

Customer/Respondent/Owner-Operator:	CN600303614 Chevron Phillips Chemical Company LP	Classification: AVERAGE	Rating: 4.51
Regulated Entity:	RN100209857 CHEVRON PHILLIPS CHEMICAL PORT ARTHUR FACILITY	Classification: AVERAGE	Site Rating: 30.27
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0508W
	AIR OPERATING PERMITS	PERMIT	1235
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000004390
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	83963
	AIR NEW SOURCE PERMITS	REGISTRATION	93605
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1248
	AIR NEW SOURCE PERMITS	REGISTRATION	92053
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0508W
	AIR NEW SOURCE PERMITS	PERMIT	18568
	AIR NEW SOURCE PERMITS	PERMIT	21101
	AIR NEW SOURCE PERMITS	REGISTRATION	24266
	AIR NEW SOURCE PERMITS	PERMIT	32713
	AIR NEW SOURCE PERMITS	REGISTRATION	76323
	AIR NEW SOURCE PERMITS	AFS NUM	4824500162
	AIR NEW SOURCE PERMITS	REGISTRATION	78071
	AIR NEW SOURCE PERMITS	REGISTRATION	77954
	AIR NEW SOURCE PERMITS	REGISTRATION	78021
	AIR NEW SOURCE PERMITS	REGISTRATION	78162
	AIR NEW SOURCE PERMITS	REGISTRATION	78143
	AIR NEW SOURCE PERMITS	REGISTRATION	79446
	AIR NEW SOURCE PERMITS	REGISTRATION	79030
	AIR NEW SOURCE PERMITS	REGISTRATION	80459
	AIR NEW SOURCE PERMITS	REGISTRATION	81329
	AIR NEW SOURCE PERMITS	REGISTRATION	80886
	AIR NEW SOURCE PERMITS	PERMIT	83741
	AIR NEW SOURCE PERMITS	REGISTRATION	94024
	AIR NEW SOURCE PERMITS	REGISTRATION	89947
	AIR NEW SOURCE PERMITS	REGISTRATION	85115
	AIR NEW SOURCE PERMITS	REGISTRATION	90098
	AIR NEW SOURCE PERMITS	REGISTRATION	95831
	AIR NEW SOURCE PERMITS	REGISTRATION	85121
	AIR NEW SOURCE PERMITS	REGISTRATION	87113
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83963
	POLLUTION PREVENTION PLANNING	ID NUMBER	P01806
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0508W

Location: 2001 GULFWAY DR, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 25, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 25, 2006 to January 25, 2011

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

Name: Todd Huddleson Phone: (512) 239 - 2541

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: YES

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special condition 1B and 1C PERMIT
Special Condition 2A and 2C PERMIT

Description: Failed to provide notification of start up, notification of specific provision applicability, or initial and periodic reports.

Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(g)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(h)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(j)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(g)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(h)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(j)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1B and 1C PERMIT
Special Condition 2A and 2C PERMIT

Description: Failed to keep up-to-date, readily accessible records.

Classification: Minor

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

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

Rqmt Prov: 5215A, Special Condition 5 PA
Description: Failure to operate a flare with a pilot flame lit at all times.

Classification: Minor

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Allowed unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)

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

Description: Failed to satisfy a Permit by Rule condition.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain, and make readily available for review, required records.

Classification: Major

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

Description: Failed to obtain authorization for air emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
30 TAC Chapter 101, SubChapter F 101.201(b)(2)

30 TAC Chapter 101, SubChapter F 101.201(b)(3)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.211(b)(1)
30 TAC Chapter 101, SubChapter F 101.211(b)(2)
30 TAC Chapter 101, SubChapter F 101.211(b)(3)
30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide complete records of 72 non-reportable events and 40 maintenance activities that occurred from March 13, 2003 to August 31, 2004.

Classification: Moderate

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

Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT

Description: Failed to limit emissions from Flare 24 (EPN F-24-flare) to those authorized by the permit.

Effective Date: 02/20/2006 ADMINORDER 2005-0406-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PI-8 PERMIT

Description: Failed to limit emissions from Flare-17 (EPN F-17-Flare) in Cyclohexane Unit 1741 to those authorized by a Permit by Rule.

