

Executive Summary – Enforcement Matter – Case No. 42449
Chevron Phillips Chemical Company LP
RN100209857
Docket No. 2011-1597-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

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:

Chemical 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: January 27, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,775

Amount Deferred for Expedited Settlement: \$3,755

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,510

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$7,510

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 Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RN100209857
Docket No. 2011-1597-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 14, 2011

Date(s) of NOE(s): August 12, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,659 pounds (“lbs”) of ethylene and 259 lbs of nitrogen oxides from Emissions Point Number (“EPN”) E-24-FLARE in the Ethylene Unit during an emissions event (Incident No. 149347) that began on January 11, 2011 and lasted one hour and 15 minutes. The emissions event was caused when an online quench water pump slowed down abruptly due to a defective connector and the backup pump did not automatically engage to restore quench water discharge pressure. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 21101, Special Conditions (“SC”) No. 8; Federal Operating Permit (“FOP”) No. O1235, Special Terms and Conditions (“STC”) No. 21 and General Terms and Conditions (“GTC”); and TEX. HEALTH & SAFETY CODE § 382.085(b).]

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 547 lbs of carbon monoxide, 479 lbs of ethylene, 2.2 lbs of nitric oxide, and 72 lbs of nitrogen dioxide from EPN E-24-FLARE in the Ethylene Unit during an emissions event (Incident No. 150605) that began on February 9, 2011 and lasted six hours. The emissions event was caused when a level transmitter malfunctioned due to cold weather conditions. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 21101, SC No. 8; FOP No. O1235, STC No. 21 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On June 13, 2011, the Respondent implemented a preventative maintenance program to ensure reliable operation of its equipment, and had written instructions and procedures to operate process equipment, in order to prevent a recurrence of emissions events due to the same cause as Incident No. 149347.

Technical Requirements:

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

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RN100209857
Docket No. 2011-1597-AIR-E

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures and procedures designed to prevent the level transmitter from malfunctioning due to cold weather conditions, in order to prevent a recurrence of emissions events due to the same cause as Incident No. 150605; and

b. Within 45 days, submit written certification demonstrating compliance.

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

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Margaret Conway, Plant Manager, Chevron Phillips Chemical Company LP, 2001 Gulfway Drive, Port Arthur, Texas 77640-4534

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1597-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP

Payable Penalty Amount: Fifteen Thousand Twenty Dollars (\$15,020)

SEP Amount: Seven Thousand Five Hundred Ten Dollars (\$7,510)

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, volatile organic carbon compounds, and nitrogen oxides 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
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 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.

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	15-Aug-2011	Screening	2-Sep-2011	EPA Due	8-May-2012
	PCW	12-Sep-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.	42449	No. of Violations	2
Docket No.	2011-1597-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		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
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	288.0% Enhancement	Subtotals 2, 3, & 7	\$14,400
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Notes: Enhancement for two NOVs with same/similar violations, seven NOVs with dissimilar violations, six orders with denial of liability, five orders without denial of liability, and repeat violator classification. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$418
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,775
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$18,775
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$18,775
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,755
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,020
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Screening Date 2-Sep-2011

Docket No. 2011-1597-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42449

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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>)	2	10%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	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	5	125%
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>)	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) 263%

>> 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 two NOVs with same/similar violations, seven NOVs with dissimilar violations, six orders with denial of liability, five orders without denial of liability, and repeat violator classification. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 288%

Screening Date 2-Sep-2011

Docket No. 2011-1597-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42449

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Permit No. 21101, Special Conditions ("SC") No. 8; Federal Operating Permit ("FOP") No. O1235, Special Terms and Conditions ("STC") No. 21 and General Terms and Conditions ("GTC"); and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,659 pounds ("lbs") of ethylene and 259 lbs of nitrogen oxides from Emissions Point Number ("EPN") E-24-FLARE in the Ethylene Unit during an emissions event (Incident No. 149347) that began on January 11, 2011 and lasted one hour and 15 minutes. The emissions event was caused when an online quench water pump slowed down abruptly due to a defective connector and the backup pump did not automatically engage to restore quench water discharge pressure. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent confirmed completion of corrective actions on June 13, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$9,075

This violation Final Assessed Penalty (adjusted for limits) \$9,075

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP

Case ID No. 42449

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)	\$5,000	11-Jan-2011	13-Jun-2011	0.42	\$105	n/a	\$105

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to prevent the online quench water pump from slowing down abruptly due to a defective connector. The Date Required is the start date of the emissions event. The Final Date is the date the Respondent confirmed completion of corrective actions.

