

**Executive Summary – Enforcement Matter – Case No. 42740  
ConocoPhillips Company  
RN102495884  
Docket No. 2011-1891-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Borger Refinery, State Spur 119 North, Borger, Hutchinson County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes: Docket Nos. 2013-0502-AIR-E and  
2013-0503-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 24, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$19,250

**Amount Deferred for Expedited Settlement:** \$3,850

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$15,400

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42740**  
**ConocoPhillips Company**  
**RN102495884**  
**Docket No. 2011-1891-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** September 15, 2011

**Date(s) of NOE(s):** September 26, 2011

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, Respondent operated at 90% opacity and released 100,935 pounds ("lbs") of volatile organic compounds, 27,200 lbs of carbon monoxide, 26,600 lbs of particulate matter, 10,678 lbs of sulfur dioxide, 3,200 lbs of nitrogen oxide, 2,397 lbs of methane, 1,023 lbs of nitrogen dioxide, 135 lbs of ethane, 123.6 lbs of hydrogen sulfide, 3.2 lbs of nickel, and 2.37 lbs of lead from Emissions Point No. ("EPN") 66FL6, 43I1, 34I1, 66FL3, 66FL4, 40P1, and 66FL2, during two avoidable emissions events (Incident Nos. 150068 and 150544) that began on January 31, 2011 and lasted a total of 268 hours and 35 minutes. The events occurred as a result of an extended period of freezing temperatures, inadequate insulation on associated vents and piping, and heating elements not functioning properly. The NGL Non-Corrosive Flare, EPN 66FL4, toppled and decreased the Plant's ability to meet proper combustion and to properly control emissions. Both events were the result of the same root cause and occurred one after the other. Since these events could have been avoided through better design and/or maintenance practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 9868A and PSDTX102M7, Special Conditions No. 1, and Federal Operating Permit No. O1440, Special Terms and Conditions No. 23].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. On February 11, 2011, installed a temporary flare stack to replace the NGL Non-Corrosive Flare, EPN 66FL4; and
- b. On December 31, 2011, completed the installation of additional insulation and heat tracing on associated vents and piping in order to prevent the recurrence of an emissions event due to the same causes as Incident Nos. 150068 and 150544.

**Technical Requirements:**

N/A

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***Litigation Information***

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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Kimberly Morales, Enforcement Division,  
Enforcement Team 5, MC R-12, (713) 422-8938; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Chris Coon, Refinery Manager, ConocoPhillips Company, P.O. Box 271,  
Borger, Texas 79008  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	3-Oct-2011			
	<b>PCW</b>	7-Mar-2013	<b>Screening</b>	11-Oct-2011	<b>EPA Due</b> 24-Mar-2012

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	ConocoPhillips Company				
<b>Reg. Ent. Ref. No.</b>	RN102495884				
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42740	<b>No. of Violations</b>	1
<b>Docket No.</b>	2011-1891-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Kimberly Morales
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$5,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **285.0%** Enhancement **Subtotals 2, 3, & 7** **\$14,250**

Notes: Enhancement for three NOVs with same/similar violations, seven NOVs with dissimilar violations, 10 orders with denial of liability, and three orders without denial of liability. Reduction for nine notices of intent to conduct an audit and five disclosures of violations.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts **\$2,288**  
 Approx. Cost of Compliance **\$50,000**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$19,250**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$19,250**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$19,250**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$3,850**

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** **\$15,400**

Screening Date 11-Oct-2011

Docket No. 2011-1891-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 42740

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Kimberly Morales

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	10	200%
	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	3	75%
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> )	9	-9%
	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> )	5	-10%

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) 285%

>> 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 three NOVs with same/similar violations, seven NOVs with dissimilar violations, 10 orders with denial of liability, and three orders without denial of liability. Reduction for nine notices of intent to conduct an audit and five disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 285%

Screening Date 11-Oct-2011

Docket No. 2011-1891-AIR-E

PCW

Respondent ConocoPhillips Company

Policy Revision 2 (September 2002)

Case ID No. 42740

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102495884

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 9868A and PSDTX102M7, Special Conditions No. 1, and Federal Operating Permit No. O1440, Special Terms and Conditions No. 23

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent operated at 90% opacity and released 100,935 pounds ("lbs") of volatile organic compounds, 27,200 lbs of carbon monoxide, 26,600 lbs of particulate matter, 10,678 lbs of sulfur dioxide, 3,200 lbs of nitrogen oxide, 2,397 lbs of methane, 1,023 lbs of nitrogen dioxide, 135 lbs of ethane, 123.6 lbs of hydrogen sulfide, 3.2 lbs of nickel, and 2.37 lbs of lead from Emissions Point Nos. ("EPNs") 66FL6, 43I1, 34I1, 66FL3, 66FL4, 40P1, and 66FL2, during two avoidable emissions events (Incident Nos. 150068 and 150544) that began on January 31, 2011 and lasted a total of 268 hours and 35 minutes. The events occurred as a result of an extended period of freezing temperatures, inadequate insulation on associated vents and piping, and heating elements not functioning properly. The NGL Non-Corrosive Flare, EPN 66FL4, toppled and decreased the Plant's ability to meet proper combustion and to properly control emissions. Both events were the result of the same root cause and occurred one after the other. Since these events could have been avoided through better design and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (50%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Air quality analysis has demonstrated human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 Number of violation days 12

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'monthly' is marked with an X.

Violation Base Penalty \$5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with rows: Extraordinary, Ordinary, N/A and columns: Before NOV, NOV to EDPRP/Settlement Offer.

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,288

Violation Final Penalty Total \$19,250

This violation Final Assessed Penalty (adjusted for limits) \$19,250

# Economic Benefit Worksheet

**Respondent** ConocoPhillips Company  
**Case ID No.** 42740  
**Req. Ent. Reference No.** RN102495884  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	31-Jan-2011	31-Dec-2011	0.92	\$2,288	n/a	\$2,288

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to ensure the functional integrity of the Plant during extended periods of freezing temperatures. The Date Required is the date that the first emissions event started. The Final Date is the date that corrective measures were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

**TOTAL**

\$2,288



OWNOPR ConocoPhillips Company  
OWNOPR ConocoPhillips Company  
OWN WRB Refining LLC

4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR ConocoPhillips Company
5. When did the change(s) in owner or operator occur? 02/08/2010 OWNOPR ConocoPhillips Company
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: 11/18/2006 ADMINORDER 2006-0646-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit 9868A, S.C. 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Effective Date: 11/09/2007 ADMINORDER 2005-0717-UIC-E

Classification: Major  
Citation: 30 TAC Chapter 331, SubChapter A 331.7(a)  
Rqmt Prov: VII.A - Waste Streams Prohibited ... OP  
Description: Failed to prevent the unauthorized injection of a characteristically hazardous waste into a class I non-hazardous injection well, according to permit provision VII.A.

