

Executive Summary – Enforcement Matter – Case No. 43131
Chevron Phillips Chemical Company LP
RN103919817
Docket No. 2011-2293-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 Cedar Bayou Plant, 9500 Interstate 10 East, Baytown, Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-1807-AIR-E and 2012-0455-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 13, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,000

Amount Deferred for Expedited Settlement: \$4,600

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,200

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$9,200

Name of SEP: Harris County - Ambient Air Pollutants Monitoring Study

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 43131
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RN103919817
Docket No. 2011-2293-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 22, 2011 through October 10, 2011

Date(s) of NOE(s): November 22, 2011

Violation Information

Failed to install vent filters for hopper car loading in the PEU-1799 Unit. Specifically, the deviation report for the period from June 1, 2010 through November 30, 2010 showed that the vent filters were not installed as required [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 46305, Special Conditions No. 9A, and Federal Operating Permit No. O2370, Special Terms and Conditions No. 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 27, 2010, the Respondent installed vent filters on the hopper loading car for the PEU-1799 Unit.

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

TCEQ Enforcement Coordinator: John Muennink, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8970; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

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

Respondent: Van G. Long, Plant Manager, Chevron Phillips Chemical Company LP, 9500 Interstate 10 East, Baytown, Texas 77521

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-2293-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP

Penalty Amount: Eighteen Thousand Four Hundred Dollars
(\$18,400)

SEP Offset amount: Nine Thousand Two Hundred Dollars (\$9,200)

Type of SEP: Pre-approved

Third-Party Recipient: Harris County – *Ambient Air Pollutants
Monitoring Study*

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by **Harris County** for the *Ambient and Meteorological Air Monitoring Project* as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to install or retrofit, operate, maintain, and potentially expand air monitoring stations in Harris County to continuously monitor ambient air for total non-methane hydrocarbons and hazardous air pollutants (“HAP”). Specifically, SEP funds will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

The project will provide additional air monitoring data to identify any HAPs emissions in the targeted locations. The information may help local government better inform citizens about air toxins and enable regulators to better identify emission sources.

C. Minimum Expenditure

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

2. Performance Schedule

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

Harris County
c/o Latrice Babin, Ph.D.
Environmental Toxins & Special Project Manager
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Chevron Phillips Chemical Company LP
Agreed Order - Attachment A

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Nov-2011	Screening	14-Dec-2011	EPA Due	
	PCW	14-Dec-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Chevron Phillips Chemical Company LP
Reg. Ent. Ref. No.	RN103919817
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	43131	Order Type	1660
Docket No.	2011-2293-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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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	385.0% Enhancement	Subtotals 2, 3, & 7	\$19,250
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Notes: Enhancement for 23 NOVs with same/similar violations, 10 NOVs with dissimilar violations, eight orders with denial of liability, and four orders without denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures 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	\$1,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$304
Approx. Cost of Compliance \$15,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,000
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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	\$23,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,600
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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	\$18,400
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Screening Date 14-Dec-2011

Docket No. 2011-2293-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 43131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator John Muennink

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	23	115%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%

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) 385%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for 23 NOVs with same/similar violations, 10 NOVs with dissimilar violations, eight orders with denial of liability, and four orders without denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 385%

Screening Date 14-Dec-2011

Docket No. 2011-2293-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 43131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 46305, Special Conditions No. 9A, and Federal Operating Permit No. O2370, Special Terms and Conditions No. 6

Violation Description Failed to install vent filters for hopper car loading in the PEU-1799 Unit, as documented during a record review conducted from September 22, 2011 through October 10, 2011. Specifically, the deviation report for the period from June 1, 2010 through November 30, 2010 showed that the vent filters were not installed as required.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 148 Number of violation days

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

Violation Base Penalty \$5,000

Two quarterly events are recommended from the deviation reporting period start date of June 1, 2010, to the compliance date of October 27, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed corrective actions on October 27, 2010, prior to the NOE date of November 22, 2011.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$304

Violation Final Penalty Total \$23,000

This violation Final Assessed Penalty (adjusted for limits) \$23,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 43131
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$15,000	1-Jun-2010	27-Oct-2010	0.41	\$304	n/a	\$304

Notes for DELAYED costs

Estimated expense to install vent filters for hopper car loading in the PEU-1799 Unit. The Date Required is the deviation reporting period start date. The Final Date is the date that the filters were installed.

