

Executive Summary – Enforcement Matter – Case No. 44269
ConocoPhillips Company
RN101619179
Docket No. 2012-1125-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sweeny Refinery, located approximately 3.5 miles northwest of Sweeny and southwest of the intersection of State Highway 35 and Farm-to-Market Road 524; the San Bernard Terminal is located on an extension of Avenue A approximately 1.5 miles northeast of Sweeny, Brazoria County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Number 2012-1975-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 14, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$37,500

Amount Deferred for Expedited Settlement: \$7,500

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$15,000

Name of SEP: Friends of the River San Bernard

Compliance History Classifications:

Person/CN - N/A

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

**Executive Summary – Enforcement Matter – Case No. 44269
ConocoPhillips Company
RN101619179
Docket No. 2012-1125-IWD-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 4, 2012 and September 5, 2012

Date(s) of NOE(s): June 25, 2012

Violation Information

Failed to comply with permitted effluent limits for pH, flow, dissolved oxygen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000721000 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, Outfall Nos. 003 and 011].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On January 17, 2012, Respondent submitted an administratively complete major amendment application for TPDES Permit No. WQ0000721000.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to, within 300 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0000721000.

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: Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

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

Respondent: Gary A. Freiburger, General Manager, ConocoPhillips Company, P.O. Box 866, Sweeny, Texas 77480

Executive Summary – Enforcement Matter – Case No. 44269
ConocoPhillips Company
RN101619179
Docket No. 2012-1125-IWD-E

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1125-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Penalty Amount: Thirty Thousand Dollars (\$30,000)

SEP Offset Amount: Fifteen Thousand Dollars (\$15,000)

Type of SEP: Pre-approved SEP

Third- Party Recipient: Friends of the River San Bernard

Project: *Friends of the River San Bernard Natural Area Acquisition and Conservation Program*

Location of SEP: Brazos-Colorado Coastal River Basin and Austin, Brazoria, Colorado, Fort Bend, Matagorda and Wharton Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Friends of the River San Bernard** for the *Friends of the River San Bernard Natural Area Acquisition and Conservation Program*, as set forth in the SEP Agreement referenced above between the Third-Party Recipient and the TCEQ. The SEP Offset Amount will be used to preserve a contiguous wetland corridor along the San Bernard River in lower Fort Bend County. Ducks Unlimited has protected an adjacent 114 acre tract with two conservation easements, but the contiguity of this wetland corridor greatly depends on the acquisition and preservation of the remaining acreage. This SEP will focus on three tracts of land comprising approximately 645 acres in the wetland corridor on the north side of the San Bernard River and west of Armstrong Road. Third-Party Recipient shall use SEP Funds to acquire conservation easements on these tracts to provide permanent protection and

stewardship of these lands and waters. All tracts acquired in whole or in part with SEP Funds shall be preserved in perpetuity through conservation easements that comply with Subchapter A, Chapter 183, Texas Natural Resources Code. The Holder of the San Bernard Conservation Easements shall be WETLANDS AMERICA TRUST, INC. (affiliated with Ducks Unlimited) which Third-Party Recipient certifies is an entity that meets the definition of "holder" under Section 183.001(2), Texas Natural Resources Code.

The SEP will be done in accordance with all federal, state and local environmental laws and regulations. Respondent shall not profit from this SEP in any manner. 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

Permanently protecting this land through the use of conservation easements will prevent pollution, enhance the quality of the environment, and may reduce the amount of pollutants reaching the environment. The land is located within the Central Flyway on the Upper Texas Coast; where approximately 10 million ducks and geese winter each year. Conservation of habitat for migratory birds and other wetland dependent wildlife is critical for maintaining the rich diversity of bird life in this area. Wetlands also benefit people by recharging groundwater supplies, reducing coastal storm surges, retaining flood waters during storm events and improving water quality. By protecting this land and preventing development, water quality, air quality and wildlife habitat will be protected.

c. Minimum Expenditure

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, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to the addressee listed below:

Ms. Barbara Fratila, Co-Chair
Friends of the River San Bernard
P.O. Box 93
Brazoria, Texas 77422

3. Records and Reporting

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

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. 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 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek

recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	1-Jun-2012	Screening	4-Jun-2012	EPA Due	
	PCW	5-Sep-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	ConocoPhillips Company		
Reg. Ent. Ref. No.	RN101619179		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44269	No. of Violations	1
Docket No.	2012-1125-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steve Villatoro
		EC's Team	Enforcement Team 1

Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for 13 months of self-reported effluent violations, one NOV with same/similar violations, 38 NOVs with dissimilar violations, five agreed orders with denial, and six agreed orders without denial. Reduction for five notices of intent to conduct an audit and two disclosure of violation letters.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$1,001"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$10,000"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 4-Jun-2012

Docket No. 2012-1125-IWD-E

PCW

Respondent ConocoPhillips Company

Policy Revision 3 (September 2011)

Case ID No. 44269

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101619179

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

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>)	14	70%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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	6	150%
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>)	5	-5%
	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) 387%