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

\$5,000

TOTAL

\$105

Screening Date 2-Sep-2011

Docket No. 2011-1597-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42449

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209857

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Permit No. 21101, SC No. 8; FOP No. O1235, STC No. 21 and GTC; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 547 lbs of carbon monoxide, 479 lbs of ethylene, 2.2 lbs of nitric oxide, and 72 lbs of nitrogen dioxide from EPN E-24-FLARE in the Ethylene Unit during an emissions event (Incident No. 150605) that began on February 9, 2011 and lasted six hours. The emissions event was caused when a level transmitter malfunctioned due to cold weather conditions. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
Single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$313

Violation Final Penalty Total \$9,700

This violation Final Assessed Penalty (adjusted for limits) \$9,700

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 42449
Reg. Ent. Reference No. RN100209857
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$5,000	9-Feb-2011	11-May-2012	1.25	\$313	n/a	\$313

Notes for DELAYED costs

Estimated expense to implement measures and procedures designed to prevent the level transmitter from malfunctioning due to cold weather conditions. The Date Required is the start date of the emissions event. The Final Date is the date that corrective actions are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$313

Compliance History

Customer/Respondent/Owner-Operator:	CN600303614	Chevron Phillips Chemical Company LP	Classification: AVERAGE	Rating: 4.58
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	96468	
	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: September 30, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 31, 2006 to August 31, 2011

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

Name: Kimberly Morales Phone: (713) 422-8938

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.

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 21 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: 01235 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: 01235 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: 01235 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 dryer

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

Effective Date: 08/13/2011

ADMINORDER 2011-0202-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: NSR Permit 21101, Special Condition 8 PERMIT
Special Terms and Conditions No.21 OP

Description: Failed to prevent unauthorized emissions. 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.

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	12/28/2006	(341362)
2	12/28/2006	(374971)
3	01/11/2007	(486288)
4	11/29/2006	(514240)
5	11/29/2006	(516808)
6	11/28/2006	(517158)
7	12/05/2006	(519672)
8	12/11/2006	(532265)
9	12/28/2006	(534760)
10	05/14/2007	(554939)
11	05/16/2007	(555965)
12	05/21/2007	(556453)
13	05/21/2007	(556743)
14	05/23/2007	(559175)
15	07/09/2007	(560572)
16	08/28/2007	(563168)
17	10/10/2007	(571849)
18	10/15/2007	(573350)
19	10/22/2007	(573439)
20	10/03/2007	(594932)
21	04/06/2008	(616137)
22	03/05/2008	(616484)
23	06/19/2008	(653603)

24 06/18/2008 (653647)
25 06/18/2008 (653652)
26 06/13/2008 (653659)
27 06/13/2008 (653679)
28 06/13/2008 (653682)
29 06/18/2008 (653689)
30 06/26/2008 (654341)
31 08/15/2008 (671234)
32 05/27/2008 (671309)
33 08/25/2008 (684503)
34 08/26/2008 (684779)
35 07/21/2008 (685979)
36 02/10/2009 (686371)
37 08/08/2008 (688599)
38 11/20/2008 (701001)
39 11/20/2008 (702196)
40 04/21/2009 (704057)
41 12/05/2008 (708622)
42 01/26/2009 (708989)
43 01/21/2009 (709592)
44 01/15/2009 (710264)
45 01/28/2009 (721275)
46 01/29/2009 (721606)
47 02/20/2009 (724927)
48 03/10/2009 (725637)
49 04/22/2009 (737807)
50 06/30/2009 (737873)
51 04/22/2009 (737991)
52 04/22/2009 (738076)
53 05/04/2009 (738149)

54 05/04/2009 (738165)
55 04/22/2009 (738231)
56 04/22/2009 (738247)
57 04/22/2009 (738256)
58 04/22/2009 (738280)
59 05/04/2009 (738351)
60 05/04/2009 (738362)
61 04/22/2009 (738571)
62 05/04/2009 (738581)
63 04/22/2009 (738600)
64 05/04/2009 (738623)
65 04/09/2009 (738631)
66 04/09/2009 (738647)
67 04/22/2009 (738653)
68 04/22/2009 (738663)
69 03/24/2009 (739143)
70 04/06/2009 (740619)
71 05/13/2009 (742572)
72 07/08/2009 (747724)
73 06/04/2009 (747794)
74 07/22/2009 (762990)
75 09/24/2009 (763955)
76 09/29/2009 (776123)
77 11/08/2009 (777968)
78 11/11/2009 (778009)
79 11/20/2009 (778126)
80 11/20/2009 (779137)
81 11/02/2009 (780262)
82 11/09/2009 (781276)
83 11/16/2009 (781707)