Effective Date: 04/29/2006 ADMINORDER 2005-1808-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 a timely emission event report.

Classification: Moderate

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

Rqmt Prov: 21101, General Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 07/14/2006 ADMINORDER 2006-0023-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 notification of an emissions event within 24 hrs. of discovery (Inc. No. 65155).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4
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 A 382.085(b)

Rqmt Prov: 21101 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere

Effective Date: 11/09/2007 ADMINORDER 2007-0404-AIR-E

Classification: Minor

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

Description: Failure to comply with the reporting requirements found in 30 TAC 101.201.

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: 21101 PERMIT
Description: Failure to comply with an emissions limitation.

Classification: Minor

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

Description: Failure to identify the correct agency established EPN and the correct authorized emissions for Flare 24 (EPN: E-24-Flare) in the Final Report for an emissions event (Incident # 76193) which occurred on May 19, 2006 in the Ethylene Unit 1544.

Effective Date: 07/03/2008

ADMINORDER 2007-1514-AIR-E

Classification: Moderate

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-01235, General Terms and Condition OP
FOP O-01235, Special Condition 21 OP

FOP O-01235, Special Condition 2I OP
NSR Permit 21101, Special Condition 8 PERMIT

Description: Failed to comply with the permitted emissions limits.

Classification: Moderate

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 list the compound descriptive type for an emissions event and to furnish the correct authorized emission limit.

Effective Date: 12/20/2008

ADMINORDER 2006-1598-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 01235 OP

Description: Failed to limit emissions to the PBR authorizations. Specifically, an analyzer without a flame ionization detector was installed at Ethylene Unit 1544, but its emissions were not registered with the agency.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT J 61.112(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 21101 PERMIT
O1235 OP

Description: Failed to equip each open-ended line with a cap, blind flange, plug, or a second valve. Specifically, during a period from February 23, 2005 through February 9, 2006, 98 components were identified without sealing devices.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(D)
30 TAC Chapter 106, SubChapter T 106.452(2)(E)

30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

Description: Failed to register an outside blast cleaning facility with the TCEQ using Form PI-7 and failure to receive written site approval from the executive director prior to construction. Specifically, a completed PI-7 was not submitted and approved for the DACF prior to construction.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O1235 OP

Description: Failed to maintain records required for PBRs. Specifically, fugitive emissions monitoring records, calibration records, abrasive usage records, and operating hours records were not maintained.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(f)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O1235 OP

Description: Failed to comply with CO emission limitations at Boiler BA-118. Specifically, the 24-hour rolling average limit of 400 ppmv for CO was exceeded for nine hours on September 16, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.1
30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

Description: Failed to comply with the maximum emission rates as certified in the application for a Permit by Rule (PBR). Specifically, the 12-month rolling average limits for VOCs were exceeded under three PBRs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O1235 OP

Description: Failed to monitor fugitive components as required by the applicable PBR.

Effective Date: 04/20/2009

ADMINORDER 2008-1584-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit 21101, Special Condition 8 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii MOD 2,D

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 106, SubChapter A 106.6(c)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: S.C. No. 9 PERMIT
Description: Failure to operate Temporary Flare 3 as represented in the application for PBR 78162. EIC A2C
MOD 2G

Effective Date: 04/20/2009 ADMINORDER 2006-1028-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(b)
30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to immediately provide notice of waste management methods and units.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(b)

Description: Failure to ship two hazardous waste streams, 0100102H (D018) and 0010003H (D018, D001) to an approved designated facility.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to store hazardous waste (D001 [Perchloric Acid]) on site for less than 90 days.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(d)(1)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep a container of hazardous waste, 0100102H (D018) closed.

Effective Date: 06/15/2009 ADMINORDER 2008-1878-AIR-E

Classification: Moderate

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

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

Rqmt Prov: FOP O-01235 General Terms and Conditions OP
NSR Permit 21101, Special Condition 8 PERMIT

Special Conditions 2 and 21 OP

Description: Failed to prevent unauthorized emissions during an event that occurred on June 29, 2008.

