

**Executive Summary – Enforcement Matter – Case No. 59672**  
**Chevron Phillips Chemical Company LP**  
**RN100825249**  
**Docket No. 2021-0278-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Chevron Phillips Chemical Sweeny Old Ocean Facilities, 21441 Loop 419, Sweeny, Brazoria County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 30, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$75,189

**Amount Deferred for Expedited Settlement:** \$15,037

**Total Paid to General Revenue:** \$30,076

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$30,076

Name of SEP: Texas City Independent School District (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** October 24, 2017 through January 8, 2018, October 18, 2017 through November 1, 2017, March 13, 2020 through May 19, 2020, November 28, 2018 through January 2, 2019, September 21, 2020 through November 12, 2020, October 16, 2020 through October 30, 2020, and October 27, 2020 through January 11, 2021

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**Chevron Phillips Chemical Company LP**  
**RN100825249**  
**Docket No. 2021-0278-AIR-E**

**Date(s) of NOE(s):** August 4, 2020, August 6, 2020, August 7, 2020, August 31, 2020, November 18, 2020, December 18, 2020, and January 25, 2021

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,669.43 pounds ("lbs") of volatile organic compounds ("VOC"), 21,178.02 lbs of highly reactive volatile organic compounds ("HRVOC"), 5,932.59 lbs of carbon monoxide ("CO"), and 2,737.67 lbs of nitrogen oxides ("NOx") from three Emissions Point Numbers ("EPNs") during an emissions event (Incident No. 261541) that began on June 27, 2017 and lasted 15 hours and 20 minutes. The emissions event occurred due to a loss of steam supply from a third-party supplier, resulting in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 22690 and PSDTX751M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2151, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 111.36 lbs of VOC, 4.48 lbs of NOx, and 45.78 lbs of CO from the Unit 33 Process Flare, EPN 56-61-22, during an emissions event (Incident No. 259703) that began on June 5, 2017 and lasted 26 hours and 13 minutes. The emissions event occurred due to the instrument air to Level Controller LC-9528 being blocked in that prevented the control valve from operating properly and caused the level for Suction Drum D-328 to drain, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the concentration limit. Specifically, the Respondent exceeded the CO concentration limit of 400 parts per million by volume dry ("ppmvd") at three percent oxygen ("3% O2") based on a rolling 24-hour averaging period by a range of 0.37 to 340.97 ppmvd at 3% O2 on 1,047 instances for the 24-hour periods that occurred for 47 days from February 27, 2018 through April 5, 2018, April 14, 2018 through April 19, 2018, and April 21, 2018 through April 23, 2018 for the Unit 22 Cracking Furnace 1, EPN 22-36-1 [30 TEX. ADMIN. CODE §§ 117.310(c)(1)(A) and 122.143(4), FOP No. O2151, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 489.17 lbs of VOC, 462.53 lbs of CO, and 65.64 lbs of NOx from four EPNs during an

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**Chevron Phillips Chemical Company LP**  
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emissions event (Incident No. 276586) that began on January 16, 2018 and lasted nine hours. The emissions event occurred due to the loss of steam supply from a third-party provider, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 11,444.09 lbs of VOC, 2,288.70 lbs of CO, and 853.06 lbs of NO<sub>x</sub> from two EPNs during an emissions event (Incident No. 341069) that began on August 20, 2020 and lasted 13 hours and ten minutes. The emissions event occurred due to a loss of lubrication to the thrust bearings of the Turbine Lube Oil Pump and operational issues after the Turbine Lube Oil Pump tripped, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,835.26 lbs of VOC, 6,698.36 lbs of CO, and 2,019.98 lbs of NO<sub>x</sub> from two EPNs during an emissions event (Incident No. 342054) that began on September 9, 2020 and lasted 62 hours and 25 minutes. The emissions event occurred due to a failed trip collar on the Turbine Lube Oil Pump that caused the Turbine Lube Oil Pump and Cracked Gas Compressor Turbine to trip and shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released a total of 21,523.59 lbs of HRVOC, 242.40 lbs of VOC, 4,743.72 lbs of CO, and 550.88 lbs of NO<sub>x</sub> from multiple EPNs during an emissions event (Incident No. 343851) that began on October 12, 2020 and lasted 58 hours and 15 minutes. The emissions event occurred due to a loss of power during a maintenance activity that was being conducted by a third-party provider, resulting in the release to the atmosphere and in flaring. Since the emissions event could have been avoided by better design and/or

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better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Conducting training for supervisors about the importance of recognizing and communicating potential scenarios to contractors during work permit walkdowns in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 259703 by October 25, 2017;
- b. Working with the third-party steam supplier to improve the reliability of their electrical and steam systems; by holding monthly meetings with the third-party steam supplier to discuss steam supply, quality, and reliability; and by communicating with the third-party steam supplier throughout a steam shedding event to identify opportunities to bring the system to a stable state as quickly as possible and to reduce steam loading in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 261541 and 276586 by November 30, 2019;
- c. Repairing the damaged tubes for Unit 22 Cracking Furnace 1 in order to comply with the CO concentration limit for the Unit 22 Cracking Furnace 1, EPN 22-36-1, by January 31, 2020;
- d. Changing the relay settings in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343851 by October 21, 2020;
- e. Changing the propylene, ethylene, and cracked gas trip preventative maintenance measures to include a line item to record the electric lube oil auto start pressure for all auto start switches; by adding a field tag to reinforce that the emergency bypass button flares the contents of the acetylene reactor; by confirming the auto start set points for the lube oil systems on the ethylene refrigeration and cracked gas compressor systems; by reviewing the Unit 24 High-Pressure Flare (Flare #14) greasing rounds to simplify and improve consistency; by revising the lubrication tubing for the lubricating oil circulating pump for the propylene compressor so that the operator can more easily see spring vents so that the bearing house level can be verified from the ground; and by revising the Unit 24 High-Pressure Flare (Flare #14) greasing procedures to ensure the pump turbines are uniformly greased across shifts in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 341069 by February 25, 2021; and

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f. Replacing the trip collar, bolt, and spring assembly; by performing an Overspeed Trip Test for the Cracked Gas, Ethylene, and Propylene Lube Oil Pump Turbines; by implementing a Hot Start Procedure for the Cracked Gas, Ethylene, and Propylene Lube Oil Pump Turbines; and by implementing a preventative maintenance procedure to inspect, perform checks, and verify checks for the Cracked Gas, Ethylene, and Propylene Valve Racks in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342054 by April 29, 2021.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Toni Red, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Texas City Independent School District SEP, 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

**Respondent:** Dirk Perrin, Plant Manager, Chevron Phillips Chemical Company LP, 21441 Loop 419, Sweeny, Texas 77480

**Respondent's Attorney:** Madeleine Boyer, Beveridge & Diamond PC, 400 West 15th Street, Suite 1410, Austin, Texas 78701-1648



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	10-Aug-2020	<b>Screening</b>	11-Aug-2020	<b>EPA Due</b>	
	<b>PCW</b>	20-Jun-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Chevron Phillips Chemical Company LP
<b>Reg. Ent. Ref. No.</b>	RN100825249 (PCW No. 1)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59672	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0278-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>	Toni Red
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>100.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$7,500</b>
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Notes: Enhancement for two NOV's with the same or similar violations and six orders containing a denial of liability. Reduction for seven notices of intent to conduct an audit and four disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$1,875</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$3,034  
 Estimated Cost of Compliance: \$25,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$13,125</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$13,125</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$13,125</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$2,625</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$10,500</b>
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**Screening Date** 11-Aug-2020

**Docket No.** 2021-0278-AIR-E

**PCW**

**Respondent** Chevron Phillips Chemical Company LP

*Policy Revision 4 (April 2014)*

**Case ID No.** 59672

*PCW Revision September 1, 2019*

**Reg. Ent. Reference No.** RN100825249 (PCW No. 1)

**Media** Air

**Enf. Coordinator** Toni Red

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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> )	7	-7%
	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> )	4	-8%
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)** 115%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with the same or similar violations and six orders containing a denial of liability. Reduction for seven notices of intent to conduct an audit and four disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 115%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 11-Aug-2020

Docket No. 2021-0278-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59672

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100825249 (PCW No. 1)

Media Air

Enf. Coordinator Toni Red

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 22690 and PSDTX751M1, Special Conditions No. 1, Federal Operating Permit No. Q2151, General Terms and Conditions and Special Terms and Conditions No. 25, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,669.43 pounds ("lbs") of volatile organic compounds ("VOC"), 21,178.02 lbs of highly reactive volatile organic compounds ("HRVOC"), 5,932.59 lbs of carbon monoxide ("CO"), and 2,737.67 lbs of nitrogen oxides ("NOx") from three Emissions Point Numbers ("EPNs"), as listed in the attached Emissions Event Table, during an emissions event (Incident No. 261541) that began on June 27, 2017 and lasted 15 hours and 20 minutes. The emissions event occurred due to a loss of steam supply from a third-party supplier, resulting in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent completed the corrective measures by November 30, 2019, prior to the Notice of Enforcement dated August 7, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,034

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 1)  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$25,000	27-Jun-2017	30-Nov-2019	2.43	\$3,034	n/a	\$3,034

#### Notes for DELAYED costs

Estimated delayed cost to work with the third-party steam supplier to improve the reliability of their electrical and steam systems; hold monthly meetings with the third-party steam supplier to discuss steam supply, quality, and reliability; and communicate with the third-party steam supplier throughout a steam shedding event to identify opportunities to bring the system to a stable state as quickly as possible and to reduce steam loading in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 261541 and 276586. Date Required is the date Incident No. 261541 began and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

**TOTAL**

\$3,034



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	10-Aug-2020		
	<b>PCW</b>	20-Jun-2022	<b>Screening</b>	11-Aug-2020
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Chevron Phillips Chemical Company LP
<b>Reg. Ent. Ref. No.</b>	RN100825249 (PCW No. 2)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59672	<b>No. of Violations</b>	5
<b>Docket No.</b>	2021-0278-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>	Toni Red
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$26,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$26,250
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Notes: Enhancement for one NOV with the same or similar violations and six orders containing a denial of liability. Reduction for nine notices of intent to conduct an audit and four disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$3,561
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,569
Estimated Cost of Compliance	\$31,500

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$48,939
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$48,939
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$48,939
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$9,787
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$39,152
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**Screening Date** 11-Aug-2020

**Docket No.** 2021-0278-AIR-E

**PCW**

**Respondent** Chevron Phillips Chemical Company LP

*Policy Revision 4 (April 2014)*

**Case ID No.** 59672

*PCW Revision September 1, 2019*

**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)

**Media** Air

**Enf. Coordinator** Toni Red

### Compliance History Worksheet

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

Component	Number of...	Number	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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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> )	4	-8%
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)** 108%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with the same or similar violations and six orders containing a denial of liability. Reduction for nine notices of intent to conduct an audit and four disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 108%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 100%

**Screening Date** 11-Aug-2020 **Docket No.** 2021-0278-AIR-E **PCW**  
**Respondent** Chevron Phillips Chemical Company LP *Policy Revision 4 (April 2014)*  
**Case ID No.** 59672 *PCW Revision September 1, 2019*  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)  
**Media** Air  
**Enf. Coordinator** Toni Red

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 22690 and PSDTX751M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2151, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 111.36 pounds ("lbs") of volatile organic compounds ("VOC"), 4.48 pounds of nitrogen oxides ("NOx"), and 45.78 pounds of carbon monoxide ("CO") from the Unit 33 Process Flare, Emissions Point Number ("EPN") 56-61-22, during an emissions event (Incident No. 259703) that began on June 5, 2017 and lasted 26 hours and 13 minutes. The emissions event occurred due to the instrument air to Level Controller LC-9528 being blocked in that prevented the control valve from operating properly and caused the level for Suction Drum D-328 to drain, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			<b>Percent</b>	
	<b>Release</b>	Major	Moderate		Minor
	Actual				x
Potential				15.0%	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	<b>Percent</b>

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1 Number of violation days 2

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$3,750

One quarterly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes** The Respondent completed the corrective measures by October 25, 2017, prior to the Notice of Enforcement ("NOE") dated August 6, 2020.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$29 **Violation Final Penalty Total** \$6,563

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

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	\$1,500	5-Jun-2017	25-Oct-2017	0.39	\$29	n/a	\$29
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to conduct training for supervisors about the importance of recognizing and communicating potential scenarios to contractors during work permit walkdowns in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 259703. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$29

Screening Date 11-Aug-2020

Docket No. 2021-0278-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59672

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100825249 (PCW No. 2)

Media Air

Enf. Coordinator Toni Red

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 117.310(c)(1)(A) and 122.143(4), FOP No. O2151, GTC and STC No. 1.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the concentration limit. Specifically, the Respondent exceeded the CO concentration limit of 400 parts per million by volume dry ("ppmvd") at three percent oxygen ("3% O2") based on a rolling 24-hour averaging period by a range of 0.37 to 340.97 ppmvd at 3% O2 on 1,047 instances for the 24-hour periods that occurred for 47 days from February 27, 2018 through April 5, 2018, April 14, 2018 through April 19, 2018, and April 21, 2018 through April 23, 2018 for the Unit 22 Cracking Furnace 1, EPN 22-36-1.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 47

Table with frequency options: daily, weekly, monthly, quarterly (marked with 'x'), semiannual, annual, single event.