Effective Date: 11/19/2007 ADMINORDER 2005-1251-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT  
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (emission point number ("EPN") 85B2) during an emission event on November 23, 2004.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 9868/PSD-TX-102M5, Special Condition 1 PERMIT  
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on November 30, 2004.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT  
Description: Failed to maintain an emission rate below the maximum allowable emission limits from Hydrogen Sulfide ("H2S") Emergency Flare (EPN 66FL6) during an emission event on December 23, 2004.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Refinery Cat Flare (EPN 66FL3) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 29 CO Boiler (EPN 85B1) during an emission event on February 23, 2005.

Classification: Moderate

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

Rqmt Prov: 9868/PSD-TX-102M5; Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Unit 40 CO Boiler (EPN 85B2) during an emission event on March 5, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(d)  
40 CFR Part 61, Subpart FF 61.356(g)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain records of quarterly visual reports. Specifically, a total of 10 quarterly reports were missing for years 2003 and 2004 for the eight affected units.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(a)  
40 CFR Part 61, Subpart FF 61.357(d)(8)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit accurate benzene NESHAP annual report for year 2004 to indicate problems with a drain subject to 40 CFR 61.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
40 CFR Part 63, Subpart R 63.424(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct monthly leak inspections of all equipment in gasoline service for 14 months in years 2003 and 2004.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230  
40 CFR Part 63, Subpart R 63.428(h)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include all required information in the fourth quarterly report of excess emissions for year 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Part 60, Subpart VV 60.482-7  
40 CFR Part 63, Subpart CC 63.648(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with leak repair requirements for valve No. 2205.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Part 60, Subpart VV 60.486(b)  
40 CFR Part 63, Subpart CC 63.648(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain tags for leaking components Specifically, valves No. 14005, 14254, and 14264 were not tagged as required.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate the flare with flame present at all times. Specifically, the flame was absent for the East Refinery Flare on June 16, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report all instances of deviations for the periods of 02/02/2004 through 08/02/2004 and 08/03/2004 through 12/31/2004.

Effective Date: 11/19/2007

ADMINORDER 2006-0087-MLM-E

Classification: Moderate

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

Description: Failed to include a complete list of pollutants in the final report for Incident No. 63623 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 40.4 lbs of nitric oxide, 121.2 lbs of nitrogen dioxide, and 738.08 lbs of carbon monoxide ("CO") from the North NGL Non-Corrosive Flare, EPN 66FL4 which occurred on August 6, 2005 and lasted 2 hours and 20 minutes (Incident No. 62362).

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,779.67 lbs of sulfur dioxide from the Refinery CAT Flare, EPN 66FL3, which occurred on June 9, 2005 and lasted 2 hours and 32 minutes (Incident No. 59525).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 5.B. PERMIT

Description: Failed to operate the flare with a pilot flame present at all times. Specifically, the pilot flame was absent on November 29, December 2 and December 31, 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 5.D. PERMIT

Description: Failed to ensure that the flow meter that measures the amount of contaminants going to EPN 66FL2 was operational on June 1, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 9 PERMIT

Description: Failed to monthly sample the acid gas exiting the Unit 43 waste heat boilers for ammonia concentration during February and July 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 11 PERMIT

Description: Failed to consistently maintain the required temperatures and oxygen concentrations for Unit 34 and 43.

Classification: Moderate

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

Rqmt Prov: Special Condition 14 PERMIT

Description: Failed to consistently maintain minimum flame temperature of 2000 degrees Fahrenheit for Unit 43 Sulphur Recovery Unit Thermal Reactors A and B.

Classification: Moderate

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

Rqmt Prov: Special Condition 20 PERMIT

Description: Failed to maintain records of the caustic concentration of all waste gas streams containing hydrogen fluoride in Unit F-22 for 23 (4-hour) shifts.

Classification: Moderate

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

Rqmt Prov: Special Condition 26 PERMIT

Description: Failed to consistently maintain the CO concentration below 500 parts per million volume

("ppmv") from Fluid Catalytic Cracking Units 29 and 40.

Classification: Moderate

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

Rqmt Prov: Special Condition 30 PERMIT

Description: Failed to consistently maintain hydrogen sulfide concentration from fuel gas used to fire all heaters, boilers, and tail gas incinerators at or below 162 ppmv on between December 23 and 25, 2004 and January 16 and April 16, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 37.D. PERMIT

Description: Failed to annually inspect Tank 5550 for seal integrity verification in 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 41.I. PERMIT

Description: Failed to repair leaking valves 4212, 4353, 4678, and 4731 (listed on the delay of repair list) during the unit shutdown which occurred between December 5, 2004 and January 10, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 42.H. PERMIT

Description: Failed to repair 13 valves (valves 13416, 13620, 14209, 14281, 14430, 14535, 14537, 2208, 2364, 2374, 2679, 2687, and 2691) within 15 days after discovery between February 10 and December 1, 2004.

Classification: Moderate

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

Rqmt Prov: Special Conditions 41.E. PERMIT

Description: Failed to seal 22 open ended valves in volatile organic compounds service.

Classification: Moderate

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

Rqmt Prov: Special Condition 48 PERMIT

Description: Failed to replace Engine 42 and 47 oxygen sensors during the third quarter of 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 50 PERMIT

Description: Failed to conduct stack testing every two years on three engines. Testing was conducted on Engine 38 in Unit 93 on June 24, 2003 and November 2005, on Engine 47 in Unit 12 on January 10, 2002 and August 11, 2004, and on Engine 2 in Unit 55 on June 24, 2003 and September 16, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 51.A. PERMIT

Description: Failed to quarterly monitor the nitrogen oxide ("NOx") and CO content of engine exhaust of Engines 1 and 46 for the first quarter of 2004, Engines 3, 46, and 47 for the second quarter of 2004, Engines 38 and 46 for the fourth quarter of 2004, Engines 37 and 46 for the first quarter of 2005, and Engine 46 for the third quarter of 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 54 PERMIT

Description: Failed to conduct quarterly grab sampling or spot checking with a portable analyzer for NOx and CO for Unit 29 Reboiler 29H4 in the third quarter of 2004 and Crude Oil Heater 10H1 in the second and third quarters of 2004.