Classification: Moderate

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

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

Rqmt Prov: FOP O-01235 General Terms and Conditions OP
NSR Permit 21101 Special Condition 8 PERMIT

Special Conditions 2 and 21 OP

Description: Failed to prevent unauthorized emissions during an event that occurred on May 22, 2008.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions 2 OP

Description: Failed to properly report unauthorized emissions during two events, May 22, 2008 and June 29, 2008.

Effective Date: 09/21/2009

ADMINORDER 2009-0489-AIR-E

Classification: Minor

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

Description: Failed to properly report Incident No. 105342.

Classification: Major

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

Rqmt Prov: 18568, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 105342.

Effective Date: 09/21/2009

ADMINORDER 2009-0389-AIR-E

Classification: Moderate

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

Rqmt Prov: NSR Permit 21101 Special Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a three hour emissions event on November 24, 2008, an improperly set pressure control valve opened to Flare 24 (Emissions Point Number E-24-FLARE), and the flare released the following unauthorized emissions: 23.07 pounds ("lbs") of nitrogen oxides, 169.27 lbs of carbon monoxide, and 231.17 lbs of volatile organic compounds. Since the Respondent could have prevented the release by better operational oversight,

Effective Date: 03/08/2010

ADMINORDER 2009-0221-AIR-E

Classification: Minor

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

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

Rqmt Prov: FOP O-01235 General Terms and Condition OP
FOP O-01235 Special Condition 2 OP

Description: Failure to properly report an emission event. EIC C,3 MIN 3,D

Classification: Moderate

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

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

Rqmt Prov: FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 21 OP

NSR Permit 21101 Special Condition 8 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii MOD 2,D

Classification: Moderate

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

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

Rqmt Prov: FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 21 OP

NSR Permit 21101 Special Condition 8 OP

Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii MOD 2,D

Effective Date: 07/11/2010

ADMINORDER 2009-2037-AIR-E

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
General Terms and Conditions OP

Special Condition 21 OP
Special Condition 8 PERMIT

Description: Failed to prevent the unauthorized release of 265.2 pounds ("lbs") of nitrogen oxides ("NOx"), 1,855.3 lbs of carbon monoxide ("CO"), and 1,519.5 lbs of volatile organic compounds ("VOC") from Flare 24 during a six-hour emissions event on July 7, 2009 (Incident No. 126542). The event resulted from the improper regeneration of the ethylene Guard Dryer FA-403 desiccant. A manually operated valve on the dryer's inlet line had been left partially open which had impeded the regeneration of the drye

Classification: Moderate

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

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

Rqmt Prov: FOP O-01235 General Terms and Conditions OP
FOP O-01235 Special Condition 21 OP

General Condition 8 PERMIT
NSR Permit 21101, Special Condition 8 PERMIT

Description: Failed to prevent the unauthorized release from Flare 24 of 215.08 lbs of VOC, 863.28 lbs of CO, and 202.8 lbs of NOx during the 24-hour event, and 1,704.28 lbs of CO and 420.3 lbs of NOx during the 49-hour event starting on September 9 and October 1, 2009, respectively (Incident Numbers 129206 and 130187). The releases are not considered emissions events because the incidents do not meet the definition of an upset event since they were not caused due to an EIC A,8,c,2,A,ii MOD 2,D

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.)

		(341362)
1	12/28/2006	
2	12/28/2006	(374971)
3	04/26/2006	(406843)
4	02/28/2006	(437666)
5	08/31/2006	(458241)
6	05/30/2006	(463478)
7	01/11/2007	(486288)
8	08/28/2006	(488322)
9	08/31/2006	(488575)
10	08/28/2006	(489560)
11	11/29/2006	(514240)
12	11/29/2006	(516808)
13	11/28/2006	(517158)
14	12/05/2006	(519672)
15	12/11/2006	(532265)
16	12/28/2006	(534760)
17	05/14/2007	(554939)
18	05/16/2007	(555965)
19	05/21/2007	(556453)
20	05/21/2007	(556743)
21	05/23/2007	(559175)
22	07/09/2007	(560572)
23	08/28/2007	(563168)
24	10/10/2007	(571849)