Violation Base Penalty \$3,750

One quarterly event is recommended for the instances of non-compliance that occurred from February 27, 2018 to April 23, 2018.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary (marked with 'x'), N/A.

Notes The Respondent completed the corrective measures by January 31, 2020, prior to the NOE dated August 4, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$963

Violation Final Penalty Total \$6,563

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

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$10,000	27-Feb-2018	31-Jan-2020	1.93	\$963	n/a	\$963

**Notes for DELAYED costs** Estimated cost to repair the damaged tubes for Unit 22 Cracking Furnace 1 in order to comply with the CO concentration limit for the Unit 22 Cracking Furnace 1, EPN 22-36-1. The Date Required is the date the violation began and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$963

Screening Date 11-Aug-2020

Docket No. 2021-0278-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59672

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100825249 (PCW No. 2)

Media Air

Enf. Coordinator Toni Red

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 489.17 lbs of VOC, 462.53 lbs of CO, and 65.64 lbs of NOx from four EPNs, as listed in the attached Emissions Event Table, during an emissions event (Incident No. 276586) that began on January 16, 2018 and lasted nine hours. The emissions event occurred due to the loss of steam supply from a third-party provider, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual		x	
	Potential			15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by November 30, 2019, prior to the NOE dated August 31, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

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

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1 of PCW No. 1.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

**TOTAL** \$0

Screening Date 11-Aug-2020

Docket No. 2021-0278-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59672

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100825249 (PCW No. 2)

Media Air

Enf. Coordinator Toni Red

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 11,444.09 lbs of VOC, 2,288.70 lbs of CO, and 853.06 lbs of NOx from two EPNs, as listed in the attached Emissions Event Table, during an emissions event (Incident No. 341069) that began on August 20, 2020 and lasted 13 hours and ten minutes. The emissions event occurred due to a loss of lubrication to the thrust bearings of the Turbine Lube Oil Pump and operational issues after the Turbine Lube Oil Pump tripped, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	

Notes The Respondent completed the corrective measures by February 25, 2021, after the NOE dated November 18, 2020.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$259

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$10,000	20-Aug-2020	25-Feb-2021	0.52	\$259	n/a	\$259

**Notes for DELAYED costs**

Estimated cost to change the propylene, ethylene, and cracked gas trip preventative maintenance measures to include a line item to record the electric lube oil auto start pressure for all auto start switches; add a field tag to reinforce that the emergency bypass button flares the contents of the acetylene reactor; confirm the auto start set points for lube oil systems on the ethylene refrigeration and cracked gas compressor systems; review the Unit 24 High-Pressure Flare (Flare #14) greasing rounds to simplify and improve consistency; revise the lubrication tubing for the lubricating oil circulating pump for the propylene compressor so that the operator can more easily see spring vents so that the bearing house level can be verified from the ground; and revise the Unit 24 High-Pressure Flare (Flare #14) greasing procedures to ensure the pump turbines are uniformly greased across shifts in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 341069. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$259

Screening Date 11-Aug-2020

Docket No. 2021-0278-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59672

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN100825249 (PCW No. 2)

Media Air

Enf. Coordinator Toni Red

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c) and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,835.26 lbs of VOC, 6,698.36 lbs of CO, and 2,019.98 lbs of NOx from two EPNs, as listed in the attached Emissions Event Table, during an emissions event (Incident No. 342054) that began on September 9, 2020 and lasted 62 hours and 25 minutes. The emissions event occurred due to a failed trip collar on the Turbine Lube Oil Pump that caused the Turbine Lube Oil Pump and Cracked Gas Compressor Turbine to trip and shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 3

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$318

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

# Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 2)  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$10,000	9-Sep-2020	29-Apr-2021	0.64	\$318	n/a	\$318

#### Notes for DELAYED costs

Estimated cost to replace the trip collar, bolt, and spring assembly; to perform an Overspeed Trip Test for the Cracked Gas, Ethylene, and Propylene Lube Oil Pump Turbines; to implement a Hot Start Procedure for the Cracked Gas, Ethylene, and Propylene Lube Oil Pump Turbines; and to implement a preventative maintenance procedure to inspect, perform checks, and verify checks for the Cracked Gas, Ethylene, and Propylene Valve Racks in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342054. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

**TOTAL** \$318



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

<b>DATES</b>	<b>Assigned</b>	2-Feb-2021	<b>Screening</b>	12-Feb-2021	<b>EPA Due</b>	
	<b>PCW</b>	20-Jun-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Chevron Phillips Chemical Company LP
<b>Reg. Ent. Ref. No.</b>	RN100825249 (PCW No. 3)
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59672	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0278-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>	Toni Red
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$7,500
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Notes: Enhancement for two NOVs with the same or similar violations and eight orders containing a denial of liability. Reduction for 10 notices of intent to conduct an audit and four disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,875
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$12  
 Estimated Cost of Compliance: \$10,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$13,125
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$13,125
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,125
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,500
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**Screening Date** 12-Feb-2021

**Docket No.** 2021-0278-AIR-E

**PCW**

**Respondent** Chevron Phillips Chemical Company LP

*Policy Revision 4 (April 2014)*

**Case ID No.** 59672

*PCW Revision September 1, 2019*

**Reg. Ent. Reference No.** RN100825249 (PCW No. 3)

**Media** Air

**Enf. Coordinator** Toni Red

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments 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> )	10	-10%
	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> )	4	-8%
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)** 152%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with the same or similar violations and eight orders containing a denial of liability. Reduction for 10 notices of intent to conduct an audit and four disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 152%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

**Screening Date** 12-Feb-2021 **Docket No.** 2021-0278-AIR-E **PCW**  
**Respondent** Chevron Phillips Chemical Company LP *Policy Revision 4 (April 2014)*  
**Case ID No.** 59672 *PCW Revision September 1, 2019*  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 3)  
**Media** Air  
**Enf. Coordinator** Toni Red

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 22690 and PSDTX751M1, Special Conditions No. 1, Federal Operating Permit No. 02151, General Terms and Conditions and Special Terms and Conditions No. 25, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released a total of 21,523.59 pounds ("lbs") of highly reactive volatile organic compounds ("HRVOC"), 242.40 lbs of volatile organic compounds ("VOC"), 4,743.72 lbs of carbon monoxide ("CO"), and 550.88 lbs of nitrogen oxides ("NOx") from multiple Emissions Point Numbers ("EPNs", see the attached Emissions Event Table), during an emissions event (Incident No. 343851) that began on October 12, 2020 and lasted 58 hours and 15 minutes. The emissions event occurred due to a loss of power during a maintenance activity that was being conducted by a third-party provider, resulting in the release to the atmosphere and in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			<b>Percent</b> 30.0%	
	<b>Release</b>	Major	Moderate		Minor
	Actual		x		
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 0.0%

**Matrix Notes** Based on the Air Quality Analysis Audit performed on the air dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

One monthly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

**Notes** The Respondent completed the corrective measures on October 21, 2020, prior to the Notice of Enforcement dated January 25, 2021.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$12 **Violation Final Penalty Total** \$13,125

**This violation Final Assessed Penalty (adjusted for limits)** \$13,125

## Economic Benefit Worksheet

**Respondent** Chevron Phillips Chemical Company LP  
**Case ID No.** 59672  
**Reg. Ent. Reference No.** RN100825249 (PCW No. 3)  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$10,000	12-Oct-2020	21-Oct-2020	0.02	\$12	n/a	\$12

#### Notes for DELAYED costs

Estimated cost to change the relay settings in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343851. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$12

Chevron Phillips Chemical Company LP  
Docket No. 2021-0278-AIR-E; Case ID No. 59672

Emissions Event Table (Incident No. 261541)					
Source Name	EPN	Pollutant (lbs)			
		HRVOC	VOC	CO	NOx
Unit 24 High-Pressure Flare 14	56-61-14	19,967.44	1,272.00	4,062.58	1,991.50
Unit 24 Low-Pressure Flare 20	56-61-20	1,183.73	394.95	1,817.68	738.93
Unit 33 Process Flare 22	56-61-22	26.85	2.48	52.33	7.24
Totals:		21,178.02	1,669.43	5,932.59	2,737.67

Chevron Phillips Chemical Company LP  
Docket No. 2021-0278-AIR-E; Case ID No. 60402

Emissions Event Table (Incident No. 343851)					
Source Name	EPN	Pollutants (lbs)			
		HRVOC	VOC	CO	NOx
Pressure Safety Valves	N/A	17,610.80	0.00	0.00	0.00
Unit 21, 22 Low-Pressure Flare (Flare #10)	56-61-10	625.22	0.00	475.50	58.49
Unit 22 High-Pressure Flare (Flare #12)	56-61-12	3.58	0.00	0.00	0.00
Unit 24 High-Pressure Flare (Flare #14)	56-61-14	0.11	0.11	1.21	0.14
Unit 24 Low-Pressure Flare (Flare #20)	56-61-20	122.51	84.54	540.09	0.00
Unit 33 Process Flare (Flare #22)	56-61-22	3,161.37	157.75	3,726.92	492.25
Totals:		21,523.59	242.40	4,743.72	550.88

Chevron Phillips Chemical Company LP  
Docket No. 2021-0278-AIR-E; Case ID No. 59672

Emissions Event Table (Incident No. 276586)				
Source Name	EPN	Pollutant (lbs)		
		VOC	CO	NOx
Unit 10, 12 Low-Pressure Flare (Flare #8)	56-61-8	129.98	22.50	3.02
Unit 22, 22 Low-Pressure Flare (Flare #10)	56-61-10	23.72	47.91	9.40
Unit 22 High-Pressure Flare (Flare #12)	56-61-12	19.28	13.76	2.69
Unit 33 Process Flare (Flare #22)	56-61-22	316.19	378.36	50.53
Totals:		489.17	462.53	65.64

Chevron Phillips Chemical Company LP  
Docket No. 2021-0278-AIR-E; Case ID No. 59672

Emissions Event Table (Incident No. 341069)				
Source Name	EPN	Pollutant (lbs)		
		VOC	CO	NOx
Unit 24 High-Pressure Flare (Flare #14)	56-61-14	9,468.52	2,120.38	767.06
Unit 24 Low-Pressure Flare (Flare #20)	56-61-20	1,975.57	168.32	86.00
Totals:		11,444.09	2,288.70	853.06

Chevron Phillips Chemical Company LP  
Docket No. 2021-0278-AIR-E; Case ID No. 59672

Emissions Event Table (Incident No. 342054)				
Source Name	EPN	Pollutant (lbs)		
		VOC	CO	NOx
Unit 24 High-Pressure Flare (Flare #14)	56-61-14	7,598.96	2,187.30	1,098.18
Unit 24 Low-Pressure Flare (Flare #20)	56-61-20	7,236.30	4,511.06	921.80
Totals:		14,835.26	6,698.36	2,019.98

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# Compliance History Report

Compliance History Report for CN600303614, RN100825249, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600303614, Chevron Phillips Chemical Company LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.75
<b>Regulated Entity:</b>	RN100825249, CHEVRON PHILLIPS CHEMICAL SWEENEY OLD OCEAN FACILITIES	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.10
<b>Complexity Points:</b>	31	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	21441 LOOP 419 IN SWEENEY, BRAZORIA COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER BL0758C  
**AIR OPERATING PERMITS** PERMIT 3961  
**AIR NEW SOURCE PERMITS** AFS NUM 4803900145  
**AIR NEW SOURCE PERMITS** REGISTRATION 75479  
**AIR NEW SOURCE PERMITS** REGISTRATION 75072  
**AIR NEW SOURCE PERMITS** REGISTRATION 75059  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166  
**AIR NEW SOURCE PERMITS** REGISTRATION 134337  
**AIR NEW SOURCE PERMITS** REGISTRATION 154502  
**AIR NEW SOURCE PERMITS** REGISTRATION 153449  
**AIR NEW SOURCE PERMITS** REGISTRATION 150550  
**AIR NEW SOURCE PERMITS** REGISTRATION 152316  
**AIR NEW SOURCE PERMITS** REGISTRATION 154059  
**AIR NEW SOURCE PERMITS** REGISTRATION 162856  
**AIR NEW SOURCE PERMITS** REGISTRATION 163021  
**AIR NEW SOURCE PERMITS** REGISTRATION 145783  
**AIR NEW SOURCE PERMITS** REGISTRATION 148098  
**AIR NEW SOURCE PERMITS** REGISTRATION 148805  
**AIR NEW SOURCE PERMITS** REGISTRATION 147240  
**AIR NEW SOURCE PERMITS** REGISTRATION 149435  
**AIR NEW SOURCE PERMITS** REGISTRATION 149676  
**AIR NEW SOURCE PERMITS** REGISTRATION 146197  
**AIR NEW SOURCE PERMITS** PERMIT AMOC37  
**AIR NEW SOURCE PERMITS** REGISTRATION 155982  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGSPDXTX196  
**AIR NEW SOURCE PERMITS** REGISTRATION 159600  
**AIR NEW SOURCE PERMITS** REGISTRATION 156219  
**AIR NEW SOURCE PERMITS** REGISTRATION 155807  
**AIR NEW SOURCE PERMITS** REGISTRATION 157123  
**AIR NEW SOURCE PERMITS** REGISTRATION 160797  
**AIR NEW SOURCE PERMITS** REGISTRATION 160556  
**AIR NEW SOURCE PERMITS** REGISTRATION 162691  
**AIR NEW SOURCE PERMITS** REGISTRATION 159479  
**AIR NEW SOURCE PERMITS** REGISTRATION 159656  
**AIR NEW SOURCE PERMITS** REGISTRATION 159657  
**AIR NEW SOURCE PERMITS** REGISTRATION 157443  
**AIR NEW SOURCE PERMITS** REGISTRATION 155893  
**AIR NEW SOURCE PERMITS** REGISTRATION 156808  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER BL0758C