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

\$15,000

TOTAL

\$304

AIR NEW SOURCE PERMITS	PERMIT	83791
AIR NEW SOURCE PERMITS	REGISTRATION	99294
AIR NEW SOURCE PERMITS	REGISTRATION	92856
AIR NEW SOURCE PERMITS	REGISTRATION	96194
STORMWATER	PERMIT	TXR05Q341
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30091
	(SWR)	
POLLUTION PREVENTION PLANNING	ID NUMBER	P00134
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0310V

Location: 9500 INTERSTATE HIGHWAY 10 E, BAYTOWN, TX, 77521

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 06, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 06, 2006 to December 06, 2011

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A
5. When did the change(s) in owner or operator occur?
N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 01/12/2008

ADMINORDER 2007-0322-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: ChevronPhillips failed to report the date of the Incident No. 70394 correctly on the TCEQ Notification Form. The incident occurred on January 15, 2006, but was reported as January 15, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70394.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70583.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70666.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT
Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70786.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 37063/Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 12/20/2008 ADMINORDER 2006-1960-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 1504A, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 19027 Special Condition 20(E) PERMIT
Description: Failed to properly seal open-ended lines.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit 19027 SC 20(F), 20(G), 21(A) PERMIT
Description: Failed to monitor components that were in volatile organic compound service at the PEU-1796 Unit.

Effective Date: 12/20/2008 ADMINORDER 2005-0859-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 OP
Description: Failed to prevent unauthorized emissions during a October 25, 2004 emissions event, in violation of 30 Tex. Admin. Code §§ 116.115(c) 101.20(3), Air Permit No. 1504A PSD-TX-748, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 8, 2005.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event that was discovered on November 29, 2004 and determined to have started on November 18, 2004.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1504A, PSD-TX-748, SC No. 1 PA

Description: Failed to prevent unauthorized emissions during a November 16, 2004 emissions event.

Effective Date: 02/08/2009 ADMINORDER 2007-1080-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 1504A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 1504A Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 03/12/2009 ADMINORDER 2008-0921-AIR-E

Classification: Moderate

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

Rqmt Prov: 37063/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Flare SYS-740 on January 15, 2008.

Classification: Moderate

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

Rqmt Prov: 46305/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008.

Effective Date: 03/23/2009 ADMINORDER 2008-1457-AIR-E

Classification: Moderate

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

Rqmt Prov: 2462C/Special Condition 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during Incident No. 108468.

Effective Date: 07/09/2009 ADMINORDER 2008-1927-AIR-E

Classification: Moderate

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

Rqmt Prov: 37063/SPECIAL CONDITION 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 111058.

Classification: Minor

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

Description: Failed to report Incident No. 111058 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 115, SubChapter H 115.722(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1504A/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 109537.

Classification: Minor

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

Description: Failed to report Incident No. 109537 within 24 hours after discovery.

Effective Date: 08/31/2009

ADMINORDER 2009-0428-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 615 pounds of biphenyl were released from the Normal Alpha Olefins Unit, when the Respondent failed to keep watch at a Dowtherm pump during a filling operation leading to the release of emissions through an open valve.

Effective Date: 10/15/2010

ADMINORDER 2010-0410-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Chevron failed to prevent the trip of boilers BF-801A and C.

Effective Date: 02/05/2011

ADMINORDER 2010-0607-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to maintain VOC, NOx, and CO emissions below the rolling 12 month limit for flare CB-701. (Category A8(c)(2)(C)(i) violation - HPV)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 16C PERMIT

Description: Failure to maintain 95% uptime for NOx and CO CEMS for furnaces BA-101, BA-103, BA-104, BA-105, BA-106, BA-108, BA-109, BA-111, BA-112, and BA-113. (Category A12(i)(6) violation)

Effective Date: 03/07/2011

ADMINORDER 2010-1154-AIR-E

Classification: Moderate

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

Rqmt Prov: MAERT PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, Chevron failed to ensure proper lubrication of Compressor C-104 causing the compressor to shutdown and ultimately the unit.

