

Executive Summary – Enforcement Matter – Case No. 44939
CHEVRON PHILLIPS CHEMICAL COMPANY LP
RN102320850
Docket No. 2012-1824-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - IHW, UIC

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chevron Phillips Chemical Borger Plant, located on a private road two miles northeast of the intersection of State Highway Spurs 119 and 245, Borger, Hutchinson County

Type of Operation:

Facility that produces specialty chemicals and engineering plastics

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 15, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,813

Amount Deferred for Expedited Settlement: \$6,562

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$26,251

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

**Executive Summary – Enforcement Matter – Case No. 44939
CHEVRON PHILLIPS CHEMICAL COMPANY LP
RN102320850
Docket No. 2012-1824-MLM-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: August 9, 2012
Date(s) of NOE(s): August 15, 2012

Violation Information

1. Failed to indicate the beginning date of accumulation on each container. Specifically, one 55 gallon drum in container storage area 007 was not labeled with the beginning date of accumulation [30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CODE OF FEDERAL REGULATIONS § 262.34(a)(2)].
2. Failed to prevent the unauthorized injection of a hazardous waste into a Class 1 non-hazardous injection well. Specifically, waste in excess of the permitted limits containing total concentrations of benzene at 1.85 milligrams per liter (“mg/L”) and dichlorobenzene at 26.5 mg/L was injected into injection wells WDW-67 and WDW-219 [30 TEX. ADMIN. CODE § 331.7 and Underground Injection Control Permit Nos. WDW067 and WDW219 Part VI. Waste Streams Prohibited From Injection].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. Labeled the 55 gallon drum with the beginning date of accumulation on August 9, 2012.; and
- b. Developed and implemented additional oversight and management practices designed to ensure proper operation, maintenance, and monitoring of the injection process on December 3, 2011.

Technical Requirements:

N/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

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RN102320850
Docket No. 2012-1824-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division,
Enforcement Team 7, MC R-12, (713) 767-3682; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: John Kmetz, Plant Manager, CHEVRON PHILLIPS CHEMICAL
COMPANY LP, Post Office Box 968, Borger, Texas 79008-0968
James Gallogly, President, CHEVRON PHILLIPS CHEMICAL COMPANY LP, 10001 Six
Pines Drive, The Woodlands, Texas 77380

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	20-Aug-2012	Screening	5-Sep-2012	EPA Due	
	PCW	14-Feb-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	CHEVRON PHILLIPS CHEMICAL COMPANY LP	
Reg. Ent. Ref. No.	RN102320850	
Facility/Site Region	1-Amarillo	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	44939	No. of Violations	2
Docket No.	2012-1824-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Underground Injection Control	Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$18,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$18,750**

Notes: Enhancement for 18 NOVs with dissimilar violations and 11 orders with denial of liability. Reduction for four letters of intent to conduct an audit and two disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$4,687**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$8
Approx. Cost of Compliance \$1,600
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$32,813**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$32,813**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$32,813**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$6,562**

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 **\$26,251**

Screening Date 5-Sep-2012

Docket No. 2012-1824-MLM-E

PCW

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP

Policy Revision 3 (September 2011)

Case ID No. 44939

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102320850

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

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>)	0	0%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%

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) 248%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 18 NOVs with dissimilar violations and 11 orders with denial of liability.
Reduction for four letters of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 248%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 5-Sep-2012

Docket No. 2012-1824-MLM-E

PCW

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP

Policy Revision 3 (September 2011)

Case ID No. 44939

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102320850

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(2) and 40 Code of Federal Regulations § 262.34(a)(2)

Violation Description Failed to indicate the beginning date of accumulation on each container. Specifically, one 55 gallon drum in container storage area 007 was not labeled with the beginning date of accumulation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
100% of the rule requirement was not met.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes Respondent came into compliance on August 9, 2012, prior to the Notice of Enforcement ("NOE") dated August 15, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP

Case ID No. 44939

Req. Ent. Reference No. RN102320850

Media Industrial and Hazardous Waste

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
<small>No commas or \$</small>							

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)	\$100	9-Aug-2012	9-Aug-2012	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to place a label indicating the beginning date of accumulation. The Date Required is the investigation date and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 5-Sep-2012