>> 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 13 months of self-reported effluent violations, one NOV with same/similar violations, 38 NOVs with dissimilar violations, five agreed orders with denial, and six agreed orders without denial. Reduction for five notices of intent to conduct an audit and two disclosure of violation letters.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 387%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 4-Jun-2012
Respondent ConocoPhillips Company
Case ID No. 44269
Reg. Ent. Reference No. RN101619179
Media [Statute] Water Quality
Enf. Coordinator Steve Villatoro
Violation Number 1

Docket No. 2012-1125-IWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000721000 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, Outfall Nos. 003 and 011

Violation Description Failed to comply with permitted effluent limits, as documented during a record reviews conducted on April 4, 2012 and September 4, 2012 and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$18,750

Five quarterly events are recommended (one for Outfall No. 003 and four for Outfall No. 011)

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,001

Statutory Limit Test

Violation Final Penalty Total \$37,500

This violation Final Assessed Penalty (adjusted for limits) \$37,500

Economic Benefit Worksheet

Respondent ConocoPhillips Company
Case ID No. 44269
Reg. Ent. Reference No. RN101619179
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$10,000	31-Oct-2011	31-Oct-2013	2.00	\$1,001	n/a	\$1,001

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$10,000

TOTAL \$1,001

EFFLUENT VIOLATION TABLE				
ConocoPhillips Company				
TPDES Permit No. WQ0000721000				
Docket No. 2012-1125-IWD-E				
Months	pH	Flow, Daily Average	Dissolved Oxygen Daily Average	TSS Daily Maximum Loading
	Limit = 9.0 s.u.	Limit = 7.4 MGD	Minimum = 5.0 mg/l	Limit = 2,857 lbs/day
Outfall No. 003				
January 2012	9.4	n/a	n/a	n/a
Outfall No. 011				
October 2011	c	c	c	3,329
December 2011	c	7.6	c	c
February 2012	c	7.6	c	c
March 2012	c	8.7	c	c
June 2012	c	c	4.6	c
August 2012	c	c	3.8	c

lbs/day = pounds per day
c = compliant
s.u. = standard units

MGD = million gallons per day
TSS = total suspended solids
n/a = not applicable

Compliance History Report

Customer/Respondent/Owner-Operator:

CN601674351 ConocoPhillips Company

Regulated Entity:

RN101619179 SWEENEY REFINERY

Classification: AVERAGE

Site Rating: 8.58

ID Number(s):

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

AIR NEW SOURCE PERMITS	REGISTRATION	81104
AIR NEW SOURCE PERMITS	REGISTRATION	95086
AIR NEW SOURCE PERMITS	REGISTRATION	88376
AIR NEW SOURCE PERMITS	REGISTRATION	82689
AIR NEW SOURCE PERMITS	REGISTRATION	82601
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	1626
AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0042G
AIR OPERATING PERMITS	PERMIT	2151
WASTEWATER	EPA ID	TX0007536
WASTEWATER	PERMIT	WQ0000721000
PETROLEUM STORAGE TANK	REGISTRATION	20580
REGISTRATION		
PETROLEUM STORAGE TANK	REGISTRATION	83813
REGISTRATION		
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30048
WASTEWATER LICENSING	LICENSE	WQ0000721000
POLLUTION PREVENTION PLANNING	ID NUMBER	P00531
STORMWATER	PERMIT	TXR05AZ24
STORMWATER	PERMIT	TXR05AZ23
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0042G

Location: located approximately 3.5 miles northwest of the City of Sweeny and southwest of the intersection of State Highway 35 and Farm-to-Market Road 524; the San Bernard Terminal is located on an extension of Avenue A approximately 1.5 miles northeast of the City of Sweeny, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: September 20, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 31, 2007 to August 31, 2012

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

Name: Steve Villatoro Phone: (512) 239-4930

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. If YES, 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: 03/08/2008 ADMINORDER 2007-0670-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit 49140, Special Condition 12 PERMIT
Description: Failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off.

Classification: Moderate

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

Rqmt Prov: Permit Representations PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit Representations PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

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

Classification: Moderate

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

Rqmt Prov: Permit Representations PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit Representations PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 06/05/2008

ADMINORDER 2007-1194-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01626, ST&C 1A OP
Description: Failed to maintain the RTO at or above the required 1500°F.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

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

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

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP

Permit 18142, Special Condition 15 PERMIT
Permit 22086, Special Condition 9 PERMIT
Permit 30513, Special Condition 5 PERMIT
Permit 5920A, Special Condition 4B PERMIT
Permit 7467A, Special Condition 4 PERMIT

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

Classification: Minor

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

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

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP

Permit 5920A, Special Condition 1 PERMIT
Permit 5920A, Special Condition 9 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

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

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP

Permit 30513, Special Condition 1 PERMIT
Permit 5920A, Special Condition 1 PERMIT
Permit 5920A, Special Condition 23 PERMIT

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

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01626, ST&C 19 OP
FOP O-01626, ST&C 1A OP

Permit 5920A, Special Condition 3 PERMIT

Description: Failed to comply with the average fuel gas H₂S maximum concentration limit of 160 ppmv for one

hour and/or the three-hour rolling average of 162 ppmv.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failed to maintain the pH level in the Caustic Scrubber (EPN 35-95-102) at or above 7.68.