Classification: Moderate

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

Rqmt Prov: Special Condition 59 PERMIT

Description: Failed to consistently maintain at least four operational electrostatic precipitator ("ESP") electrical cabinets in Units 85B1 and 85B2.

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 8 PERMIT

Description: Failed to operate the S Zorb Unit at or below the maximum sulfur removal rate of 128 pounds per hour ("lbs/hr").

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 14 PERMIT

Description: Failed to maintain the Charge Heater (EPN 25H1) firing rate limit at or below 14.3 million british thermal units per hour on March 2 and 11, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-01440, General Terms and Cond. PERMIT

Description: Failed to include all deviations on the semi-annual deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)  
30 TAC Chapter 335, SubChapter A 335.4(1)  
40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.35  
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1

Description: Disposed of a listed hazardous waste into an unauthorized landfill. Specifically, 390 tons of clarified slurry oil sediment (K170 listed hazardous waste) was mis-classified and disposed of on-site into a Class 1 non-hazardous landfill.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 101, SubChapter A 101.27(c)(1)  
30 TAC Chapter 21 21.4

Description: Failed to pay Air Emissions Fees, Consolidated Water Quality Fees, and associated late fees for Financial Administration Account Nos. 20500789, 21005788, 21005794, 21005795, and 23000667 for fiscal year 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 10,552.77 pounds ("lbs") of sulfur dioxide from emission point number ("EPN") 66FL4 which occurred on August 29, 2005 and lasted 197 hours and 44 minutes (Incident No. 63623).

Effective Date: 12/20/2007

ADMINORDER 2007-0567-MLM-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of industrial waste into or adjacent to the waters in the state.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Description: Failed to submit a complete final report. Specifically, ConocoPhillips failed to include the list of all affected facilities and the emission values for one of those facilities.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Description: Failed to include the names of all affected facilities on the emissions event report for Incident No. 79367.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S. C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008

ADMINORDER 2007-0558-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 9868A, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to either monitor all the valves in the Mercaptan Unit (No. 45) during the first quarter of 2005 or submit notification of an alternate monitoring schedule for the unit to allow for the quarter to be exempt from monitoring.

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include two reportable Emissions Events (Nos. 65748 and 71242) in the January 27 and July 13, 2006 deviation reports and 42 non-reportable events in the January 28 and July 28, 2005, and July 13, 2006 deviation reports.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 23 PERMIT

Description: Failed to consistently operate Units 29 and 40 below the six-minute average opacity emissions limit of 20% (averaged over six minutes) 24 times between October 14, 2004 and February 22, 2006.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 9868A, S.C. 30` PERMIT

Description: Failed to consistently route emissions to flares. Specifically, emissions from EPNs 66FL8, 66FL10, and 66FL11 were routed to burn pits 11 times between November 10, 2004 and February 24, 2006 during flare maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair a valve (Tag No. 1449) in Unit 22 within 15 calendar days after discovering a leak. The valve was required to be repaired on June 22, 2006, but was not repaired until June 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
40 CFR Part 60, Subpart A 60.18(c)(2)  
40 CFR Part 63, Subpart A 63.11(b)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(a)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to continuously monitor the thermal oxidizer temperature in the loading racks terminal three times between September 22 and October 13, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 10 PERMIT

Description: Failed to prevent visible emissions from Unit 34 incinerator stack on April 12, 2005 and from Unit 43 incinerator stack on January 18, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to operate Incinerators A and B with minimum firebox temperatures of 1209 degrees Fahrenheit five times between March 6, 2004 and December 17, 2004.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(1)  
40 CFR Part 63, Subpart A 63.11(b)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent visible emissions from EPN 66FL4 on September 2, 2004.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to limit sulfur dioxide concentration to 250 parts per million by volume in emissions from Unit 34 on February 20, 2006 in Units 34 and 43 on August 6 and December 15, 2005.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to conduct annual secondary seal inspections for Tank 511 in 2004 and 2005.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart Kb 60.115b(a)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an inspection failure report within 30 days after the September 13, 2005 inspection during which defects were found in the floating roof secondary seal on Tank 5599. The report was due on October 13, 2005, but was not submitted until January 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)  
40 CFR Part 60, Subpart A 60.18(e)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 2B PERMIT

Description: Failed to operate the flare with a constant pilot flame. Specifically, there was no pilot flame

present at EPN and 66FL2 on 3 occasions between June 6 and 9, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair four valves (Tag Nos. 0734, 2146, 20087 and 20068) in Units F-11, F-22, and F-7 within 15 calendar days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)  
40 CFR Part 60, Subpart KKK 60.632(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair three pumps (Tag Nos. 3968, 2596, and 1308) in Units 1.6, HDS, and Col. 39, respectively, within 15 days after discovering a leak.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)  
40 CFR Part 60, Subpart KKK 60.632(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make first attempt at repair of two pumps (Tag Nos. 2607 and 1308) within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Part 60, Subpart KKK 60.632(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 9868A, S.C. 37.I. PERMIT

Description: Failed to repair 14 valves within 15 days after the discovery of a leak (Tag Nos 2534, 1518, 1700, 1123, 2943, 99.000, 1867, 2577, 3846, 3885, 3892, 2699, 2725, and 1021). The first repair was required to be made March 18, 2005 and the repairs were complete on May 26, 2006. Repairs were made between one and 31 days late.

Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJ 60.632  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to monthly monitor Pump No. 346.000 in Column 31 Hazardous Organic National Emission Standards for Hazardous Air Pollutants during January, March, and April 2006.

Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to record the measurements, calculations, and other documentation used to determine that the total benzene quantity does not exceed 6.0 megagrams per year on the quarterly reports submitted on May 5 and September 9, 2005.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the range of benzene concentrations for the waste streams in the annual benzene summary report submitted on April 6, 2006.

Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.357(d)(6)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a quarterly equipment inspection certification report within 30 days after the end of the second quarter of 2005. Specifically, the report was due by July 30, 2005, but was not submitted until September 9, 2005.

Effective Date: 02/08/2009

ADMINORDER 2008-0431-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart J 60.103  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: ConocoPhillips Company, Borger Refinery Unit 40 FCCU Stack (EPN 40P1) failed to meet the requirements of Permit No. 9868A/PSD-TX-102M6, 30 TAC §113.780 relating to the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries, and 40 CFR §60.103. Specifically, during the stack performance test conducted on September 14, 2007, Unit 40 FCCU Stack failed to meet the 500 ppm allowable for Carbon Monoxide.