Effective Date: 05/22/2011

ADMINORDER 2010-1845-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Chevron Phillips failed to prevent condensate from building up in the steam lines and the emissions being sent to an un-lit flare. This violation was combined with violation track no. 413312.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/20/2007	(464696)
2	05/21/2007	(509420)
3	05/31/2007	(510231)
4	03/18/2009	(511787)
5	01/19/2007	(532509)
6	12/12/2006	(533185)
7	07/30/2007	(533377)
8	12/21/2006	(533938)
9	02/13/2007	(534351)
10	07/06/2007	(543644)
11	02/15/2007	(544358)
12	02/15/2007	(544359)
13	01/16/2007	(544362)
14	04/10/2007	(555531)
15	08/13/2007	(565766)
16	08/10/2007	(568519)
17	08/17/2007	(568619)
18	08/28/2007	(571092)
19	08/28/2007	(571093)
20	09/04/2007	(571264)
21	08/22/2007	(572958)
22	08/22/2007	(573015)
23	03/19/2007	(575061)
24	04/12/2007	(575062)
25	05/18/2007	(575063)
26	07/03/2007	(575064)
27	07/03/2007	(575065)
28	12/20/2007	(594047)
29	11/28/2007	(595536)
30	06/04/2007	(600126)
31	08/17/2007	(607514)
32	09/20/2007	(607515)
33	10/17/2007	(607516)
34	08/17/2007	(607517)
35	01/29/2008	(609276)
36	02/11/2008	(609284)
37	01/25/2008	(609372)
38	10/22/2008	(609658)
39	03/28/2008	(609856)
40	03/25/2008	(610630)
41	05/01/2008	(615845)
42	02/05/2008	(617290)
43	11/16/2007	(619443)
44	07/22/2008	(637042)
45	03/17/2008	(638930)
46	04/21/2008	(640952)
47	05/06/2008	(653978)
48	06/06/2008	(654083)
49	05/29/2008	(654086)
50	05/14/2008	(654461)
51	02/19/2008	(671951)
52	03/11/2008	(671952)
53	04/15/2008	(671953)
54	07/18/2008	(680367)
55	06/18/2008	(683282)
56	07/21/2008	(683729)

57	07/01/2008	(684287)
58	12/17/2008	(684989)
59	07/30/2008	(686471)
60	08/22/2008	(687059)
61	05/19/2008	(689871)
62	06/10/2008	(689872)
63	07/17/2008	(689873)
64	12/01/2008	(701390)
65	10/20/2008	(701391)
66	10/06/2008	(702554)
67	02/10/2009	(703395)
68	08/15/2008	(710645)
69	09/16/2008	(710646)
70	10/15/2008	(710647)
71	02/11/2009	(721112)
72	03/17/2009	(725485)
73	02/20/2009	(726788)
74	02/19/2009	(726947)
75	11/19/2008	(727418)
76	12/17/2008	(727419)
77	01/16/2009	(727420)
78	04/02/2009	(735904)
79	07/08/2009	(737095)
80	03/19/2009	(738012)
81	03/13/2009	(738474)
82	04/06/2009	(740829)
83	04/06/2009	(740833)
84	04/06/2009	(741331)
85	08/26/2009	(744253)
86	05/07/2009	(744346)
87	06/10/2009	(745042)
88	07/01/2009	(746197)
89	12/22/2009	(747534)
90	06/17/2009	(749383)
91	07/10/2009	(749535)
92	02/19/2009	(750176)
93	03/18/2009	(750177)
94	04/20/2009	(750178)
95	02/19/2009	(750179)
96	02/06/2009	(758946)
97	09/11/2009	(759038)
98	08/03/2009	(764244)
99	09/16/2009	(766140)
100	10/23/2009	(767508)
101	05/20/2009	(768290)
102	06/15/2009	(768291)
103	05/26/2009	(774848)
104	12/18/2009	(776419)
105	02/24/2010	(776596)
106	09/28/2009	(777649)
107	09/30/2009	(777769)
108	01/05/2010	(779731)
109	03/30/2010	(781136)
110	11/23/2009	(781525)
111	11/17/2009	(781626)
112	01/06/2010	(782277)
113	12/10/2009	(784904)
114	12/09/2009	(785104)
115	01/13/2010	(787984)
116	01/25/2010	(788325)
117	02/01/2010	(788923)
118	05/07/2010	(790365)
119	04/07/2010	(792262)
120	03/24/2010	(793957)
121	03/19/2010	(795113)
122	04/26/2010	(795840)
123	04/22/2010	(798156)
124	05/26/2010	(800984)
125	07/07/2010	(802128)
126	06/16/2010	(802154)
127	05/27/2010	(803556)
128	02/19/2010	(804439)
129	08/19/2009	(804440)
130	09/17/2009	(804441)
131	10/14/2009	(804442)
132	11/18/2009	(804443)
133	12/17/2009	(804444)
134	01/20/2010	(804445)
135	06/16/2010	(826504)