**AIR OPERATING PERMITS** PERMIT 2151  
**STORMWATER** PERMIT TXR05DJ65  
**AIR NEW SOURCE PERMITS** REGISTRATION 144047  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER BL0758C  
**AIR NEW SOURCE PERMITS** PERMIT 22690  
**AIR NEW SOURCE PERMITS** PERMIT 103832  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 151927  
**AIR NEW SOURCE PERMITS** REGISTRATION 154144  
**AIR NEW SOURCE PERMITS** PERMIT AMOC83  
**AIR NEW SOURCE PERMITS** REGISTRATION 154982  
**AIR NEW SOURCE PERMITS** PERMIT AMOC31  
**AIR NEW SOURCE PERMITS** REGISTRATION 151531  
**AIR NEW SOURCE PERMITS** REGISTRATION 162037  
**AIR NEW SOURCE PERMITS** REGISTRATION 146689  
**AIR NEW SOURCE PERMITS** REGISTRATION 148691  
**AIR NEW SOURCE PERMITS** REGISTRATION 151139  
**AIR NEW SOURCE PERMITS** REGISTRATION 146045  
**AIR NEW SOURCE PERMITS** REGISTRATION 146825  
**AIR NEW SOURCE PERMITS** REGISTRATION 146097  
**AIR NEW SOURCE PERMITS** REGISTRATION 148595  
**AIR NEW SOURCE PERMITS** REGISTRATION 149893  
**AIR NEW SOURCE PERMITS** REGISTRATION 155425  
**AIR NEW SOURCE PERMITS** PERMIT AMOC145  
**AIR NEW SOURCE PERMITS** REGISTRATION 156402  
**AIR NEW SOURCE PERMITS** REGISTRATION 161233  
**AIR NEW SOURCE PERMITS** REGISTRATION 160127  
**AIR NEW SOURCE PERMITS** REGISTRATION 160555  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 160337  
**AIR NEW SOURCE PERMITS** REGISTRATION 160795  
**AIR NEW SOURCE PERMITS** REGISTRATION 160474  
**AIR NEW SOURCE PERMITS** REGISTRATION 153456  
**AIR NEW SOURCE PERMITS** REGISTRATION 153765  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M2  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1566  
**AIR NEW SOURCE PERMITS** REGISTRATION 154253  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX751M1  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000039834

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE**  
REGISTRATION # (SWR) 86586  
**WASTEWATER** EPA ID TX0135917  
**IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION**  
# (SWR) 86586

**TAX RELIEF** ID NUMBER 16781  
**TAX RELIEF** ID NUMBER 19518  
**TAX RELIEF** ID NUMBER 19941  
**TAX RELIEF** ID NUMBER 19934  
**TAX RELIEF** ID NUMBER 19957  
**TAX RELIEF** ID NUMBER 19959  
**TAX RELIEF** ID NUMBER 16759  
**TAX RELIEF** ID NUMBER 20826  
**TAX RELIEF** ID NUMBER 16782  
**TAX RELIEF** ID NUMBER 19938  
**TAX RELIEF** ID NUMBER 19516  
**TAX RELIEF** ID NUMBER 16754  
**TAX RELIEF** ID NUMBER 18579  
**TAX RELIEF** ID NUMBER 18694  
**TAX RELIEF** ID NUMBER 18698  
**TAX RELIEF** ID NUMBER 20830  
**TAX RELIEF** ID NUMBER 22301  
**TAX RELIEF** ID NUMBER 22835

**POLLUTION PREVENTION PLANNING ID NUMBER**  
P06551  
**WASTEWATER PERMIT** WQ0005147000  
**TAX RELIEF** ID NUMBER 16780

**TAX RELIEF** ID NUMBER 18697  
**TAX RELIEF** ID NUMBER 19937  
**TAX RELIEF** ID NUMBER 17832  
**TAX RELIEF** ID NUMBER 17831  
**TAX RELIEF** ID NUMBER 19936  
**TAX RELIEF** ID NUMBER 20188  
**TAX RELIEF** ID NUMBER 18578  
**TAX RELIEF** ID NUMBER 17672  
**TAX RELIEF** ID NUMBER 19939  
**TAX RELIEF** ID NUMBER 17666  
**TAX RELIEF** ID NUMBER 19520  
**TAX RELIEF** ID NUMBER 16757  
**TAX RELIEF** ID NUMBER 16756  
**TAX RELIEF** ID NUMBER 19940  
**TAX RELIEF** ID NUMBER 18699  
**TAX RELIEF** ID NUMBER 19935  
**TAX RELIEF** ID NUMBER 22303

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** October 30, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 30, 2015 to October 30, 2020

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

**Name:** Toni Red

**Phone:** (512) 239-1704

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period?      YES  
2) Has there been a (known) change in ownership/operator of the site during the compliance period?      NO

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

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

- 1      Effective Date: 05/25/2016      ADMINORDER 2015-1059-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SC 1 PERMIT  
Special Condition 1 PERMIT  
STC 25 OP  
Description: Failure to prevent unauthorized emissions due to Steam Superheater shutdown. Sub-category: A12(i)(6).
- 2      Effective Date: 08/02/2017      ADMINORDER 2016-1778-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized due to Cracked Gas Compressor C-100 shutdown. Sub-category: A12i(6).  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized emissions due to Acetylene Reactor outlet valve closing. Sub-category: A12i(6).

3 Effective Date: 11/07/2017 ADMINORDER 2017-0091-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to hydrate formation within the unit. Sub-category: A12i(6).

4 Effective Date: 06/27/2018 ADMINORDER 2017-0933-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7(G) PERMIT  
Special Term and Condition 25 OP

Description: Failed to comply with the ammonia ("NH3") concentration limit, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), Federal Operating Permit ("FOP") No. O2151, Special Terms and Conditions ("STC") No. 25, and New Source Review ("NSR") Permit Nos. 22690 and PSDTX751M1, Special Conditions ("SC") No. 7.G. Specifically, on November 17, 2015 and from April 25, 2016 through September 16, 2016, the NH3 concentration limit of 10 parts p

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7(B)(4) OP  
Special Term and Condition 25 PERMIT

Description: Failed to comply with the permitted emissions factor, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O2151, STC No. 25, and NSR Permit Nos. 22690 and PSDTX751M1, SC No. 7.B(4). Specifically, from December 14, 2015 through July 22, 2016, the nitrogen oxides ("NOx") emissions factor of 0.015 lb per million British thermal units ("lb/MMBtu") based on a 24-hour average for the 33 Cracking Furnace 10, EPN 33-36-10, was

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: General Terms and Conditions OP

Description: Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O2151, General Terms and Conditions. Specifically, the deviation report for the October 1, 2015 through March 31, 2016 reporting period did not include deviations for exceeding the carbon monoxide ("CO") concentration limit, failure to demonstrate compliance with painting and blasting limits, and failure to obtain a Permits by R

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 37 PERMIT  
Special Term and Condition 25 OP  
Standard Condition 7 PERMIT

Description: Failed to provide records sufficient to demonstrate compliance, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O2151, STC No. 25, and NSR Permit Nos. 22690 and PSDTX751M1, General Conditions No. 7. Specifically, the Respondent provided the Paint and Abrasive Forms that documented the amount of abrasive used over the duration of the blasting activity and the amount of paint/thinner usage over the du

- 5 Effective Date: 07/20/2020 ADMINORDER 2019-1223-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 25 OP  
Description: Failure to prevent exceedance of the maximum allowable emission rate for Unit 33 Flare 22 (EPN: 56-61-22) (Category A8 HPV GC 2).  
Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Term & Condition 1A OP  
Description: Failure to prevent concentration exceedance for Unit 33 Furnace 7 (EPN: 33-36-7) (Category A8 HPV GC 2).

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 24, 2016	(1313548)
Item 2	February 25, 2016	(1295439)
Item 3	July 11, 2016	(1341951)
Item 4	July 14, 2016	(1329244)
Item 5	August 29, 2016	(1274935)
Item 6	August 31, 2016	(1337898)
Item 7	September 14, 2016	(1344546)
Item 8	September 23, 2016	(1351052)
Item 9	November 14, 2016	(1355933)
Item 10	January 19, 2017	(1399507)
Item 11	February 20, 2017	(1406437)
Item 12	February 24, 2017	(1375307)
Item 13	March 11, 2017	(1413546)
Item 14	April 19, 2017	(1419989)
Item 15	May 19, 2017	(1427631)
Item 16	June 20, 2017	(1433645)
Item 17	July 17, 2017	(1442209)
Item 18	August 16, 2017	(1445867)
Item 19	October 18, 2017	(1458335)
Item 20	November 16, 2017	(1463787)
Item 21	December 20, 2017	(1470224)
Item 22	December 28, 2017	(1453759)
Item 23	January 15, 2018	(1476937)
Item 24	February 20, 2018	(1489069)

Item 25	April 05, 2018	(1492714)
Item 26	April 19, 2018	(1503013)
Item 27	June 20, 2018	(1510094)
Item 28	July 20, 2018	(1516422)
Item 29	August 02, 2018	(1506379)
Item 30	August 09, 2018	(1504413)
Item 31	August 20, 2018	(1522462)
Item 32	September 20, 2018	(1529678)
Item 33	November 19, 2018	(1543839)
Item 34	December 19, 2018	(1547535)
Item 35	January 18, 2019	(1537180)
Item 36	February 19, 2019	(1566829)
Item 37	February 22, 2019	(1549035)
Item 38	March 19, 2019	(1566830)
Item 39	April 17, 2019	(1574208)
Item 40	May 20, 2019	(1587970)
Item 41	June 05, 2019	(1555463)
Item 42	June 13, 2019	(1587971)
Item 43	June 26, 2019	(1557499)
Item 44	July 17, 2019	(1555517)
Item 45	July 18, 2019	(1595627)
Item 46	August 14, 2019	(1447381)
Item 47	September 14, 2019	(1608741)
Item 48	September 30, 2019	(1591300)
Item 49	October 18, 2019	(1615616)
Item 50	November 19, 2019	(1621419)
Item 51	December 18, 2019	(1628758)
Item 52	January 16, 2020	(1622421)
Item 53	January 24, 2020	(1610042)
Item 54	February 18, 2020	(1642992)
Item 55	March 13, 2020	(1551063)
Item 56	March 19, 2020	(1649497)
Item 58	April 20, 2020	(1655863)
Item 59	May 19, 2020	(1662404)
Item 60	June 18, 2020	(1668959)
Item 61	July 20, 2020	(1675902)
Item 62	August 16, 2020	(1682694)
Item 63	August 31, 2020	(1671951)
Item 64	September 22, 2020	(1677775)

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

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

1 Date: 11/27/2019 (1477998)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 NSR 22690, SPECIAL CONDITION 1 PERMIT  
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B13)

2 Date: 08/04/2020 (1631996)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Term & Condition 25 OP  
 Description: Failure to prevent the exceedance of permitted hourly emission limits for Cracking Furnace 10 (EPN: 33-36-10) (Category B13).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Special Condition 7B(4) PERMIT  
Special Condition 7G PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of concentration limits from Cracking Furnace 10 (EPN: 33-36-10) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 8 (EPN: 33-36-8) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 5 (EPN: 33-36-5) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27A PERMIT  
Special Condition 3A PERMIT  
Special Condition 5A PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to maintain the net heating value for the Unit 21 & 22 Low Pressure Flare (EPN: 56-61-10) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to prevent the exceedance of the rolling 24-hour concentration limit for Cracking Furnace 2 (EPN: 22-36-2) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to prevent the exceedance of the rolling 24-hour concentration limit for Cracking Furnace 6 (EPN: 22-36-6) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13E PERMIT  
Special Condition 23 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to prevent open-ended lines (EPNs: 22-0-0, 10.1-0-0, 18-0-0, 21-0-0, 24-0-0, & 56-61-8) (Category C10).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13F PERMIT  
Special Term & Condition 25 OP