Classification: Moderate

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

Rqmt Prov: 9868A/PSD-Tx-102M6 PERMIT

Description: The facility failed to prevent unauthorized emissions during the incident No. 103836. The facility did not meet the affirmative defense criteria (b)(2) and (b)(3) of the provisions of 30 TAC Chapter 101.222(b).

Classification: Moderate

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

Rqmt Prov: 9868A/PSD-TX-102M6 PERMIT

Description: The facility is in violation of the provisions of 30 TAC Chapter 116, §116.715(a) by failure to prevent unauthorized emissions during the incident No. 103818.

Effective Date: 05/18/2009

ADMINORDER 2008-1636-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit PERMIT

Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits for nitrogen oxides. Specifically, on September 3, 2008, Refinery Boiler 2.4 (EPN 81B17) exceeded the nitrogen oxides emissions subcap limit.

Effective Date: 11/27/2009

ADMINORDER 2009-0129-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 and 23 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on June 1, 2008, a tube failure occurred on Boiler 2.4 causing a steam system upset impacting most of the plant: the gas oil hydrodesulfurizer hydrocarbons ("GOHDS HC") Flare [Emissions Point Number ("EPN") 66FL12], the Cat Flare (EPN 66FL3), Unit 40 Fluid Catalytic Cracking Unit ("FCCU") (EPN 40PI), Unit 34 Sulfur Recovery Unit ("SRU") Incinerator (EPN 34I1), and Unit 43 SRU (EPN 43I1) emitted . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on June 29, 2008, hydrocarbon contamination of the Central Still Amine Absorber caused a shut down, and the Unit 34 SRU Incinerator (EPN 34I1) emitted 464 lbs of SO<sub>2</sub>, 175 lbs of H<sub>2</sub>S, 2.1 lbs of NO<sub>x</sub>, and 0.55 lb of CO over a 34 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on July 19, 2008, the Unit 34 Tail Gas Treatment Unit stripper foamed, causing a unit shut down, and the Unit 34 SRU Incinerator (EPN 3411) emitted 716 lbs of SO<sub>2</sub>, 7.62 lbs of H<sub>2</sub>S, 1.53 lbs of NO<sub>x</sub>, and 0.38 lb of CO over a 23 minute period. Since these emissions could have been avoided by better design and/or operational practices, the emissions are not subject to an affirmative defense . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on July 29, 2008, flaring occurred at the atmospheric residual desulfurization ("ARDS") Flare (EPN 66FL12) due to a pressure increase in the first stage suction scrubber in the Flash Gas Compressor in Unit 41, and the flare emitted 639 lbs of SO<sub>2</sub>, seven lbs of H<sub>2</sub>S, 0.86 lb of NO<sub>x</sub>, 1.03 lbs of CO, and 3.37 lbs of VOC over a 20 minute period. Since these emissions were not timely reported . . .

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Patton Creek area without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 1 (also known as North Coble) without notifying the Amarillo Regional Office.

Classification: Moderate

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

Description: Failed to have authorization to operate a source of air emissions. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 3 without notice or authorization. Emissions data subsequently submitted by the Respondent on November 21, 2008, in connection with attempting to claim Permit by Rule authorization for the system, established that emissions were above those authorized by Permit by Rule.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Area 4 without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's HP-7 remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Jackson's Hole remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Canyon Dam (also known as Area 3A) without notifying the Amarillo Regional

Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Lot 7 remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.533(j)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the Amarillo Regional Office of the TCEQ prior to initiating remediation activities. Specifically, the Respondent began the operation of a soil and groundwater remediation system at the Plant's Old Caustic Pond remediation site without notifying the Amarillo Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 2B PERMIT

Description: Failed to maintain instrument monitoring of the flare pilot flame. Specifically, the Non-Corrosive Flare's (EPN 66FL4) pilot flame was not monitored by instrument on the following dates: December 22, 2007, March 3, May 7, and May 8, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 2C PERMIT

Description: Failed to operate flares with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hours. Specifically, those conditions were exceeded at the 100M Sour Water Treater Brine Flare Pit (EPN 66FL10) on March 13, 2008, at the ARDS Emergency Sulfur Flare (EPN 66FL13) on May 23, 2008, and at the Natural Gas Liquids Non-Corrosive Flare (EPN 66FL4) on March 7 and June 16, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 10 PERMIT

Description: Failed to operate the SRU Tail Gas Incinerator with no visible emissions, except for uncombined steam. Specifically, visible emissions were observed from the Unit 43 incinerator stack on January 11 and April 2, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 11 PERMIT

Description: Failed to operate the SRU thermal reactor at all times with a stable flame and to maintain the flame temperature at not less than 2,000 degrees Fahrenheit. Specifically, the SRU Unit 43 A's Thermal Reactor did not maintain the required flame and temperature on November 12, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 14 PERMIT

Description: Failed to maintain the SRU 43 sulfur pit connected to a vapor collection system which routes the recovered vapors back into the process. Specifically, the SRU Unit 43 vapor collection system was not operational on January 2 and April 9, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 28 PERMIT

Description: Failed to limit the fuel gas used to fire all of the Plant's heaters, boilers, and TGIs to a short term H2S concentration of no more than 162 parts per million volume. Specifically, the fuel gas exceeded that concentration on August 9, 2007 and March 9, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 41 PERMIT

Description: Failed to limit NOX emissions from an engine. Specifically, Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the NOx emissions limit of 2.0 grams per horse-power hour during a stack test on October 2, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 55 PERMIT

Description: Failed to ensure that a minimum coke moisture content of six percent by weight was maintained during coke handling and storage operations. Specifically, 60 samples taken between December 3, 2007 and December 23, 2008 showed moisture content between 0.7 and 5.95%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC59B PERMIT

Description: Failed to take samples and perform moisture analyses of coke piles. Specifically, the Respondent failed to do the sampling and analyses on the following dates: November 27, December 13, December 21, December 23, December 27, 2007, January 30, February 4, April 21, and April 26, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failed to limit PM emissions from the Unit 29 FCCU catalyst regenerator to no more than 1.0 kilograms per megagram (2.0 lb/ton). Specifically, a test conducted on December 6, 2007 showed that limit was exceeded.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT  
SC 23 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event on January 17, 2009, contaminated amine caused a temperature excursion and shut-down of the SRU 34 Feed Heater due to faulty level transmitters and the design of the level gauges, which made it difficult for plant operations to see the actual level of the absorbers. This condition, in turn, resulted in the following unauthorized emissions from the SRU incinerator (EPN 3411): . . . .

