

Executive Summary - Enforcement Matter - Case No. 60848

PHILLIPS 66 COMPANY

RN102495884

Docket No. 2021-0712-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Borger Refinery, located approximately 0.9 mile northeast of the State Highway Spur 245 and State Highway Spur 119 intersection, Borger, Hutchinson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 19, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$54,708

Total Paid to General Revenue: \$27,354

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$27,354

Name of SEP: American Energy Institute (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 12, 2021, January 12, 2022, and April 25, 2022

Date(s) of NOE(s): May 12, 2021, February 9, 2022, and May 18, 2022

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Docket No. 2021-0712-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 427.0 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 350190) that occurred on February 7, 2021 and lasted seven hours and 40 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1440, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 88 percent ("%") opacity and released 2,432 lbs of carbon monoxide ("CO"), 0.3 lb of lead, 0.3 lb of nickel, and 6,800 lbs of particulate matter from Unit 40 Fluid Catalytic Cracking Unit, Emissions Point Number ("EPN") 40P1, during an emissions event (Incident No. 362527) that began on July 15, 2021 and lasted 16 hours and 40 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 95% opacity and released 2,511 lbs of CO, 12 lbs of hydrogen sulfide ("H₂S"), 551 lbs of nitrogen oxides ("NO_x"), and 2,234 lbs of sulfur dioxide ("SO₂") from the Unit Gas Oil Hydrodesulfurizer ("GOHDS") Flare, EPN 66FL12, experienced 95% opacity from the Fluid Catalytic Cracking ("FCC") Flare, EPN 66FL3, and experienced 95% opacity and released 996 lbs of HS₂ and 9,040 lbs of SO₂ from Unit 34 Sulfur Recovery Unit Incinerator, EPN 34I1, during an emissions event (Incident No. 365597) that began on August 25, 2021 and lasted 170 hours and 30 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B) and (a)(4), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 523 lbs of SO₂, 839 lbs of CO, 2.8 lbs of H₂S, and 184 lbs of NO_x, from the FCC Flare, EPN 66FL3, and released 614 lbs of SO₂, 964 lbs of CO, 3.3 lbs of H₂S, and 212 lbs of NO_x from the GOHDS Flare, EPN 66FL12, during an emissions event (Incident No. 367792) that began on October 4, 2021 and lasted 11 hours and 30 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 39 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 372349) that occurred on January 4, 2022 and lasted two hours and five minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos.

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9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 372349 was due by January 5, 2022 at 9:45 a.m., but was not submitted until January 5, 2022 at 10:00 am. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1440, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On January 5, 2022, submitted the initial notification for Incident No. 372349;
- b. By January 10, 2022, repaired the pipe with the proper contact point design in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 372349;
- c. By February 14, 2022, made a high priority alarm for the feed surge drum, developed a startup/warmup procedure for the pumps, repaired the K006 remote shutdown, and updated the charge pump and unit shutdown procedure to close the light cycle oil seal flush and to warm up the line and the minimum flow line in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 362527;
- d. By May 26, 2022, changed the overspeed trip test to turnaround priority, replaced the pilot valve on turbine, corrected the control valve wiring, and created new labels to identify the switches in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365597;
- e. By June 21, 2022, developed an improvement team to review solutions from the root cause analysis cause map and determine the best path forward for procedural improvements, developed a hole clearance risk matrix, retrained affected contractors and staff on work authorization procedures and other applicable governing requirements within the Plant's units, pipeline corridors, and other areas within the Plant, developed a formalized drill plan checklist to ensure hole clearance requirements are being followed and documented and completed an Affected Property Assessment Report in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 350190; and
- f. By July 26, 2024, developed a tracking verification system for equipment clearing activities to assist operations in tracking flaring events during maintenance, startup,

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and shutdown, reviewed critical procedures with the new accelerator program to verify procedures are being completed, evaluated installing a new flare meter at the Unit 5 SRI, replaced the existing ultrasonic flow meter transducer probes with new transducer probes with the capability to measure hydrogen flow, and replaced the root valves at the Unit 5 SRI in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367792.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Krystina Sepulveda, Enforcement Division, Enforcement Team 2, MC R-15, (956) 430-6045; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