Description: Failure to repair a leaking component (EPN: 22-0-0) upon discovery (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Special Condition 12B(2) PERMIT  
Special Term & Condition 25 OP

Description: Failure to conduct the daily zero and span for 10 Cracking Furnaces (EPNs: 24-36-1, 24-36-2, 24-36-3, 24-36-4, 24-36-5, 24-36-6, 24-36-7, 24-36-8, 24-36-9, & 33-36-7) (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27D PERMIT  
Special Term & Condition 25 OP

Description: Failure to conduct the weekly mid-level calibration for the Unit 10ABC Low Pressure Flare (EPN: 56-61-8) analyzer (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27D PERMIT  
Special Term & Condition 25 OP

Description: Failure to conduct the weekly mid-level calibration for the Unit 10ABC High Pressure Flare (EPN: 56-61-9) analyzer (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 115, SubChapter B 115.122(a)(1)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27B PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to prevent the pilot light from extinguishing on the Unit 10 ABC High Pressure Flare (EPN: 56-61-9) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to analyze a concentration sample within 72 hours of collection for Cooling Tower 6 (EPN: 54-22-6) (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to analyze a concentration sample within 72 hours of collection for Cooling Tower 7 (EPN: 54-22-7) (Category C1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 1 (EPN: 33-36-1) (Category B12).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Special Term & Condition 3 OP

Description: Failure to prevent visible emissions from Cracking Furnace 3 (EPN: 33-36-3) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Special Term & Condition 3 OP

Description: Failure to prevent visible emissions from Cracking Furnace 1 (EPN: 33-36-1)

(Category C4).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 PERMIT  
 Special Term & Condition 1A OP  
 Special Term & Condition 25 OP  
 Description: Failure to prevent visible emissions from the Unit 24 Low Pressure Flare (EPN: 56-61-20) (Category C4).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 PERMIT  
 Special Term & Condition 1A OP  
 Special Term & Condition 25 OP  
 Description: Failure to prevent visible emissions from the Unit 24 High Pressure Flare (EPN: 56-61-14) (Category C4).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27A PERMIT  
 Special Condition 3A PERMIT  
 Special Condition 5A PERMIT  
 Special Term & Condition 1A OP  
 Special Term & Condition 25 OP  
 Description: Failure to maintain the net heating value for the Unit 24 Low Pressure Flare (EPN: 56-61-20) (Category C4).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to include a signed certification for a deviation report amendment. (Category B3)

**F. Environmental audits:**

Notice of Intent Date: 06/25/2015 (1274494)  
 Disclosure Date: 04/26/2016  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 Rqmt Prov: PERMIT NSR Permit 19718, SC 1  
 Description: Failed to ensure that correct PM10 and VOC limits are programmed into the Continuous Emissions Monitoring System (CEMS) for Compressor Engine 38 (EPN 62-16-38). The permit limit was exceeded approximately 1,847 hours from February 16, 2011 at 12:00 am to August 15, 2014 at 11:00 pm and the VOC limit was exceeded for 12 hours from January 10, 2013 at 6:00 am to February 16, 2013 at 9:00 pm.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.10  
 30 TAC Chapter 116, SubChapter B 116.115(a)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 Rqmt Prov: PERMIT NSR Permit 19718, SC 1  
 Description: Failed to limit Flare 3 (EPN 62-6103) operating hours to the hours represented in the permit application, resulting in annual NOx and CO emissions exceedances.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357  
 Description: Failed to include the flow weighted annual average Benzene concentration of the stream in the 2014 TAB

report (the report only contains concentrations per phase).  
 Viol. Classification: Minor  
 Citation: 2H THSC Chapter 161, SubChapter A 161.355(a)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failed to list the annual quantity and flow weighted annual average benzene concentration for each stream in the TAB report. Specifically, the P66 stream in the 2014 TAB report did not list this concentration.  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)

Description: Failed to ensure that two streams with <10% water are managed and treated (two streams with <10% water are listed as uncontrolled in the 2014 TAB report).  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(B)

Description: Failed to properly calibrate the flare header pressure monitors annually. Specifically, the calibration form shows the acceptable calibration as +/-50 mm of Hg (0.96 psi) instead of +/- 5.0.

Notice of Intent Date: 08/08/2016 (1356075)  
 Disclosure Date: 08/14/2017  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to have authorization for small quantities of pollutant no previously know to be present in the furnace decoke stacks, EPNs 24-36-2, 24-36-3, and 24-36-4, including VOCs, NOx, polynuclear aromatic hydrocarbons, and various metals.

Notice of Intent Date: 06/26/2017 (1424164)  
 No DOV Associated

Notice of Intent Date: 03/06/2018 (1478430)  
 Disclosure Date: 08/31/2018  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(ii)  
 30 TAC Chapter 115, SubChapter H 115.764(a)(6)

Description: Failure to ensure that the correct calibration gas concentration is used for both HRVOC and non HRVOC components (Performance Specification 9) for Flares 4, 8, 10, 12, 14, 20, 22 and Cooling Towers 5, 9, 12, 13, and 17.

Notice of Intent Date: 02/22/2019 (1551964)  
 Disclosure Date: 11/21/2019  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT SC 22(B)(3)(b)

Description: Failure to document LEL meter reading for monitoring of carbon canisters on vacuum trucks and monthly calibration records and daily validation of LEL meter records.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Description: Failure to complete monthly inspections of parts washer Degreaser 1.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: OP SC 3(A)(iv)(2)  
 PERMIT SC 33(A)

Description: Failure to visually observe atmospheric vents which are monitored by pressure for the second and third quarter of 2019.  
 Disclosure Date: 01/29/2020  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT SC 22(B)(3)(b)

Description: Failure to document LEL meter reading for monitoring of carbon canisters on vacuum trucks and monthly calibration records and daily validation of LEL meter records.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Description: Failure to complete monthly inspections of parts washer Degreaser 1.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: OP SC 3(A)(iv)(2)  
 PERMIT SC 33(A)

Description: Failure to visually observe atmospheric vents which are monitored by pressure for the second and third quarter of 2019.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(C), 24(C), 24(c)(3), and 24(D)

Description: Failure to document by a third party LEL meters for monitoring of carbon canisters on vacuum trucks.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

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

Description: Failure to ensure benzene monitoring of carbon canisters in BWON applicable system are performed by a third party vacuum truck provider.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter O 106.355(5)(A)

Description: Failure to ensure records for PBR 106.355 include the reason and type of activity since flaring activities under this PBR were preformed by a third party.

Notice of Intent Date: 08/21/2019 (1592529)

No DOV Associated

Notice of Intent Date: 10/07/2019 (1605050)

No DOV Associated

Notice of Intent Date: 03/19/2020 (1638285)

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

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600303614, RN100825249, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600303614, Chevron Phillips Chemical Company LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.75
<b>Regulated Entity:</b>	RN100825249, CHEVRON PHILLIPS CHEMICAL SWEENEY OLD OCEAN FACILITIES	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.10
<b>Complexity Points:</b>	31	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	21441 LOOP 419 IN SWEENEY, BRAZORIA COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER BL0758C  
**AIR OPERATING PERMITS** PERMIT 3961  
**AIR NEW SOURCE PERMITS** REGISTRATION 144047  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER BL0758C  
**AIR NEW SOURCE PERMITS** PERMIT 22690  
**AIR NEW SOURCE PERMITS** PERMIT 103832  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 151927  
**AIR NEW SOURCE PERMITS** REGISTRATION 154144  
**AIR NEW SOURCE PERMITS** PERMIT AMOC83  
**AIR NEW SOURCE PERMITS** REGISTRATION 154982  
**AIR NEW SOURCE PERMITS** PERMIT AMOC31  
**AIR NEW SOURCE PERMITS** REGISTRATION 151531  
**AIR NEW SOURCE PERMITS** REGISTRATION 163635  
**AIR NEW SOURCE PERMITS** REGISTRATION 163021  
**AIR NEW SOURCE PERMITS** REGISTRATION 163288  
**AIR NEW SOURCE PERMITS** REGISTRATION 146689  
**AIR NEW SOURCE PERMITS** REGISTRATION 148691  
**AIR NEW SOURCE PERMITS** REGISTRATION 151139  
**AIR NEW SOURCE PERMITS** REGISTRATION 146045  
**AIR NEW SOURCE PERMITS** REGISTRATION 146825  
**AIR NEW SOURCE PERMITS** REGISTRATION 146097  
**AIR NEW SOURCE PERMITS** REGISTRATION 148595  
**AIR NEW SOURCE PERMITS** REGISTRATION 149893  
**AIR NEW SOURCE PERMITS** REGISTRATION 155425  
**AIR NEW SOURCE PERMITS** PERMIT AMOC145  
**AIR NEW SOURCE PERMITS** REGISTRATION 156402  
**AIR NEW SOURCE PERMITS** REGISTRATION 161233  
**AIR NEW SOURCE PERMITS** REGISTRATION 160127  
**AIR NEW SOURCE PERMITS** REGISTRATION 160555  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 160337  
**AIR NEW SOURCE PERMITS** REGISTRATION 160795  
**AIR NEW SOURCE PERMITS** REGISTRATION 160474  
**AIR NEW SOURCE PERMITS** REGISTRATION 153456  
**AIR NEW SOURCE PERMITS** REGISTRATION 153765  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M2  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1566  
**AIR NEW SOURCE PERMITS** REGISTRATION 154253

**AIR OPERATING PERMITS** PERMIT 2151  
**AIR NEW SOURCE PERMITS** AFS NUM 4803900145  
**AIR NEW SOURCE PERMITS** REGISTRATION 75479  
**AIR NEW SOURCE PERMITS** REGISTRATION 75072  
**AIR NEW SOURCE PERMITS** REGISTRATION 75059  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166  
**AIR NEW SOURCE PERMITS** REGISTRATION 134337  
**AIR NEW SOURCE PERMITS** REGISTRATION 154502  
**AIR NEW SOURCE PERMITS** REGISTRATION 153449  
**AIR NEW SOURCE PERMITS** REGISTRATION 150550  
**AIR NEW SOURCE PERMITS** REGISTRATION 152316  
**AIR NEW SOURCE PERMITS** REGISTRATION 154059  
**AIR NEW SOURCE PERMITS** REGISTRATION 162856  
**AIR NEW SOURCE PERMITS** REGISTRATION 162037  
**AIR NEW SOURCE PERMITS** REGISTRATION 163375  
**AIR NEW SOURCE PERMITS** REGISTRATION 163847  
**AIR NEW SOURCE PERMITS** REGISTRATION 145783  
**AIR NEW SOURCE PERMITS** REGISTRATION 148098  
**AIR NEW SOURCE PERMITS** REGISTRATION 148805  
**AIR NEW SOURCE PERMITS** REGISTRATION 147240  
**AIR NEW SOURCE PERMITS** REGISTRATION 149435  
**AIR NEW SOURCE PERMITS** REGISTRATION 149676  
**AIR NEW SOURCE PERMITS** REGISTRATION 146197  
**AIR NEW SOURCE PERMITS** PERMIT AMOC97  
**AIR NEW SOURCE PERMITS** REGISTRATION 155982  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX196  
**AIR NEW SOURCE PERMITS** REGISTRATION 159600  
**AIR NEW SOURCE PERMITS** REGISTRATION 156219  
**AIR NEW SOURCE PERMITS** REGISTRATION 155807  
**AIR NEW SOURCE PERMITS** REGISTRATION 157123  
**AIR NEW SOURCE PERMITS** REGISTRATION 160797  
**AIR NEW SOURCE PERMITS** REGISTRATION 160556  
**AIR NEW SOURCE PERMITS** REGISTRATION 162691  
**AIR NEW SOURCE PERMITS** REGISTRATION 159479  
**AIR NEW SOURCE PERMITS** REGISTRATION 159656  
**AIR NEW SOURCE PERMITS** REGISTRATION 159657  
**AIR NEW SOURCE PERMITS** REGISTRATION 157443  
**AIR NEW SOURCE PERMITS** REGISTRATION 155893  
**AIR NEW SOURCE PERMITS** REGISTRATION 156808

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX751M1

**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 86586

**STORMWATER** PERMIT TXR05DJ65

**WASTEWATER** EPA ID TX0135917

**WASTEWATER** PERMIT WQ0005147000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER BL0758C

**POLLUTION PREVENTION PLANNING** ID NUMBER P06551

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000039834

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 86586

**TAX RELIEF** ID NUMBER 16780

**TAX RELIEF** ID NUMBER 16781

**TAX RELIEF** ID NUMBER 18697

**TAX RELIEF** ID NUMBER 19518

**TAX RELIEF** ID NUMBER 19937

**TAX RELIEF** ID NUMBER 19941

**TAX RELIEF** ID NUMBER 17832

**TAX RELIEF** ID NUMBER 19934

**TAX RELIEF** ID NUMBER 17831

**TAX RELIEF** ID NUMBER 19957

**TAX RELIEF** ID NUMBER 19936

**TAX RELIEF** ID NUMBER 19959

**TAX RELIEF** ID NUMBER 20188

**TAX RELIEF** ID NUMBER 23341

**TAX RELIEF** ID NUMBER 16759

**TAX RELIEF** ID NUMBER 18578

**TAX RELIEF** ID NUMBER 20826

**TAX RELIEF** ID NUMBER 17672

**TAX RELIEF** ID NUMBER 16782

**TAX RELIEF** ID NUMBER 19939

**TAX RELIEF** ID NUMBER 19938

**TAX RELIEF** ID NUMBER 17666

**TAX RELIEF** ID NUMBER 19516

**TAX RELIEF** ID NUMBER 19520

**TAX RELIEF** ID NUMBER 16754

**TAX RELIEF** ID NUMBER 16757

**TAX RELIEF** ID NUMBER 18579

**TAX RELIEF** ID NUMBER 16756

**TAX RELIEF** ID NUMBER 18694

**TAX RELIEF** ID NUMBER 19940

**TAX RELIEF** ID NUMBER 18698

**TAX RELIEF** ID NUMBER 18699

**TAX RELIEF** ID NUMBER 20830

**TAX RELIEF** ID NUMBER 19935

**TAX RELIEF** ID NUMBER 22301

**TAX RELIEF** ID NUMBER 22303

**TAX RELIEF** ID NUMBER 22835

**TAX RELIEF** ID NUMBER 23344

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** January 20, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 20, 2016 to January 20, 2021

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

**Name:** Toni Red

**Phone:** (512) 239-1704

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

1      Effective Date: 05/25/2016      ADMINORDER 2015-1059-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT  
Special Condition 1 PERMIT  
STC 25 OP

Description: Failure to prevent unauthorized emissions due to Steam Superheater shutdown. Sub-category: A12(i)(6).