Effective Date: 06/19/2008

ADMINORDER 2007-1730-AIR-E

Classification: Moderate

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

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

Rqmt Prov: TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions

Effective Date: 03/12/2009

ADMINORDER 2008-0687-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

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

Description: Failed to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

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

Description: Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 5920A, SC #1 PERMIT
Description: Failure to prevent unauthorized emissions, specifically, Conoco failed to prevent a high level of hydrocarbons from traveling to the gas liquid knockout drum causing the Wet Gas Compressor to trip offline.

Effective Date: 09/21/2009 ADMINORDER 2009-0301-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions. The regulated entity failed to bypass the Fail Safe Controller due to operator error.

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

Classification: Moderate

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

Rqmt Prov: #5920A, Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 987.26 pounds ("lbs") of sulfur dioxide, 731.86 lbs of carbon monoxide, 314 lbs of volatile organic compounds, 37.8 lbs of nitrogen oxide and 9.84 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to th

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

Classification: Moderate

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

Rqmt Prov: Permit 30513 SC 1 PERMIT
Permit 7467 SC No. 1 PERMIT

Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the ultrasonic meter probe contacting a bare, hot wire thus shutting down Units 26.1 and 26.2

Violation track nos. 373115 and 373119 were combined into violation track no.371461 as all violations stemmed from one emissions event.

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions. Since the cause of the event was never clearly defined, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Effective Date: 07/02/2011 ADMINORDER 2010-2001-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,186 pounds ("lbs") of particulate matter, 216 lbs of volatile organic compounds, 147.8 lbs of carbon monoxide, 21.7 lbs of sulfur dioxide, and 20 lbs of nitrogen oxide from the Unit 27 Regenerator Flue Gas Stack, Coker Flare, HP Expansion Flare No. 16, and LP Expansion Flare No. 17 during an avoidable emissions event (Incident No. 144709) that began September 13, 2010 and lasted for 17 hours and 54 minutes. The un

Effective Date: 03/03/2012

ADMINORDER 2011-1766-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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. 5920A & PSDTX103M4, SC1 PA
Special Condition No. 1 PERMIT

Special Terms and Conditions No. 19 OP

Description: Failure to prevent unauthorized emissions. ConocoPhillips failed to prevent a power interruption at the refinery during maintenance activities.

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	07/26/2007	(534491)
2	05/08/2007	(536805)
3	04/27/2007	(536863)
4	04/27/2007	(538234)
5	05/16/2007	(543939)
6	05/16/2007	(556084)
7	05/02/2007	(557193)
8	10/15/2007	(557764)
9	05/31/2007	(557814)
10	05/31/2007	(557887)
11	01/07/2008	(557934)
12	05/31/2007	(558165)
13	05/30/2007	(558665)
14	05/31/2007	(558933)
15	05/21/2007	(560688)
16	05/29/2007	(560939)
17	05/31/2007	(561604)
18	07/06/2007	(562320)
19	08/13/2007	(562652)
20	07/18/2007	(562884)
21	06/08/2007	(563044)
22	06/20/2007	(563448)
23	12/14/2010	(563580)
24	06/27/2007	(564004)
25	07/18/2007	(564160)
26	06/18/2007	(564174)
27	06/27/2007	(564948)

28	07/18/2007	(565411)
29	07/10/2007	(566109)
30	07/06/2007	(566372)
31	07/12/2007	(566817)
32	07/30/2007	(570079)
33	08/24/2007	(570711)
34	11/02/2007	(571706)
35	08/20/2007	(572167)
36	09/05/2007	(572989)
37	07/20/2007	(575769)
38	12/21/2007	(593859)
39	09/26/2007	(594057)
40	10/12/2007	(594704)
41	10/12/2007	(595879)
42	10/12/2007	(595919)
43	11/21/2007	(596538)
44	11/21/2007	(596539)
45	11/21/2007	(596540)
46	10/16/2007	(597749)
47	11/06/2007	(599098)
48	12/18/2007	(599171)
49	12/21/2007	(600228)
50	05/21/2007	(607617)
51	09/22/2007	(607618)
52	09/22/2007	(607619)
53	10/22/2007	(607620)
54	09/24/2007	(607621)
55	11/20/2007	(608723)
56	11/20/2007	(608750)
57	02/13/2008	(608867)
58	12/03/2007	(609822)
59	01/24/2008	(612103)
60	12/17/2007	(612145)
61	01/03/2008	(612155)
62	12/19/2007	(612456)
63	01/28/2008	(612848)
64	12/21/2007	(612851)
65	01/04/2008	(612937)
66	01/28/2008	(613020)
67	03/13/2008	(613193)
68	02/11/2008	(613195)
69	01/31/2008	(613321)
70	01/14/2008	(613926)
71	02/11/2008	(614276)
72	01/18/2008	(614903)
73	01/18/2008	(615198)
74	02/11/2008	(616106)
75	02/15/2008	(617395)
76	02/14/2008	(618465)