Effective Date: 12/18/2009

ADMINORDER 2009-1156-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 9868A and PSD-TX-10M7, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flex Permit 9868A and PSD-TX-102, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 09/26/2010

ADMINORDER 2010-0178-AIR-E

Classification: Moderate

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

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

Rqmt Prov: PSDTX102M7, Special Condition (SC) No.1 PERMIT

Description: Failure to prevent unauthorized emissions from the GOHDS flare on August 17, 2009.

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)

Rqmt Prov: Special Provision No. 18 OP

Description: Failed to submit a complete deviation report no later than 30 days after the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain Unit 12, Engine 42's catalyst on March 27, 2009 so that the pressure drop across the catalyst does not exceed the limits established during the performance test.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions No. 1.A. OP

Description: Failure to collect one fresh feed sulfur sample once per eight-hour period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial required benzene reports within 90 days of startup for the following units, which were started in June 2007: Unit 50 (Coker), Unit 51 (Vacuum), and Unit 19.3 (Hydrogen).

Classification: Minor

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

Description: Failure to submit a complete final report for emissions event No. 124305 which occurred on May 15, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSDTX102M7, SC No.1 PERMIT

Description: Failure to prevent unauthorized emissions from the Unit 34 incinerator stack on November 10, 2009.

Effective Date: 11/15/2010

ADMINORDER 2010-0675-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flexible Permit 9868A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event could have been avoided by better maintenance procedures for air cooler belts, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flexible Permit 9868A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event could have been avoided by either protecting the current power source, or ensuring backup power, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Effective Date: 05/08/2011

ADMINORDER 2010-1795-AIR-E

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.221(a)

5C THSC Chapter 382 382.0541(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01440 OP

Description: Failed to obtain significant revision of the Borger Refinery's federal operating permit, prior to the issuance of the revised federal operating permit in violation of 30 Tex. Admin. Code Ch. 122.221(a) and Tex. Health & Safety Code Ch. 382.0541(a)(1). Specifically, the respondent failed to obtain admendments associated with the modification to the Borger Refinery called the "Gasoline Benzene Reduction Project".

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	06/15/2008	(467250)
2	10/11/2006	(515667)
3	03/16/2007	(517551)
4	11/03/2006	(518149)
5	11/03/2006	(518237)
6	11/03/2006	(518272)
7	11/30/2006	(532446)
8	10/25/2006	(536054)
9	01/22/2007	(537059)
10	02/23/2007	(540568)
11	03/06/2007	(542490)
12	04/09/2007	(554950)
13	06/04/2007	(557890)
14	05/08/2007	(557892)
15	05/11/2007	(558928)
16	05/17/2007	(559988)
17	05/25/2007	(560211)
18	06/12/2007	(561959)
19	07/23/2007	(568756)
20	07/23/2007	(569200)
21	07/23/2007	(569278)
22	09/04/2007	(571794)
23	09/04/2007	(571799)
24	09/04/2007	(573098)
25	09/04/2007	(573119)
26	09/04/2007	(573126)
27	09/04/2007	(573132)
28	09/04/2007	(573137)
29	09/04/2007	(573145)
30	08/28/2007	(573763)
31	09/28/2007	(596149)
32	10/15/2007	(596734)
33	12/18/2007	(599297)
34	12/07/2007	(610766)
35	12/04/2007	(610826)
36	12/06/2007	(610871)
37	12/13/2007	(610872)
38	03/04/2008	(610874)
39	02/05/2008	(617236)
40	02/22/2008	(618682)
41	03/03/2008	(619078)
42	03/10/2008	(637208)
43	03/31/2008	(637441)
44	03/10/2008	(637850)
45	03/12/2008	(638570)
46	04/16/2008	(639947)
47	04/11/2008	(639948)
48	04/04/2008	(640052)

49	04/22/2008	(640269)
50	04/22/2008	(640274)
51	04/04/2008	(641113)
52	04/04/2008	(641120)
53	04/04/2008	(641123)
54	04/04/2008	(641124)
55	04/04/2008	(641262)
56	04/16/2008	(641345)
57	04/08/2008	(641450)
58	04/16/2008	(641606)
59	04/15/2008	(641833)
60	04/15/2008	(646318)
61	04/21/2008	(653421)
62	04/23/2008	(653422)
63	05/05/2008	(654697)
64	05/15/2008	(655931)
65	05/14/2008	(670875)
66	05/14/2008	(670877)
67	05/19/2008	(671263)
68	06/13/2008	(682985)
69	06/17/2008	(683143)
70	06/17/2008	(683152)
71	06/17/2008	(683436)
72	06/24/2008	(683654)
73	06/24/2008	(683997)
74	07/08/2008	(685211)
75	07/08/2008	(685238)
76	07/28/2008	(685550)
77	08/07/2008	(687671)
78	08/07/2008	(687839)
79	09/11/2008	(700350)
80	09/11/2008	(700366)
81	09/11/2008	(700371)
82	08/29/2008	(700947)
83	09/11/2008	(701024)
84	09/30/2008	(702043)
85	09/10/2008	(702303)
86	01/16/2009	(702466)
87	04/09/2009	(702467)
88	09/16/2008	(702968)
89	09/30/2008	(703769)
90	09/03/2008	(705401)
91	10/16/2008	(705600)
92	10/17/2008	(705742)
93	10/28/2008	(706256)
94	11/12/2008	(707907)
95	11/18/2008	(708075)
96	11/18/2008	(708314)
97	12/12/2008	(710274)
98	12/18/2008	(721682)
99	03/16/2009	(722376)
100	01/23/2009	(724227)
101	01/21/2009	(724249)
102	02/06/2009	(725574)
103	03/12/2009	(735634)
104	03/13/2009	(738460)
105	03/20/2009	(739343)
106	04/17/2009	(740572)
107	05/26/2009	(743528)
108	05/26/2009	(744736)
109	06/09/2009	(748196)
110	05/14/2009	(748444)
111	03/03/2009	(749334)
112	12/01/2007	(749338)
113	07/08/2009	(759105)
114	07/07/2009	(759763)
115	08/18/2009	(761247)
116	08/27/2009	(767178)
117	09/30/2009	(776673)
118	09/30/2009	(777291)
119	09/30/2009	(777352)
120	10/01/2009	(777985)
121	10/02/2009	(778026)
122	01/15/2010	(779772)
123	11/10/2009	(781161)
124	12/21/2009	(786080)
125	12/21/2009	(786084)
126	12/28/2009	(786674)
127	01/14/2010	(787008)
128	03/03/2010	(791583)