2      Effective Date: 08/02/2017      ADMINORDER 2016-1778-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized due to Cracked Gas Compressor C-100 shutdown. Sub-category: A12i(6).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized emissions due to Acetylene Reactor outlet valve closing. Sub-category: A12i(6).

3 Effective Date: 11/07/2017 ADMINORDER 2017-0091-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to hydrate formation within the unit. Sub-category: A12i(6).

4 Effective Date: 06/27/2018 ADMINORDER 2017-0933-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7(G) PERMIT  
Special Term and Condition 25 OP

Description: Failed to comply with the ammonia ("NH3") concentration limit, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), Federal Operating Permit ("FOP") No. O2151, Special Terms and Conditions ("STC") No. 25, and New Source Review ("NSR") Permit Nos. 22690 and PSDTX751M1, Special Conditions ("SC") No. 7.G. Specifically, on November 17, 2015 and from April 25, 2016 through September 16, 2016, the NH3 concentration limit of 10 parts p

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7(B)(4) OP  
Special Term and Condition 25 PERMIT

Description: Failed to comply with the permitted emissions factor, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O2151, STC No. 25, and NSR Permit Nos. 22690 and PSDTX751M1, SC No. 7.B(4). Specifically, from December 14, 2015 through July 22, 2016, the nitrogen oxides ("NOx") emissions factor of 0.015 lb per million British thermal units ("lb/MMBtu") based on a 24-hour average for the 33 Cracking Furnace 10, EPN 33-36-10, was

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: General Terms and Conditions OP

Description: Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O2151, General Terms and Conditions. Specifically, the deviation report for the October 1, 2015 through March 31, 2016 reporting period did not include deviations for exceeding the carbon monoxide ("CO") concentration limit, failure to demonstrate compliance with painting and blasting limits, and failure to obtain a Permits by R

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 37 PERMIT  
Special Term and Condition 25 OP  
Standard Condition 7 PERMIT

Description: Failed to provide records sufficient to demonstrate compliance, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O2151, STC No. 25, and NSR Permit Nos. 22690 and PSDTX751M1, General Conditions No. 7. Specifically, the Respondent provided the Paint and Abrasive Forms that documented the amount of abrasive used over the duration of the blasting activity and the amount of paint/thinner usage over the du

5 Effective Date: 07/20/2020 ADMINORDER 2019-1223-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent exceedance of the maximum allowable emission rate for Unit 33 Flare 22 (EPN: 56-61-22) (Category A8 HPV GC 2).

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term & Condition 1A OP

Description: Failure to prevent concentration exceedance for Unit 33 Furnace 7 (EPN: 33-36-7) (Category A8 HPV GC 2).

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 24, 2016	(1313548)
Item 2	February 25, 2016	(1295439)
Item 3	July 11, 2016	(1341951)
Item 4	July 14, 2016	(1329244)
Item 5	August 29, 2016	(1274935)
Item 6	August 31, 2016	(1337898)
Item 7	September 14, 2016	(1344546)
Item 8	September 23, 2016	(1351052)
Item 9	November 14, 2016	(1355933)
Item 10	January 19, 2017	(1399507)
Item 11	February 20, 2017	(1406437)
Item 12	February 24, 2017	(1375307)
Item 13	March 11, 2017	(1413546)
Item 14	April 19, 2017	(1419989)
Item 15	May 19, 2017	(1427631)
Item 16	June 20, 2017	(1433645)
Item 17	July 17, 2017	(1442209)
Item 18	August 16, 2017	(1445867)
Item 19	October 18, 2017	(1458335)
Item 20	November 16, 2017	(1463787)
Item 21	December 20, 2017	(1470224)
Item 22	December 28, 2017	(1453759)
Item 23	January 15, 2018	(1476937)

Item 24	February 20, 2018	(1489069)
Item 25	April 05, 2018	(1492714)
Item 26	April 19, 2018	(1503013)
Item 27	June 20, 2018	(1510094)
Item 28	July 20, 2018	(1516422)
Item 29	August 02, 2018	(1506379)
Item 30	August 09, 2018	(1504413)
Item 31	August 20, 2018	(1522462)
Item 32	September 20, 2018	(1529678)
Item 33	November 19, 2018	(1543839)
Item 34	December 19, 2018	(1547535)
Item 35	January 18, 2019	(1537180)
Item 36	February 19, 2019	(1566829)
Item 37	February 22, 2019	(1549035)
Item 38	March 19, 2019	(1566830)
Item 39	April 17, 2019	(1574208)
Item 40	May 20, 2019	(1587970)
Item 41	June 05, 2019	(1555463)
Item 42	June 13, 2019	(1587971)
Item 43	June 26, 2019	(1557499)
Item 44	July 17, 2019	(1555517)
Item 45	July 18, 2019	(1595627)
Item 46	August 14, 2019	(1447381)
Item 47	September 14, 2019	(1608741)
Item 48	September 30, 2019	(1591300)
Item 49	October 18, 2019	(1615616)
Item 50	November 19, 2019	(1621419)
Item 51	December 18, 2019	(1628758)
Item 52	January 16, 2020	(1622421)
Item 53	January 24, 2020	(1610042)
Item 54	February 18, 2020	(1642992)
Item 55	March 13, 2020	(1551063)
Item 56	March 19, 2020	(1649497)
Item 58	April 20, 2020	(1655863)
Item 59	May 19, 2020	(1662404)
Item 60	June 18, 2020	(1668959)
Item 61	July 20, 2020	(1675902)
Item 62	August 16, 2020	(1682694)
Item 63	August 31, 2020	(1671951)
Item 64	September 17, 2020	(1689240)
Item 65	September 22, 2020	(1677775)
Item 66	October 19, 2020	(1695604)

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

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

- Date: 08/04/2020 (1631996)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of permitted hourly emission limits for Cracking Furnace 10 (EPN: 33-36-10) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7B(4) PERMIT  
Special Condition 7G PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of concentration limits from Cracking Furnace 10 (EPN: 33-36-10) (Category B13).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 8 (EPN: 33-36-8) (Category B13).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 5 (EPN: 33-36-5) (Category B13).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27A PERMIT  
Special Condition 3A PERMIT  
Special Condition 5A PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to maintain the net heating value for the Unit 21 & 22 Low Pressure Flare (EPN: 56-61-10) (Category C4).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to prevent the exceedance of the rolling 24-hour concentration limit for Cracking Furnace 2 (EPN: 22-36-2) (Category B13).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to prevent the exceedance of the rolling 24-hour concentration limit for Cracking Furnace 6 (EPN: 22-36-6) (Category B13).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13E PERMIT  
Special Condition 23 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to prevent open-ended lines (EPNs: 22-0-0, 10.1-0-0, 18-0-0, 21-0-0, 24-0-0, & 56-61-8) (Category C10).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13F PERMIT  
Special Term & Condition 25 OP

Description: Failure to repair a leaking component (EPN: 22-0-0) upon discovery (Category C4).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12B(2) PERMIT  
Special Term & Condition 25 OP

Description: Failure to conduct the daily zero and span for 10 Cracking Furnaces (EPNs: 24-36-1, 24-36-2, 24-36-3, 24-36-4, 24-36-5, 24-36-6, 24-36-7, 24-36-8,

24-36-9, & 33-36-7) (Category C1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27D PERMIT  
Special Term & Condition 25 OP

Description: Failure to conduct the weekly mid-level calibration for the Unit 10ABC Low Pressure Flare (EPN: 56-61-8) analyzer (Category C1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27D PERMIT  
Special Term & Condition 25 OP

Description: Failure to conduct the weekly mid-level calibration for the Unit 10ABC High Pressure Flare (EPN: 56-61-9) analyzer (Category C1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 115, SubChapter B 115.122(a)(1)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27B PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to prevent the pilot light from extinguishing on the Unit 10 ABC High Pressure Flare (EPN: 56-61-9) (Category C4).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to analyze a concentration sample within 72 hours of collection for Cooling Tower 6 (EPN: 54-22-6) (Category C1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to analyze a concentration sample within 72 hours of collection for Cooling Tower 7 (EPN: 54-22-7) (Category C1).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP

Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 1 (EPN: 33-36-1) (Category B12).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Special Term & Condition 3 OP

Description: Failure to prevent visible emissions from Cracking Furnace 3 (EPN: 33-36-3) (Category C4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Special Term & Condition 3 OP

Description: Failure to prevent visible emissions from Cracking Furnace 1 (EPN: 33-36-1) (Category C4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to prevent visible emissions from the Unit 24 Low Pressure Flare (EPN: 56-61-20) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to prevent visible emissions from the Unit 24 High Pressure Flare (EPN: 56-61-14) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27A PERMIT  
Special Condition 3A PERMIT  
Special Condition 5A PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP

Description: Failure to maintain the net heating value for the Unit 24 Low Pressure Flare (EPN: 56-61-20) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)  
5C THSC Chapter 382 382.085(b)

Description: Failure to include a signed certification for a deviation report amendment. (Category B3)

## F. Environmental audits:

Notice of Intent Date: 06/25/2015 (1274494)

Disclosure Date: 04/26/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: PERMIT NSR Permit 19718, SC 1

Description: Failed to ensure that correct PM10 and VOC limits are programmed into the Continuous Emissions Monitoring System (CEMS) for Compressor Engine 38 (EPN 62-16-38). The permit limit was exceeded approximately 1,847 hours from February 16, 2011 at 12:00 am to August 15, 2014 at 11:00 pm and the VOC limit was exceeded for 12 hours from January 10, 2013 at 6:00 am to February 16, 2013 at 9:00 pm.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10  
30 TAC Chapter 116, SubChapter B 116.115(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: PERMIT NSR Permit 19718, SC 1

Description: Failed to limit Flare 3 (EPN 62-6103) operating hours to the hours represented in the permit application, resulting in annual NOx and CO emissions exceedances.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failed to include the flow weighted annual average Benzene concentration of the stream in the 2014 TAB report (the report only contains concentrations per phase).

Viol. Classification: Minor

Citation: 2H THSC Chapter 161, SubChapter A 161.355(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failed to list the annual quantity and flow weighted annual average benzene concentration for each stream in the TAB report. Specifically, the P66 stream in the 2014 TAB report did not list this concentration.  
Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)

Description: Failed to ensure that two streams with <10% water are managed and treated (two streams with <10% water are listed as uncontrolled in the 2014 TAB report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(B)

Description: Failed to properly calibrate the flare header pressure monitors annually. Specifically, the calibration form shows the acceptable calibration as +/-50 mm of Hg (0.96 psi) instead of +/- 5.0.

Notice of Intent Date: 08/08/2016 (1356075)

Disclosure Date: 08/14/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to have authorization for small quantities of pollutant not previously known to be present in the furnace de-coke stacks, EPNs 24-36-2, 24-36-3, and 24-36-4, including VOCs, NOx, polynuclear aromatic hydrocarbons, and various metals.

Notice of Intent Date: 06/26/2017 (1424164)

No DOV Associated

Notice of Intent Date: 03/06/2018 (1478430)

Disclosure Date: 08/31/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(ii)

30 TAC Chapter 115, SubChapter H 115.764(a)(6)

Description: Failure to ensure that the correct calibration gas concentration is used for both HRVOC and non HRVOC components (Performance Specification 9) for Flares 4, 8, 10, 12, 14, 20, 22 and Cooling Towers 5, 9, 12, 13, and 17.