136 06/25/2010 (826665)
 137 06/14/2010 (826928)
 138 11/30/2009 (827781)
 139 07/16/2010 (830313)
 140 03/20/2010 (830799)
 141 04/14/2010 (830800)
 142 05/18/2010 (830801)
 143 07/19/2010 (841484)
 144 09/01/2010 (843697)
 145 10/19/2010 (844282)
 146 06/18/2010 (846241)
 147 10/26/2010 (849362)
 148 11/09/2010 (860416)
 149 07/16/2010 (860837)
 150 08/18/2010 (866801)
 151 11/08/2010 (871059)
 152 10/29/2010 (872353)
 153 09/20/2010 (873874)
 154 03/08/2011 (877580)
 155 08/26/2011 (877745)
 156 01/26/2011 (878113)
 157 12/09/2010 (879915)
 158 12/09/2010 (880170)
 159 10/18/2010 (881475)
 160 03/07/2011 (887798)
 161 11/17/2010 (888006)
 162 02/14/2011 (894980)
 163 12/27/2010 (896208)
 164 08/30/2011 (899791)
 165 03/30/2011 (900039)
 166 03/01/2011 (900922)
 167 01/17/2011 (902279)
 168 05/16/2011 (906101)
 169 02/17/2011 (909053)
 170 04/18/2011 (912758)
 171 03/21/2011 (916317)
 172 07/28/2011 (922486)
 173 04/14/2011 (924758)
 174 08/22/2011 (934143)
 175 06/27/2011 (935328)
 176 09/19/2011 (936665)
 177 07/28/2011 (936808)
 178 05/23/2011 (937997)
 179 07/27/2011 (943461)
 180 06/20/2011 (945321)
 181 09/09/2011 (950771)
 182 11/22/2011 (952307)
 183 07/19/2011 (952595)
 184 10/24/2011 (957319)
 185 10/12/2011 (958109)
 186 08/12/2011 (959277)
 187 11/09/2011 (965084)
 188 09/19/2011 (965309)

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

Date: 02/13/2007(534351)
 Self Report? NO Classification: Moderate
 Citation: 19027/Special Condition 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to prevent unauthorized emissions.

Date: 07/06/2007 (543644)
 Self Report? NO Classification: Moderate
 Citation: 2462C, SC # 17E PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #12 OP
 FOP O-02115, SC #1A OP

Description: Failure to cap or plug open-ended lines.
 Self Report? NO Classification: Moderate
 Citation: 2462C, SC #9 PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02115, SC #12 OP

Description: Failure to maintain a 95% VOC destruction efficiency for H-3030 and ZZ-702 from November 1, 2005 to December 31, 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02115, SC #1A OP

Description: Failure to keep the parts washer lid closed on March 21, 2006 and again on April 20, 2006.

Date: 08/10/2007 (568519) CN600303614

Self Report? NO Classification: Moderate

Citation: 1504A Special Condition 10 PERMIT
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to meet applicable opacity limit

Date: 09/04/2007 (571264) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)
30 TAC Chapter 335, SubChapter F 335.152(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)

Description: Secondary containment systems for hazardous waste storage Tank T-903 (NOR 035) was not free of gaps

Date: 11/28/2007 (595536)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02370 SC 5 OP
NSR 46305 SC 8A PA

Description: Failure to operate the process vent flare (Title V ID VE-9003; EPN 1799-20) at a heat value of at least 300 Btu/scf on 4 occasions for at least 1 hour from July 8, 2006 through May 10, 2007 [FOP O-02370; NSR 46305].

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
FOP O-02370 SC 1A OP
FOP O-02370 SC 5 OP
NSR 46305 SC 3E PA

Description: Failure to equip an open-ended line in VOC service with a plug [FOP O-02370; NSR 46305]. Category C10.

Date: 03/25/2008 (610630) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114, ST&C 15 OP
Permit 37063, SC 11E PERMIT
Permit 6517A, SC 1E PERMIT

Description: Failure to cap or plug open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18
 5C THSC Chapter 382 382.085(b)
 FOP O-2114 ST&C 15 OP
 Permit 37063 OP

Description: Failure to operate Flares in compliance with the 300BTU/scf standard
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-2114 ST&C 15 OP

Description: Failed to submit the required Post Change Notification within 30 days relating to Flare # SYS-740
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 FOP O-2114 ST&C 15 OP

Description: Failed to report the failure to submit a post change notification in the earlier deviation report for the reporting period of February 1, 2006 through July 31, 2006

Date: 03/28/2008 (609856) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 14 OP