Docket No. 2012-1824-MLM-E

PCW

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP

Policy Revision 3 (September 2011)

Case ID No. 44939

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102320850

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 331.7 and Underground Injection Control Permit Nos. WDW067 and WDW219 Part VI. Waste Streams Prohibited From Injection

Violation Description Failed to prevent the unauthorized injection of a hazardous waste into a Class 1 non-hazardous injection well. Specifically, waste in excess of the permitted limits containing total concentrations of benzene at 1.85 milligrams per liter ("mg/L") and dichlorobenzene at 26.5 mg/L was injected into injection wells WDW-67 and WDW-219.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 2

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$15,000

Two single events are recommended based on unauthorized injection of hazardous waste on October 24, 2011 and November 10, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

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

Notes

The Respondent came into compliance on December 3, 2011, prior to the NOE dated August 15, 2012.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$26,250

This violation Final Assessed Penalty (adjusted for limits) \$26,250

Economic Benefit Worksheet

Respondent CHEVRON PHILLIPS CHEMICAL COMPANY LP

Case ID No. 44939

Reg. Ent. Reference No. RN102320850

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	24-Oct-2011	3-Dec-2011	0.11	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper operation, maintenance, and monitoring of the injection process. The Date Required is the first date when the waste was injected and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$8



Compliance History Report

PUBLISHED Compliance History Report for CN600303614, RN102320850, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator:	CN600303614, Chevron Phillips Chemical Company LP	Classification:	AVERAGE	Rating:	4.67
Regulated Entity:	RN102320850, Chevron Phillips Chemical Borger Plant	Classification:	AVERAGE	Rating:	4.14
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	FROM INTX OF SH SPURS 119 & 245 GO 2 MI NE ON PRIVATE RD BORGER TX, HUTCHINSON COUNTY				
TCEQ Region:	REGION 01 - AMARILLO				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD041516709

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50254
AIR NEW SOURCE PERMITS REGISTRATION 39927
AIR NEW SOURCE PERMITS REGISTRATION 45470
AIR NEW SOURCE PERMITS REGISTRATION 46022
AIR NEW SOURCE PERMITS REGISTRATION 47618
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HW0013C
AIR NEW SOURCE PERMITS PERMIT 21918
AIR NEW SOURCE PERMITS REGISTRATION 70021
AIR NEW SOURCE PERMITS REGISTRATION 88312
AIR NEW SOURCE PERMITS REGISTRATION 53267
AIR NEW SOURCE PERMITS REGISTRATION 72623
AIR NEW SOURCE PERMITS REGISTRATION 81490
AIR NEW SOURCE PERMITS REGISTRATION 87362
AIR NEW SOURCE PERMITS REGISTRATION 91758
AIR NEW SOURCE PERMITS REGISTRATION 92460
AIR NEW SOURCE PERMITS REGISTRATION 93727
AIR NEW SOURCE PERMITS REGISTRATION 94222
AIR NEW SOURCE PERMITS REGISTRATION 95570
AIR NEW SOURCE PERMITS REGISTRATION 98809
AIR NEW SOURCE PERMITS REGISTRATION 100924
AIR NEW SOURCE PERMITS REGISTRATION 96967
AIR NEW SOURCE PERMITS REGISTRATION 100414
AIR NEW SOURCE PERMITS REGISTRATION 101596
AIR NEW SOURCE PERMITS REGISTRATION 102385
AIR NEW SOURCE PERMITS REGISTRATION 103052
AIR NEW SOURCE PERMITS REGISTRATION 103669
AIR NEW SOURCE PERMITS REGISTRATION 105777
UNDERGROUND INJECTION CONTROL PERMIT WDW381
UNDERGROUND INJECTION CONTROL PERMIT WDW068
UNDERGROUND INJECTION CONTROL PERMIT PIU30131
AIR OPERATING PERMITS PERMIT 2164
WASTEWATER PERMIT WQ0002484000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30131
POLLUTION PREVENTION PLANNING ID NUMBER P01026