84 02/05/2010 (787727)
 85 02/08/2010 (788299)
 86 05/02/2010 (796396)
 87 04/23/2010 (798649)
 88 07/31/2010 (829795)
 89 08/21/2010 (829827)
 90 08/21/2010 (829830)
 91 08/16/2010 (841917)
 92 11/03/2010 (871540)
 93 11/15/2010 (873239)
 94 11/23/2010 (877892)
 95 01/19/2011 (880214)
 96 02/12/2011 (891454)
 97 01/28/2011 (892877)
 98 02/18/2011 (899402)
 99 05/12/2011 (906687)
 100 07/20/2011 (923716)
 101 08/12/2011 (923753)
 102 08/12/2011 (923787)
 103 08/10/2011 (943380)

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: 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.

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.

Date: 08/10/2011 (943380) 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, Special Condition 21 OP
NSR Permit 21101, Special Condition 12 PERMIT
Description: Failure to operate a cracking furnace without visible emissions exceeding five
minutes during a two-hour period.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01235, Special Condition 21 OP
NSR Permit 21101, Special Condition 17E PERMIT
NSR Permit 21101, Special Condition 18E PERMIT
Description: Failure to maintain a sealing device on an open ended line.

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	§	TEXAS COMMISSION ON
CHEVRON PHILLIPS CHEMICAL	§	
COMPANY LP	§	
RN100209857	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-1597-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 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. 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 August 17, 2011.
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 Eighteen Thousand Seven Hundred Seventy-Five Dollars (\$18,775) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Five Hundred Ten Dollars (\$7,510) of the administrative penalty and Three Thousand Seven Hundred Fifty-Five Dollars (\$3,755) 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. Seven Thousand Five Hundred Ten Dollars (\$7,510) 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 recognizes that on June 13, 2011, the Respondent implemented a preventative maintenance program to ensure reliable operation of its equipment, and had written instructions and procedures to operate process equipment, in order to prevent a recurrence of emissions events due to the same cause as Incident No. 149347.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 21101, Special Conditions ("SC") No. 8; Federal Operating Permit ("FOP") No. O1235, Special Terms and Conditions ("STC") No. 21 and General Terms and Conditions ("GTC"); and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 14, 2011. Specifically, the Respondent released 1,659 pounds ("lbs") of ethylene and 259 lbs of nitrogen oxides from Emissions Point Number ("EPN") E-24-FLARE in the Ethylene Unit during an emissions event (Incident No. 149347) that began on January 11, 2011 and lasted one hour and 15 minutes. The emissions event was caused when an online quench water pump slowed down abruptly due to a defective connector and the backup pump did not

automatically engage to restore quench water discharge pressure. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Permit No. 21101, SC No. 8; FOP No. O1235, STC No. 21 and GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 14, 2011. Specifically, the Respondent released 547 lbs of carbon monoxide, 479 lbs of ethylene, 2.2 lbs of nitric oxide, and 72 lbs of nitrogen dioxide from EPN E-24-FLARE in the Ethylene Unit during an emissions event (Incident No. 150605) that began on February 9, 2011 and lasted six hours. The emissions event was caused when a level transmitter malfunctioned due to cold weather conditions. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2011-1597-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 above, Seven Thousand Five Hundred Ten Dollars (\$7,510) 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 designed to prevent the level transmitter from malfunctioning due to cold weather conditions, in order to prevent a recurrence of emissions events due to the same cause as Incident No. 150605; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

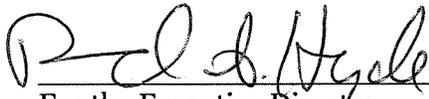
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any 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

11/25/12

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

12-5-11

Date

M. I. CONWAY

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

PLANT MANAGER

Title

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

Attachment A
Docket Number: 2011-1597-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **Chevron Phillips Chemical Company LP**

Payable Penalty Amount: **Fifteen Thousand Twenty Dollars (\$15,020)**

SEP Amount: **Seven Thousand Five Hundred Ten Dollars (\$7,510)**

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, volatile organic carbon compounds, and nitrogen oxides 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
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 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.

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.