SEP Third-Party Administrator: American Energy Institute, 2315 Newfield Lane, Austin, Texas 78703

Respondent: Sandy Keys, Environmental Team Lead, PHILLIPS 66 COMPANY, P.O. Box 271, Borger, Texas 79008

Todd Schmidt, Vice President, PHILLIPS 66 COMPANY, P.O. Box 271, Borger, Texas 79008

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-May-2021	Screening	2-Jun-2021	EPA Due	
	PCW	23-Sep-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	PHILLIPS 66 COMPANY
Reg. Ent. Ref. No.	RN102495884
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60848	No. of Violations	6
Docket No.	2021-0712-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$37,750
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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.	
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Compliance History	58.0% Adjustment	Subtotals 2, 3, & 7	\$21,895
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Notes: Enhancement for three NOVs with same/similar violations, five NOVs with dissimilar violations, and three orders containing a denial of liability. Reduction for 13 notices of intent to conduct an audit and seven 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	-\$4,937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$2,765
 Estimated Cost of Compliance \$50,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$54,708
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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	\$54,708
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$54,708
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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 is recommended because the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(6).

PAYABLE PENALTY	\$54,708
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Screening Date 2-Jun-2021

Docket No. 2021-0712-AIR-E

PCW

Respondent PHILLIPS 66 COMPANY

Policy Revision 5 (January 28, 2021)

Case ID No. 60848

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102495884

Media Air

Enf. Coordinator Danielle Porras

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>)	3	60%
	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>)	13	-13%
	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>)	7	-14%
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) 58%

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 58%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 58%

Screening Date 2-Jun-2021 **Docket No.** 2021-0712-AIR-E **PCW**
Respondent PHILLIPS 66 COMPANY *Policy Revision 5 (January 28, 2021)*
Case ID No. 60848 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102495884
Media Air
Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1440, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 427.0 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 350190) that occurred on February 7, 2021 and lasted seven hours and 40 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants 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

10.0%

Reduction \$750

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

Notes: The Respondent completed the corrective measures by June 21, 2022, after the Notice of Enforcement ("NOE") dated May 12, 2021.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$684

Violation Final Penalty Total \$11,100

This violation Final Assessed Penalty (adjusted for limits) \$11,100

Economic Benefit Worksheet

Respondent PHILLIPS 66 COMPANY
Case ID No. 60848
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	7-Feb-2021	21-Jun-2022	1.37	\$684	n/a	\$684

Notes for DELAYED costs

Estimated cost to develop an improvement team to review solutions from the root cause analysis cause map and determine the best path forward for procedural improvements, develop a hole clearance risk matrix, retrain affected contractors and staff on work authorization procedures and other applicable governing requirements within the Plant's units, pipeline corridors, and other areas within the Plant, develop a formalized drill plan checklist to ensure hole clearance requirements are being followed and documented and complete an Affected Property Assessment Report in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 350190. 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

\$10,000

TOTAL

\$684

Screening Date 2-Jun-2021	Docket No. 2021-0712-AIR-E	PCW			
Respondent PHILLIPS 66 COMPANY		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 60848		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102495884					
Media Air					
Enf. Coordinator Danielle Porras					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. 01440, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 88 percent ("%") opacity and released 2,432 lbs of carbon monoxide ("CO"), 0.3 lb of lead, 0.3 lb of nickel, and 6,800 lbs of particulate matter from Unit 40 Fluid Catalytic Cracking Unit, Emissions Point Number ("EPN") 40P1, during an emissions event (Incident No. 362527) that began on July 15, 2021 and lasted 16 hours and 40 minutes.				
	Base Penalty	<input type="text" value="\$25,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	<input type="text" value="x"/>		
	Potential	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="30.0%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="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	<input type="text" value="\$17,500"/>			
		<input type="text" value="\$7,500"/>			
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>	
	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text" value="x"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
	Violation Base Penalty	<input type="text" value="\$7,500"/>			
One monthly event is recommended.					
Good Faith Efforts to Comply					
	<input type="text" value="10.0%"/>	Reduction	<input type="text" value="\$750"/>		
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer			
	Extraordinary	<input type="text"/>			
	Ordinary	<input type="text" value="x"/>			
	N/A	<input type="text"/>			
Notes	The Respondent completed the corrective measures by February 14, 2022, after the NOE dated February 9, 2022.				
	Violation Subtotal	<input type="text" value="\$6,750"/>			
Economic Benefit (EB) for this violation					
Statutory Limit Test					
	Estimated EB Amount	<input type="text" value="\$293"/>	Violation Final Penalty Total	<input type="text" value="\$11,100"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$11,100"/>	