Notice of Intent Date: 02/22/2019 (1551964)

Disclosure Date: 11/21/2019

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(B)(3)(b)

Description: Failure to document LEL meter reading for monitoring of carbon canisters on vacuum trucks and monthly calibration records and daily validation of LEL meter records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Description: Failure to complete monthly inspections of parts washer Degreaser 1.

Viol. Classification: Moderate

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

Rqmt Prov: OP SC 3(A)(iv)(2)

PERMIT SC 33(A)

Description: Failure to visually observe atmospheric vents which are monitored by pressure for the second and third quarter of 2019.

Disclosure Date: 01/29/2020

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(B)(3)(b)

Description: Failure to document LEL meter reading for monitoring of carbon canisters on vacuum trucks and monthly calibration records and daily validation of LEL meter records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Description: Failure to complete monthly inspections of parts washer Degreaser 1.

Viol. Classification: Moderate

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

Rqmt Prov: OP SC 3(A)(iv)(2)

PERMIT SC 33(A)

Description: Failure to visually observe atmospheric vents which are monitored by pressure for the second and third

quarter of 2019.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(C), 24(C), 24(c)(3), and 24(D)

Description: Failure to document by a third party LEL meters for monitoring of carbon canisters on vacuum trucks.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

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

Description: Failure to ensure benzene monitoring of carbon canisters in BWON applicable system are performed by a third party vacuum truck provider.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter O 106.355(5)(A)

Description: Failure to ensure records for PBR 106.355 include the reason and type of activity since flaring activities under this PBR were preformed by a third party.

Notice of Intent Date: 08/21/2019 (1592529)

No DOV Associated

Notice of Intent Date: 10/07/2019 (1605050)

No DOV Associated

Notice of Intent Date: 03/19/2020 (1638285)

No DOV Associated

Notice of Intent Date: 10/22/2020 (1692707)

No DOV Associated

Notice of Intent Date: 11/10/2020 (1698409)

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

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600303614, RN100825249, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600303614, Chevron Phillips Chemical Company LP	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.75
<b>Regulated Entity:</b>	RN100825249, CHEVRON PHILLIPS CHEMICAL SWEENEY OLD OCEAN FACILITIES	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.10
<b>Complexity Points:</b>	31	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	21441 LOOP 419 IN SWEENEY, BRAZORIA COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER BL0758C  
**AIR OPERATING PERMITS** PERMIT 3961  
**AIR NEW SOURCE PERMITS** REGISTRATION 144047  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER BL0758C  
**AIR NEW SOURCE PERMITS** PERMIT 22690  
**AIR NEW SOURCE PERMITS** PERMIT 103832  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 151927  
**AIR NEW SOURCE PERMITS** REGISTRATION 154144  
**AIR NEW SOURCE PERMITS** PERMIT AMOC83  
**AIR NEW SOURCE PERMITS** REGISTRATION 154982  
**AIR NEW SOURCE PERMITS** PERMIT AMOC31  
**AIR NEW SOURCE PERMITS** REGISTRATION 151531  
**AIR NEW SOURCE PERMITS** REGISTRATION 164648  
**AIR NEW SOURCE PERMITS** REGISTRATION 163635  
**AIR NEW SOURCE PERMITS** REGISTRATION 163021  
**AIR NEW SOURCE PERMITS** REGISTRATION 163288  
**AIR NEW SOURCE PERMITS** REGISTRATION 164585  
**AIR NEW SOURCE PERMITS** REGISTRATION 164629  
**AIR NEW SOURCE PERMITS** REGISTRATION 145783  
**AIR NEW SOURCE PERMITS** REGISTRATION 148098  
**AIR NEW SOURCE PERMITS** REGISTRATION 148805  
**AIR NEW SOURCE PERMITS** REGISTRATION 147240  
**AIR NEW SOURCE PERMITS** REGISTRATION 149435  
**AIR NEW SOURCE PERMITS** REGISTRATION 149676  
**AIR NEW SOURCE PERMITS** REGISTRATION 146197  
**AIR NEW SOURCE PERMITS** PERMIT AMOC97  
**AIR NEW SOURCE PERMITS** REGISTRATION 155982  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX196  
**AIR NEW SOURCE PERMITS** REGISTRATION 159600  
**AIR NEW SOURCE PERMITS** REGISTRATION 156219  
**AIR NEW SOURCE PERMITS** REGISTRATION 155807  
**AIR NEW SOURCE PERMITS** REGISTRATION 157123  
**AIR NEW SOURCE PERMITS** REGISTRATION 160797  
**AIR NEW SOURCE PERMITS** REGISTRATION 160556  
**AIR NEW SOURCE PERMITS** REGISTRATION 162691  
**AIR NEW SOURCE PERMITS** REGISTRATION 159479  
**AIR NEW SOURCE PERMITS** REGISTRATION 159656  
**AIR NEW SOURCE PERMITS** REGISTRATION 159657  
**AIR NEW SOURCE PERMITS** REGISTRATION 157443

**AIR OPERATING PERMITS** PERMIT 2151  
**AIR NEW SOURCE PERMITS** AFS NUM 4803900145  
**AIR NEW SOURCE PERMITS** REGISTRATION 75479  
**AIR NEW SOURCE PERMITS** REGISTRATION 75072  
**AIR NEW SOURCE PERMITS** REGISTRATION 75059  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166  
**AIR NEW SOURCE PERMITS** REGISTRATION 134337  
**AIR NEW SOURCE PERMITS** REGISTRATION 154502  
**AIR NEW SOURCE PERMITS** REGISTRATION 153449  
**AIR NEW SOURCE PERMITS** REGISTRATION 150550  
**AIR NEW SOURCE PERMITS** REGISTRATION 152316  
**AIR NEW SOURCE PERMITS** REGISTRATION 154059  
**AIR NEW SOURCE PERMITS** REGISTRATION 162856  
**AIR NEW SOURCE PERMITS** REGISTRATION 164583  
**AIR NEW SOURCE PERMITS** REGISTRATION 162037  
**AIR NEW SOURCE PERMITS** REGISTRATION 163375  
**AIR NEW SOURCE PERMITS** REGISTRATION 164587  
**AIR NEW SOURCE PERMITS** REGISTRATION 163847  
**AIR NEW SOURCE PERMITS** REGISTRATION 146689  
**AIR NEW SOURCE PERMITS** REGISTRATION 148691  
**AIR NEW SOURCE PERMITS** REGISTRATION 151139  
**AIR NEW SOURCE PERMITS** REGISTRATION 146045  
**AIR NEW SOURCE PERMITS** REGISTRATION 146825  
**AIR NEW SOURCE PERMITS** REGISTRATION 146097  
**AIR NEW SOURCE PERMITS** REGISTRATION 148595  
**AIR NEW SOURCE PERMITS** REGISTRATION 149893  
**AIR NEW SOURCE PERMITS** REGISTRATION 155425  
**AIR NEW SOURCE PERMITS** PERMIT AMOC145  
**AIR NEW SOURCE PERMITS** REGISTRATION 156402  
**AIR NEW SOURCE PERMITS** REGISTRATION 161233  
**AIR NEW SOURCE PERMITS** REGISTRATION 160127  
**AIR NEW SOURCE PERMITS** REGISTRATION 160555  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 160337  
**AIR NEW SOURCE PERMITS** REGISTRATION 160795  
**AIR NEW SOURCE PERMITS** REGISTRATION 160474  
**AIR NEW SOURCE PERMITS** REGISTRATION 153456  
**AIR NEW SOURCE PERMITS** REGISTRATION 153765  
**AIR NEW SOURCE PERMITS** EPA PERMIT N166M2  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1566

**AIR NEW SOURCE PERMITS** REGISTRATION 155893  
**AIR NEW SOURCE PERMITS** REGISTRATION 156808  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 86586  
**WASTEWATER** EPA ID TX0135917  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER BL0758C

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000039834

**TAX RELIEF** ID NUMBER 16780  
**TAX RELIEF** ID NUMBER 18697  
**TAX RELIEF** ID NUMBER 19937  
**TAX RELIEF** ID NUMBER 17832  
**TAX RELIEF** ID NUMBER 17831  
**TAX RELIEF** ID NUMBER 19936  
**TAX RELIEF** ID NUMBER 20188  
**TAX RELIEF** ID NUMBER 16759  
**TAX RELIEF** ID NUMBER 20826  
**TAX RELIEF** ID NUMBER 16782  
**TAX RELIEF** ID NUMBER 19938  
**TAX RELIEF** ID NUMBER 19516  
**TAX RELIEF** ID NUMBER 16754  
**TAX RELIEF** ID NUMBER 18579  
**TAX RELIEF** ID NUMBER 18694  
**TAX RELIEF** ID NUMBER 18698  
**TAX RELIEF** ID NUMBER 20830  
**TAX RELIEF** ID NUMBER 22301  
**TAX RELIEF** ID NUMBER 22835

**AIR NEW SOURCE PERMITS** REGISTRATION 154253  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX751M1  
**STORMWATER** PERMIT TXR05DJ65

**WASTEWATER** PERMIT WQ0005147000

**POLLUTION PREVENTION PLANNING** ID NUMBER P06551

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 86586

**TAX RELIEF** ID NUMBER 16781  
**TAX RELIEF** ID NUMBER 19518  
**TAX RELIEF** ID NUMBER 19941  
**TAX RELIEF** ID NUMBER 19934  
**TAX RELIEF** ID NUMBER 19957  
**TAX RELIEF** ID NUMBER 19959  
**TAX RELIEF** ID NUMBER 23341  
**TAX RELIEF** ID NUMBER 18578  
**TAX RELIEF** ID NUMBER 17672  
**TAX RELIEF** ID NUMBER 19939  
**TAX RELIEF** ID NUMBER 17666  
**TAX RELIEF** ID NUMBER 19520  
**TAX RELIEF** ID NUMBER 16757  
**TAX RELIEF** ID NUMBER 16756  
**TAX RELIEF** ID NUMBER 19940  
**TAX RELIEF** ID NUMBER 18699  
**TAX RELIEF** ID NUMBER 19935  
**TAX RELIEF** ID NUMBER 22303  
**TAX RELIEF** ID NUMBER 23344

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** April 09, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 09, 2016 to April 09, 2021

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

**Name:** Toni Red

**Phone:** (512) 239-1704

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period?      YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period?      NO

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

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

- 1      Effective Date: 05/25/2016      ADMINORDER 2015-1059-AIR-E (1660 Order-Agreed Order With Denial)  
        Classification: Moderate  
        Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
                30 TAC Chapter 116, SubChapter B 116.115(c)  
                30 TAC Chapter 122, SubChapter B 122.143(4)  
                5C THSC Chapter 382 382.085(b)  
        Rqmt Prov: SC 1 PERMIT  
                Special Condition 1 PERMIT  
                STC 25 OP

Description: Failure to prevent unauthorized emissions due to Steam Superheater shutdown. Sub-category: A12(i)(6).

- 2      Effective Date: 08/02/2017      ADMINORDER 2016-1778-AIR-E (1660 Order-Agreed Order With Denial)  
        Classification: Moderate  
        Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized emissions due to Cracked Gas Compressor C-100 shutdown. Sub-category: A12i(6).  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized emissions due to Acetylene Reactor outlet valve closing. Sub-category: A12i(6).

3 Effective Date: 11/07/2017 ADMINORDER 2017-0091-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to hydrate formation within the unit. Sub-category: A12i(6).