25	10/15/2007	(573350)
26	10/22/2007	(573439)
27	10/03/2007	(594932)
28	04/06/2008	(616137)
29	03/05/2008	(616484)
30	06/19/2008	(653603)
31	06/18/2008	(653647)
32	06/18/2008	(653652)
33	06/13/2008	(653659)
34	06/13/2008	(653679)
35	06/13/2008	(653682)
36	06/18/2008	(653689)
37	06/26/2008	(654341)
38	08/15/2008	(671234)
39	05/27/2008	(671309)
40	08/25/2008	(684503)
41	08/26/2008	(684779)
42	07/21/2008	(685979)
43	02/10/2009	(686371)
44	08/08/2008	(688599)
45	11/20/2008	(701001)
46	11/20/2008	(702196)
47	04/21/2009	(704057)
48	12/05/2008	(708622)
49	01/26/2009	(708989)
50	01/21/2009	(709592)
51	01/15/2009	(710264)
52	01/28/2009	(721275)
53	01/29/2009	(721606)
54	02/20/2009	(724927)
55	03/10/2009	(725637)
56	04/22/2009	(737807)
57	06/30/2009	(737873)
58	04/22/2009	(737991)
59	04/22/2009	(738076)
60	05/04/2009	(738149)
61	05/04/2009	(738165)
62	04/22/2009	(738231)
63	04/22/2009	(738247)
64	04/22/2009	(738256)
65	04/22/2009	(738280)
66	05/04/2009	(738351)
67	05/04/2009	(738362)
68	04/22/2009	(738571)
69	05/04/2009	(738581)
70	04/22/2009	(738600)
71	05/04/2009	(738623)
72	04/09/2009	(738631)
73	04/09/2009	(738647)
74	04/22/2009	(738653)
75	04/22/2009	(738663)
76	03/24/2009	(739143)

77	04/06/2009	(740619)
78	05/13/2009	(742572)
79	07/08/2009	(747724)
80	06/04/2009	(747794)
81	07/22/2009	(762990)
82	09/24/2009	(763955)
83	09/29/2009	(776123)
84	11/08/2009	(777968)
85	11/11/2009	(778009)
86	11/20/2009	(778126)
87	11/20/2009	(779137)
88	11/02/2009	(780262)
89	11/09/2009	(781276)
90	11/16/2009	(781707)
91	02/05/2010	(787727)
92	02/08/2010	(788299)
93	05/02/2010	(796396)
94	04/23/2010	(798649)
95	07/31/2010	(829795)
96	08/21/2010	(829827)
97	08/21/2010	(829830)
98	08/16/2010	(841917)
99	11/03/2010	(871540)
100	11/15/2010	(873239)
101	11/23/2010	(877892)
102	01/19/2011	(880214)

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

	Date:	11/29/2006 (514240)	CN600303614
Self Report?	NO		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 NNN 60.665(l)(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP 1235 Special Condition 1A OP Permit 21101 Special Condition 1 PERMIT	
Description:		Failure to report a flare pilot outage on an NSPS semi-annual report. Minor C,3	
Self Report?	NO		Classification: Moderate
Citation:		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) 5C THC Chapter 382, SubChapter D 382.085(b) FOP 1235 Special Condition 1A OP Permit 21101/Special Condition 14 PERMIT	
Description:		Failure to operate Flare 24 with a pilot flame at all times. MOD,B18	
Self Report?	NO		Classification: Minor
Citation:		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 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(F) 5C THC Chapter 382, SubChapter D 382.085(b) FOP 1235 Special Condition 10K OP Permit 21101 Special Condition 2C PERMIT	
Description:		Failure to report a flare pilot outage on a NESHAP Report. Minor C,3	
Self Report?	NO		Classification: Minor
Citation:		30 TAC Chapter 101, SubChapter A 101.20(2)	