Economic Benefit Worksheet

Respondent PHILLIPS 66 COMPANY
Case ID No. 60848
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	15-Jul-2021	14-Feb-2022	0.59	\$293	n/a	\$293

Notes for DELAYED costs

Estimated cost to make a high priority alarm for the feed surge drum, develop a startup/warmup procedure for the pumps, repair the K006 remote shutdown, and update the charge pump and unit shutdown procedure to close the light cycle oil seal flush and to warm up the line and the minimum flow line in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 362527. 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

\$10,000

TOTAL

\$293

Screening Date 2-Jun-2021 **Docket No.** 2021-0712-AIR-E **PCW**
Respondent PHILLIPS 66 COMPANY *Policy Revision 5 (January 28, 2021)*
Case ID No. 60848 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102495884
Media Air
Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B) and (a)(4), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 95% opacity and released 2,511 lbs of CO, 12 lbs of hydrogen sulfide ("H2S"), 551 lbs of nitrogen oxides ("NOx"), and 2,234 lbs of sulfur dioxide ("SO2") from the Unit Gas Oil Hydrodesulfurizer ("GOHDS") Flare, EPN 66FL12, experienced 95% opacity from the Fluid Catalytic Cracking ("FCC") Flare, EPN 66FL3, and experienced 95% opacity and released 996 lbs of HS2, and 9,040 lbs of SO2 from Unit 34 Sulfur Recovery Unit Incinerator, EPN 3411, during an emissions event (Incident No. 365597) that began on August 25, 2021 and lasted 170 hours and 30 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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 Number of violation days 8

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$750

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

Notes: The Respondent completed the corrective measures by May 26, 2022, after the NOE dated February 9, 2022.

Violation Subtotal \$6,750

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

Estimated EB Amount \$375 **Violation Final Penalty Total** \$11,100

This violation Final Assessed Penalty (adjusted for limits) \$11,100

Economic Benefit Worksheet

Respondent PHILLIPS 66 COMPANY
Case ID No. 60848
Reg. Ent. Reference No. RN102495884
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
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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	25-Aug-2021	26-May-2022	0.75	\$375	n/a	\$375

Notes for DELAYED costs

Estimated cost to change the overspeed trip test to turnaround priority, replace the pilot valve on turbine, correct the control valve wiring, and create new labels to identify the switches in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365597. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$375

Screening Date 2-Jun-2021 **Docket No.** 2021-0712-AIR-E **PCW**
Respondent PHILLIPS 66 COMPANY *Policy Revision 5 (January 28, 2021)*
Case ID No. 60848 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102495884
Media Air
Enf. Coordinator Danielle Porras

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 523 lbs of SO2, 839 lbs of CO, 2.8 lbs of H2S, and 184 lbs of NOx, from the FCC Flare, EPN 66FL3, and released 614 lbs of SO2, 964 lbs of CO, 3.3 lbs of H2S, and 212 lbs of NOx from the GOHDS Flare, EPN 66FL12, during an emissions event (Incident No. 367792) that began on October 4, 2021 and lasted 11 hours and 30 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	30.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				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 10.0% Reduction \$750

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

Notes The Respondent completed the corrective measures by July 26, 2024, after the NOE dated May 18, 2022.