77	04/04/2008	(637905)
78	03/24/2008	(639374)
79	05/19/2008	(639382)
80	03/27/2008	(639901)
81	04/02/2008	(640059)
82	04/04/2008	(640212)
83	04/04/2008	(640783)
84	04/30/2008	(640815)
85	06/06/2008	(640956)
86	04/09/2008	(641666)
87	04/09/2008	(641681)
88	04/30/2008	(641819)
89	04/17/2008	(653311)
90	04/30/2008	(653939)
91	05/16/2008	(653953)
92	04/10/2008	(680347)
93	06/25/2008	(682772)
94	07/21/2008	(685742)
95	07/23/2008	(686359)
96	08/01/2008	(687062)
97	07/21/2008	(687073)
98	08/01/2008	(687867)
99	10/03/2008	(688505)
100	10/03/2008	(688528)
101	10/03/2008	(688665)
102	10/03/2008	(688675)
103	08/11/2008	(689155)
104	09/24/2008	(699681)
105	08/27/2008	(700348)
106	12/17/2008	(700784)
107	09/20/2008	(702288)
108	10/01/2008	(703544)
109	10/01/2008	(703696)
110	10/01/2008	(703971)
111	10/30/2008	(706377)
112	11/21/2008	(706390)
113	12/04/2008	(707940)
114	02/18/2009	(709028)
115	04/03/2009	(709031)
116	02/20/2009	(709032)
117	02/06/2009	(709033)
118	02/13/2009	(709189)
119	01/21/2009	(709192)
120	02/20/2009	(709498)
121	02/20/2009	(709539)
122	02/20/2009	(710155)
123	02/20/2009	(710201)
124	02/03/2009	(723350)
125	03/20/2009	(726792)

126	03/24/2009	(726793)
127	03/27/2009	(726794)
128	04/22/2009	(726795)
129	02/27/2009	(735795)
130	06/10/2009	(738530)
131	05/07/2009	(739098)
132	05/11/2009	(740936)
133	04/10/2009	(741090)
134	06/05/2009	(741192)
135	06/25/2009	(742122)
136	07/10/2009	(744410)
137	06/23/2009	(747659)
138	09/02/2009	(748016)
139	07/31/2009	(749895)
140	07/31/2009	(759437)
141	07/20/2009	(759475)
142	10/27/2010	(759827)
143	07/20/2009	(759854)
144	09/16/2009	(760944)
145	08/10/2009	(760953)
146	07/23/2009	(761549)
147	08/12/2009	(762649)
148	12/16/2009	(766970)
149	12/16/2009	(766971)
150	10/14/2009	(777475)
151	10/23/2009	(778904)
152	10/23/2009	(779448)
153	12/03/2009	(779587)
154	12/21/2009	(784380)
155	01/15/2010	(785551)
156	12/18/2009	(785568)
157	01/11/2010	(786835)
158	02/17/2010	(787393)
159	02/17/2010	(787709)
160	02/22/2010	(787724)
161	02/12/2010	(788304)
162	02/01/2010	(788979)
163	02/26/2010	(789204)
164	02/23/2010	(791112)
165	02/23/2010	(791148)
166	03/01/2010	(791494)
167	02/17/2010	(791774)
168	02/16/2010	(791839)
169	02/22/2010	(792042)
170	08/03/2010	(794196)
171	03/15/2010	(794228)
172	03/15/2010	(794265)
173	03/31/2010	(794524)
174	05/27/2010	(798903)

175	06/21/2010	(798906)
176	04/16/2010	(798923)
177	05/26/2010	(801655)
178	07/15/2010	(802097)
179	02/23/2009	(805045)
180	02/22/2010	(805046)
181	03/11/2009	(805047)
182	04/21/2009	(805048)
183	05/26/2009	(805049)
184	06/24/2009	(805050)
185	07/21/2009	(805051)
186	08/22/2008	(805052)
187	08/20/2009	(805053)
188	09/25/2008	(805054)
189	09/18/2009	(805055)
190	10/22/2008	(805056)
191	10/22/2009	(805057)
192	11/24/2008	(805058)
193	11/23/2009	(805059)
194	12/22/2008	(805060)
195	12/23/2009	(805061)
196	12/22/2008	(805062)
197	01/25/2010	(805063)
198	05/26/2010	(824767)
199	06/15/2010	(825378)
200	06/25/2010	(827684)
201	10/08/2010	(828768)
202	03/22/2010	(831019)
203	04/22/2010	(831020)
204	05/21/2010	(831021)
205	09/02/2010	(843405)
206	09/03/2010	(843440)
207	06/14/2010	(846314)
208	10/12/2010	(860252)
209	04/22/2010	(860904)
210	10/07/2010	(864086)
211	11/29/2010	(865494)
212	08/23/2010	(866880)
213	12/17/2010	(871064)
214	10/29/2010	(872298)
215	11/05/2010	(873247)
216	09/20/2010	(873950)
217	03/09/2011	(877964)
218	12/06/2010	(880440)
219	01/14/2011	(880824)
220	10/21/2010	(881547)
221	01/27/2011	(885975)
222	03/07/2011	(886564)
223	12/20/2010	(888069)

