

Executive Summary – Enforcement Matter – Case No. 60511

Phillips 66 Company
RN101619179
Docket No. 2021-0335-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sweeny Refinery and Petrochemical Complex, 8189 Old Farm-to-Market Road 524, Old Ocean, Brazoria County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 8, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$100,403

Amount Deferred for Expedited Settlement: \$2,527

Total Paid to General Revenue: \$48,938

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$48,938

Name of SEP: Anahuac 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 and January 2021

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Docket No. 2021-0335-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 30, 2020 through February 1, 2021, January 19, 2021 through April 15, 2021, March 10, 2021 through March 24, 2021, March 16, 2021 through March 26, 2021, March 29, 2021 through April 16, 2021, May 3, 2021 through May 14, 2021, April 27, 2021 through May 12, 2021, and April 12, 2021 through June 3, 2021

Date(s) of NOE(s): February 9, 2021, April 22, 2021, April 28, 2021, April 29, 2021, May 3, 2021, May 25, 2021, May 28, 2021, and June 9, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 13.20 pounds ("lbs") of volatile organic compounds ("VOC"), 29.50 lbs of carbon monoxide ("CO"), 4.00 lbs of hydrogen sulfide ("H₂S"), 29.50 lbs of nitrogen oxides ("NO_x"), and 4,534.00 lbs of sulfur dioxide ("SO₂") from the Coker Flare, Emissions Point Number ("EPN") 29-61-1, during an emissions event (Incident No. 278916) that occurred on February 19, 2018 and lasted one hour. The emissions event occurred when the Unit 29.2 Fractionator overhead receiver pressure control valve malfunctioned and failed open, 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 §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 80806, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 49.50 lbs of CO, 68.00 lbs of H₂S, 9.70 lbs of NO_x, 6,312.00 lbs of SO₂, and 9.00 lbs of VOC from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 284217) that occurred on May 21, 2018 and lasted 55 minutes. The emissions event occurred when a tachometer malfunctioned that caused the Lubricating Oil Pump 26.2P71 and Unit 26.2 C103 Compressor to trip, 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. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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3. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 48 percent ("%") opacity and released 143.00 lbs of particulate matter ("PM") from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 282259) that occurred on April 17, 2018 and lasted one hour and 48 minutes. The emissions event occurred when an EP-2D Transformer Rectifier tripped offline that caused a reduction in the capture of catalyst fines, 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), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 45% opacity and released 30.00 lbs of PM from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 285871) that occurred on June 17, 2018 and lasted 12 minutes. The emissions event occurred when a metering current transformer for the 138T Transmission Line experienced an internal electrical fault that caused a Plant-wide voltage dip and the breakers to isolate the fault by design, 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), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 191.00 lbs of CO, 93.57 lbs of H₂S, 37.50 lbs of NO_x, 11,696.00 lbs of SO₂, and 131.90 lbs of VOC from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 287245) that began on June 25, 2018 and lasted four hours. The emissions event occurred due to incorrect tachometer readings that caused the Lubricating Oil Pump 26.2P71 and 26.2 C103 Compressor to trip offline, 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), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the speciated VOC and

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the estimated total quantities for the speciated VOC on the final record for Incident No. 287245 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 53.43 lbs of CO, 79.82 lbs of H₂S, 7.92 lbs of NO_x, 7,361.80 lbs of SO₂, and 110.73 lbs of VOC from multiple EPNs as shown in the table below, during an emissions event (Incident No. 291418) that occurred on August 31, 2018 and lasted eight hours and three minutes. The emissions event occurred when an operator inadvertently switched the wrong switch that closed the Wet Gas Compressor First Stage Discharge Emergency Isolation Valve and caused the Wet Gas Compressor to trip, 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. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 466.00 lbs of CO, 43.00 lbs of H₂S, 73.00 lbs of NO_x, 4,888.00 lbs of SO₂, and 1,465.00 lbs of VOC from multiple EPNs as shown in the table below, during an emissions event (Incident No. 290993) that occurred on August 25, 2018 and lasted seven hours. The emissions event occurred when a faulty generator caused the Primary Gas Oil Pump P-128 to 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. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 48% opacity and released 111.00 lbs of PM from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 289190) that occurred on July 27, 2018 and lasted one hour and 12 minutes. The emissions event occurred when a breaker failed and tripped prematurely that caused the electrostatic precipitator to go offline, 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), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Installing a C103 Lube Oil Accumulator in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 284217 and 287245 by July 30, 2020;
- b. Replacing the Unit 29.2 Fractionator overhead receiver pressure control valve actuator and positioner by November 11, 2020; and
- c. Providing the estimated total quantities for the VOC that were released during Incident No. 287245 on April 13 2021.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 278916;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282259;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 285871;
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291418;
 - v. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290993; and
 - vi. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289190.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

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RN101619179
Docket No. 2021-0335-AIR-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; 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: Anahuac Independent School District, P.O. Box 638, Anahuac, Texas 77514

Respondent: Mark Evans, Vice President – Sweeny Refinery, Phillips 66 Company, P.O. Box 866, Sweeny, Texas 77480

Vinod Jaini, Principal Environmental Consultant, Phillips 66 Company, P.O. Box 866, Sweeny, Texas 77480

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	24-Feb-2021	Screening	4-Mar-2021	EPA Due	
	PCW	19-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Phillips 66 Company
Reg. Ent. Ref. No.	RN101619179 (PCW No. 1)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60511	No. of Violations	2
Docket No.	2021-0335-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.