Description: Failure to notify TCEQ prior to EMAX tank inspection.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 17 OP
 NSR Permit 1504A/PSD-TX-748 SC 1 PA

Description: Failure to maintain emissions within the MAERT.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC (1)(J)(iv) OP

Description: Failure to repair leaking component within required time frame.
 Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)

Description: Failure to record canister change-out after breakthrough.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1095(b)(2)
 FOP O-02113 STC 1Gi OP

Description: Failure to conduct monthly monitoring
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 17 OP

Description: Failure to provide 30 days notice prior to changes to facilities.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-02113 STC 1(J)(ii) OP

Description: Failure to maintain Net Heating Value greater than 300 btu/scf.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 SC 17 OP
FOP O-02113 STC 1(I)(ii) OP
NSR Permit 1504A/PSD-TX-748 SC 16E PA

Description: Failed to maintain a seal on open ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 PA

Description: Failure to conduct fugitive monitoring on components in VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 SC 17A PA

Description: Failure to conduct fugitive monitoring on connectors in VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(I)(i) OP

Description: Failure to conduct fugitive monitoring on pumps in benzene service.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations.

Date: 07/22/2008 (637042) CN600303614

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 12 OP

Description: Failure to control VOC emissions for flare (unit X-902) and heat exchanger (unit H-3030).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 9 PERMIT
ST&C 12 OP

Description: Failure to maintain 95% destruction efficiency of VOC.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 12 OP
SC 16E PERMIT
ST&C 1A OP

Description: Failure to seal open-ended lines that are in VOC service.

Date: 07/30/2008 (686471) CN600303614

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to submit semiannual Deviation report within 30 days of the reporting period.

Date: 02/06/2009 (758946) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/10/2009 (703395)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Condition 3(E) PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP
Description: Failure to seal open-ended lines with a cap, plug, blind flange, or a second valve.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Condition 8(A) PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP
Description: Failure to meet the BTU/scf heating value for the flare (EPN 1799-20) for a total of 13 hours from December 14, 2007 through June 17, 2008.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 5 OP
Description: Failure to properly control VOC emissions from intermittent vents.

Date: 02/13/2009 (721112) CN600303614
Self Report? NO Classification: Moderate
Citation: 1504A, SC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP
Description: Failure to comply with MAERT limits.
Self Report? NO Classification: Minor
Citation: 1504A, SC 16E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to plug/cap all open ended lines (C10).
Self Report? NO Classification: Minor
Citation: 1504A, SC 16F PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to conduct LDAR on all components
Self Report? NO Classification: Moderate
Citation: 1504A, SC 11A PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain BTU value in flare header per specifications in 40 CFR 60.18.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-02113, GC 1 OP

Description: Failure to include all deviations in the deviation report.
Self Report? NO Classification: Minor
Citation: 1504A, SC 11B PERMIT
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain a continuous pilot monitoring record.
Self Report? NO Classification: Minor
Citation: 1504A, GC 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02113, SC 17 OP

Description: Failure to maintain proper operating temperature in Light Pyrolysis Fuel Oil tank.

Date: 04/02/2009 (735904) CN600303614
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. This event occurred due to operations failure to check the inventory of the propylene surge drum residual below the sight glass.

Date: 05/26/2009 (774848) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/09/2009 (737095)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
SC 19E PERMIT

SC 1A OP

Description: Failure to maintain a seal on open ended lines. Four open ended lines were reported in the August 8, 2008 deviation report and two open ended lines were reported in the December 18, 2008 deviation report.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a renewal application for Permit No. O-02116 within 180 days of the permit expiration date. The permit expiration date was January 12, 2009. A permit application was required by July 6, 2008, but was not submitted until December 19, 2008. This constitutes a violation of 30 TAC 122.241(b) which requires renewal applications to be submitted in a timely manner which is defined by 30 TAC 122.133(2) as at least six months before the permit expiration date.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9 OP

Description: Failure to adhere to the HRVOC monitoring requirements of the permit between September 22, 2008 and October 9, 2008 due to a blockage in the cooling water sample filter to the HRVOC analyzer. This constitutes a violation of 30 TAC 115.764(a)(2) which requires the regulated entity to "install, calibrate, operate, and maintain a system to continuously determine the total strippable volatile organic compound (VOC) concentration at each inlet of each cooling tower."