224	02/14/2011	(891039)
225	12/17/2010	(896292)
226	03/07/2011	(899074)
227	07/08/2011	(899378)
228	10/21/2010	(902351)
229	04/25/2011	(906079)
230	02/22/2011	(909135)
231	04/28/2011	(913466)
232	05/13/2011	(915800)
233	06/06/2011	(915898)
234	03/18/2011	(916386)
235	05/20/2011	(919588)
236	06/13/2011	(919865)
237	05/20/2011	(921005)
238	06/21/2011	(921628)
239	08/19/2011	(923224)
240	06/17/2011	(924158)
241	04/25/2011	(924902)
242	08/30/2011	(933344)
243	05/23/2011	(938072)
244	08/30/2011	(943373)
245	08/11/2011	(943375)
246	07/28/2011	(943527)
247	08/17/2011	(943566)
248	06/17/2011	(945444)
249	07/25/2011	(952669)
250	08/15/2011	(959355)
251	11/04/2011	(963796)
252	09/22/2011	(965387)
253	01/03/2012	(969408)
254	12/16/2011	(971048)
255	09/22/2011	(971426)
256	02/09/2012	(974304)
257	11/17/2011	(977583)
258	03/05/2012	(980401)
259	02/02/2012	(982452)
260	02/02/2012	(983225)
261	02/09/2012	(983652)
262	03/22/2012	(983699)
263	03/22/2012	(983701)
264	04/05/2012	(984136)
265	01/30/2012	(984353)
266	03/06/2012	(987796)
267	04/03/2012	(987823)
268	03/06/2012	(988651)
269	09/22/2011	(990649)
270	02/20/2012	(998013)

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

Date	09/30/2007	(607620)
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CN601674351

Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/20/2007 (596538)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125 PP V-A-1 PERMIT		
Description:	Permitted units were not marked with the TCEQ permit numbers.		
Date	12/18/2007 (613193)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 5C THSC Chapter 382 382.085(b) TCEQ Permit No. 21265, GC #8 PERMIT		
Description:	Failure to prevent valve malfunctioning.		
Date	01/07/2008 (557934)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) No. 5920A, S.C. No. 1 PERMIT		
Description:	ConocoPhillips exceeded the MAERT limit for NOx emission.		
Date	02/15/2008 (617395)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) TCEQ Permit No. 49140, SC #1 PERMIT		
Description:	Conoco failed to prevent a valve fitting blow out.		
Date	04/02/2008 (640059)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 5C THSC Chapter 382 382.085(b)		
Description:	ConocoPhillips failed to prevent an excess opacity in Unit 27.1.		
Date	04/04/2008 (637905)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) TCEQ Air Permit No. 49140, SC #12 PERMIT		
Description:	Failure to control excess opacity.		
Date	04/04/2008 (640212)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 5C THSC Chapter 382 382.085(b) TCEQ Permit No. 21265, GC #8 PERMIT		
Description:	Failure to prevent failure of #2 chamber valve pin.		
Date	06/25/2008 (682772)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter F 116.615(2) 5C THSC Chapter 382 382.085(b) TCEQ Standard Permit No. 75864, GC #8 PERMIT		
Description:	ConocoPhillips failed to prevent the shutdown of the unit charge pump.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) TCEQ Permit No. 5920A, SC #1 PERMIT		
Description:	ConocoPhillips failed to prevent the shutdown of the unit charge pump.		
Date	07/22/2008 (686359)	CN601674351	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ00721-002 PERMIT		
Description:	Failure to comply with permitted effluent limits for oil and grease (O&G), total suspended solids (TSS), and pH.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(a)		
Description:	Failure to collect Oil and Grease (O&G) samples as required.		
Date	08/27/2008 (700348)	CN601674351	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THSC Chapter 382 382.085(b)		

General Terms and Conditions OP
 Description: Failure to submit an annual compliance certification within the required time frame.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
 Description: Failure to submit semi-annual deviation reports within the required time frame.
 Date 02/06/2009 (709033) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #12 PERMIT

Description: Failure to prevent excess opacity. The regulated entity failed to prevent the malfunction of the rapper system microprocessor.
 Date 02/20/2009 (709032) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. The regulated entity (RE) failed to prevent the overloading of the Regenerative Thermal Oxidizer (RTO) with volatile organic compounds (VOC).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 5C THSC Chapter 382 382.085(b)

Description: Failure to include permit number authorization in the incident report.
 Date 03/24/2009 (726793) CN601674351
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 5C THSC Chapter 382 382.085(b)

Description: Failure to include the permit number authorization in the incident reports for the process or operation.
 Date 04/22/2009 (726795) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions. The regulated entity failed to prevent the excessive amount of nitrogen in the Recycle Gas Loop.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4B PERMIT

Description: Failure to prevent flare outage.
 Date 05/07/2009 (739098) CN601674351
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6C PERMIT
 Special Terms and Conditions 19 OP
 Special Terms and Conditions 1A OP

Description: Failure to maintain hatch in closed position on Tank 75, Unit ID 68-95-75. (CATEGORY C4 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions 1A OP

Description: Failure to keep the roof floated on liquid from 10/29/2008 to 03/09/2009 on Tank 98, Unit ID 68-95-98. (CATEGORY B18 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Terms and Conditions 19 OP

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

Date 06/10/2009 (738530) CN601674351

Self Report? NO Classification: Minor

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

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

Date 06/24/2009 (747659) CN601674351

Self Report? NO Classification: Moderate

Citation: 21265 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

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

Date 07/31/2009 (759437) CN601674351

Self Report? NO Classification: Moderate

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

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

Date 09/29/2009 (749836) CN601674351

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Date 09/30/2009 (805057) CN601674351

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 12/16/2009 (766970) CN601674351