4 Effective Date: 06/27/2018 ADMINORDER 2017-0933-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7(G) PERMIT  
Special Term and Condition 25 OP

Description: Failed to comply with the ammonia ("NH3") concentration limit, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), Federal Operating Permit ("FOP") No. O2151, Special Terms and Conditions ("STC") No. 25, and New Source Review ("NSR") Permit Nos. 22690 and PSDTX751M1, Special Conditions ("SC") No. 7.G. Specifically, on November 17, 2015 and from April 25, 2016 through September 16, 2016, the NH3 concentration limit of 10 parts p

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 7(B)(4) OP  
Special Term and Condition 25 PERMIT

Description: Failed to comply with the permitted emissions factor, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O2151, STC No. 25, and NSR Permit Nos. 22690 and PSDTX751M1, SC No. 7.B(4). Specifically, from December 14, 2015 through July 22, 2016, the nitrogen oxides ("NOx") emissions factor of 0.015 lb per million British thermal units ("lb/MMBtu") based on a 24-hour average for the 33 Cracking Furnace 10, EPN 33-36-10, was

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: General Terms and Conditions OP

Description: Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O2151, General Terms and Conditions. Specifically, the deviation report for the October 1, 2015 through March 31, 2016 reporting period did not include deviations for exceeding the carbon monoxide ("CO") concentration limit, failure to demonstrate compliance with painting and blasting limits, and failure to obtain a Permits by R

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 37 PERMIT  
Special Term and Condition 25 OP  
Standard Condition 7 PERMIT

Description: Failed to provide records sufficient to demonstrate compliance, in violation of 30 TEX. ADMIN. CODE §§101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), FOP No. O2151, STC No. 25, and NSR Permit Nos. 22690 and PSDTX751M1, General Conditions No. 7. Specifically, the Respondent provided the Paint and Abrasive Forms that documented the amount of abrasive used over the duration of the blasting activity and the amount of paint/thinner usage over the du

- 5 Effective Date: 07/20/2020 ADMINORDER 2019-1223-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 25 OP  
Description: Failure to prevent exceedance of the maximum allowable emission rate for Unit 33 Flare 22 (EPN: 56-61-22) (Category A8 HPV GC 2).  
Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Term & Condition 1A OP  
Description: Failure to prevent concentration exceedance for Unit 33 Furnace 7 (EPN: 33-36-7) (Category A8 HPV GC 2).
- 6 Effective Date: 02/01/2021 ADMINORDER 2019-1198-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GTC and STC Nos. 1.A and 25 OP  
PERMIT NSR 22690, SPECIAL CONDITION 1 PERMIT  
SC No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions. [(Category A12(i)(6))]  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GTC and STC Nos. 1.A and 25 OP  
PERMIT NSR 22690, SPECIAL CONDITION 1 PERMIT  
SC No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions. [(Category A12(i)(6))]
- 7 Effective Date: 02/01/2021 ADMINORDER 2020-0385-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	July 11, 2016	(1341951)
Item 2	July 14, 2016	(1329244)
Item 3	August 29, 2016	(1274935)
Item 4	August 31, 2016	(1337898)
Item 5	September 14, 2016	(1344546)
Item 6	September 23, 2016	(1351052)
Item 7	November 14, 2016	(1355933)
Item 8	January 19, 2017	(1399507)
Item 9	February 20, 2017	(1406437)
Item 10	February 24, 2017	(1375307)
Item 11	March 11, 2017	(1413546)
Item 12	April 19, 2017	(1419989)
Item 13	May 19, 2017	(1427631)
Item 14	June 20, 2017	(1433645)
Item 15	July 17, 2017	(1442209)
Item 16	August 16, 2017	(1445867)
Item 17	October 18, 2017	(1458335)
Item 18	November 16, 2017	(1463787)
Item 19	December 20, 2017	(1470224)
Item 20	December 28, 2017	(1453759)
Item 21	January 15, 2018	(1476937)
Item 22	February 20, 2018	(1489069)
Item 23	April 05, 2018	(1492714)
Item 24	April 19, 2018	(1503013)
Item 25	June 20, 2018	(1510094)
Item 26	July 20, 2018	(1516422)
Item 27	August 02, 2018	(1506379)
Item 28	August 09, 2018	(1504413)
Item 29	August 20, 2018	(1522462)
Item 30	September 20, 2018	(1529678)
Item 31	November 19, 2018	(1543839)
Item 32	December 19, 2018	(1547535)
Item 33	January 18, 2019	(1537180)
Item 34	February 19, 2019	(1566829)
Item 35	February 22, 2019	(1549035)
Item 36	March 19, 2019	(1566830)
Item 37	April 17, 2019	(1574208)
Item 38	May 20, 2019	(1587970)
Item 39	June 05, 2019	(1555463)
Item 40	June 13, 2019	(1587971)
Item 41	June 26, 2019	(1557499)
Item 42	July 17, 2019	(1555517)
Item 43	July 18, 2019	(1595627)
Item 44	August 14, 2019	(1447381)
Item 45	September 14, 2019	(1608741)
Item 46	September 30, 2019	(1591300)
Item 47	October 18, 2019	(1615616)
Item 48	November 19, 2019	(1621419)
Item 49	December 18, 2019	(1628758)
Item 50	January 16, 2020	(1622421)
Item 51	January 24, 2020	(1610042)
Item 52	February 18, 2020	(1642992)
Item 53	March 13, 2020	(1551063)

Item 54	March 19, 2020	(1649497)
Item 56	April 20, 2020	(1655863)
Item 57	May 19, 2020	(1662404)
Item 58	June 18, 2020	(1668959)
Item 59	July 20, 2020	(1675902)
Item 60	August 16, 2020	(1682694)
Item 61	August 31, 2020	(1671951)
Item 62	September 17, 2020	(1689240)
Item 63	September 22, 2020	(1677775)
Item 64	October 19, 2020	(1695604)
Item 65	February 02, 2021	(1553307)
Item 66	February 25, 2021	(1690598)
Item 67	March 15, 2021	(1704863)

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

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

- 1 Date: 08/04/2020 (1631996)
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP
  - Description: Failure to prevent the exceedance of permitted hourly emission limits for Cracking Furnace 10 (EPN: 33-36-10) (Category B13).
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7B(4) PERMIT  
Special Condition 7G PERMIT  
Special Term & Condition 25 OP
  - Description: Failure to prevent the exceedance of concentration limits from Cracking Furnace 10 (EPN: 33-36-10) (Category B13).
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP
  - Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 8 (EPN: 33-36-8) (Category B13).
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP
  - Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 5 (EPN: 33-36-5) (Category B13).
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27A PERMIT  
Special Condition 3A PERMIT  
Special Condition 5A PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP
  - Description: Failure to maintain the net heating value for the Unit 21 & 22 Low Pressure Flare (EPN: 56-61-10) (Category C4).
  - Self Report? NO Classification: Moderate
  - Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP
  - Description: Failure to prevent the exceedance of the rolling 24-hour concentration limit for

Cracking Furnace 2 (EPN: 22-36-2) (Category B13).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Description: Failure to prevent the exceedance of the rolling 24-hour concentration limit for  
Cracking Furnace 6 (EPN: 22-36-6) (Category B13).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13E PERMIT  
Special Condition 23 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP  
Description: Failure to prevent open-ended lines (EPNs: 22-0-0, 10.1-0-0, 18-0-0, 21-0-0,  
24-0-0, & 56-61-8) (Category C10).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13F PERMIT  
Special Term & Condition 25 OP  
Description: Failure to repair a leaking component (EPN: 22-0-0) upon discovery (Category  
C4).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12B(2) PERMIT  
Special Term & Condition 25 OP  
Description: Failure to conduct the daily zero and span for 10 Cracking Furnaces (EPNs:  
24-36-1, 24-36-2, 24-36-3, 24-36-4, 24-36-5, 24-36-6, 24-36-7, 24-36-8,  
24-36-9, & 33-36-7) (Category C1).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27D PERMIT  
Special Term & Condition 25 OP  
Description: Failure to conduct the weekly mid-level calibration for the Unit 10ABC Low  
Pressure Flare (EPN: 56-61-8) analyzer (Category C1).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27D PERMIT  
Special Term & Condition 25 OP  
Description: Failure to conduct the weekly mid-level calibration for the Unit 10ABC High  
Pressure Flare (EPN: 56-61-9) analyzer (Category C1).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 115, SubChapter B 115.122(a)(1)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27B PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP  
Description: Failure to prevent the pilot light from extinguishing on the Unit 10 ABC High  
Pressure Flare (EPN: 56-61-9) (Category C4).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Description: Failure to analyze a concentration sample within 72 hours of collection for Cooling

Tower 6 (EPN: 54-22-6) (Category C1).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Description: Failure to analyze a concentration sample within 72 hours of collection for Cooling Tower 7 (EPN: 54-22-7) (Category C1).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 25 OP  
Description: Failure to prevent the exceedance of a permitted hourly emission limit for Cracking Furnace 1 (EPN: 33-36-1) (Category B12).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Special Term & Condition 3 OP  
Description: Failure to prevent visible emissions from Cracking Furnace 3 (EPN: 33-36-3) (Category C4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP  
Special Term & Condition 3 OP  
Description: Failure to prevent visible emissions from Cracking Furnace 1 (EPN: 33-36-1) (Category C4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP  
Description: Failure to prevent visible emissions from the Unit 24 Low Pressure Flare (EPN: 56-61-20) (Category C4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27 PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP  
Description: Failure to prevent visible emissions from the Unit 24 High Pressure Flare (EPN: 56-61-14) (Category C4).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 27A PERMIT  
Special Condition 3A PERMIT  
Special Condition 5A PERMIT  
Special Term & Condition 1A OP  
Special Term & Condition 25 OP  
Description: Failure to maintain the net heating value for the Unit 24 Low Pressure Flare (EPN: 56-61-20) (Category C4).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)  
5C THSC Chapter 382 382.085(b)

Description: Failure to include a signed certification for a deviation report amendment.  
(Category B3)

2

Date: 03/04/2021 (1672378)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Conditions (SC) 13E PERMIT  
Special Terms & Conditions (ST&C) 1A OP  
Special Terms & Conditions (ST&C) 26 OP

Description: Failure to prevent Open Ended Lines (OELs) in Olefins 1 Unit VOC service  
(Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Special Conditions (SC) 26C2 PERMIT  
Special Terms & Conditions (ST&C) 1A OP  
Special Terms & Conditions (ST&C) 26 OP

Description: Failure to maintain flare pilot flame for Unit 22 Low-Pressure Flare [EPN:  
56-61-10] (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Conditions (SC) 7G PERMIT  
Special Terms & Conditions (ST&C) 1A OP  
Special Terms & Conditions (ST&C) 26 OP

Description: Failure to prevent exceedances of ammonia (NH3) concentration limit of 10 ppmv  
for Cracking Furnace 10 [EPN: 33-36-10] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Conditions (SC) 28 PERMIT  
Special Terms & Conditions (ST&C) 1A OP  
Special Terms & Conditions (ST&C) 26 OP

Description: Failure to prevent smoke (visible emissions) from Unit 24 High-Pressure Flare  
[EPN: 56-61-14] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
Special Conditions (SC) 28 PERMIT  
Special Terms & Conditions (ST&C) 1A OP  
Special Terms & Conditions (ST&C) 26 OP

Description: Failure to prevent smoke (visible emissions) from Unit 24 Low-Pressure Flare  
[EPN: 56-61-20] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Terms & Conditions (ST&C) 1A OP

Description: Failure to prevent exceedance of 400 ppm carbon monoxide (CO) concentration  
limit for Cracking Furnace 7 [EPN: 33-36-7] (Category B17)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Special Conditions (SC) 12F PERMIT  
Special Terms & Conditions (ST&C) 1A OP  
Special Terms & Conditions (ST&C) 26 OP

Description: Failure to maintain 5% per six-months downtime allowance for monitoring equipment malfunction (Category B18.g.1)

## F. Environmental audits:

Notice of Intent Date: 06/25/2015 (1274494)

Disclosure Date: 04/26/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: PERMIT NSR Permit 19718, SC 1

Description: Failed to ensure that correct PM10 and VOC limits are programmed into the Continuous Emissions Monitoring System (CEMS) for Compressor Engine 38 (EPN 62-16-38). The permit limit was exceeded approximately 1,847 hours from February 16, 2011 at 12:00 am to August 15, 2014 at 11:00 pm and the VOC limit was exceeded for 12 hours from January 10, 2013 at 6:00 am to February 16, 2013 at 9:00 pm.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10  
30 TAC Chapter 116, SubChapter B 116.115(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: PERMIT NSR Permit 19718, SC 1

Description: Failed to limit Flare 3 (EPN 62-6103) operating hours to the hours represented in the permit application, resulting in annual NOx and CO emissions exceedances.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failed to include the flow weighted annual average Benzene concentration of the stream in the 2014 TAB report (the report only contains concentrations per phase).

Viol. Classification: Minor

Citation: 2H THSC Chapter 161, SubChapter A 161.355(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357

Description: Failed to list the annual quantity and flow weighted annual average benzene concentration for each stream in the TAB report. Specifically, the P66 stream in the 2014 TAB report did not list this concentration.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)

Description: Failed to ensure that two streams with <10% water are managed and treated (two streams with <10% water are listed as uncontrolled in the 2014 TAB report).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(B)

Description: Failed to properly calibrate the flare header pressure monitors annually. Specifically, the calibration form shows the acceptable calibration as +/-50 mm of Hg (0.96 psi) instead of +/- 5.0.

Notice of Intent Date: 08/08/2016 (1356075)

Disclosure Date: 08/14/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to have authorization for small quantities of pollutant not previously known to be present in the furnace decoke stacks, EPNs 24-36-2, 24-36-3, and 24-36-4, including VOCs, NOx, polynuclear aromatic hydrocarbons, and various metals.

Notice of Intent Date: 06/26/2017 (1424164)

No DOV Associated

Notice of Intent Date: 03/06/2018 (1478430)

Disclosure Date: 08/31/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(ii)

30 TAC Chapter 115, SubChapter H 115.764(a)(6)

Description: Failure to ensure that the correct calibration gas concentration is used for both HRVOC and non HRVOC

components (Performance Specification 9) for Flares 4, 8, 10, 12, 14, 20, 22 and Cooling Towers 5, 9, 12, 13, and 17.

Notice of Intent Date: 02/22/2019 (1551964)

Disclosure Date: 11/21/2019

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(B)(3)(b)

Description: Failure to document LEL meter reading for monitoring of carbon canisters on vacuum trucks and monthly calibration records and daily validation of LEL meter records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Description: Failure to complete monthly inspections of parts washer Degreaser 1.