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
SC 1A OP
SC 9 OP

Description: Failure to comply with the NOx and CO tons per year limits of the MAERT. The deviation report dated August 8, 2008 notes that the 2007 NOx level of 4.84 tons per year exceeded the limit of 2.39 tons per year and that the 2007 CO level of 34.72 tons per year exceeded the limit of 12.15 tons/year. This constitutes a violation of Permit No. 19027 Special Condition No. 1 which states, "the facilities covered by this permit are authorized to emit subject to the emission rate limits of that table."

Date: 08/26/2009 (744253)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #16E PERMIT
Special Terms and Conditions #12 OP
Special Terms and Conditions #1A OP

Description: Failure to seal eleven open ended lines containing volatile organic compounds. (CATEGORY C4)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions #1A OP

Description: Failure to prevent EPN H-602 from emitting carbon monoxide in excess of 400 ppm (CATEGORY B19(g)(1))

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 2426C, SC#9 PERMIT
Special Terms and Conditions #12 OP

Description: Failure to maintain incinerator ZZ-702 95% destruction efficiency for waste

gases (CATERGORY B19(g)(1))
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report in previous deviation report dated May 8, 2008, routing of
ZZ-702 vent gases to H-3030 incinerator. (CATERGORY C4)

Date: 10/23/2009 (767508) CN600303614

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 6 OP
Description: Failed to maintain the net heating value on the flare VE-9003 (EPN: 1799-20) on
10/11/2008 at approximately 1000.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 6 OP

Description: Failed to maintain the emissions of NOX and CO during the 6/1/2008 through
5/31/2009 semi annual deviation period on flare, FS-9004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report as a deviation in the semi annual deviation report dated
12/19/2008 the exceedance of NOX and CO on flare FS-9004.

Date: 11/23/2009 (781525) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions from Ethylene Unit 1592

Date: 11/30/2009 (827781) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/22/2009 (747534) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 11 E PERMIT
Special Terms and Conditions No. 15 OP

Description: Failure to seal open ended lines in VOC and HRVOC services from August 1,

2007 through January 31, 2008

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition No. 6D PERMIT
Special Terms and Conditions No. 15 OP

Description: Failure to prevent visible emissions from Flare Z-101 on August 31, 2007

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to maintain a continuous pilot monitoring records

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to maintain the firebox temperature of process heater H-530 above the minimum temperature of 758 °F on July 14, 2008

Self Report? NO Classification: Minor
Citation: Special Condition No. 6C PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Terms and Conditions No. 15 OP

Description: Failed to maintain pilot flame lit at all times

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 6A PERMIT
Special Terms and Conditions No. 15 OP

Description: Failed to maintain the flare net heating value above 300 Btu/scf

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(d)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to maintain documentation for environmental car seals

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition No. 7 PERMIT
Special Terms and Conditions No. 15 OP

Description: Failed to maintain to the flow to Absorber T-101 at 5,000 lb/hr on August 23-24, 2007 during maintenance activity.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(b)(2)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to replace a missing car seal on the T-420 vent to D-531 on December 1, 2007

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to close the hatch of the G-202B API separator
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 1 PERMIT
Special Terms and Conditions No. 15 OP

Description: Exceeded the permitted annual VOC, CO, and NOx limits
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Description: Failed to report exceedances and pilot outage in deviation reports
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 8 PERMIT
Special Terms and Conditions No. 15 OP

Description: Failure to maintain and update monthly emissions record of calculated emissions of VOC from all loading operations over the previous rolling 12 months.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 10B PERMIT
Special Terms and Conditions No. 15 OP

Description: Exceeded the pump rate (P-805) during the loading of butene from TK-12 into a railcar at 24,000 gallons per hour.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition No. 1 PERMIT
Special Terms and Condition No. 15 OP

Description: Exceeded the permitted 0.55 tons NOx limits and the 1.11 tons CO limit from Flare SYS-740 during this compliance period.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failed to report NOx and CO exceedances from Flare SYS-740 in deviation reports dated February 29, 2008 and August 27, 2008.

Date: 03/31/2010 (781136)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 18E PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP

Description: Failure to maintain a cap, blind flange, plug or second valve on all open ended lines. (Category C10 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11A PERMIT
 Special Term and Condition 17 OP
 Special Term and Condition 1A OP
 Description: Failure to maintain a minimum of 300 BTU for flares CB-701 and CB-710.
 (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1 PERMIT
 Special Term and Condition 17 OP

Description: Failure to maintain emissions for EPN 1592-72 below the permitted VOC limit of
 0.02 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 17 OP

Description: Failure to maintain CO emissions for furnace BA-112 below the permit limit of
 20.49 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to maintain vapor tight operations for water separators FB-204 and
 FB-862. (Category C4 violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(i)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 13B OP