Violation Subtotal \$6,750

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

Estimated EB Amount \$1,405 **Violation Final Penalty Total** \$11,100

This violation Final Assessed Penalty (adjusted for limits) \$11,100

Economic Benefit Worksheet

Respondent PHILLIPS 66 COMPANY
Case ID No. 60848
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	4-Oct-2021	26-Jul-2024	2.81	\$1,405	n/a	\$1,405

Notes for DELAYED costs

Estimated cost to develop a tracking verification system for equipment clearing activities to assist operations in tracking flaring events during maintenance, startup, and shutdown, review critical procedures with the new accelerator program to verify procedures are being completed, evaluate installing a new flare meter at the Unit 5 SRI, replace the existing ultrasonic flow meter transducer probes with new transducer probes with the capability to measure hydrogen flow, and replace the root valves at the Unit 5 SRI in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367792. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,405

Screening Date 2-Jun-2021 **Docket No.** 2021-0712-AIR-E **PCW**
Respondent PHILLIPS 66 COMPANY *Policy Revision 5 (January 28, 2021)*
Case ID No. 60848 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102495884
Media Air
Enf. Coordinator Danielle Porras

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 39 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 372349) that occurred on January 4, 2022 and lasted two hours and five minutes.

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 25.0% Reduction \$1,875

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by January 10, 2022, prior to the NOE dated May 18, 2022.

Violation Subtotal \$5,625

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$9,975

This violation Final Assessed Penalty (adjusted for limits) \$9,975

Economic Benefit Worksheet

Respondent PHILLIPS 66 COMPANY
Case ID No. 60848
Reg. Ent. Reference No. RN102495884
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	4-Jan-2022	10-Jan-2022	0.02	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to repair the pipe with the proper contact point design in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 372349. 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

\$10,000

TOTAL

\$8

Screening Date	2-Jun-2021	Docket No.	2021-0712-AIR-E	PCW
Respondent	PHILLIPS 66 COMPANY			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60848			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102495884			
Media	Air			
Enf. Coordinator	Danielle Porras			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. 01440, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 372349 was due by January 5, 2022 at 9:45 a.m., but was not submitted until January 5, 2022 at 10:00 am.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
					Adjustment \$24,750

Violation Events

Number of Violation Events	1	Number of violation days	1	
	daily			Violation Base Penalty \$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
	One single event is recommended.			

Good Faith Efforts to Comply 25.0% Reduction \$62

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent completed the corrective measures on January 5, 2022, prior to the NOE dated May 18, 2022.		
			Violation Subtotal \$188

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

Estimated EB Amount	\$0	Violation Final Penalty Total	\$333
This violation Final Assessed Penalty (adjusted for limits)		\$333	

Economic Benefit Worksheet

Respondent PHILLIPS 66 COMPANY
Case ID No. 60848
Reg. Ent. Reference No. RN102495884
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
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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)	\$250	5-Jan-2022	5-Jan-2022	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the initial notification for Incident No. 372349. The Date Required is the date the initial notification 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

\$0

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, RN102495884, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604065912, PHILLIPS 66 COMPANY **Classification:** SATISFACTORY **Rating:** 12.42

Regulated Entity: RN102495884, Borger Refinery **Classification:** SATISFACTORY **Rating:** 3.73