Compliance History	81.0% Adjustment	Subtotals 2, 3, & 7	\$6,075
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Notes: Enhancement for three NOVs with same or similar violations, five NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 38 notices of intent to conduct an audit and 13 disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6,330
 Estimated Cost of Compliance: \$41,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,638
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,638
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,638
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,527
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,111
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Screening Date 4-Mar-2021**Docket No.** 2021-0335-AIR-E**PCW****Respondent** Phillips 66 Company

Policy Revision 4 (April 2014)

Case ID No. 60511

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101619179 (PCW No. 1)**Media** Air**Enf. Coordinator** Johnnie Wu**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>)	3	15%
	Other written NOVs	5	10%
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>)	38	-38%
	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>)	13	-26%
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) 81%>> **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 three NOVs with same or similar violations, five NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 38 notices of intent to conduct an audit and 13 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 81%>> **Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 81%

Screening Date 4-Mar-2021
Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (PCW No. 1)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0335-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 80806, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 13.20 pounds ("lbs") of volatile organic compounds ("VOC"), 29.50 lbs of carbon monoxide ("CO"), 4.00 lbs of hydrogen sulfide ("H2S"), 29.50 lbs of nitrogen oxides ("NOx"), and 4,534.00 lbs of sulfur dioxide ("SO2") from the Coker Flare, Emissions Point Number ("EPN") 29-61-1, during an emissions event (Incident No. 278916) that occurred on February 19, 2018 and lasted one hour. The emissions event occurred when the Unit 29.2 Fractionator overhead receiver pressure control valve malfunctioned and failed open, 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	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 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

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	X

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,135

Violation Final Penalty Total \$6,788

This violation Final Assessed Penalty (adjusted for limits) \$6,788

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (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	\$20,000	19-Feb-2018	11-Nov-2020	2.73	\$182	\$3,638	\$3,820
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Feb-2018	1-May-2022	4.20	\$315	n/a	\$315

Notes for DELAYED costs

Estimated cost to replace the Unit 29.2 Fractionator overhead receiver pressure control valve actuator and positioner (\$10,000) and to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 278916 (\$1,500). The Dates Required is the date the emissions event occurred and the Final Dates are the date the actuator and positioner were replaced and the estimated 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 \$21,500

TOTAL \$4,135

Screening Date 4-Mar-2021
Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (PCW No. 1)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-0335-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 49.50 lbs of CO, 68.00 lbs of H2S, 9.70 lbs of NOx, 6,312.00 lbs of SO2, and 9.00 lbs of VOC from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 284217) that occurred on May 21, 2018 and lasted 55 minutes. The emissions event occurred when a tachometer malfunctioned that caused the Lubricating Oil Pump 26.2P71 and Unit 26.2 C103 Compressor to trip, 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	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 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 achieved compliance by July 30, 2020, prior to the Notice of Enforcement dated April 22, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,195

Violation Final Penalty Total \$5,851

This violation Final Assessed Penalty (adjusted for limits) \$5,851

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (PCW No. 1)
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)	\$20,000	21-May-2018	30-Jul-2020	2.19	\$2,195	n/a	\$2,195

Notes for DELAYED costs

Estimated cost to install a C103 Lube Oil Accumulator in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 284217 and 287245. The Date Required is the date the emissions event occurred 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

\$20,000

TOTAL

\$2,195



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-May-2021	Screening	3-May-2021	EPA Due	
	PCW	19-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Phillips 66 Company
Reg. Ent. Ref. No.	RN101619179 (PCW No. 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60511	No. of Violations	7
Docket No.	2021-0335-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50,250
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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.

Compliance History	81.0% Adjustment	Subtotals 2, 3, & 7	\$40,702
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Notes: Enhancement for three NOVs with same or similar violations, five NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 38 notices of intent to conduct an audit and 13 disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$9,561
 Estimated Cost of Compliance: \$50,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$87,765
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$87,765
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$87,765
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$87,765
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Screening Date 3-May-2021

Docket No. 2021-0335-AIR-E

PCW

Respondent Phillips 66 Company

Policy Revision 5 (January 28, 2021)

Case ID No. 60511

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101619179 (PCW No. 2)

Media Air

Enf. Coordinator Johnnie Wu

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>)	3	15%
	Other written NOVs	5	10%
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>)	38	-38%
	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>)	13	-26%
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) 81%

>> 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 three NOVs with same or similar violations, five NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 38 notices of intent to conduct an audit and 13 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 81%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 81%

Screening Date 3-May-2021 **Docket No.** 2021-0335-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60511 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5920A and PSDTX103M4, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 48 percent ("%") opacity and released 143.00 pounds ("lbs") of particulate matter ("PM") from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, Emissions Point Number ("EPN") 27.1-36-RE, during an emissions event (Incident No. 282259) that occurred on April 17, 2018 and lasted one hour and 48 minutes. The emissions event occurred when an EP-2D Transformer Rectifier tripped offline that caused a reduction in the capture of catalyst fines, 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		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	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

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 \$2,026

Violation Final Penalty Total \$13,575

This violation Final Assessed Penalty (adjusted for limits) \$13,575

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (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	\$5
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	17-Apr-2018	1-May-2022	4.04	\$2,021	n/a	\$2,021

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282259. The Date Required is the date the emissions event occurred and the Final Date is the estimated 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
 (This area is currently blank for input.)

Approx. Cost of Compliance	\$10,000	TOTAL	\$2,026
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Screening Date 3-May-2021 **Docket No.** 2021-0335-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60511 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 45% opacity and released 30.00 lbs of PM from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 285871) that occurred on June 17, 2018 and lasted 12 minutes. The emissions event occurred when a metering current transformer for the 138T Transmission Line experienced an internal electrical fault that caused a Plant-wide voltage dip and the breakers to isolate the fault by design, 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		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	Percent 30.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 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 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 \$1,942 **Violation Final Penalty Total** \$13,575
This violation Final Assessed Penalty (adjusted for limits) \$13,575

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (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	\$5
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	17-Jun-2018	1-May-2022	3.87	\$1,937	n/a	\$1,937

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 285871. The Date Required is the date the emissions event occurred and the Final Date is the estimated 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

\$1,942

Screening Date 3-May-2021

Docket No. 2021-0335-AIR-E

PCW

Respondent Phillips 66 Company

Policy Revision 5 (January 28, 2021)

Case ID No. 60511

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101619179 (PCW No. 2)