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 Special Condition 26 OP
 Description: Failure to submit all of the required information in the excess emissions report for the reporting period of 07/01/2005 through 12/31/2005. Minor C,3
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 Special Condition 26 OP
 Description: Failure to submit a semi-annual report in a timely manner. Minor C,3
 Date 05/16/2007 (555965) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 21101 Special Condition 1A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 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 VV 60.482-8(c)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 General Terms and Conditions OP
 FOP 1235 Special Condition 21 OP
 Description: Failure to make a first attempt repair on a leaking component within five days. EIC B1 MOD 2(E)
 Self Report? NO Classification: Minor
 Citation: 21101 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 OP
 Description: Failure to maintain a sealing device on an open ended line. EIC C(4) MIN (3)(D)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.262
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 Special Condition 22 OP
 Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B(4) MOD 2(B)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 General Terms and Conditions OP
 Description: Failure to report deviations on two separate semi-annual deviation reports for the reporting periods of February 16, 2006, through August 17, 2006, and August 18, 2006, through February 15, 2007. EIC B(3) MOD 2(B)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP 1235 General Terms and Conditions OP
 Description: Failure to accurately certify an Annual Compliance Certification for the periods of February 16, 2005, through February 15, 2006, and February 16, 2006, through February 15, 2007. EIC B(3) MOD 2(B)
 Date 06/20/2008 (653603) CN600303614
 Self Report? NO Classification: Moderate
 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 A 60.18(c)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 21101, Special Condition 14 PERMIT
 NSR Permit 21101, Special Condition 1B PERMIT
 NSR Permit 21101, Special Condition 1C PERMIT
 NSR Permit 21101, Special Condition 2C PERMIT
 Description: Failure to operate Flare 24 with a pilot flame at all times. EIC B,18 MOD 2,G
 Self Report? NO Classification: Moderate
 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 VV 60.482-7(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 21101, Special Condition 1A PERMIT
 Description: Failure to perform the second follow-up monitoring on Tag Number 48604. EIC B,1
 MOD 2,A
 Date 08/15/2008 (671234) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 18568, Special Condition 10D PERMIT
 Description: Failure to calibrate the Hydrocarbon Vapor Recovery Unit (HVRU) prior to loading
 operations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Condition OP
 FOP O-01235 Special Condition 1A OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 18568 Special Condition 4 PERMIT
 NSR Permit 21101 Special Condition 1A PERMIT
 NSR Permit 21101 Special Condition 2A PERMIT
 Description: Failure to maintain a sealing device on an open ended line. EIC C10 MOD 2D
 Self Report? NO Classification: Moderate
 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)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 1A OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 21101 SC 1A and 2A PERMIT
 NSR Permit 21101 Special Condition 17H PERMIT
 NSR Permit 21101 Special Condition 19 PERMIT
 Description: Failure to tag components on Delay of Repair (DOR). EIC C3 MOD 2B
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(E)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 1A OP
 FOP O-01235 Special Condition 20 OP
 FOP O-01235 Special Condition 21 OP
 Description: Failure to maintain a free-board ratio greater than 0.71 for Degreasers 1 and 2. EIC B18 MOD 2G
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 20 OP
 Description: Failure to inspect Degreasers 1 and 2 on a monthly basis and to maintain records demonstrating inspection. EIC B1 MOD 2A
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 2F OP
 Description: Failure to create a final record of the non-reportable emission event experienced by the facility on December 6, 2007. EIC B3 MOD 2B
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 22 OP
 Description: Failure to provide notification within ten days following the installation or modification of facilities. EIC B4 MOD 2B
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 Description: Failure to report deviations on several semi-annual deviation reports. EIC B3 MOD 2G
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 Description: Failure to accurately certify an Annual Compliance Certification for the periods of February 16, 2005, through February 15, 2006; February 16, 2006, through February 15, 2007; and February 16, 2007, through February 15, 2008. EIC B3 MOD 2G
 Date 12/07/2008 (710264) CN600303614
 Self Report? NO Classification: Moderate
 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 A 60.18(c)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 21101, Special Condition 14 PERMIT
 NSR Permit 21101, Special Condition 1B PERMIT
 NSR Permit 21101, Special Condition 1C PERMIT
 NSR Permit 21101, Special Condition 2C PERMIT
 Description: Failure to operate Flare 24 with a pilot flame at all times. EIC B,18 MOD 2,G
 Self Report? NO Classification: Moderate
 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 VV 60.482-7(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 21101, Special Condition 1A PERMIT