Complexity Points: 48 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: Approximately 0.9 mile northeast of the State Highway Spur 245 and State Highway Spur 119 intersection, in Borger, Hutchinson County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HW0018P
AIR OPERATING PERMITS PERMIT 2166
AIR OPERATING PERMITS PERMIT 4509
AIR NEW SOURCE PERMITS REGISTRATION 11042A
AIR NEW SOURCE PERMITS REGISTRATION 11935A
AIR NEW SOURCE PERMITS REGISTRATION 22777
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HW0018P
AIR NEW SOURCE PERMITS AFS NUM 4823300015
AIR NEW SOURCE PERMITS PERMIT 71385
AIR NEW SOURCE PERMITS REGISTRATION 82659
AIR NEW SOURCE PERMITS PERMIT 85872
AIR NEW SOURCE PERMITS REGISTRATION 90208
AIR NEW SOURCE PERMITS REGISTRATION 87158
AIR NEW SOURCE PERMITS REGISTRATION 95901
AIR NEW SOURCE PERMITS REGISTRATION 96328
AIR NEW SOURCE PERMITS REGISTRATION 100477
AIR NEW SOURCE PERMITS REGISTRATION 99373
AIR NEW SOURCE PERMITS REGISTRATION 105233
AIR NEW SOURCE PERMITS REGISTRATION 105237
AIR NEW SOURCE PERMITS REGISTRATION 104928
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1158M1
AIR NEW SOURCE PERMITS REGISTRATION 151615
AIR NEW SOURCE PERMITS REGISTRATION 164478
AIR NEW SOURCE PERMITS REGISTRATION 167884
AIR NEW SOURCE PERMITS REGISTRATION 167020
AIR NEW SOURCE PERMITS REGISTRATION 148580
AIR NEW SOURCE PERMITS REGISTRATION 151161
AIR NEW SOURCE PERMITS REGISTRATION 160768
AIR NEW SOURCE PERMITS PERMIT 160874
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX205
AIR NEW SOURCE PERMITS REGISTRATION 172905
AIR NEW SOURCE PERMITS REGISTRATION 175798
LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID NUMBER 95146
LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID NUMBER 109760
UNDERGROUND INJECTION CONTROL PERMIT WDW380
UNDERGROUND INJECTION CONTROL PERMIT WDW325

UNDERGROUND INJECTION CONTROL PERMIT 5X2600883

AIR OPERATING PERMITS PERMIT 1440
AIR OPERATING PERMITS PERMIT 4130
AIR NEW SOURCE PERMITS PERMIT 9868A
AIR NEW SOURCE PERMITS REGISTRATION 11449A
AIR NEW SOURCE PERMITS REGISTRATION 14441A
AIR NEW SOURCE PERMITS REGISTRATION 34417
AIR NEW SOURCE PERMITS REGISTRATION 170452

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX102M6
AIR NEW SOURCE PERMITS PERMIT 80799
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1158
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX102M7
AIR NEW SOURCE PERMITS REGISTRATION 90182
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX102M8
AIR NEW SOURCE PERMITS REGISTRATION 98518
AIR NEW SOURCE PERMITS REGISTRATION 99365
AIR NEW SOURCE PERMITS REGISTRATION 105116
AIR NEW SOURCE PERMITS REGISTRATION 99345
AIR NEW SOURCE PERMITS REGISTRATION 105145
AIR NEW SOURCE PERMITS REGISTRATION 131269
AIR NEW SOURCE PERMITS REGISTRATION 105234
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX130
AIR NEW SOURCE PERMITS REGISTRATION 167883
AIR NEW SOURCE PERMITS REGISTRATION 162124
AIR NEW SOURCE PERMITS REGISTRATION 168568
AIR NEW SOURCE PERMITS REGISTRATION 148401
AIR NEW SOURCE PERMITS REGISTRATION 146836
AIR NEW SOURCE PERMITS REGISTRATION 157149
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1584
AIR NEW SOURCE PERMITS REGISTRATION 153165
AIR NEW SOURCE PERMITS PERMIT 155341
AIR NEW SOURCE PERMITS REGISTRATION 172254
AIR NEW SOURCE PERMITS REGISTRATION 177318
LEAKING PETROLEUM STORAGE TANKS REMEDIATION ID NUMBER 95088
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30111
UNDERGROUND INJECTION CONTROL PERMIT WDW382
UNDERGROUND INJECTION CONTROL PERMIT 5X2600726
UNDERGROUND INJECTION CONTROL PERMIT 5X2600822

STORMWATER PERMIT TXR05FD54

WASTEWATER EPA ID TX0009148

POLLUTION PREVENTION PLANNING ID NUMBER

P00529

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50078

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD980626774

TAX RELIEF ID NUMBER 16164

WASTEWATER PERMIT WQ0001064000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HW0018P