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 191.00 lbs of carbon monoxide ("CO"), 93.57 lbs of hydrogen sulfide ("H2S"), 37.50 lbs of nitrogen oxides ("NOx"), 11,696.00 lbs of sulfur dioxide ("SO2"), and 131.90 lbs of volatile organic compounds ("VOC") from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 287245) that began on June 25, 2018 and lasted four hours. The emissions event occurred due to incorrect tachometer readings that caused the Lubricating Oil Pump 26.2P71 and 26.2 C103 Compressor to trip offline, to the Backup Lubricating Oil Pump 26.2P71A not kicking back on rapidly, and to the Fail Safe Controller experiencing an issue, 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	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual		x		
	Potential			50.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One weekly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$3,125

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

Notes The Respondent achieved compliance by July 30, 2020, prior to the Notice of Enforcement ("NOE") dated May 3, 2021.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$19,500

This violation Final Assessed Penalty (adjusted for limits) \$19,500

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (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. 2 of the accompanying PCW.

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 3-May-2021 **Docket No.** 2021-0335-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60511 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the speciated VOC and the estimated total quantities for the speciated VOC on the final record for Incident No. 287245.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on April 13, 2021, prior to the NOE dated May 3, 2021.	

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**
Violation Final Penalty Total \$391
This violation Final Assessed Penalty (adjusted for limits) \$391

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$250	10-Jul-2018	13-Apr-2021	2.76	\$35	n/a	\$35

Notes for DELAYED costs
 Estimated cost to provide the estimated total quantities for the speciated VOC that were released during Incident No. 287245. The Date Required is the date the complete and accurate final record was due 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 \$250

TOTAL \$35

Screening Date 3-May-2021 **Docket No.** 2021-0335-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60511 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 53.43 lbs of CO, 79.82 lbs of H2S, 7.92 lbs of NOx, 7,361.80 lbs of SO2, and 110.73 lbs of VOC from multiple EPNs (see attached Emissions Event Table, Attachment A), during an emissions event (Incident No. 291418) that occurred on August 31, 2018 and lasted eight hours and three minutes. The emissions event occurred when an operator inadvertently switched the wrong switch that closed the Wet Gas Compressor First Stage Discharge Emergency Isolation Valve and caused the Wet Gas Compressor to trip, 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		Harm			
	Release	Major	Moderate	Minor	
	Actual			X	Percent 30.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$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 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 \$1,834	Violation Final Penalty Total \$13,575
This violation Final Assessed Penalty (adjusted for limits) \$13,575	

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	31-Aug-2018	1-May-2022	3.67	\$1,834	n/a	\$1,834

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291418. The Date Required is the date the emissions event occurred and the Final Date is the estimated 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
 (This area is currently blank)

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,834
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Screening Date 3-May-2021 **Docket No.** 2021-0335-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60511 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 466.00 lbs of CO, 43.00 lbs of H2S, 73.00 lbs of NOx, 4,888.00 lbs of SO2, and 1,465.00 lbs of VOC from multiple EPNs (see attached Emissions Event Table, Attachment B), during an emissions event (Incident No. 290993) that occurred on August 25, 2018 and lasted seven hours. The emissions event occurred when a faulty generator caused the Primary Gas Oil Pump P-128 to 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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 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 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 \$1,842 **Violation Final Penalty Total** \$13,575

This violation Final Assessed Penalty (adjusted for limits) \$13,575

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Violation No. 6

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)	\$10,000	25-Aug-2018	1-May-2022	3.68	\$1,842	n/a	\$1,842

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290993. The Date Required is the date the emissions event occurred and the Final Date is the estimated 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

\$1,842

Screening Date 3-May-2021 **Docket No.** 2021-0335-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60511 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 48% opacity and released 111.00 lbs of PM from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 289190) that occurred on July 27, 2018 and lasted one hour and 12 minutes. The emissions event occurred when a breaker failed and tripped prematurely that caused the electrostatic precipitator to go offline, 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 insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 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 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 \$1,882 **Violation Final Penalty Total** \$13,575

This violation Final Assessed Penalty (adjusted for limits) \$13,575

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 60511
Reg. Ent. Reference No. RN101619179 (PCW No. 2)
Media Air
Violation No. 7

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-Jul-2018	1-May-2022	3.76	\$1,882	n/a	\$1,882

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289190. The Date Required is the date the emissions event occurred and the Final Date is the estimated 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 \$1,882

Attachment A

**Phillips 66 Company
Docket No. 2021-0335-AIR-E; Case No. 60511**

Emissions Event Table (Incident No. 291418)						
Source Name	EPN	Pollutants (lbs)				
		CO	H2S	NOx	SO2	VOC
Coker Flare	29-61-1	21.25	70.72	4.17	6,522.49	46.06
Expansion High Pressure Flare	56-61-16	27.06	3.87	3.15	356.84	62.47
Expansion Low Pressure Flare	56-61-17	5.12	5.23	0.60	482.47	2.20
Totals:		53.43	79.82	7.92	7,361.80	110.73

Attachment B

**Phillips 66 Company
Docket No. 2021-0335-AIR-E; Case No. 60511**

Emissions Event Table (Incident No. 290993)						
Source Name	EPN	Pollutants (lbs)				
		CO	H2S	NOx	SO2	VOC
Coker Flare	29-61-1	241.00	7.00	36.00	665.00	862.00
Flare 16	56-61-16	225.00	36.00	37.00	4,223.00	603.00
Totals:		466.00	43.00	73.00	4,888.00	1,465.00

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 CN604065912, RN101619179, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN604065912, Phillips 66 Company	Classification:	SATISFACTORY	Rating:	7.43
Regulated Entity:	RN101619179, SWEENEY REFINERY AND PETROCHEMICAL COMPLEX	Classification:	SATISFACTORY	Rating:	8.56
Complexity Points:	50	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	8189 OLD FARM-TO-MARKET ROAD 524, OLD OCEAN, BRAZORIA COUNTY, TEXAS				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS PERMIT 1626
AIR OPERATING PERMITS PERMIT O3781