 Description: Failure to perform the second follow-up monitoring on Tag Number 48604. EIC B,1
 MOD 2,A
 Date 01/28/2009 (721275) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 1A OP
 Description: Failure to submit Continuous Emission Monitoring Systems (CEMS) Relative Accuracy
 Test Audits (RATAs) for Emission Point Numbers (EPNs) E-01A-1544, E-02A-1544, E-
 03A-1544, E-04A-1544, and E-05A-144, in a timely manner. EIC C, 3 MOD 2, D
 Date 07/01/2009 (737873) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.120
 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 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 18568, Special Condition 3E PERMIT
 NSR Permit 18568, Special Condition 9 PERMIT
 NSR Permit 21101, Special Condition 14 PERMIT
 NSR Permit 21101, Special Condition 2C PERMIT
 Description: Failure to operate Flare 24, Flare 3, and Flare 17 with a pilot flame at all times. EIC
 B,18 MOD 2,D
 Self Report? NO Classification: Moderate
 Citation: 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 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 18568, Special Condition 3E PERMIT
 NSR Permit 21101, Special Condition 2C PERMIT
 Description: Failure to conduct third quarter visual inspections of individual drain systems. EIC B,1
 MOD 2,A
 Date 07/08/2009 (747724) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 21101 Special Condition 23B PERMIT
 Description: Failure to perform the first quarter CGA of the CEMS for Ethylene Furnaces BA115,
 BA116, BA117, and BA118. EIC B,1 MOD 2,A
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(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 A 60.18(f)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 21101 Special Condition 5 PERMIT
 Description: Failure to monitor the presence of a pilot flame. EIC B,1 MOD 2,A
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)
 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 60.482-2(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 21101 Special Condition 1A PERMIT
 Description: Failure to perform monthly monitoring of pumps 7163, 7175, and 7195. EIC B,1 MOD 2,A
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 21101 Special Condition 1 PERMIT
 NSR Permit 21101 Special Condition 2 PERMIT
 NSR Permit 21101 Special Condition 2C PERMIT
 Description: Failure to maintain a sealing device on an open-ended. EIC C,10 MOD 2,D
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 2F OP
 Description: Failure to create a final record of the non-reportable emission event experienced by Ineos Phenol on May 31, 2008. EIC C,3 MOD 2,B
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 21 OP
 NSR Permit 32713 Special Condition 12 PERMIT
 Description: Failure to calculate the 12-month rolling emissions on a monthly basis from Group 1 sources and compare them to the Emission CAP of NSR Permit 32713. EIC B,1 MOD 2,A
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235 General Terms and Conditions OP
 FOP O-01235 Special Condition 1A OP
 FOP O-01235 Special Condition 20 OP
 Description: Failure to inspect Degreasers 1 and 2 on a monthly basis and to maintain records demonstrating inspection. EIC B,1 MOD 2,A
 Date 08/23/2010 (829827) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 Description: Failure to perform quarterly visible emission observations of all stationary vents.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 18568, Special Condition 11E PERMIT
 NSR Permit 18568, Special Condition 4 PERMIT
 NSR Permit 21101, Special Condition 17E PERMIT
 NSR Permit 21101, Special Condition 1A PERMIT
 NSR Permit 21101, Special Condition 2A PERMIT
 Description: Failure to maintain a sealing device on an open ended line.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR Permit 18568, Special Condition 11A PERMIT
 Description: Failure to maintain records identifying those components that are exempt from monitoring and inspection requirements.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 22 OP
 Description: Failure to submit Permit By Rule (PBR) notification for an increase in emissions from new fugitive emissions components added as part of a pump station construction.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.100
 30 TAC Chapter 113, SubChapter C 113.1090
 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 A 63.9(h)(2)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(h)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 12F OP
 FOP O-01235, Special Condition 3B(iv)(1) OP
 Description: Failure to submit initial notification of compliance status regarding a new emergency use stationary reciprocating internal combustion engine (RICE).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.110
 30 TAC Chapter 113, SubChapter C 113.550
 30 TAC Chapter 113, SubChapter C 113.560
 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 F 63.104(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT XX 63.1086(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 1A OP
 FOP O-01235, Special Condition 21 OP
 NSR Permit 18568, Special Condition 4 PERMIT
 NSR Permit 21101, Special Condition 2 PERMIT
 Description: Failure to monitor the cooling water of the heat exchange systems to detect leaks of total Hazardous Air Pollutants (HAPs), total Volatile Organic Compounds (VOCs), or other representative substances that would indicate the presence of
 a leak in the heat exchange system. B19g1
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01235, General Terms and Condition OP
 FOP O-01235, Special Condition 20 OP
 Description: Failure to maintain records demonstrating monthly inspections on Degreasers 1 and 2.