129 02/25/2010 (792398)  
 130 03/09/2010 (793850)  
 131 04/14/2010 (796156)  
 132 03/29/2010 (797217)  
 133 04/29/2010 (800142)  
 134 05/25/2010 (802372)  
 135 05/19/2010 (803083)  
 136 05/19/2010 (803107)  
 137 05/26/2010 (824743)  
 138 07/12/2010 (841011)  
 139 07/23/2010 (842679)  
 140 08/10/2010 (843540)  
 141 09/07/2010 (858033)  
 142 01/14/2011 (860293)  
 143 07/21/2010 (863285)  
 144 03/18/2011 (864531)  
 145 08/23/2010 (869782)  
 146 10/29/2010 (872276)  
 147 10/28/2010 (872342)  
 148 09/20/2010 (876720)  
 149 12/01/2010 (879347)  
 150 12/01/2010 (879480)  
 151 10/21/2010 (884246)  
 152 12/14/2010 (884717)  
 153 01/05/2011 (886112)  
 154 01/10/2011 (886730)  
 155 01/03/2011 (886732)  
 156 01/10/2011 (886872)  
 157 10/31/2010 (890615)  
 158 02/01/2011 (890887)  
 159 02/03/2011 (892932)  
 160 01/25/2011 (892943)  
 161 02/02/2011 (893218)  
 162 02/03/2011 (894493)  
 163 12/15/2010 (899000)  
 164 12/31/2010 (904867)  
 165 02/22/2011 (911813)  
 166 04/07/2011 (911915)  
 167 09/26/2011 (915621)  
 168 03/14/2011 (919092)  
 169 05/19/2011 (921431)  
 170 05/25/2011 (922401)  
 171 04/07/2011 (932364)  
 172 07/11/2011 (937169)  
 173 07/14/2011 (937214)  
 174 07/22/2011 (937506)  
 175 07/21/2011 (937524)  
 176 05/16/2011 (940793)  
 177 07/14/2011 (940925)  
 178 08/10/2011 (942876)  
 179 08/12/2011 (942940)

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

Date: 04/09/2007 (554950) CN601674351  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 Description: The facility failed to comply with the initial reporting requirements of the emissions event reporting provisions. The incident was discovered on July 27, 2006 but the initial report was not reported to TCEQ until July 31, 2006.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 79264.

Date: 06/05/2007 (557890) CN601674351  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
 Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, § 101.201(b)(1)(D) and (b)(1)(G) by failing to provide the names of all affected facilities and the non-combustible emission values associated with the flaring activity for the incident No. 84788.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86636.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)  
Description: The facility failed to satisfy the reporting provisions of 30 TAC Chapter 101, §101.201(b)(1)(D) by failing to provide the names of all affected facilities for the incident No. 86811.

Date: 12/18/2007 (599297) CN601674351

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: The review of the deviation report, submitted on January 30, 2007 indicated that Conoco-Phillips failed to provide the required information for the non-reportable events at this facility.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)  
Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-7(c)(1).

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
Description: The facility failed to comply with the provisions of 40 CFR 60, §60.482-2(a)(1).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(4)(A), 30 TAC §116.715(a), 40 CFR 63, §63.11(b)(4), and Texas Health and Safety Code §382.085(b).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Description: The facility failed to comply with the provisions of 30 TAC §116.715(a) and Texas Health and Safety Code §382.085(b).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
Description: The facility failed to comply with the provisions of 30 TAC §111.111(a)(1)(B).  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-7(d)(1) and 40 CFR 63 Subpart CC, §63.648(a).  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(c)(1) and 40 CFR 63 Subpart CC, §63.648(a).  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)  
Description: The facility failed to comply with the provisions of 40 CFR 63, Subpart CC, §63.643(a)(2).  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(b)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
Description: The facility is in violation of the provisions of 40 CFR 60 Subpart VV, §60.482-2(a)(1), §60.483-2(b)(2), and 40 CFR 63 Subpart CC, §63.648(a).

Date: 03/04/2008 (610874) CN601674351  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: The facility failed to submit the initial report within 24 hours following the discovery of the incident.

Date: 04/16/2008 (639947) CN601674351  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 101261.

Date: 04/16/2008 (641345) CN601674351  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
Description: The facility failed to comply with the reporting requirements of the emissions events provisions. Specifically, the company failed to submit accurate emission limits and the complete list of air contaminants in the final report for the incident No. 102617.

Date: 01/16/2009 (702466) CN601674351  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.1090  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
Description: The facility is in violation of the provisions of 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.106(j)(1)  
Description: The facility is in violation of provisions of §60.106(j)(1).  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

Description: The facility is in violation of provisions of §60.104(a)(2)(i).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Description: The facility is in violation of provisions of §63.167(a)(1) and 30 TAC §113.130.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)

Description: The facility is in violation of the provisions of 30 TAC §113.340, §63.120(b)(9), and §63.646(a).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)

Description: The facility is in violation of provisions of 30 TAC §122.165(a).  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: The facility is in violation of provisions of 40 CFR 60, §60.7(a)(3).

Date: 09/30/2009 (777985) CN601674351  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
9868A/PSD-TX-102M6 PERMIT

Description: Failure to use an air-assisted flare only when the net heating value of the gas being combusted is 300 Btu/scf or greater.

Date: 01/15/2010 (779772) CN601674351  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.1090  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
5C THSC Chapter 382 382.085(b)  
General Condition OP

Description: The review of the deviation reports submitted on January 30, 2009 and on July 30, 2009 indicated that on 12/16/2008 and during the period 02/04/2009 through 06/25/2009 for Unit 12, Engine 44, 4-hour average inlet temperature fell below the 750 degrees Fahrenheit. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.1090  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
5C THSC Chapter 382 382.085(b)  
General Conditions OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that on 06/04/2009 for Unit 12, Engine 41, pressure drop across the catalyst did not operate within the established operating limitations, which were established during the performance test. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Provision No. 17(A) OP  
Special provision No. 41 PA

Description: The review of information submitted by the company in the deviation report which was submitted on January 30, 2009 indicated that Engine 47 in Unit 12 (EPN 12E7), a White Superior engine, failed the CO emission limit of 3.0 gr/hp-hr during its third quarterly stack test on September 30, 2008. The facility is in violation of the provisions of §116.715(a), §382.085(b), 30 TAC §122.143(4), and the Special Condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(f)

5C THSC Chapter 382 382.085(b)  
Special Provision No. 17(A) OP

Description: The semi-annual report, required under the provisions of 40 CFR 60 Subpart J was submitted on August 1, 2008 and was late. The facility is in violation of provisions of 40 CFR 60 Subpart J, §60.107(f), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 2(B) PA  
Special provision No. 17(A) OP