Self Report? NO Classification: Moderate

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

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

Date 12/16/2009 (766971) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions. Specifically, ConocoPhillips failed to prevent a false activation of the Halon 1301 fire suppressant system.
 Date 12/21/2009 (784380) CN601674351
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
 PPVII.G.2 PERMIT
 Description: Failure to maintain cover of its permitted land-based units in accordance with permit provisions.
 Date 01/11/2010 (786835) CN601674351
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Description: Failure to prevent excess opacity due to a Torch Oil Double Block Valve.
 Date 01/19/2010 (785551) CN601674351
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to report all emissions in the final report
 Date 03/31/2010 (831020) CN601674351
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 05/28/2010 (798903) CN601674351
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THSC Chapter 382 382.085(b)
 General Condition PERMIT
 Description: Failure to prevent unauthorized emissions due to the valve box gear motor excess torque.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to report the initial notification within 24 hours of discovery of the incident.
 Date 05/31/2010 (846314) CN601674351
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2010 (860904) CN601674351
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/03/2010 (794196) CN601674351
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit the deviation report, dated June 19, 2009, within 30 days of the end of the deviation period. [CATEGORY B3 VIOLATION]
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.165(c)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to properly certify the Deviation Report (dated June 19, 2009) and the Permit Compliance Certification (dated December 17, 2009). [CATEGORY B3 VIOLATION]
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4B PERMIT
 Special Term and Condition 1A and 19 OP
 Description: Failure to operate 3 flares without losses of the pilot light. [CATEGORY B18]

VIOLATION]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.647(a)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to properly control emissions from Tank 302. [CATEGORY B18 VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to operate Unit 3 FCC (Unit ID 3-95-3) within the limit of 1.0 lbs particulate matter (PM) per 1000 lbs of coke burn-off. [CATEGORY B18 VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to operate Tank 98 (Unit ID 68-95-98), on March 5, 2009, with no roof landings. (CATEGORY B18 VIOLATION)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure failed to operate Tanks 75, 207, and 215 with closed gauge hatches. [CATEGORY C4 VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart VV 60.482-1(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12E PERMIT
 Special Condition 23E PERMIT
 Special Term and Condition 1A and 19 OP
 Description: Failure to maintain 60 open-ended lines with caps, plugs, or other closure devices. [CATEGORY C\$ VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12H PERMIT
 Special Condition 23H PERMIT
 Special Term and Conditions 1A & 19 OP
 Description: Failure to keep nine leaking component tags properly affixed to nine leaking components. [CATEGORY C4 VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8 PERMIT
 Special Term & Condition 19 OP
 Description: Failure to operate the SRU Incinerator, for one hour, within the permitted limit of 250 ppm for SO2. [CATEGORY C4 VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7A PERMIT
 Special Term & Condition 1A and 19 OP
 Description: Failure to operate the regenerative thermal oxidizer, (EPN 56-62-152), above the minimum temperature of 1500 degrees Fahrenheit on three occasions for a total of approximately six hours. [CATEGORY C4 VIOLATION]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
 5C THSC Chapter 382 382.085(b)
 Spec. Term & Condition 1A, 1P(v), & 19 OP
 Special Condition 23F PERMIT
 Description: Failure to perform quarterly Method 21 monitoring to a total of 2283 valves from May 20 through November 20, 2009. [CATEGORY B1 VIOLATION]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Spec. Term & Condition 1A, 8F, & 19 OP
 Special Condition 19E PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

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

Date 09/08/2010 (860252) CN601674351

Self Report? NO Classification: Minor

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

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

Date 10/07/2010 (864086) CN601674351

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date 11/30/2010 (896292) CN601674351

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 12/17/2010 (871064) CN601674351

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions by not minimizing the amount of hydrogen sulfide going to the flare.

Date 01/14/2011 (880824) CN601674351

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions due to misalignment of Aeration Compressor C-103A to Aeration Tank 69.

Date 03/07/2011 (886564) CN601674351

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions due to Regenerative Thermal Oxidizer (RTO) shutdown caused by an electrical malfunction of the air compressor instrumentation. Sub category: B14.

Date 03/07/2011 (899074) CN601674351
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions due to operator error (Category B13 Violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to provide an accurate final Reportable Emissions Event Report (Category C3 Violation)

Date 07/08/2011 (899378) CN601674351
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4B PERMIT
 Special Condition 8B PERMIT
 Special Term & Condition 19 OP
 Special Term & Condition 1A OP
 Description: Failure to maintain a continuously operating pilot flame on the Unit 29 Flare (EPN 29-61-1), Unit 7 Flare (EPN 56-61-1), and Flare 11 (EPN 56-61-11) on nine different occasions. [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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139(c)(1)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7A PERMIT
 Special Term & Condition 19 OP
 Special Term & Condition 1A OP
 Description: Failure to operate the RTO (EPN 56-61-152) with a minimum temperature of 1500 degrees Fahrenheit on six different occasions and failure to vent the emissions of Slop Tanks 1 and 2 to the flare gas recovery system on January 19, 2010 from 1700 to 1800 hours. [Category C4 Violation]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to vent emissions from the Tank 69 relief system to the RTO (EPN 56-61-152) on two different occasions and failure to control emissions from Tanks 1 and 2. [Category C4 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)(5)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to repair one individual drain on November 18, 2010, which was lacking a sufficient water seal, within 15 days. [Category C4 Violation]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Term & Condition 19 OP
 Special Term & Condition 1A OP
 Description: Failure of the Unit 3 FCC regenerator vent (EPN 3-95-3) to comply with the 1 lb. of PM per 1000 lbs. of Cokeburn limit from November 21, 2009 through January 4, 2010. [Category B13 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 12E PERMIT
 Special Condition 23E PERMIT