Self Report?	NO	Classification:	Moderate
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 A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP O-01235, General Terms and Condition OP FOP O-01235, Special Condition 1A OP FOP O-01235, Special Condition 21 OP NSR Permit 21101, Special Condition 14 PERMIT		
Description:	Failure to maintain the net heating value of the waste gas vented to the flare above 300 British Thermal Units per standard cubic feet (BTU/scf) during the regeneration of the catalyst of the Acetylene Converter.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.130 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 H 63.163(b)(1) 5C THSC Chapter 382 382.085(b) FOP O-01235, General Terms and Condition OP FOP O-01235, Special Condition 1A OP FOP O-01235, Special Condition 21 OP NSR Permit 18568, Special Condition 4 PERMIT		
Description:	Failure to perform monthly leak detection monitoring on Pump J-29 for the months of November and December 2009.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) FOP O-01235, General Terms and Condition OP		
Description:	Failure to report deviations on several semi-annual deviation reports.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THSC Chapter 382 382.085(b) FOP O-01235, General Terms and Condition OP		
Description:	Failure to accurately certify compliance with the terms and conditions of permit FOP O-01235.		

F. Environmental audits.

Notice of Intent Date:	11/06/2006	(534260)
No DOV Associated		
Notice of Intent Date:	08/30/2007	(595568)
No DOV Associated		
Notice of Intent Date:	02/16/2009	(739498)
Disclosure Date:	08/06/2009	
Viol. Classification:	Minor	
Citation:	40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)	
Description:	Failure to ensure that emissions tests of all vacuum trucks used of Benzene Waste Operations NESHAP operations always included background level measurements.	
Notice of Intent Date:	02/22/2010	(797583)
No DOV Associated		

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CHEVRON PHILLIPS CHEMICAL	§	TEXAS COMMISSION ON
COMPANY LP	§	
RN100209857	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-0202-AIR-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical manufacturing plant at 2001 Gulfway Drive, in Port Arthur, Jefferson County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on November 22, 2010, TCEQ staff documented the failure to prevent unauthorized emissions during an emissions event (Incident No. 141999) that began on July 11, 2010 and lasted 168 hours. Specifically, the Respondent released 85,200 pounds ("lbs") of volatile organic compounds including 73,819 lbs of ethylene, 79,945 lbs of carbon monoxide, 47 lbs of sulfur dioxide, and 11,350 lbs of nitrogen oxides from Flare 24 when an incorrect setpoint value was entered in a process controller. The TCEQ determined that the emissions event could have been avoided by better operational practices.
4. The Respondent received notice of the violations on January 21, 2011.
5. The Executive Director recognizes that by July 23, 2010, the Respondent completed additional training for appropriate Plant personnel on the operational procedures in the future start-ups of the ethylene unit to prevent the recurrence of an emissions event due to the same cause as Incident No. 141999.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 21101, Special Conditions No. 8, and Federal Operating Permit No. O-01235, Special Terms and Conditions No. 21. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seventy Thousand Dollars (\$70,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Thirty-Five Thousand Dollars (\$35,000) of the administrative penalty. Thirty-Five Thousand Dollars (\$35,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seventy Thousand Dollars (\$70,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2011-0202-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 II, Paragraph 4 above, Thirty-Five Thousand Dollars (\$35,000) of assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission’s jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV’T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolier

For the Executive Director

6/8/2011

Date

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

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

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

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

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

Margaret I. Conway

Signature

4-19-11

Date

MARGARET I. CONWAY

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

PLANT MANAGER

Title

Attachment A
Docket Number: 2011-0202-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP

Payable Penalty Amount: Seventy Thousand Dollars (\$70,000)

SEP Amount: Thirty-Five Thousand Dollars (\$35,000)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission
- West Port Arthur Home Energy Efficiency Program

Location of SEP: Jefferson 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 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 amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NO_x) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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