Description: The review of the deviation reports indicated that the facility was unable to monitor by instrumentation on 07/25/2008 for the flare 66FL10, on 07/25/2008 for the flare 66FL11, on 12/09/2008 and 03/14/2009 for the flare 66FL4, and on 07/25/2008 for the flare 66FL8 in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(f)(2), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 55 PA  
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that the Coke moisture content was less than 6 percent on 01/06/2009 and 01/12/2009. The facility is in violation of the provisions of the special condition No. 55 of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special condition No. 59(B) PA  
Special Provision No. 17(A) OP

Description: The review of the deviation reports indicated that samples for Coke moisture analysis were not collected every other day on 11/15/2008, 12/01/2008, 12/03/2008, 12/07/2008, 12/17/2008, 12/21/2008, and 01/16/2009. The facility is in violation of the provisions of the special condition No. 59(B) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Special Provision No. 18 OP

Description: The deviation reports which were submitted on January 25, 2008 and July 30, 2008 were incomplete and did not contain the deviations regarding the facility's failure to maintain Coke moisture content of 6 percent on several occasions. The facility is in violation of the provisions of §382.085(b), 30 TAC §122.145(2)(A), 30 TAC §122.143(4), and the special condition No. 18 of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)  
5C THSC Chapter 382 382.085(b)

Description: The review of the deviation report submitted on January 30, 2009 indicated that for Tank 1165, the facility failed to submit the seal gap inspection results within 30 days. The tank was inspected on July 15, 2008. A report was due by August 14, 2008. The report was not submitted until September 8, 2008. The facility is in violation of provisions of 40 CFR 60 Subpart Kb, §60.115b(b)(4), §382.085(b), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Description: The review of the deviation report submitted on January 30, 2009 indicated that open-ended lines were discovered as follows:  
Unit 19 Naphtha HDS: tag No. 50344 on 07/14/2008  
Unit 29 FCCU Heater: tag No. 56906 on 08/06/2008  
Column 134: tag No. 45866 on 08/07/2008  
Unit 40 Fractionator: tag Nos. 13990 and 53449 on 08/12/2008  
The facility is in violation of the provisions of 40 CFR 63, §63.648(a), 40 CFR 63, §63.167(a), 40 CFR 60, §60.482-6(a)(1), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 45(E) PA  
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on January 30, 2009 indicated that the stack test reports for the engines 12E2, 12E3, 12E5, 93E2, and 93E3 were not submitted within 60 days (the deadline was July 22, 2008 but the report was not submitted until August 12, 2008). The facility is in violation of the provisions of the special condition No. 45(E) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 45(B) PA  
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that Unit 12 Engine 47 was not tested within 14 days of replacement of O2 sensor. The oxygen sensor was changed on February 18, 2009 but the engine was not tested until March 18, 2009. The facility is in violation of the provisions of the special condition No. 45(B) of the flexible permit No. 9868A, §116.715(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)  
General Conditions OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that 23 new valves were tagged but not monitored during the period 01/01/2009 through 04/30/2009. The facility is in violation of the provisions of 40 CFR 60, §60.482-7(a)(2), and §122.145(2)(A), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 28 PA  
Special Provision No. 17(A) OP

Description: The review of the deviation report, submitted on July 30, 2009 indicated that the hydrogen sulfide concentrations in the fuel gas exceeded the allowable value on 05/06/2009. The facility is in violation of the provisions of the special condition No. 28 of the flexible permit No. 9868A, §116.715(a), 40 CFR 60, §60.104(a)(1), §382.085(b), 30 TAC §122.143(4), and the special condition No. 17(A) of the SOP No. O-01440.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)  
5C THSC Chapter 382 382.085(b)  
Special Provision No. 5(E) OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that waste which potentially contained benzene was stored in an uncontrolled tank during the period 03/10/2009 through 03/30/2009 in violation of emission control provisions of Subparts A and FF. The facility is in violation of the provisions of §61.12(c), §61.343(a), §382.085(b), 30 TAC §122.143(4), and the special condition No. 5(E) of the SOP No. O-01440.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.650(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(c)(1)  
5C THSC Chapter 382 382.085(b)  
Special Provision No. 9(B) OP

Description: The review of the deviation report submitted on July 30, 2009 indicated that the facility failed to record and maintain the temperature of the thermal oxidizer during the period 06/01/2009 through 06/03/2009. The facility is in violation of the provisions of 40 CFR 63 Subpart CC, §63.650(a), Subpart R, §63.428(c)(1), §382.085(b), 30 TAC §122.143(4), and the special condition No. 9(B) of the SOP No. O-01440.

Date: 01/14/2011 (860293) CN601674351

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1090  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of §382.085(b), 30 TAC §122.143(4), 40 CFR 63 Subpart ZZZZ, §63.6640(a) and 30 TAC Chapter 113, §113.1090 by failure to maintain the catalyst inlet temperature of 750 degrees Fahrenheit for engines 41, 42, 43, and 45 on 8/5/2009 and for engine 42 on 10/19/2009, 10/29/2009, and 11/18/2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the provisions of 30 TAC §116.715(a), §382.085(b), and 30 TAC §122.143(4) by failure to comply with the special condition No. 8 of the permit No. 9868A with regard to maintaining a minimum temperature of 1180 degrees Fahrenheit in Unit 43 incinerator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(f)(2), §382.085(b), §63.11(b)(5), and 30 TAC §122.143(4) by failure monitor the pilot flame by instrumentation on 8/18/2009 for the flare 66FL3.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT 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)

Description: The review of the deviation report, submitted on January 29, 2010 (pages 36, 37, 39, and 41 of 50) indicated that the pilot flame was absent on 8/18/2009 for the flare 66FL3 and on 12/22/2009 for the flare 66FL4. The facility is in violation of the provisions of the special condition No. 2(B) of the flexible permit No. 9868A, §116.715(a), 40 CFR 60 §60.18(c)(2), §382.085(b), §63.11(b)(5), and 30 TAC §122.143(4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the special condition No. 46 of the permit No. 82659 by failing to maintain the NOX emissions rate of 0.02 lb/MMBtu. The facility is in violation of the provisions of §116.715(a), §122.143(4), and §382.085(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the provisions of 30 TAC §116.715(a), §382.085(b), §60.482-7(c)(1)(i), and 30 TAC §122.143(4) by failure to monitor 13

components in Gasoline Blending Unit during the month of October 2009.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips failed to comply with the provisions of 30 TAC §116.715(a), §382.085(b), and 30 TAC §122.143(4) by failure to comply with the special condition No. 2(C) of the permit No. 9868A regarding the visible emissions from the flares.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of 40 CFR 63, §63.648(a), 40 CFR 63, §63.167(a), 40 CFR 60, §60.482-6(a)(1), and §382.085(b), and 30 TAC §122.143(4) by failure to comply with the open-ended valves or lines of 40 CFR 60 Subpart VV.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)  
5C THSC Chapter 382 382.085(b)

Description: Conoco-Phillips is in violation of the provisions of 40 CFR 60, §60.482-7(a)(2), §382.085(b), §122.145(2)(A), and 30 TAC §122.143(4) by failure to monitor the new components 30 days after the end of the startup dates.