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30131
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50018
AIR NEW SOURCE PERMITS REGISTRATION 41609
AIR NEW SOURCE PERMITS REGISTRATION 45708
AIR NEW SOURCE PERMITS REGISTRATION 46698
AIR NEW SOURCE PERMITS REGISTRATION 47873
AIR NEW SOURCE PERMITS PERMIT 7719A
AIR NEW SOURCE PERMITS REGISTRATION 31409
AIR NEW SOURCE PERMITS AFS NUM 4823300004
AIR NEW SOURCE PERMITS REGISTRATION 54297
AIR NEW SOURCE PERMITS REGISTRATION 50537
AIR NEW SOURCE PERMITS REGISTRATION 75050
AIR NEW SOURCE PERMITS REGISTRATION 84319
AIR NEW SOURCE PERMITS REGISTRATION 85444
AIR NEW SOURCE PERMITS REGISTRATION 92077
AIR NEW SOURCE PERMITS REGISTRATION 92045
AIR NEW SOURCE PERMITS REGISTRATION 94082
AIR NEW SOURCE PERMITS REGISTRATION 94226
AIR NEW SOURCE PERMITS REGISTRATION 95559
AIR NEW SOURCE PERMITS REGISTRATION 100546
AIR NEW SOURCE PERMITS REGISTRATION 97948
AIR NEW SOURCE PERMITS REGISTRATION 101052
AIR NEW SOURCE PERMITS REGISTRATION 101434
AIR NEW SOURCE PERMITS REGISTRATION 102627
AIR NEW SOURCE PERMITS REGISTRATION 103419
AIR NEW SOURCE PERMITS REGISTRATION 103426
AIR NEW SOURCE PERMITS REGISTRATION 106449
AIR NEW SOURCE PERMITS REGISTRATION 106671
UNDERGROUND INJECTION CONTROL PERMIT WDW067
UNDERGROUND INJECTION CONTROL PERMIT WDW219
AIR OPERATING PERMITS ACCOUNT NUMBER HW0013C
AIR OPERATING PERMITS PERMIT 2165
WASTEWATER EPA ID TX0095869
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HW0013C

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: February 14, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 05, 2007 to September 05, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Danielle Porras

Phone (713) 767-3682

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/08/2008 ADMINORDER 2007-0993-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition No. 8D PERMIT
Description: Failed to note the date and time of each AVO check for hydrogen sulfide leaks in the operator's log
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to report in writing all instances of deviations to the Executive Director
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to obtain permit authorization prior to the construction or modification of a facility which may emit air contaminants
- 2 Effective Date: 11/06/2008 ADMINORDER 2008-0230-IHW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4
Description: Failed to prevent the unauthorized disposal of industrial hazardous waste.
- 3 Effective Date: 12/04/2008 ADMINORDER 2008-0916-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Description: Failed to prevent the release of unauthorized air contaminants into the atmosphere from the North Flare [emission point number ("EPN") FL-1]. Specifically, 559 pounds of sulfur dioxide and eight pounds of other pollutants (hydrogen sulfide, sulfur dioxide, carbon monoxide and tert-butyl mercaptan 75-66-1) were release in a one hour and ten minute period on March 1, 2008.
- 4 Effective Date: 05/03/2009 ADMINORDER 2008-1771-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 7719A PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, 218 pounds of 1,4-dichlorobenzene were released when the operator erroneously changed the set point from manual to a remote set point at the Lights Column kettle, causing the column temperature and pressure to rise and the relief valve to lift, resulting in an emissions event which began on July 10, 2008. (The unauthorized emissions were released during an emissions event which did not meet all affirmative defense criteria.)
- 5 Effective Date: 09/21/2009 ADMINORDER 2009-0396-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 7719A PERMIT