POLLUTION PREVENTION PLANNING ID NUMBER

P07213

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30111

TAX RELIEF ID NUMBER 16166

TAX RELIEF ID NUMBER 22837

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: August 30, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 30, 2019 to August 30, 2024

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

Name: Danielle Porras

Phone: (512) 239-2923

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:

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP
SC No. 1 PA
STC No. 20 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,677 pounds ("lbs") of sulfur dioxide ("SO2") and 29 lbs of hydrogen sulfide ("H2S") from the Shell Claus Off-gas Treating ("SCOT") Unit Incinerator, Emission Point Number ("EPN") 43I1, during an emissions event (Incident No. 257999) that occurred on May 16, 2017 and lasted one hour and 30 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP
SC No. 1 PA
STC No. 17 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,222 lbs of SO2 and 17 lbs of H2S from the Gas Oil Hydrodesulfurizer ("GOHDS") Hydrocarbons Flare, EPN 66FL12, during an emissions event (Incident No. 266029) that occurred on August 23, 2017 and lasted 19 hours and 30 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP
SC No. 1 PA
STC No. 17. OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 11,000 lbs of SO2 and six lbs of H2S from the SCOT Unit Incinerator, EPN 43I1, during an emissions event (Incident No. 281711) that began on April 7, 2018 and lasted 317 hours and 29 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP
SC No. 1 PA
STC No. 17 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,500 lbs of SO2 and 10 lbs of H2S from the SCOT Unit Incinerator, EPN 4311, during an emissions event (Incident No. 282663) that began on April 22, 2018 and lasted 138 hours and 14 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and SC No. 17 OP
SC No. 1 and 24 PERMIT
SC No. 1 PA
Sc No. 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and SC No. 17 OP
SC No. 1 PA
SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and SC No. 17 OP
SC No. 1 PA
SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 PA

Description: Failed to prevent unauthorized emissions during the incident No. 321920 on September 30, 2019.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 12, 2019	(1596429)
Item 2	September 17, 2019	(1606446)
Item 3	September 26, 2019	(1597203)
Item 4	October 03, 2019	(1598707)
Item 5	October 08, 2019	(1613292)
Item 6	October 28, 2019	(1604257)
Item 7	November 14, 2019	(1619106)
Item 8	December 09, 2019	(1609646)
Item 9	December 18, 2019	(1626458)
Item 10	January 15, 2020	(1622701)
Item 11	January 16, 2020	(1622998)
Item 12	February 04, 2020	(1624577)
Item 13	February 11, 2020	(1640718)
Item 14	February 19, 2020	(1630203)
Item 15	March 17, 2020	(1647238)
Item 16	April 09, 2020	(1639981)
Item 17	April 16, 2020	(1653574)
Item 18	May 07, 2020	(1646439)
Item 19	May 12, 2020	(1646811)
Item 20	May 15, 2020	(1646951)
Item 21	May 18, 2020	(1650489)
Item 22	May 20, 2020	(1650810)
Item 23	May 22, 2020	(1647000)
Item 24	May 26, 2020	(1651522)
Item 25	June 17, 2020	(1666665)
Item 26	July 10, 2020	(1657725)
Item 27	July 16, 2020	(1673622)
Item 28	July 28, 2020	(1664804)
Item 29	August 18, 2020	(1680398)
Item 30	August 21, 2020	(1663960)
Item 31	September 17, 2020	(1676820)
Item 32	September 18, 2020	(1686966)
Item 33	September 22, 2020	(1677476)
Item 34	September 23, 2020	(1677403)
Item 35	October 12, 2020	(1679322)
Item 36	October 15, 2020	(1676954)
Item 37	October 27, 2020	(1684781)
Item 38	November 02, 2020	(1685080)
Item 39	November 05, 2020	(1679333)
Item 40	November 09, 2020	(1685322)
Item 41	December 01, 2020	(1690760)
Item 42	December 17, 2020	(1712630)
Item 43	January 18, 2021	(1712631)
Item 44	January 31, 2021	(1701098)
Item 45	February 02, 2021	(1701433)
Item 46	February 05, 2021	(1702025)
Item 47	February 09, 2021	(1701129)
Item 48	February 17, 2021	(1725684)
Item 49	February 23, 2021	(1703203)
Item 50	February 24, 2021	(1703272)
Item 51	May 13, 2021	(1722137)