#### F. Environmental audits.

Notice of Intent Date: 08/11/2006 (514112)

Disclosure Date: 11/08/2006

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)

Description: Failure to meet repair deadlines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.593(d)

Description: Failure to properly identify some components in crude oil service.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6

Description: Failure to close 7 open-ended lines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7

Description: Exceeded 3% cap for DTM components in Unit 45.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.110  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

Description: Failure to include all required components in LDAR program.

Notice of Intent Date: 11/13/2006 (534247)

Disclosure Date: 12/20/2006

Viol. Classification: Minor

Rqmt Prov: PERMIT PSD-TX102-M5

Description: Failure to monitor all relief valves for leaks quarterly.

Viol. Classification: Moderate

Rqmt Prov: PERMIT PSD-TX-102M5

Description: Failure to maintain records of monthly average temperature and vapor pressure of tanks which receive liquids above ambient temperature.

Notice of Intent Date: 04/27/2007 (561240)

No DOV Associated

Notice of Intent Date: 07/21/2008 (700395)

Disclosure Date: 02/19/2009

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-2  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to complete routine method 21 inspections for 14 pumps. In addition, 3 AVO (audible, visual, olfactory) leaks exceeded the required 5 day first attempt at repair.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Unit 28 was found to exceed the 3% difficult-to-monitor valve cap by 3.4 %.

Viol. Classification: Moderate

Citation: 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  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to tag components. Specifically, approximately 97 tags in Unit 9 plus smaller amounts in several other reviewed units were not available in the LeakDAS database.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-6  
40 CFR Part 63, Subpart H 63.167  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

Description: Failure to close open ended lines. Specifically, 3 open ended lines were found without control by cap, plug, blind, or double block valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(b)

Description: Failure to fill out all leak tags with appropriate data in Units 6 and 7.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)

Description: Failure to meet the 30 day monitoring requirement for 5 management of change components.

Notice of Intent Date: 10/20/2008 (707547)

Disclosure Date: 06/04/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(5)

Description: Failure to include uncontrolled wastewater streams in the 2007 total annual benzene report and benzene quantity quantifications.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)

Description: Failure to properly identify the HP7 recovery system equipment in the 2007 TAB/BQ report as "controlled"; however, the equipment in this area did not meet the physical control requirements (e.g., junction box covers) and the equipment was not included in the BWON program for visual inspections and fugitive monitoring.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failure to maintain a record of carbon canister design replacement interval for the South Coble carbon canister system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)

Description: Failure to comply with BWON regulations as they applied to a Remediation Pilot Project. Specifically, during the audit, the Borger Refinery discovered that BWON regulations applied to the Remediation Project which had been previously installed. The Pilot Project had operated from June 05, 2008 to December 01, 2008 without carbon canister controls on an enclosed Frac tank. Carbon canisters had been added to bring the Pilot Project in compliance with Texas Permit by Rule requirements.

Notice of Intent Date: 03/10/2009 (740239)

Disclosure Date: 12/18/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to accurately report remediation fugitives from Emissions Inventory for reporting years 2005 to 2007.

Notice of Intent Date: 05/19/2009 (759301)

No DOV Associated

Notice of Intent Date: 04/05/2010 (826787)

No DOV Associated

Notice of Intent Date: 10/19/2010 (877218)

No DOV Associated

Notice of Intent Date: 02/14/2011 (901451)

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  
RN102495884**

§  
§  
§  
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§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2011-1891-AIR-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. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at State Spur 119 North in Borger, Hutchinson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 October 1, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nineteen Thousand Two Hundred Fifty Dollars (\$19,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Four Hundred Dollars (\$15,400) of the administrative penalty and Three Thousand Eight Hundred Fifty

- Dollars (\$3,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. On February 11, 2011, installed a temporary flare stack to replace the NGL Non-Corrosive Flare, Emission Point No. ("EPN") 66FL4; and
    - b. On December 31, 2011, completed the installation of additional insulation and heat tracing on associated vents and piping in order to prevent the recurrence of an emissions event due to the same causes as Incident Nos. 150068 and 150544.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 9868A and PSDTX102M7, Special Conditions No. 1, and Federal Operating Permit No. O1440, Special Terms and Conditions No. 23, as documented during a record review conducted on September 15, 2011. Specifically, the Respondent operated at 90% opacity and released 100,935 pounds ("lbs") of volatile organic compounds, 27,200 lbs of carbon monoxide, 26,600 lbs of particulate matter, 10,678 lbs of sulfur dioxide, 3,200 lbs of nitrogen oxide, 2,397 lbs of methane, 1,023 lbs of nitrogen dioxide, 135 lbs of ethane, 123.6 lbs of hydrogen sulfide, 3.2 lbs of nickel, and 2.37 lbs of lead from EPNs 66FL6, 43I1, 34I1, 66FL3, 66FL4, 40P1, and 66FL2, during two avoidable emissions events (Incident Nos. 150068 and 150544) that began on January 31, 2011 and lasted a total of 268 hours and 35 minutes. The events occurred as a result of an extended period of

freezing temperatures, inadequate insulation on associated vents and piping, and heating elements not functioning properly. The NGL Non-Corrosive Flare, EPN 66FL4, toppled and decreased the Plant's ability to meet proper combustion and to properly control emissions. Both events were the result of the same root cause and occurred one after the other. Since these events could have been avoided through better design and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ConocoPhillips Company, Docket No. 2011-1891-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or

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

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Tommy Rowe Jr  
For the Executive Director

6/5/17  
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.

Chris Coon  
Signature  
WRB Borger Refinery Phillips 66 Operator  
on behalf of ConocoPhillips  
Chris Coon  
Name (Printed or typed)  
Authorized Representative of  
ConocoPhillips Company

3/21/13  
Date  
Refinery Manager  
Title

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