Special Terms & Conditions No. 1 OP

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

- 6 Effective Date: 11/27/2009 ADMINORDER 2009-0893-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failed to report an emissions event within twenty-four hours after the discovery, as documented during an investigation conducted on April 30, 2009. Specifically, the Respondent had an emissions event on November 4, 2008 that was not reported until November 13, 2008.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 21918 PERMIT
Description: Failed to prevent unauthorized emissions during an event that occurred on November 4, 2008.
- 7 Effective Date: 07/11/2010 ADMINORDER 2009-2066-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits for TSS as documented by a TCEQ record review of self-reported data. Specifically, the TSS daily maximum exceeded the permit limit of 100 milligrams per liter ("mg/L") for the monitoring periods ending April 30, 2009 (150 mg/L) and June 30, 2009 (1412 mg/L).
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: WQ0002484000 PERMIT
Description: Failed to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more, as documented during a record review conducted on January 27, 2010. Specifically the TSS daily maximum exceeded the permit effluent limit by 40% or more during April 2009 and June 2009, and the TCEQ was not notified.
- 8 Effective Date: 08/21/2010 ADMINORDER 2010-0247-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 7719A, Special Condition No. 24. B. PERMIT
7719A, Special Condition No. 24. C. PERMIT
Description: Failure to stack test Caustic Scrubber R-V23 for all required air contaminants within 180 days after initial start-up on July 22, 2009. Specifically, stack testing of Caustic Scrubber R-V23 was conducted on October 23, 2009, however, testing for volatile organic compounds ("VOCs") was not conducted.
- 9 Effective Date: 10/25/2010 ADMINORDER 2010-0550-UIC-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 331, SubChapter A 331.6
Rqmt Prov: Class I UIC PERMIT
Description: Failure to prevent the unauthorized injection of a characteristically hazardous waste into a Class 1 non-hazardous injection well, according to permit provision VI.A. On December 23, 2009, the facility injected approximately 1,234 gallons of a hazardous waste characteristic for corrosivity. The waste stream was generated when cleaning scale from the line that leads to the injection well with dilute aqueous tetrasodium ethylenediaminetetraacetate (EDTA) solution.
- 10 Effective Date: 07/02/2011 ADMINORDER 2010-1881-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.890
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2460(a)
5C THSC Chapter 382 382.085(b)
Description: Failure to reduce the outlet organic HAP concentration to equal to or less than 20 ppmv as TOC or total organic HAP.
- 11 Effective Date: 04/05/2012 ADMINORDER 2011-1683-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit an initial notification of a reportable emissions event within 24 hours of discovery of the emissions event
Classification: Moderate

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

Rqmt Prov 21918 PERMIT

Description: Failure to prevent unauthorized emissions. The release of unauthorized emissions occurred during an emissions event (which did not meet all affirmative defense criteria)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov O-02165 OP

Description: Failed to submit a PCC within 30 days from the end of the certification period, in violation of 30 TEX. ADMIN. CODE § 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O2165, General Terms and Conditions, as documented during an investigation conducted on August 26, 2011 to August 31, 2011. Specifically, the Respondent did not submit the PCC for FOP No. O2165 for the August 1, 2009 through July 31, 2010 reporting period until August 29, 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 20, 2007	(604966)
Item 2	September 24, 2007	(595445)
Item 3	October 16, 2007	(626933)
Item 4	October 30, 2007	(597142)
Item 5	November 20, 2007	(626934)
Item 6	December 07, 2007	(626935)
Item 7	January 04, 2008	(610787)
Item 8	January 16, 2008	(676035)
Item 9	February 14, 2008	(612360)
Item 10	February 15, 2008	(676033)
Item 11	March 03, 2008	(618691)
Item 12	March 17, 2008	(676034)
Item 13	April 07, 2008	(641601)
Item 14	April 10, 2008	(694409)
Item 15	April 29, 2008	(653798)
Item 16	May 14, 2008	(694410)
Item 17	May 30, 2008	(681736)
Item 18	May 31, 2008	(680219)
Item 19	July 14, 2008	(694411)
Item 20	August 11, 2008	(715806)
Item 21	September 08, 2008	(715807)
Item 22	September 29, 2008	(702980)
Item 23	September 30, 2008	(702026)
Item 24	October 13, 2008	(704675)
Item 25	October 21, 2008	(731482)
Item 26	October 22, 2008	(706153)
Item 27	November 24, 2008	(731483)
Item 28	December 08, 2008	(709727)
Item 29	December 22, 2008	(731484)
Item 30	January 14, 2009	(754813)
Item 31	January 16, 2009	(723360)
Item 32	January 29, 2009	(724335)
Item 33	February 18, 2009	(709614)
Item 34	February 19, 2009	(754812)
Item 35	March 02, 2009	(723467)
Item 36	April 17, 2009	(772004)
Item 37	June 22, 2009	(816081)
Item 38	July 15, 2009	(747284)
Item 39	August 20, 2009	(816083)
Item 40	September 15, 2009	(816084)
Item 41	October 14, 2009	(779034)
Item 42	October 23, 2009	(816085)
Item 43	November 13, 2009	(782323)
Item 44	November 16, 2009	(816086)