Item 52	May 17, 2021	(1740142)
Item 53	May 19, 2021	(1722473)
Item 54	May 21, 2021	(1722402)
Item 55	May 25, 2021	(1704535)
Item 56	June 07, 2021	(1725158)
Item 57	June 28, 2021	(1737598)
Item 58	June 29, 2021	(1737854)
Item 59	July 01, 2021	(1738269)
Item 60	July 02, 2021	(1724503)
Item 61	July 13, 2021	(1709230)
Item 62	July 14, 2021	(1751762)
Item 63	August 03, 2021	(1736876)
Item 64	August 12, 2021	(1750034)
Item 65	August 16, 2021	(1757226)
Item 66	August 23, 2021	(1755756)
Item 67	September 01, 2021	(1710179)
Item 68	September 20, 2021	(1766308)
Item 69	September 28, 2021	(1763489)
Item 70	September 30, 2021	(1763356)
Item 71	October 04, 2021	(1763229)
Item 72	October 12, 2021	(1765131)
Item 73	October 20, 2021	(1776830)
Item 74	November 04, 2021	(1771114)
Item 75	November 16, 2021	(1762986)
Item 76	November 18, 2021	(1783680)
Item 77	November 30, 2021	(1774019)
Item 78	December 07, 2021	(1776095)
Item 79	December 16, 2021	(1790706)
Item 80	December 30, 2021	(1751313)
Item 81	February 07, 2022	(1789971)
Item 82	February 16, 2022	(1806374)
Item 83	March 10, 2022	(1794926)
Item 84	April 04, 2022	(1762022)
Item 85	April 18, 2022	(1820012)
Item 86	April 20, 2022	(1806071)
Item 87	May 20, 2022	(1828851)
Item 88	May 24, 2022	(1817642)
Item 89	May 25, 2022	(1818058)
Item 90	July 15, 2022	(1823689)
Item 91	August 19, 2022	(1848479)
Item 92	September 12, 2022	(1841741)
Item 93	September 15, 2022	(1841744)
Item 94	September 19, 2022	(1856277)
Item 95	September 21, 2022	(1834137)
Item 96	September 28, 2022	(1846448)
Item 97	October 13, 2022	(1847697)
Item 98	October 18, 2022	(1862634)
Item 99	October 20, 2022	(1852851)
Item 100	October 31, 2022	(1847695)
Item 101	November 17, 2022	(1869548)
Item 102	November 22, 2022	(1860498)
Item 103	November 23, 2022	(1859963)
Item 104	November 30, 2022	(1861188)
Item 105	December 07, 2022	(1859966)
Item 106	December 20, 2022	(1875397)
Item 107	January 04, 2023	(1847719)
Item 108	January 13, 2023	(1867990)
Item 109	January 19, 2023	(1882219)
Item 110	February 03, 2023	(1873103)
Item 111	February 06, 2023	(1874278)
Item 112	February 20, 2023	(1890034)