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200756

AIR NEW SOURCE PERMITS REGISTRATION 72036
AIR NEW SOURCE PERMITS REGISTRATION 12344
AIR NEW SOURCE PERMITS REGISTRATION 13744
AIR NEW SOURCE PERMITS REGISTRATION 13978
AIR NEW SOURCE PERMITS PERMIT 5689A
AIR NEW SOURCE PERMITS PERMIT 7467A
AIR NEW SOURCE PERMITS PERMIT 18142
AIR NEW SOURCE PERMITS PERMIT 22086
AIR NEW SOURCE PERMITS REGISTRATION 24717
AIR NEW SOURCE PERMITS REGISTRATION 25434
AIR NEW SOURCE PERMITS REGISTRATION 33153
AIR NEW SOURCE PERMITS REGISTRATION 43038
AIR NEW SOURCE PERMITS REGISTRATION 75616
AIR NEW SOURCE PERMITS AFS NUM 4803900010
AIR NEW SOURCE PERMITS REGISTRATION 54666
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M1
AIR NEW SOURCE PERMITS REGISTRATION 76731
AIR NEW SOURCE PERMITS REGISTRATION 77648
AIR NEW SOURCE PERMITS REGISTRATION 77156
AIR NEW SOURCE PERMITS REGISTRATION 77152
AIR NEW SOURCE PERMITS REGISTRATION 78566
AIR NEW SOURCE PERMITS REGISTRATION 81104
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M4
AIR NEW SOURCE PERMITS REGISTRATION 25389
AIR NEW SOURCE PERMITS PERMIT 118699
AIR NEW SOURCE PERMITS REGISTRATION 111673
AIR NEW SOURCE PERMITS REGISTRATION 118459
AIR NEW SOURCE PERMITS REGISTRATION 116241
AIR NEW SOURCE PERMITS REGISTRATION 111676
AIR NEW SOURCE PERMITS REGISTRATION 151092
AIR NEW SOURCE PERMITS REGISTRATION 151896
AIR NEW SOURCE PERMITS REGISTRATION 164644
AIR NEW SOURCE PERMITS REGISTRATION 148130
AIR NEW SOURCE PERMITS REGISTRATION 147128
AIR NEW SOURCE PERMITS REGISTRATION 160243
AIR NEW SOURCE PERMITS EPA PERMIT N278

AIR OPERATING PERMITS ACCOUNT NUMBER BL0042G
AIR QUALITY NON PERMITTED ACCOUNT NUMBER BL0042G
AIR NEW SOURCE PERMITS REGISTRATION 72035

AIR NEW SOURCE PERMITS REGISTRATION 10779
AIR NEW SOURCE PERMITS REGISTRATION 12993
AIR NEW SOURCE PERMITS REGISTRATION 13929
AIR NEW SOURCE PERMITS PERMIT 1486A
AIR NEW SOURCE PERMITS PERMIT 5920A
AIR NEW SOURCE PERMITS PERMIT 7754A
AIR NEW SOURCE PERMITS PERMIT 21265
AIR NEW SOURCE PERMITS REGISTRATION 24161
AIR NEW SOURCE PERMITS REGISTRATION 26533
AIR NEW SOURCE PERMITS PERMIT 30513
AIR NEW SOURCE PERMITS REGISTRATION 39026
AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0042G
AIR NEW SOURCE PERMITS REGISTRATION 75713
AIR NEW SOURCE PERMITS PERMIT 49140
AIR NEW SOURCE PERMITS REGISTRATION 74130
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M2
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M3
AIR NEW SOURCE PERMITS REGISTRATION 77153
AIR NEW SOURCE PERMITS REGISTRATION 77157
AIR NEW SOURCE PERMITS REGISTRATION 77154
AIR NEW SOURCE PERMITS PERMIT 80806
AIR NEW SOURCE PERMITS REGISTRATION 82601
AIR NEW SOURCE PERMITS REGISTRATION 95086
AIR NEW SOURCE PERMITS REGISTRATION 111670
AIR NEW SOURCE PERMITS REGISTRATION 114522
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX751
AIR NEW SOURCE PERMITS REGISTRATION 117901
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M5
AIR NEW SOURCE PERMITS REGISTRATION 106776
AIR NEW SOURCE PERMITS REGISTRATION 158959
AIR NEW SOURCE PERMITS REGISTRATION 152547
AIR NEW SOURCE PERMITS REGISTRATION 165952
AIR NEW SOURCE PERMITS REGISTRATION 146501
AIR NEW SOURCE PERMITS REGISTRATION 158591
AIR NEW SOURCE PERMITS EPA PERMIT N292
AIR NEW SOURCE PERMITS REGISTRATION 159203

AIR NEW SOURCE PERMITS REGISTRATION 158957

AIR NEW SOURCE PERMITS REGISTRATION 160791

AIR NEW SOURCE PERMITS REGISTRATION 155673

AIR NEW SOURCE PERMITS REGISTRATION 157719

PETROLEUM STORAGE TANK REGISTRATION

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 20580

REGISTRATION 83813

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

STORMWATER PERMIT TXR05BI93

(SWR) 30048

STORMWATER PERMIT TXR05DO16

WASTEWATER EPA ID TX0007536

WASTEWATER PERMIT WQ0000721000

WASTEWATER PERMIT TXG670203

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0042G

POLLUTION PREVENTION PLANNING ID NUMBER

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

TXD048210645

REGISTRATION # (SWR) 30048

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50186

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: September 19, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 19, 2016 to September 19, 2021

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

Name: Johnnie Wu

Phone: (512) 239-2524

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: 05/11/2017 ADMINORDER 2016-1192-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)
5C THSC Chapter 382 382.085(b)
 - Rqmt Prov: Special Condition 1 PERMIT
 - Description: Failure to prevent unauthorized emissions. Sub-category: A12i(6).
 - Classification: Moderate
 - Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
 - Rqmt Prov: Special Condition 1 PERMIT
 - Description: Failure to prevent unauthorized emissions due to C-100 blower shutdown. Sub-category: A12i(6).