Description: Failure to conduct quarterly inspections of all drains and water seal controls.
 (Category C1 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12C PERMIT
 Special Term and Condition 17 OP

Description: Failure to change the carbon drum with in 24 hours of the outlet reading
 exceeding 20 ppm. (Category C4 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12D PERMIT
 Special Term and Condition 17 OP

Description: Failure to maintain records of the date and time carbon canisters were changed
 out following breakthrough of the first bed. (Category C3 violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11B PERMIT
 Special Term and Condition 17 OP
 Special Term and Condition 1A OP

Description: Failure to maintain flare pilot monitors for a four hour period for flare CB-701.
(Category C1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 1A OP
Special Term and Condition 17 OP

Description: Failure to maintain a flare pilot at all times for flare CB-701. (Category B19(g)(1)
violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11C PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP

Description: Failure to limit visible emissions to less than five minutes within a two hour period
from flare CB-701. (Category C4 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21 PERMIT
Special Term and Condition 17 OP

Description: Failure to monitor fuel gas composition at least once a week. (Category C1
violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain ammonia emissions below the rolling 24 hour limit of 10 ppm.
(Category B19(g)(1) violation)

Date: 05/07/2010 (790365) CN600303614

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 16E PERMIT
ST&C 12 OP
ST&C 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 12 OP

Description: Failure to maintain the annual limit for VOC on UNIT ID X-901 during the
certification period of November 4, 2008 until October 31, 2009 (Category
B.19.g.1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 9 PERMIT

ST&C 12 OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT&C OP

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

Date: 05/26/2010 (800984) CN600303614

Self Report? NO Classification: Moderate

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

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

Date: 09/01/2010 (843697) CN600303614

Self Report? NO Classification: Moderate

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

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

Date: 10/19/2010 (844282)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Chevron Phillips failed to operate the Ethylene Recycle Compressor (GB-450) within the manufacturer's recommended operating parameters, which caused the seal to fail.

Date: 11/10/2010 (860416)

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. Specifically, Chevron failed to prevent moisture in the instrument air system which damaged a pneumatic transmitter, causing the emissions event.

Date: 03/10/2011 (877580) CN600303614
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-02114 General Terms and Conditions OP

Description: Failure to report all deviations during the correct deviation reporting period.
(Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(d)(2)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain documentation for car seal maintenance. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6C PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain flare pilot light resulting in loss of pilot light. (Category B19(g) (1) violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11E PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain a cap or plug on a line, resulting in an open ended line.
(Category C10 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain the firebox temperature above minimum temperature requirement. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to keep roofs floated on floating roof tanks. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 15 OP

Description: Failure to properly represent maximum fill rate for pump P-805 in NSR 37063.
(Category B19 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Special Condition 6A PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP
Description: Failure to maintain the minimum net heating value of waste gas to the flares above 300 BTU/scf for flares EPN 129 (Z-251) and 1798-22 (Z-1101) and below 845 BTU/scf for EPN 136 (SYS-740). (Category B19(g)(1) violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6D PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain the flare resulting in a smoking flare. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 15 OP

Description: Failure to stay within the Maximum Allowable Emission Rates in tons per year (TPY) for NOx, VOC and CO. (Category B13 violation)

Date: 07/26/2011 (936808) 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)
Special Condition 1 PERMIT
Special Terms and Condition 11 OP

Description: Chevron Phillips failed to detect a leak on railcar CHVX195006. (Category B13)

Date: 07/28/2011 (922486) CN600303614

Self Report? NO Classification: Minor

Citation: O-02115 STC 2F OP
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to report a reportable emissions event to Harris County (C3).

Date: 08/26/2011 (877745) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 12(D)(3) PERMIT
ST&C 17 OP

Description: Failure to maintain a record of the date and time that the carbon adsorption canisters were changed on November 3, 2009. (Category C 3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
SC 18E PERMIT
ST&C 17 OP
ST&C 1A OP

Description: Failure to maintain a cap, blind flange, plug, or second valve on all open ended lines. (Category C10 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
SC11(C) PERMIT
ST&C 17 OP

Description: Failure to prevent visible emissions from flare CB-701 on September 21, 2009.
(Category B.19.g.1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(1)
5C THSC Chapter 382 382.085(b)
ST&C 13(B) OP

Description: Failure to maintain a sealed cap or plug on a sewer hub from May 7, 2010
through July 6, 2010. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 17 OP