Item 45	November 24, 2009	(783230)
Item 46	December 11, 2009	(816087)
Item 47	December 17, 2009	(785922)
Item 48	December 21, 2009	(785373)
Item 49	January 22, 2010	(816088)
Item 50	February 11, 2010	(791246)
Item 51	February 18, 2010	(816080)
Item 52	February 25, 2010	(792707)
Item 53	March 19, 2010	(834838)
Item 54	March 30, 2010	(795750)
Item 55	April 19, 2010	(834839)
Item 56	May 17, 2010	(834840)
Item 57	June 21, 2010	(847474)
Item 58	July 21, 2010	(861894)
Item 59	July 29, 2010	(843176)
Item 60	August 18, 2010	(868398)
Item 61	September 20, 2010	(875320)
Item 62	September 27, 2010	(865244)
Item 63	October 18, 2010	(882884)
Item 64	November 12, 2010	(889276)
Item 65	December 01, 2010	(877511)
Item 66	December 13, 2010	(897663)
Item 67	January 14, 2011	(903549)
Item 68	February 03, 2011	(910452)
Item 69	March 04, 2011	(901492)
Item 70	April 07, 2011	(929011)
Item 71	May 16, 2011	(939387)
Item 72	June 03, 2011	(946805)
Item 73	June 08, 2011	(920335)
Item 74	June 24, 2011	(935307)
Item 75	July 22, 2011	(954062)
Item 76	August 04, 2011	(943755)
Item 77	August 15, 2011	(948928)
Item 78	August 22, 2011	(960647)
Item 79	August 23, 2011	(846023)
Item 80	September 13, 2011	(951975)
Item 81	October 05, 2011	(957545)
Item 82	October 13, 2011	(972717)
Item 83	October 21, 2011	(962567)
Item 84	November 18, 2011	(978860)
Item 85	December 15, 2011	(985696)
Item 86	January 17, 2012	(992025)
Item 87	February 07, 2012	(983187)
Item 88	February 10, 2012	(987110)
Item 89	February 17, 2012	(999359)
Item 90	March 21, 2012	(1004876)
Item 91	April 18, 2012	(1011446)
Item 92	May 16, 2012	(1017803)
Item 93	June 12, 2012	(1012930)
Item 94	June 22, 2012	(1025585)
Item 95	July 12, 2012	(1032921)
Item 96	August 20, 2012	(1039427)
Item 97	August 28, 2012	(1029119)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	01/31/2008	(600338)	CN600303614
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	Description:	failure to place a fresh canister as the new polishing canister within 4 hours of breakthrough		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)		
	Description:	failure to make first attempt to repair a pump within 5 days		
	Self Report?	NO		Classification: Moderate

	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)		
	Description:	failure to make first attempt to repair three valves within 5 days		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)		
	Description:	failure to make first attempt to repair one valve within 5 days		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	Description:	failure to continuously monitor H2S Flare (FL-1) for SO2		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	Description:	failure to monitor various components as required by the applicable fugitive monitoring program		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)		
	Description:	failure to conduct monthly fugitive monitoring for one pump		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)		
	Description:	failure to conduct monthly fugitive monitoring for various valves		
	Self Report?	NO	Classification:	Minor
	Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(i)(1)		
	Description:	failure to keep records of the certifications from owners or operators of facilities that reload or clean railcars		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)		
	Description:	failure to repair a leak no later than 15 days after detection		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	Description:	failure to vent ethyl mercaptan vapors through carbon-bed during container cleaning process		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Part 63, Subpart H 63.167		
	Description:	failure to prevent open-ended valves or lines		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)		
	Description:	failure to report all instances of deviations on deviation reports		
2	Date:	02/12/2008 (617665)	CN600303614	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 331, SubChapter D 331.64(d)(2)		
	Description:	Failure to conduct a temperature log once every five years as required in 30 TAC 331.64(d)(2).		
3	Date:	03/11/2008 (613242)	CN600303614	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(c)(7) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to prevent the release of unauthorized emissions to the atmosphere during an emissions event (which did not meet all affirmative defense criteria)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)		
	Description:	Failure to submit initial notification within 24 hours of discovery of an emissions event		
4	Date:	05/31/2008 (715805)	CN600303614	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
5	Date:	02/02/2009 (723517)	CN600303614	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent limitations and Monitoring PERMIT		
	Description:	Failure to meet permit effluent limitations for Total suspended Solids (TSS) during a discharge at outfall 001.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring PERMIT		
	Description:	Failure to collect samples and analyze for Total Dissolved Solids (TDS) as permit required at outfall 003 (when discharging) and to correctly report the analysis results		

on the monthly Discharge Monitoring Reports.