Viol. Classification: Moderate

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

Rqmt Prov: OP SC 3(A)(iv)(2)

PERMIT SC 33(A)

Description: Failure to visually observe atmospheric vents which are monitored by pressure for the second and third quarter of 2019.

Disclosure Date: 01/29/2020

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(B)(3)(b)

Description: Failure to document LEL meter reading for monitoring of carbon canisters on vacuum trucks and monthly calibration records and daily validation of LEL meter records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Description: Failure to complete monthly inspections of parts washer Degreaser 1.

Viol. Classification: Moderate

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

Rqmt Prov: OP SC 3(A)(iv)(2)

PERMIT SC 33(A)

Description: Failure to visually observe atmospheric vents which are monitored by pressure for the second and third quarter of 2019.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 22(C), 24(C), 24(c)(3), and 24(D)

Description: Failure to document by a third party LEL meters for monitoring of carbon canisters on vacuum trucks.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

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

Description: Failure to ensure benzene monitoring of carbon canisters in BWON applicable system are performed by a third party vacuum truck provider.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter O 106.355(5)(A)

Description: Failure to ensure records for PBR 106.355 include the reason and type of activity since flaring activities under this PBR were preformed by a third party.

Notice of Intent Date: 08/21/2019 (1592529)

No DOV Associated

Notice of Intent Date: 10/07/2019 (1605050)

No DOV Associated

Notice of Intent Date: 03/19/2020 (1638285)

No DOV Associated

Notice of Intent Date: 10/22/2020 (1692707)

No DOV Associated

Notice of Intent Date: 11/10/2020 (1698409)

No DOV Associated

Notice of Intent Date: 02/04/2021 (1704000)  
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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** CHEVRON PHILLIPS CHEMICAL SWEENY

**Reg Entity Add:** 21441 LOOP 419

**Reg Entity City:** SWEENY

**Reg Entity No:** RN100825249

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**EPA Case No:** 06-2018-3318

**Order Issue Date (yyyymmdd):** 20180816

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112[R][7]

**Classification:** Minor

**Program:** Risk Management Progra

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Add:** 21441 LOOP 419

**Reg Entity City:** SWEENY

**Reg Entity No:** RN100825249

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**EPA Case No:** 06-2018-3318

**Order Issue Date (yyyymmdd):** 20180816

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112[R][7]

**Classification:** Minor

**Program:** Risk Management Progra

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Add:** 21441 LOOP 419

**Reg Entity City:** SWEENY

**Reg Entity No:** RN100825249

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**EPA Case No:** 06-2018-3318

**Order Issue Date (yyyymmdd):** 20180816

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112[R][7]

**Classification:** Minor

**Program:** Risk Management Progra

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHEVRON PHILLIPS CHEMICAL  
COMPANY LP  
RN100825249**

**§  
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§  
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§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-0278-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 Chevron Phillips Chemical Company LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Madeleine Boyer of the law firm of Beveridge & Diamond PC, together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 21441 Loop 419 in Sweeny, Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$75,189 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$30,076 of the penalty and \$15,037 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$30,076 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By conducting training for supervisors about the importance of recognizing and communicating potential scenarios to contractors during work permit walkdowns in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 259703 by October 25, 2017;
  - b. By working with the third-party steam supplier to improve the reliability of their electrical and steam systems; by holding monthly meetings with the third-party steam supplier to discuss steam supply, quality, and reliability; and by communicating with the third-party steam supplier throughout a steam shedding event to identify opportunities to bring the system to a stable state as quickly as possible and to reduce steam loading in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 261541 and 276586 by November 30, 2019;
  - c. By repairing the damaged tubes for Unit 22 Cracking Furnace 1 in order to comply with the CO concentration limit for the Unit 22 Cracking Furnace 1, Emissions Point Number ("EPN") 22-36-1, by January 31, 2020;
  - d. By changing the relay settings in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343851 by October 21, 2020;
  - e. By changing the propylene, ethylene, and cracked gas trip preventative maintenance measures to include a line item to record the electric lube oil auto start pressure for all auto start switches; by adding a field tag to reinforce that the emergency bypass button flares the contents of the acetylene reactor; by confirming the auto start set points for the lube oil systems on the ethylene

refrigeration and cracked gas compressor systems; by reviewing the Unit 24 High-Pressure Flare (Flare #14) greasing rounds to simplify and improve consistency; by revising the lubrication tubing for the lubricating oil circulating pump for the propylene compressor so that the operator can more easily see spring vents so that the bearing house level can be verified from the ground; and by revising the Unit 24 High-Pressure Flare (Flare #14) greasing procedures to ensure the pump turbines are uniformly greased across shifts in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 341069 by February 25, 2021; and

- f. By replacing the trip collar, bolt, and spring assembly; by performing an Overspeed Trip Test for the Cracked Gas, Ethylene, and Propylene Lube Oil Pump Turbines; by implementing a Hot Start Procedure for the Cracked Gas, Ethylene, and Propylene Lube Oil Pump Turbines; and by implementing a preventative maintenance procedure to inspect, perform checks, and verify checks for the Cracked Gas, Ethylene, and Propylene Valve Racks in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342054 by April 29, 2021.

## II. ALLEGATIONS

1. During a record review for the Plant conducted from October 24, 2017 through January 8, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 22690 and PSDTX751M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2151, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,669.43 pounds ("lbs") of volatile organic compounds ("VOC"), 21,178.02 lbs of highly reactive volatile organic compounds ("HRVOC"), 5,932.59 lbs of carbon monoxide ("CO"), and 2,737.67 lbs of nitrogen oxides ("NOx") from three EPNs, as listed in the Emissions Event Table below, during an emissions event (Incident No. 261541) that began on June 27, 2017 and lasted 15 hours and 20 minutes. The emissions event occurred due to a loss of steam supply from a third-party supplier, resulting in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Emissions Event Table (Incident No. 261541)					
Source Name	EPN	Pollutant (lbs)			
		HRVOC	VOC	CO	NOx
Unit 24 High-Pressure Flare 14	56-61-14	19,967.44	1,272.00	4,062.58	1,991.50
Unit 24 Low-Pressure Flare 20	56-61-20	1,183.73	394.95	1,817.68	738.93
Unit 33 Process Flare 22	56-61-22	26.85	2.48	52.33	7.24

Totals: 21,178.02 1,669.43 5,932.59 2,737.67

2. During a record review for the Plant conducted from October 18, 2017 through November 1, 2017, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC

and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 111.36 lbs of VOC, 4.48 lbs of NO<sub>x</sub>, and 45.78 lbs of CO from the Unit 33 Process Flare, EPN 56-61-22, during an emissions event (Incident No. 259703) that began on June 5, 2017 and lasted 26 hours and 13 minutes. The emissions event occurred due to the instrument air to Level Controller LC-9528 being blocked in that prevented the control valve from operating properly and caused the level for Suction Drum D-328 to drain, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. During a record review for the Plant conducted from March 13, 2020 through May 19, 2020, an investigator documented that the Respondent failed to comply with the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 117.310(c)(1)(A) and 122.143(4), FOP No. O2151, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO concentration limit of 400 parts per million by volume dry ("ppmv") at three percent oxygen ("3% O<sub>2</sub>") based on a rolling 24-hour averaging period by a range of 0.37 to 340.97 ppmv at 3% O<sub>2</sub> on 1,047 instances for the 24-hour periods that occurred for 47 days from February 27, 2018 through April 5, 2018, April 14, 2018 through April 19, 2018, and April 21, 2018 through April 23, 2018 for the Unit 22 Cracking Furnace 1, EPN 22-36-1.
4. During a record review for the Plant conducted from November 28, 2018 through January 2, 2019, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 489.17 lbs of VOC, 462.53 lbs of CO, and 65.64 lbs of NO<sub>x</sub> from four EPNs, as listed in the Emissions Event Table below, during an emissions event (Incident No. 276586) that began on January 16, 2018 and lasted nine hours. The emissions event occurred due to the loss of steam supply from a third-party provider, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Emissions Event Table (Incident No. 276586)				
Source Name	EPN	Pollutant (lbs)		
		VOC	CO	NO <sub>x</sub>
Unit 10, 12 Low-Pressure Flare (Flare #8)	56-61-8	129.98	22.50	3.02
Unit 22, 22 Low-Pressure Flare (Flare #10)	56-61-10	23.72	47.91	9.40
Unit 22 High-Pressure Flare (Flare #12)	56-61-12	19.28	13.76	2.69
Unit 33 Process Flare (Flare #22)	56-61-22	316.19	378.36	50.53

Totals:      489.17    462.53    65.64

5. During a record review for the Plant conducted from September 21, 2020 through November 12, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and

122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 11,444.09 lbs of VOC, 2,288.70 lbs of CO, and 853.06 lbs of NO<sub>x</sub> from two EPNs, as listed in the Emissions Event Table below, during an emissions event (Incident No. 341069) that began on August 20, 2020 and lasted 13 hours and ten minutes. The emissions event occurred due to a loss of lubrication to the thrust bearings of the Turbine Lube Oil Pump and operational issues after the Turbine Lube Oil Pump tripped, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Emissions Event Table (Incident No. 341069)				
Source Name	EPN	Pollutant (lbs)		
		VOC	CO	NO <sub>x</sub>
Unit 24 High-Pressure Flare (Flare #14)	56-61-14	9,468.52	2,120.38	767.06
Unit 24 Low-Pressure Flare (Flare #20)	56-61-20	1,975.57	168.32	86.00

Totals: 11,444.09 2,288.70 853.06

6. During a record review for the Plant conducted from October 16, 2020 through October 30, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 14,835.26 lbs of VOC, 6,698.36 lbs of CO, and 2,019.98 lbs of NO<sub>x</sub> from two EPNs, as listed in the attached Emissions Event Table, during an emissions event (Incident No. 342054) that began on September 9, 2020 and lasted 62 hours and 25 minutes. The emissions event occurred due to a failed trip collar on the Turbine Lube Oil Pump that caused the Turbine Lube Oil Pump and Cracked Gas Compressor Turbine to trip and shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Emissions Event Table (Incident No. 342054)				
Source Name	EPN	Pollutant (lbs)		
		VOC	CO	NO <sub>x</sub>
Unit 24 High-Pressure Flare (Flare #14)	56-61-14	7,598.96	2,187.30	1,098.18
Unit 24 Low-Pressure Flare (Flare #20)	56-61-20	7,236.30	4,511.06	921.80

Totals: 14,835.26 6,698.36 2,019.98

7. During a record review for the Plant conducted from October 27, 2020 through January 11, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 22690 and PSDTX751M1, SC No. 1, FOP No. O2151, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released a total of 21,523.59 lbs of HRVOC, 242.40 lbs of VOC, 4,743.72 lbs

of CO, and 550.88 lbs of NOx from multiple EPNs (see the attached Emissions Event Table), during an emissions event (Incident No. 343851) that began on October 12, 2020 and lasted 58 hours and 15 minutes. The emissions event occurred due to a loss of power during a maintenance activity that was being conducted by a third-party provider, resulting in the release to the atmosphere and in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Emissions Event Table (Incident No. 343851)					
Source Name	EPN	Pollutants (lbs)			
		HRVOC	VOC	CO	NOx
Pressure Safety Valves	N/A	17,610.80	0.00	0.00	0.00
Unit 21, 22 Low-Pressure Flare (Flare #10)	56-61-10	625.22	0.00	475.50	58.49
Unit 22 High-Pressure Flare (Flare #12)	56-61-12	3.58	0.00	0.00	0.00
Unit 24 High-Pressure Flare (Flare #14)	56-61-14	0.11	0.11	1.21	0.14
Unit 24 Low-Pressure Flare (Flare #20)	56-61-20	122.51	84.54	540.09	0.00
Unit 33 Process Flare (Flare #22)	56-61-22	3,161.37	157.75	3,726.92	492.25
Totals:		21,523.59	242.40	4,743.72	550.88

### III. DENIALS

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

### IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2021-0278-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 Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$30,076 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission



-----  
For the Executive Director

-----  
Date

10/24/2022

-----  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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.



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Signature

23 Aug 2022

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Date

Dirk Perrin

-----  
Name (Printed or typed)

Plant Manager

-----  
Title

Authorized Representative of  
Chevron Phillips Chemical Company LP

If mailing address has changed, please check this box and provide the new address below:

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

**Attachment A**  
**Docket Number: 2021-0278-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Chevron Phillips Chemical Company LP</b>
<b>Payable Penalty Amount:</b>	<b>\$60,152</b>
<b>SEP Offset Amount:</b>	<b>\$30,076</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas City Independent School District</b>
<b>Project Name:</b>	<b><i>TCISD Alternative Fuel School Bus Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 216: Houston-Galveston</b>

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

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency’s 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas City Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas City Independent School District SEP  
Attention: John Johnson, Consultant  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**3. Records and Reporting**

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

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

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

#### 5. Publicity

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

#### 6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

#### 7. Other SEPs by TCEQ or Other Agencies

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