- 2 Effective Date: 08/02/2017 ADMINORDER 2016-1939-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)
5C THSC Chapter 382 382.085(b)
 - Rqmt Prov: Special Condition 1 PERMIT
 - Description: Failure to prevent unauthorized emissions due to a false high level in 4-D-153 Steam knockout Drum. Sub-category: A12i(6).

- 3 Effective Date: 09/07/2018 ADMINORDER 2017-1157-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

STC 29 OP

Description: Failure to prevent unauthorized emissions due to foaming in Unit 26.1 amine tower which caused the unit's Recycle Gas Compressor C-110. Sub-category: A12i(6).

- 4 Effective Date: 09/16/2019 ADMINORDER 2018-0923-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Eff. Lims. & Mon. Reqs. Nos. 1 & 2 PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 5 Effective Date: 01/28/2020 ADMINORDER 2019-0067-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
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: Federal Operating Permit No. O1626 OP
New Source Review Permit 5920A PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized excess opacity during an emissions event (Category B13).
- 6 Effective Date: 04/06/2021 ADMINORDER 2019-1794-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
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: FOP No. O1626, GTC STC Nos. 3.A and 29 OP
NSR Nos. 5920A and PSDTX103M4, SC No. 1 PERMIT
Description: Failed to prevent an excess opacity event. Specifically, the Respondent experienced 44 percent opacity at the Fluid Catalytic Cracker Regenerator Exhaust, EPN 27.1-36-RE, during an excess opacity event that occurred on June 2, 2017 (Incident No. 259388) and lasted 12 minutes.
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: 5920A, Special Condition 1 PERMIT
FOP No. O1626, GTC and STC No. 29 OP
NSR Nos. 5920A and PSDTX103M4, SC No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 103.32 pounds ("lbs") of carbon monoxide ("CO"), 5,289.71 lbs of sulfur dioxide ("SO2"), 20.28 lbs of nitrogen oxides ("NOx"), 57.35 lbs of hydrogen sulfide ("H2S"), and 186.04 lbs of volatile organic compounds ("VOC") from the Flare, Emissions Point Number ("EPN") 29-61-1, during an emissions event (Incident No. 270723) that began on October 22, 2017 and lasted four hours and 15 minutes.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. O1626, GTC and STC No. 2.F OP
Description: Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 270723 was due by November 5, 2017, but was not submitted until September 19, 2018.
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: FOP No. O1626, GTC and STC No. 29 OP
NSR Nos. 5920A and PSDTX103M4, SC No. 1 PERMIT

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 64 lbs of CO, 1,793 lbs of SO₂, 13 lbs of NO_x, 10 lbs of H₂S, and 99 lbs of VOC from the Flare, EPN 29-61-1, during an emissions event (Incident No. 276617) that began on January 17, 2018 and lasted one hour.

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: FOP No. O1626, GTC and STC No. 29 OP
NSR Nos. 5920A and PSDTX103M4, SC No. 1 PERMIT
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 150 lbs of CO, 781.30 lbs of SO₂, 29.40 lbs of NO_x, and 12.20 lbs of H₂S from the Flare, EPN 29-61-1, during an emissions event (Incident No. 274115) that began on December 6, 2017 and lasted three hours and 30 minutes.

Classification: Minor

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

Description: Failed to provide the requested additional information for an emissions event within the time established in the request. Specifically, the TCEQ requested additional information for Incident No. 274115 to be submitted by November 22, 2019, but was not submitted until November 25, 2019.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 03, 2016	(1348858)
Item 2	October 19, 2016	(1378469)
Item 3	November 02, 2016	(1356402)
Item 4	November 18, 2016	(1384429)
Item 5	December 20, 2016	(1390566)
Item 6	January 11, 2017	(1384213)
Item 7	January 20, 2017	(1397182)
Item 8	February 20, 2017	(1404065)
Item 9	February 24, 2017	(1393538)
Item 10	March 20, 2017	(1411167)
Item 11	March 23, 2017	(1095316)
Item 12	April 20, 2017	(1417669)
Item 13	April 27, 2017	(1400505)
Item 14	May 18, 2017	(1425258)
Item 15	June 20, 2017	(1421859)
Item 16	July 14, 2017	(1403847)
Item 17	July 20, 2017	(1439869)
Item 18	August 11, 2017	(1434229)
Item 19	August 18, 2017	(1443560)
Item 20	November 20, 2017	(1461485)
Item 21	December 11, 2017	(1449642)
Item 22	December 15, 2017	(1467865)
Item 23	April 20, 2018	(1493710)
Item 24	June 20, 2018	(1496896)
Item 25	July 20, 2018	(1514063)
Item 26	July 25, 2018	(1439430)
Item 27	August 09, 2018	(1498714)
Item 28	August 20, 2018	(1520125)
Item 29	September 19, 2018	(1517765)
Item 30	October 18, 2018	(1517438)

30 TAC Chapter 305, SubChapter F 305.125(1)

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

- 3 Date: 03/19/2021 (1673284)
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 and Condition 3.A.(i) OP
Description: Failure to prevent visible emissions with opacity greater than a limit of 20 percent (%) averaged over a six-minute period from Emissions Point Number 27.1-36-RE. (Category B13)
- 4 Date: 04/16/2021 (1704385)
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 and Condition 3.A.(i) OP
Description: Failure to prevent visible emissions with opacity greater than a limit of 20 percent (%) averaged over a six-minute period from Emissions Point Number (EPN) 27.1-36-RE. (Category B13)
- 5 Date: 05/31/2021 (1747603)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 06/30/2021 (1751743)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 07/31/2021 (1757207)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 08/31/2021 (1672733)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP
Description: Failure to maintain NOx emission factor within the permitted limit for Unit ID 9-36-4. (CATEGORY C4 Violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 29 OP
Description: Failure to maintain NOx emission factor within the permitted limit for Unit ID: 26-CS. (CATEGORY C4 Violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 29 OP
Description: Failure to maintain CO concentration within permitted limit for Unit ID: 9-36-4. (CATEGORY C4 Violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Special Condition 6 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain CO concentration within permitted limit for Unit ID: 29.1-36-1.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain CO concentration within permitted limit for Unit ID:
29.2-36-CS. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain CO concentration within permitted limit for Unit ID: 26-CS.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain CO concentration within permitted limit for Unit ID: 3-95-3.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 35 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain CO concentration within permitted limit for Unit ID:
27.1-36-RE. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain CO concentration within permitted limit for Unit ID: 25.1-36-1.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain H2S concentration within permitted limit for Unit 9 fuel gas.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain H2S concentration within permitted limit for Unit 29.1 fuel gas.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP

Description: Failure to maintain H2S concentration within permitted limit for Unit 35 fuel gas.
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP

Description: Failure to maintain rolling 3-hour H2S concentrations for Unit 35 Fuel Gas. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain hourly firing rate for Unit ID: 38-36-251. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain NOx concentration within the permitted limit for Unit ID: 3-95-3. (CATEGORY C4 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14C PERMIT
Special Condition 8C PERMIT
Special Term & Condition 1A OP
Special Term & Condition 29 OP

Description: Failure to prevent visible emissions from Flare (Unit ID: 56-61-11). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21A PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain temperatures within permitted limit for Incinerator (Unit ID: 28.2-36-2). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21A PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain temperatures within permitted limit for Incinerator (Unit ID: 39.1-95-118). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP

Description: Failure to maintain temperatures within permitted limit for Thermal Oxidizer (Unit ID: 56-61-152). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain temperatures within permitted limit for Thermal Oxidizer (Unit ID: 56-TO-BACKUP). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21A PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain oxygen percentage within permitted limit for Incinerator (Unit ID: 39.1-95-118). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

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

Special Condition 21A PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain oxygen percentage within permitted limit for Incinerator (Unit ID: 28.2-36-2). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8B PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain SO2 concentration within permitted limit for Incinerator (Unit ID: 39.1-95-118). (CATEGORY C4 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 29 OP

Description: Failure to maintain rolling 12-month SO2 emissions within permitted limit for the Flare (Unit ID: 28.1-61-9). (CATEGORY B17 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP

Description: Failure to maintain CO emission factor within permitted limit for Unit ID: 35-36-1. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP

Description: Failure to maintain SO2 emission factor within permitted limit for Unit ID: 35-36-1. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 20A PERMIT
Special Term & Condition 29 OP

Description: Failure to monitor carbon adsorption system (CAS) (Unit ID: 56-TEMP-CC). (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 29 OP

Description: Failure to maintain Storage Tank (Unit ID: 68-95-234) vapor pressure as represented in permit application. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to conduct daily validations for Unit 9 Fuel Gas continuous emissions monitoring system (CEMS). (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to conduct daily validations for Unit 27.3 Cooling Tower continuous emissions monitoring system (CEMS). (CATEGORY C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19 PERMIT
Special Term & Condition 29 OP

Description: Failure to conduct titrations for U30 ARN. (CATEGORY C1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 25D PERMIT
Special Term & Condition 1A OP
Special Term & Condition 29 OP
Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 Violation)

F. Environmental audits:

Notice of Intent Date: 09/29/2016 (1365407)

Disclosure Date: 03/30/2017

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: The total sulfur CEM and H2S CEM were experiencing down time, and after evaluation, the root cause was found to be a faulty programmable logic controller ("PLC") serving the CEM system. The PLC is an industrial computer control system that continuously monitors the state of input devices and makes decisions based upon a custom program to control the state of output devices.

Notice of Intent Date: 10/13/2016 (1369760)

Disclosure Date: 11/10/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

Description: As a result of fixing the calibration issue, it was discovered that the plant has exceeded the rolling hourly fired duty 12-month average of 45 MMBtu/hr for the Reactor Charge Heater furnace (EPN No. 38-36-251), and the annual PM and VOC emission limits for EPN 38-35-251.

Notice of Intent Date: 05/04/2017 (1410214)

No DOV Associated

Notice of Intent Date: 05/04/2017 (1416534)

No DOV Associated

Notice of Intent Date: 05/04/2017 (1416535)

No DOV Associated

Notice of Intent Date: 06/01/2017 (1421040)

Disclosure Date: 11/22/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(a)(9)(D)

30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6602

Description: Failed to adhere to the permitted emission limitations in four engines for CO and NOx. Specifically, the engines are: 56-67-209, 56-P-213, 56-P-67 A, & 91-32-04 B.

Notice of Intent Date: 06/01/2017 (1421042)

No DOV Associated

Notice of Intent Date: 11/28/2017 (1454986)

Disclosure Date: 08/28/2018

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.601

30 TAC Chapter 116, SubChapter F 116.602(a)(2)

Description: For Unit 9, Furnace 4 (EPN 9-36-4), intermittent block hourly NOx mass emissions rate exceedances were noted. From 5/21-11/20/17, aggregated emissions exceedances were 7.8 pounds over the aggregated permit allowable rate of 6,973 lbs. From 7/1-12/31/17, the aggregated emissions over the permit were 47 lbs. The NOx block hourly limit exceedances, most of which are less than 0.1 lb/hr over the 9.36 lb/hr limit, are continuing on an intermittent basis.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.601

30 TAC Chapter 116, SubChapter F 116.602(a)(2)

Description: It was found that for Unit 9, Furnace 4 (EPN 9-3 6-4) is having intermittent exceedances of the block hourly NOx emission concentration limit (0.04 lb/MMBTU block hourly; 0.036 lb/hr on a rolling 12- month basis),

while the corresponding mass emission limit was not exceeded for the Unit 9 Furnace 4 during a review of the calculation spreadsheets. These intermittent concentration exceedances are ongoing.
Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7

Description: Failed to correctly report excess emissions over 1%.