- 6 Date: 02/20/2009 (735565) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized emissions. The release of unauthorized emissions occurred during an emissions event (which did not meet all affirmative defense criteria).
- 7 Date: 03/03/2009 (709311) CN600303614
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Permit No. 7719A PERMIT
 Description: failure to record finding of daily inspection of Dryer A and Dryer B filter vents for visible particulate emissions
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Permit No. 7719A PERMIT
 Description: failure to record the Crude NMP Condenser Scrubber liquid circulation rate at least once an hour
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: failure to comply with VOC hourly emission limit for R-V2
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Permit No. 7719A PERMIT
 Description: failure of R-V2 to comply with the maximum temperature limit for outlet gas stream
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Permit No. 7719A PERMIT
 Description: failure to maintain required caustic charge for R-V8
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
 Description: failure to include all instances of deviations on previous deviation reports
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Permit No. 7719A PERMIT
 Description: failure to obtain authorization for H2S emissions from several facilities
- 8 Date: 04/30/2009 (772006) CN600303614
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 06/23/2009 (759508) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 327 327.3(b)
 Description: Failure to report a spill or discharge meeting a reportable quantity (RQ) to the agency no later than 24 hours after the discovery of the spill or discharge. The facility was notified, by the rancher who leases the property from ConocoPhillips, on April 20, 2009 of the release and did not notify the TCFO until April 23, 2009.
- 10 Date: 06/30/2009 (816082) CN600303614
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 07/14/2009 (761743) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 21918 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to meet the minimum net heating value of 300 Btu/scf for the gas being combusted in a flare during a flare performance test.
- 12 Date: 08/19/2009 (765435) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Permit No. 21918, SC 26 PERMIT
 Description: failure to continuously monitor flare for flow and SO2
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
 Permit No. 21918, SC 9 PERMIT
 Description: failure to monitor various components as required by the applicable fugitive monitoring program
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Permit No. 21918, SC 9 PERMIT
 Description: failure to monitor various components as required by the applicable fugitive monitoring program
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Permit No. 21918, SC 35 PERMIT
 Description: failure to correctly gauge feedstock level in a tank truck in "pressure service"
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
 Description: failure to report all instances of deviations on deviation reports
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Permit No. 21918, SC 12 PERMIT
 Description: failure to maintain MPU H2S sensor set points at a minimum of 20 ppm
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2490
 Description: failure to implement required MON cooling tower monitoring method
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Permit No. 21918, SC 10 PERMIT
 Description: failure to conduct AVO 4-hr walk-through
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 Permit 21918 SC 6 & 9I PERMIT
 Description: failure to repair valve within 15 days
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
 Description: failure to monitor Rx-50 agitator for one month
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Description: failure to cap sample valves
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(d)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.721(d)(2)
 Permit 21918 SC 1 PERMIT
 Description: failure to comply with emissions limits of PBR 106.263
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)
 Description: failure to make a first attempt to repair a valve within 5 days
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 Permit 21918 SC 1 PERMIT
 Description: failure to comply with SO2 cap
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Permit 21918 SC 15B PERMIT
 Description: failure to keep required records for drumming operations
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
 Description: failure to equip openings on an IFR roof with a cover or lid which is maintained in a closed position at all times except when in use
 Self Report? NO Classification: Moderate
 Citation: 21918 SC 9G PERMIT
 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: failure to remonitor components within the 15-day requirement

13 Date: 09/02/2009 (767218) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 21918 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)