Description: Failure to operate furnace, Unit ID BA-117, within the permitted NOx lbs/hr limit on
October 23, 2009, December 18, 2009, December 18-19, 2009, December 20,
2009, and January 8, 2010. (Category B.19.g.1 violation)

Date: 08/31/2011 (899791) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14 PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain firebox exit temperature above the minimum limit of 850
degrees F. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.786(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to conduct weekly audible, visual, and olfactory inspections for EPN
1796-12A. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the compliance period of
December 1, 2009 through November 30, 2010. (Category C3 violation)

Date: 09/09/2011 (950771) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 OP
ST&C 8 OP

Description: Failure to prevent unauthorized emissions. Specifically, Chevron Phillips failed to
prevent the tripping of the GB-202 compressor.

Date: 11/22/2011 (952307) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.786(e)
5C THSC Chapter 382 382.085(b)

Description: Failure to record weekly auditory, visual, and olfactory inspections. (Category
C3)

Notice of Intent Date: 03/05/2007 (555111)

Disclosure Date: 08/20/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to sample benzene contaminated wastewater with chilled sampling system.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(i)(III)
30 TAC Chapter 115, SubChapter H 115.783(3)(A)(ii)
30 TAC Chapter 115, SubChapter H 115.786(c)

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to maintain records for past leaks, leak repair and extraordinary repair of pump GA-465.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to limit use of temporary maintenance controls of the GA-465 pump to 180 days.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725
30 TAC Chapter 115, SubChapter H 115.726

Rqmt Prov: PERMIT Title V Permit O-2113

Description: Failure to monitor/test and maintain records for the carbon be series vent at the GA-465 pump.

Notice of Intent Date: 02/11/2009 (739326)

No DOV Associated

Notice of Intent Date: 05/05/2009 (746986)

Disclosure Date: 06/24/2009

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT NSR Permit No. 19027

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

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

No DOV Associated

Notice of Intent Date: 11/23/2010 (894468)

No DOV Associated

Notice of Intent Date: 03/28/2011 (922120)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN103919817**

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

**AGREED ORDER
DOCKET NO. 2011-2293-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical plant at 9500 Interstate Highway 10 East, in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 27, 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 Twenty-Three Thousand Dollars (\$23,000) is assessed by the Commission in settlement of the violations alleged in Section II

- ("Allegations"). The Respondent has paid Nine Thousand Two Hundred Dollars (\$9,200) of the administrative penalty and Four Thousand Six Hundred Dollars (\$4,600) 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. Nine Thousand Two Hundred Dollars (\$9,200) 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 October 27, 2010, the Respondent installed vent filters on the hopper loading car for the PEU-1799 Unit.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to install vent filters for hopper car loading in the PEU-1799 Unit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 46305, Special Conditions No. 9A, and Federal Operating Permit No. O2370, Special Terms and Conditions No. 6, as documented during a record review conducted from September 22, 2011 through October 10, 2011. Specifically, the deviation report for the period from June 1, 2010 through November 30, 2010 showed that the vent filters were not installed as required.

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. 2011-2293-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Two Hundred Dollars (\$9,200) 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. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

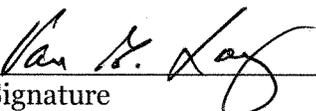
5/14/12
Date

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.

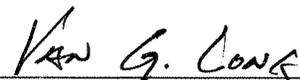
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- 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

2/27/2012
Date


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: 2011-2293-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Chevron Phillips Chemical Company LP

Penalty Amount: Eighteen Thousand Four Hundred Dollars
(\$18,400)

SEP Offset amount: Nine Thousand Two Hundred Dollars (\$9,200)

Type of SEP: Pre-approved

Third-Party Recipient: Harris County – *Ambient Air Pollutants
Monitoring Study*

Location of SEP: Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by **Harris County** for the *Ambient and Meteorological Air Monitoring Project* as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to install or retrofit, operate, maintain, and potentially expand air monitoring stations in Harris County to continuously monitor ambient air for total non-methane hydrocarbons and hazardous air pollutants (“HAP”). Specifically, SEP funds will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

The project will provide additional air monitoring data to identify any HAPs emissions in the targeted locations. The information may help local government better inform citizens about air toxins and enable regulators to better identify emission sources.

C. Minimum Expenditure

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

2. Performance Schedule

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

Harris County
c/o Latrice Babin, Ph.D.
Environmental Toxins & Special Project Manager
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Chevron Phillips Chemical Company LP
Agreed Order - Attachment A

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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