Notice of Intent Date: 12/08/2017 (1459956)
No DOV Associated

Notice of Intent Date: 12/27/2017 (1465307)
No DOV Associated

Notice of Intent Date: 03/29/2018 (1479540)
No DOV Associated

Notice of Intent Date: 04/05/2018 (1481097)
Disclosure Date: 04/02/2019

Viol. Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: 2014-2016 MSGP stormwater sample results not located for six non-outfall locations.

Notice of Intent Date: 06/02/2018 (1489924)
No DOV Associated

Notice of Intent Date: 02/25/2019 (1550857)
Disclosure Date: 06/27/2019

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT MAERT Table

Description: An emissions event occurred on 6/12/19 at the SRU incinerator stack S02 GEM. The subsequent audit review used additional engineering practices, including the review of a process S02 analyzer located on the outlet of the SRU Claus. The June 12th emissions event exceed the reportable quantity threshold.

Disclosure Date: 06/16/2020
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 17

Description: Monthly average production rate exceeded 110% of demonstrated rates during previous stack testing, without re-stack testing within 90 days. There were three monthly average production rates greater than 110% of the demonstrated rates. (EPN 25.2-CS)

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 12

Description: Intermittent missed daily fluoride testing on Cooling Tower 16. (EPN 54-20-16)

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 12

Description: Cooling Tower 16 pH not continuously monitored. Online analyzer was not ranged correctly and was not functioning properly.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 15

Description: Unit 30 Acid Relief Neutralizer (ARN) pH not continuously monitored. Online analyzer not functioning properly and alarmed at 6 pH instead of IO pH.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Unit 35 emission calculations had an error in the firing rate calculation. The firing rate is also used in PM and (b)(2)(F) VOC calculations.

Notice of Intent Date: 07/30/2019 (1591930)
Disclosure Date: 06/17/2020

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 17

Description: The temperature of the thermal oxidizer is intermittently lower than the demonstrated stack test

temperature.

Notice of Intent Date: 08/22/2019 (1598742)

Disclosure Date: 04/30/2020

Viol. Classification: Minor

Citation: 2H THSC Chapter 161, SubChapter A 161.355(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(3)(ii)

Description: BWON sample coolers were non-compliant with Method 250, due to the size of the cooling coils and sample tube material.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)(3)

Description: Unit 45 was inadvertently left off of the 2017/2018 TAB report.

Notice of Intent Date: 09/20/2019 (1598237)

Disclosure Date: 12/13/2019

Viol. Classification: Minor

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

Description: The audit found open end lines without control by cap, plug, blind, or double block valves in the inspection of the three process units.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT W 60.482-1(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: The audit found overlooked components that appear to have been excluded from the LDAR program.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485

Description: The audit found FID sample hoses which were calibrated and being used in the field with holes in the line.

Notice of Intent Date: 10/03/2019 (1598639)

No DOV Associated

Notice of Intent Date: 10/08/2019 (1602668)

Disclosure Date: 11/20/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359
30 TAC Chapter 117, SubChapter B 117.310

Description: NOx emission from ULSG Heater (EPN: 45-36-1) was inadvertently omitted from the MECTECTI reporting in 2017 and 2018.

Notice of Intent Date: 10/21/2019 (1604118)

Disclosure Date: 12/17/2019

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(2)(i)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(c)(6)

Description: Maximum O2 operating limit determined from compliance stack test on ULSG Heater (EPN 45-36-1) was inadvertently exceeded exceeded from the initial test through November 2019.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(c)(5)

Description: The annual CEMS RATA was not performed on the ULSG Heater (EPN:45-36-1) O2 analyzer in 2018.

Notice of Intent Date: 01/21/2020 (1623984)

No DOV Associated

Notice of Intent Date: 04/23/2020 (1645425)

No DOV Associated

Notice of Intent Date: 06/17/2020 (1657540)

Disclosure Date: 06/18/2021

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 27F

Description: Gas flowmeter downtime exceeded 5% in a rolling 12-month period.

Notice of Intent Date: 07/29/2020 (1665620)

Disclosure Date: 08/18/2020

Viol. Classification: Minor

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

Description: Item 1 was not previously disclosed in Title V Deviation reports submitted for those periods in which annual RAT As were not performed.

Notice of Intent Date: 08/28/2020 (1672228)

No DOV Associated

Notice of Intent Date: 09/09/2020 (1673083)

No DOV Associated

Notice of Intent Date: 10/07/2020 (1679850)

No DOV Associated

Notice of Intent Date: 10/08/2020 (1680065)

No DOV Associated

Notice of Intent Date: 10/23/2020 (1690884)

No DOV Associated

Notice of Intent Date: 12/10/2020 (1696686)

No DOV Associated

Notice of Intent Date: 03/23/2021 (1709328)

No DOV Associated

Notice of Intent Date: 04/19/2021 (1709648)

No DOV Associated

Notice of Intent Date: 06/09/2021 (1735788)

No DOV Associated

Notice of Intent Date: 07/01/2021 (1738752)

No DOV Associated

Notice of Intent Date: 07/23/2021 (1746586)

No DOV Associated

Notice of Intent Date: 07/26/2021 (1746974)

No DOV Associated

Notice of Intent Date: 08/17/2021 (1756907)

No DOV Associated

Notice of Intent Date: 08/17/2021 (1756908)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PHILLIPS 66 COMPANY
RN101619179

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2021-0335-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 Phillips 66 Company (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 together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 8189 Old Farm-to-Market Road 524 in Old Ocean, 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 \$100,403 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$48,938 of the penalty and \$2,527 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, \$48,938 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 installing a C103 Lube Oil Accumulator in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 284217 and 287245 by July 30, 2020;
 - b. By replacing the Unit 29.2 Fractionator overhead receiver pressure control valve actuator and positioner by November 11, 2020; and
 - c. By providing the estimated total quantities for the speciated volatile organic compounds ("VOC") that were released during Incident No. 287245 on April 13 2021.