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

- 14 Date: 08/17/2010 (844569) CN600303614
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(a)
5C THSC Chapter 382 382.085(b)
Description: failure to submit NSPS Dc notification for EPN H-10
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 7A of Permit No. 7719A PERMIT
Description: failure to record visible emissions walkthrough at A-Dryer vent and B-Dryer vent
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 23A of Permit No. 7719 PERMIT
Description: failure to record H2S and VOC walkthroughs at F-R1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 23B of Permit No. 7719 PERMIT
Description: failure to isolate, contain, and/or repair fugitive leaks within one hour of detection
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)
5C THSC Chapter 382 382.085(b)
Description: failure to monitor cooling tower for Ryton Quench area exchanger leaks in July and August 2009
- 15 Date: 08/18/2010 (844583) CN600303614
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
Permit No. 21918 SC 1 PERMIT
Description: failure to represent sulfolene emissions from shipping vans and waste luggers
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 9G of Permit No. 21918 PERMIT
Description: failure to monitor pump
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 9F of Permit No. 21918 PERMIT
Description: failure to monitor various components
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 9I of Permit No. 21918 PERMIT
Description: failure to execute 15-day repair on B-battery Corken Compressor
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 15A of Permit No. 2191 PERMIT
Description: failure to route various emissions to control device
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
Special Conditions 1 and 31 of Permit No PERMIT
Description: failure to follow submerged loading practices
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(2)
5C THSC Chapter 382 382.085(b)
Permit No. 21918 PERMIT
Description: failure to submit construction start-up notification
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 19A of Permit No. 2191 PERMIT
Description: failure to notify agency of stack sampling
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)
5C THSC Chapter 382 382.085(b)
Description: failure to prevent open-ended lines

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b) 5C THSC Chapter 382 382.085(b) Special Condition 9F of Permit No. 21918 PERMIT		
Description:	failure to monitor various components		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2) 5C THSC Chapter 382 382.085(b)		
Description:	failure to include all instances of deviations on deviation reports		
Date:	09/01/2011 (951516)	CN600303614	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Permit No. 21918 SC 22A PERMIT		
Description:	failure to sample the series of carbon canisters in the correct location		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 14 OP		
Description:	failure to monitor some components (valves and pumps) under Leak Detection and Repair (LDAR) program		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2) 5C THSC Chapter 382 382.085(b)		
Description:	failure to include all instances of deviations on previous deviation reports		
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 63.1033(b) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 1A OP		
Description:	failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 1(A) OP		
Description:	failure to monitor some valves under LDAR program		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b) 5C THSC Chapter 382 382.085(b) Permit 21918 SC 9F PERMIT		
Description:	failure to monitor a valve under LDAR program		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 1(A) and 14 OP		
Description:	failure to monitor a pump under LDAR program		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Permit 21918 SC 45A PERMIT		
Description:	failure to maintain H-2 CPU Dutch oven daily fuel usage records		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 3A OP		
Description:	failure to complete visible emissions observations on MeSH area transload skid compressor engine		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 1(A) and 14 OP		
Description:	failure to monitor various components under LDAR program		
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 63.1025(d) 5C THSC Chapter 382 382.085(b) FOP O-02164 STC 1(A) OP		
Description:	failure to complete final repair and re-monitor valve leak within 15 days after leak was found		

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Description:	5C THSC Chapter 382 382.085(b) FOP O-02164 STC 14 OP failure to connect carbon canisters in series for Unit 5 oil/water separator		
17	Date:	09/01/2011 (950788)	CN600303614	
	Self Report?	NO	Classification:	Moderate
	Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2490(a) 5C THSC Chapter 382 382.085(b)		
	Description:	failure to implement correct cooling water monitoring method in Unit F-CT3		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2) 5C THSC Chapter 382 382.085(b)		
	Description:	failure to include all instances of deviations on previous deviation reports		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02165 OP		
	Description:	failure to complete 1 quarterly visible emissions observation at the Pellet Cyclone Blower Vent		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02165 OP		
	Description:	failure to complete 1 annual visible emissions observation at the Pellet Cyclone Blower Vent		
	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) O-02165; Permit No. 7719A OP		
	Description:	failure to maintain maximum temperature at flash plant NMP scrubber		
	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) O-02165 OP		
	Description:	failure to maintain minimum liquid flow rate through the quench plant caustic scrubber		
	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) O-02165 OP		
	Description:	failure to maintain minimum scrubber NMP flow rate		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(a) 5C THSC Chapter 382 382.085(b) O-02165 OP		
	Description:	failure to monitor RYTON cooling tower as required		
	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 63.2460(c)(3) 5C THSC Chapter 382 382.085(b) O-02165 OP		
	Description:	failure to maintain minimum NMP flow to Wash Column		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b) 5C THSC Chapter 382 382.085(b)		
	Description:	failure to complete a final record of an emissions event within 2 weeks		
18	Date:	08/24/2012 (1027148)	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 UU 63.1025(b) 5C THSC Chapter 382 382.085(b) FOP O-02164 OP		
	Description:	Failure to monitor a valve as part of fugitive monitoring program		
	Self Report?	NO	Classification:	Minor
	Citation:	21918 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1) 5C THSC Chapter 382 382.085(b)		