Special Condition 6E PERMIT
 Special Term & Condition 19 OP
 Special Term & Condition 1A OP
 Description: Failure to operate 16 open-ended valves/lines with a cap, seal, or other closure device during the reporting period of November 20, 2009 through May 19, 2010. [Category C10 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 61, Subpart V 61.242-7(c)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Condition 25 PERMIT
 Special Condition 6 PERMIT
 Special Term & Condition 19 OP
 Special Term & Condition 1A OP

Description: Failure to perform Method 21 monitoring to 1415 valves in VOC service on seventeen process units from November 20, 2009 through November 19, 2010. [Category C7 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to perform Method 21 monitoring to 2545 connectors in HRVOC service on seventeen process units from November 20, 2009 through November 19, 2010. [Category C7 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to perform a first repair attempt, within five days of the date of discovery, to 14 leaking components in VOC service. [Category C4 Violation]

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)
 Special Term & Condition 1A OP

Description: Failure to complete final repairs to one leaking LDAR component in HRVOC within seven days of the date of discovery. [Category C4 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 27 PERMIT
 Special Term & Condition 19 OP
 Special Term & Condition 1A OP

Description: Failure of the FCCU Regenerator Exhaust (EPN 27.1-36-RE) to comply, on 14 occasions, with the 500 ppmvd CO limit of 40 CFR 60, Subpart J on September 13, 2010 at 1400 hours through September 14, 2010 at 0200 hours. [Category B13 Violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.654(f)(1)(i)(D)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Special Term & Condition 1I OP

Description: Failure to maintain records of Group 1/Group 2 Miscellaneous Process Vents in accordance with 40 CFR 63, Subpart CC. [Category C3 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 19E PERMIT
 Special Term & Condition 19 OP

Description: Failure of the Unit 29.1 H2S in Fuel Gas CEMS to perform continuous monitoring based on significant downtime from July through December 2010. [Category B1 Violation]

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.781(g)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
Description:	Failure to maintain adequate time-date stamping records for 1363 monitoring events that occurred on 22 monitoring days between April and June 2010. [Category C7 Violation]		
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) General Terms & Conditions OP		
Description:	Failure to include all deviations in the deviation report. The failure to maintain time-date stamping records for 1363 monitoring events (listed above) was not reported in the deviation report dated December 16, 2010. [Category B3 Violation]		
Date	08/12/2011	(943375)	CN601674351
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 No. 1 PERMIT Special Terms and Conditions 19 OP		
Description:	Failure to prevent unauthorized emissions. ConocoPhillips failed to ensure that the high liquid level switch on the D-26 4th Stage Suction Drum was functioning properly.		
Date	08/30/2011	(943373)	CN601674351
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Terms and Conditions No. 2G OP		
Description:	Failure to demonstrate that reporting this incident under 101.211(a) of this title was not reasonably possible. (Category B3).		
Date	10/31/2011	(977583)	CN601674351
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2011	(990649)	CN601674351
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2012	(998013)	CN601674351
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/29/2012	(1003539)	CN601674351
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/08/2012	(980401)	CN601674351
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 117, SubChapter B 117.345(c)(1) 5C THSC Chapter 382 382.085(b) Special Condition 16F OP		
Description:	Failure to submit a stack test report before the deadline after the Initial compliance test of Unit 39.1 Tail Gas Incinerator (EPN: 39.1-95-118). Cat C-3		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2012	(1010104)	CN601674351
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 05/08/2012 (984166) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PROVISION VII.G.2. PERMIT
Description: Failure to maintain the cover on the East Landfarm (Permit Unit No. 1, NOR
Unit No. 006).

Date: 06/22/2012 (1008800) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for
unauthorized emissions during an emissions event. Incident # 167766 occurred
on April 24, 2012 in Unit 68.1 - Refinery Tank Farm due to the leak in the
propylene-propane mix pipeline due to pipe corrosion resulting in the release
the following unauthorized fugitive emissions from the pipeline: 132 lbs of
propylene, 42.0 lbs of propane, and 4.00 lbs of ethane. [Category B13]

Date 06/30/2012 (1031610) CN601674351
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date 07/18/2012 (1013349) CN601674351
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized
emissions during an emissions event. [Subcategory A.12(i)(6)]

Date 08/30/2012 CN601674351
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

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

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

Description: Failure to close open ended lines.

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

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

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

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

Notice of Intent Date: 09/07/2010 (858408)
Disclosure Date: 06/17/2011

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
Description: Failure to repair HRVOC>10,000-ppm within 7- calendar days.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
Description: Failure in having 6x open-ended lines.

Viol. Classification: Moderate
Rqmt PERMIT SC 6H
Description: Failure to perform 5-day first attempt and 15-day final repair.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)

Description: Failure to monitor within 30 days of hydrocarbon service and perform subsequent quarterly monitoring of light liquid and gas/vapor components.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782
30 TAC Chapter 115, SubChapter H 115.782(c)

Description: Failure to perform emissions calculations and extraordinary attempts for HRVOC components placed on Delay of Repair(DOR).