II. ALLEGATIONS

1. During a record review conducted from October 30, 2020 through February 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 80806, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 13.20 pounds ("lbs") of VOC, 29.50 lbs of carbon monoxide ("CO"), 4.00 lbs of hydrogen sulfide ("H₂S"), 29.50 lbs of nitrogen oxides ("NO_x"), and 4,534.00 lbs of sulfur dioxide ("SO₂") from the Coker Flare, Emissions Point Number ("EPN") 29-61-1, during an emissions event (Incident No. 278916) that occurred on February 19, 2018 and lasted one hour. The emissions event occurred when the Unit 29.2 Fractionator overhead receiver pressure control valve malfunctioned and failed open, 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.

2. During a record review conducted from January 19, 2021 through April 15, 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. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 49.50 lbs of CO, 68.00 lbs of H₂S, 9.70 lbs of NO_x, 6,312.00 lbs of SO₂, and 9.00 lbs of VOC from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 284217) that occurred on May 21, 2018 and lasted 55 minutes. The emissions event occurred when a tachometer malfunctioned that caused the Lubricating Oil Pump 26.2P71 and Unit 26.2 C103 Compressor to trip, 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 conducted from March 10, 2021 through March 24, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 48 percent ("%") opacity and released 143.00 lbs of particulate matter ("PM") from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 282259) that occurred on April 17, 2018 and lasted one hour and 48 minutes. The emissions event occurred when an EP-2D Transformer Rectifier tripped offline that caused a reduction in the capture of catalyst fines, 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.
4. During a record review conducted from March 16, 2021 through March 26, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 45% opacity and released 30.00 lbs of PM from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 285871) that occurred on June 17, 2018 and lasted 12 minutes. The emissions event occurred when a metering current transformer for the 138T Transmission Line experienced an internal electrical fault that caused a Plant-wide voltage dip and the breakers to isolate the fault by design, 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.

5. During a record review conducted from March 29, 2021 through April 16, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 191.00 lbs of CO, 93.57 lbs of H₂S, 37.50 lbs of NO_x, 11,696.00 lbs of SO₂, and 131.90 lbs of VOC from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 287245) that began on June 25, 2018 and lasted four hours. The emissions event occurred due to incorrect tachometer readings that caused the Lubricating Oil Pump 26.2P71 and 26.2 C103 Compressor to trip offline, 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.
 - b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the speciated VOC and the estimated total quantities for the speciated VOC on the final record for Incident No. 287245.

6. During a record review conducted from May 3, 2021 through May 14, 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. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 53.43 lbs of CO, 79.82 lbs of H₂S, 7.92 lbs of NO_x, 7,361.80 lbs of SO₂, and 110.73 lbs of VOC from multiple EPNs as shown in the table below, during an emissions event (Incident No. 291418) that occurred on August 31, 2018 and lasted eight hours and three minutes. The emissions event occurred when an operator inadvertently switched the wrong switch that closed the Wet Gas Compressor First Stage Discharge Emergency Isolation Valve and caused the Wet Gas Compressor to trip, 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. 291418)						
Source Name	EPN	Pollutants (lbs)				
		CO	H₂S	NO_x	SO₂	VOC
Coker Flare	29-61-1	21.25	70.72	4.17	6,522.49	46.06
Expansion High Pressure Flare	56-61-16	27.06	3.87	3.15	356.84	62.47
Expansion Low Pressure Flare	56-61-17	5.12	5.23	0.60	482.47	2.20
Totals:		53.43	79.82	7.92	7,361.80	110.73

7. During a record review conducted from April 27, 2021 through May 12, 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. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 466.00 lbs of CO, 43.00 lbs of H₂S, 73.00 lbs of NO_x, 4,888.00 lbs of SO₂, and 1,465.00 lbs of VOC from multiple EPNs as shown in the table below, during an emissions event (Incident No. 290993) that occurred on August 25, 2018 and lasted seven hours. The emissions event occurred when a faulty generator caused the Primary Gas Oil Pump P-128 to 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. 290993)						
Source Name	EPN	Pollutants (lbs)				
		CO	H₂S	NO_x	SO₂	VOC
Coker Flare	29-61-1	241.00	7.00	36.00	665.00	862.00
Flare 16	56-61-16	225.00	36.00	37.00	4,223.00	603.00
Totals:		466.00	43.00	73.00	4,888.00	1,465.00

8. During a record review conducted from April 12, 2021 through June 3, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 48% opacity and released 111.00 lbs of PM from the 27.1 Fluid Catalytic Cracking Regenerator Flue Gas Stack, EPN 27.1-36-RE, during an emissions event (Incident No. 289190) that occurred on July 27, 2018 and lasted one hour and 12 minutes. The emissions event occurred when a breaker failed and tripped prematurely that caused the electrostatic precipitator to go offline, 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.

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: Phillips 66 Company, Docket No. 2021-0335-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 an SEP as set forth in Section I, Paragraph No. 4. The amount of \$48,938 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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 278916;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282259;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 285871;
 - iv. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291418;
 - v. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290993; and
 - vi. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289190.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. 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.
6. 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.
7. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.


8. 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.
9. 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.
10. 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

Date



10/14/2022

For the Executive Director


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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

9/23/2012

Date

MARK EVANS

Name (Printed or typed)
Authorized Representative of
Phillips 66 Company

VP, SWEENEY REFINERY

Title

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: 2021-0335-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Phillips 66 Company
Payable Penalty Amount:	\$97,876
SEP Offset Amount:	\$48,938
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Texas Air Quality Control Region 216, Houston - Galveston

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 **Anahuac Independent School District** for the *Clean School Bus 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 a lower-emission school bus that is model year 2010 or newer (“Replacement Bus”) to replace a bus that is model year 1995 (“Older Bus”), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. 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 SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

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 **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Business Manager
P.O. Box 638
Anahuac, Texas 77514

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.

Phillips 66 Company
Docket No. 2021-0335-AIR-E
Agreed Order - Attachment A

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 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.