Description: Failure to monitor multiple valves as part of fugitive monitoring program
Self Report? NO Classification: Minor
Citation: 21918 PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor multiple valves as part of fugitive monitoring program
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Description: failure to include all instances of deviations on previous deviation reports
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02164 OP

Description: Failure to monitor multiple components as part of fugitive monitoring program
Self Report? NO Classification: Minor
Citation: 21918 PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to repair a valve leak within 15 days after the leak was discovered
Self Report? NO Classification: Minor
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-02164 OP

Description: Failure to complete 1 instance of monthly leak detection monitoring for 2 pumps
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 21918 SC 21 PERMIT

Description: Failure to continuously monitor H2S flare for flow and SO2
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 21918 SC 14B PERMIT

Description: Failure to meet maximum emission rate limit of t butyl mercaptan from the mercaptan drumming scrubber
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit 21918 SC 15 PERMIT

Description: Failure to maintain minimum flow rate of oxidant solution flow in the mercaptan loading dock scrubber (EPN SP3)

F. Environmental audits:

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

Disclosure Date: 08/25/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)
30 TAC Chapter 335, SubChapter O 335.431

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

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

Disclosure Date: 12/03/2009

Viol. Classification: Moderate

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

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

Notice of Intent Date: 03/08/2011 (906581)

No DOV Associated

Notice of Intent Date: 05/26/2011 (932661)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN102320850**

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

AGREED ORDER DOCKET NO. 2012-1824-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, 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 ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent operates a facility that produces specialty chemicals and engineering plastics located on a private road two miles northeast of the intersection of State Highway Spurs 119 and 245 in Borger, Hutchinson County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Respondent is utilizing injection wells as that term is defined in TEX. WATER CODE § 27.002(11).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2012.
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 Thirty-Two Thousand Eight Hundred Thirteen Dollars (\$32,813) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Six Thousand Two Hundred Fifty-One Dollars (\$26,251) of the administrative penalty and Six Thousand Five Hundred Sixty-Two Dollars (\$6,562) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Labeled the 55 gallon drum with the beginning date of accumulation on August 9, 2012; and
 - b. Developed and implemented additional oversight and management practices designed to ensure proper operation, maintenance, and monitoring of the injection process on December 3, 2011.
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 operator of the Facility, the Respondent is alleged to have:

1. Failed to indicate the beginning date of accumulation on each container, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CODE OF FEDERAL REGULATIONS § 262.34(a)(2), as documented during an investigation conducted on August 9, 2012. Specifically, one 55 gallon drum in container storage area 007 was not labeled with the beginning date of accumulation.

2. Failed to prevent the unauthorized injection of a hazardous waste into a Class 1 non-hazardous injection well, in violation of 30 TEX. ADMIN. CODE § 331.7 and Underground Injection Control Permit Nos. WDW067 and WDW219 Part VI. Waste Streams Prohibited From Injection, as documented during an investigation conducted on August 9, 2012. Specifically, waste in excess of the permitted limits containing total concentrations of benzene at 1.85 milligrams per liter ("mg/L") and dichlorobenzene at 26.5 mg/L was injected into injection wells WDW-67 and WDW-219.

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. 2012-1824-MLM-E" to:

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

2. 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 Facility operations referenced in this Agreed Order.
3. 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.
4. 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.

5. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Jansen Jr.
For the Executive Director

3/14/13
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.

John H. Kmety
Signature

1-7-2013
Date

John H. Kmety
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.