Notice of Intent Date: 07/08/2011 (941850)
No DOV Associated

Notice of Intent Date: 12/06/2011 (989451)
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
CONOCOPHILLIPS COMPANY
RN101619179

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2012-1125-IWD-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 ConocoPhillips Company ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 3.5 miles northwest of Sweeny and southwest of the intersection of State Highway 35 and Farm-to-Market Road 524; the San Bernard Terminal is located on an extension of Avenue A approximately 1.5 miles northeast of Sweeny, Brazoria County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 June 30, 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-Seven Thousand Five Hundred Dollars (\$37,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Dollars (\$15,000) of the administrative penalty and Seven Thousand Five Hundred Dollars (\$7,500) 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. Fifteen Thousand Dollars (\$15,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP")."
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director 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 on January 17, 2012, the Respondent submitted an administratively complete major amendment application for Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000721000.
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 Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, , in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000721000 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, Outfall Nos. 003 and 011, as documented during record reviews conducted on April 4, 2012 and September 5, 2012 and shown in the table below:

EFFLUENT VIOLATION TABLE				
Months	pH	Flow, Daily Average	Dissolved Oxygen Daily Average	TSS Daily Maximum Loading
	Limit = 9.0 s.u.	Limit = 7.4 MGD	Minimum = 5.0 mg/l	Limit = 2,857 lbs/day
Outfall No. 003				
January 2012	9.4	n/a	n/a	n/a
Outfall No. 011				
October 2011	c	c	c	3,329
December 2011	c	7.6	c	c
February 2012	c	7.6	c	c
March 2012	c	8.7	c	c
June 2012	c	c	4.6	c
August 2012	c	c	3.8	c

lbs/day = pounds per day
 c = compliant
 s.u. = standard units
 mg/l = milligrams per liter

MGD = million gallons per day
 TSS = total suspended solids
 n/a = not applicable

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2012-1125-IWD-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, Fifteen Thousand Dollars (\$15,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that, within 300 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0000721000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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

authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Lewin J
For the Executive Director

5/20/13
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.

Lay A. Freubing
Signature

May 6, 2013
Date

GRAY A. FREIBURGER
Name (Printed or typed)
Authorized Representative of
ConocoPhillips Company

General Manager
Title

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

Attachment A
Docket Number: 2012-1125-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ConocoPhillips Company

Penalty Amount: Thirty Thousand Dollars (\$30,000)

SEP Offset Amount: Fifteen Thousand Dollars (\$15,000)

Type of SEP: Pre-approved SEP

Third- Party Recipient: Friends of the River San Bernard

Project: *Friends of the River San Bernard Natural Area Acquisition and Conservation Program*

Location of SEP: Brazos-Colorado Coastal River Basin and Austin, Brazoria, Colorado, Fort Bend, Matagorda and Wharton Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Friends of the River San Bernard** for the *Friends of the River San Bernard Natural Area Acquisition and Conservation Program*, as set forth in the SEP Agreement referenced above between the Third-Party Recipient and the TCEQ. The SEP Offset Amount will be used to preserve a contiguous wetland corridor along the San Bernard River in lower Fort Bend County. Ducks Unlimited has protected an adjacent 114 acre tract with two conservation easements, but the contiguity of this wetland corridor greatly depends on the acquisition and preservation of the remaining acreage. This SEP will focus on three tracts of land comprising approximately 645 acres in the wetland corridor on the north side of the San Bernard River and west of Armstrong Road. Third-Party Recipient shall use SEP Funds to acquire conservation easements on these tracts to provide permanent protection and

stewardship of these lands and waters. All tracts acquired in whole or in part with SEP Funds shall be preserved in perpetuity through conservation easements that comply with Subchapter A, Chapter 183, Texas Natural Resources Code. The Holder of the San Bernard Conservation Easements shall be WETLANDS AMERICA TRUST, INC. (affiliated with Ducks Unlimited) which Third-Party Recipient certifies is an entity that meets the definition of "holder" under Section 183.001(2), Texas Natural Resources Code.

The SEP will be done in accordance with all federal, state and local environmental laws and regulations. Respondent shall not profit from this SEP in any manner. 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

Permanently protecting this land through the use of conservation easements will prevent pollution, enhance the quality of the environment, and may reduce the amount of pollutants reaching the environment. The land is located within the Central Flyway on the Upper Texas Coast; where approximately 10 million ducks and geese winter each year. Conservation of habitat for migratory birds and other wetland dependent wildlife is critical for maintaining the rich diversity of bird life in this area. Wetlands also benefit people by recharging groundwater supplies, reducing coastal storm surges, retaining flood waters during storm events and improving water quality. By protecting this land and preventing development, water quality, air quality and wildlife habitat will be protected.

c. Minimum Expenditure

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, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to the addressee listed below:

Ms. Barbara Fratila, Co-Chair
Friends of the River San Bernard
P.O. Box 93
Brazoria, Texas 77422

3. Records and Reporting

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

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. 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 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek

ConocoPhillips Company
Agreed Order - Attachment A

recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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