Item 113	February 27, 2023	(1874806)
Item 114	March 02, 2023	(1880549)
Item 115	March 05, 2023	(1862021)
Item 116	March 09, 2023	(1859969)
Item 117	March 13, 2023	(1881814)
Item 118	March 20, 2023	(1898593)
Item 119	April 10, 2023	(1887743)
Item 120	April 19, 2023	(1905381)
Item 121	April 24, 2023	(1847698)
Item 122	April 25, 2023	(1896136)
Item 123	April 26, 2023	(1886737)
Item 124	May 08, 2023	(1847699)
Item 125	May 10, 2023	(1873101)
Item 126	May 20, 2023	(1912565)
Item 127	May 26, 2023	(1896311)
Item 128	June 05, 2023	(1860394)
Item 129	June 14, 2023	(1895490)
Item 130	June 19, 2023	(1919167)
Item 131	June 21, 2023	(1895479)
Item 132	June 30, 2023	(1910027)
Item 133	August 02, 2023	(1847721)
Item 134	August 17, 2023	(1933095)
Item 135	August 29, 2023	(1910700)
Item 136	August 30, 2023	(1886910)
Item 137	August 31, 2023	(1878778)
Item 138	September 08, 2023	(1923101)
Item 139	September 12, 2023	(1925706)
Item 140	September 29, 2023	(1873105)
Item 141	October 09, 2023	(1805698)
Item 142	October 27, 2023	(1909243)
Item 143	October 30, 2023	(1932867)
Item 144	November 02, 2023	(1909585)
Item 145	November 03, 2023	(1887028)
Item 146	November 09, 2023	(1938349)
Item 147	November 10, 2023	(1840319)
Item 148	November 16, 2023	(1951774)
Item 149	November 17, 2023	(1910699)
Item 150	November 29, 2023	(1930022)
Item 151	December 20, 2023	(1961536)
Item 152	January 08, 2024	(1950441)
Item 153	January 09, 2024	(1951206)
Item 154	January 17, 2024	(1950883)
Item 155	January 31, 2024	(1956775)
Item 156	February 16, 2024	(1910704)
Item 157	February 20, 2024	(1951053)
Item 158	February 21, 2024	(1965478)
Item 159	February 29, 2024	(1925451)
Item 160	March 04, 2024	(1966188)
Item 161	March 14, 2024	(1909248)
Item 162	March 21, 2024	(1967295)
Item 163	April 15, 2024	(1990289)
Item 164	April 24, 2024	(1973915)
Item 165	April 26, 2024	(1976068)
Item 166	May 01, 2024	(1982688)
Item 167	May 20, 2024	(1996746)
Item 168	May 28, 2024	(1988608)
Item 169	June 12, 2024	(1993768)
Item 170	June 18, 2024	(2003697)
Item 171	June 19, 2024	(1972879)
Item 172	August 06, 2024	(2001376)
Item 173	August 16, 2024	(2007427)

Item 174 August 20, 2024 (2007504)
 Item 175 August 23, 2024 (2008669)

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

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

- 1 Date: 08/31/2023 (1939232)
 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

- 2 Date: 09/30/2023 (1946082)
 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

- 3 Date: 12/31/2023 (1968131)
 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

- 4 Date: 01/31/2024 (1977194)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 02/29/2024 (1983759)
 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: 04/11/2024 (1949816)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on October 31, 2023, TCEQ/STEERS Incident No. 412150. [Category A12.i.(6)]

- 7 Date: 06/17/2024 (1994192)
 Self Report? NO Classification: Moderate

 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
 5C THSC Chapter 382 382.085(b)
 9868A SC2(b) PERMIT
 Description: The RE reported a failure to maintain a flame on units East Flare (66FL1) and Derrick Flare (66FL13) as required in NSR Permit 9868 Special Condition (SC) 2(b), 40 CFR Part 60.18(c)(2), and 40 CFR Part §63.11(b)(3).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 9868A SC2(c) PERMIT
 Description: Failure to control visible emissions.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(4)(iii)
5C THSC Chapter 382 382.085(b)
9868A SC 11 PERMIT
9868A SC 8 PERMIT

Description: Failure to maintain the minimum temperature as required in the provisions of 9868A SC 8.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the required Btu/scf as required in the provisions of CFR §63.670(e)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
9868A 15(c)(1) PERMIT

Description: Failure to capture liquid sulfur as required in NSR Permit 9868A SC 15(c)(1).

8 Date: 06/20/2024 (1951051)

Self Report? NO Classification: Moderate

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

Description: Failure to submit a copy of the final record to the TCEQ no later than two weeks after the end of the emissions event. (Category B.18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 24 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an unplanned maintenance event that occurred on September 11, 2023, TCEQ/STEERS Incident No. 409544.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 17A PERMIT

Description: Failure to operate equipment as required by special condition of Permit No. 80799. (Category B.17)

F. Environmental audits:

Notice of Intent Date: 09/25/2019 (1598754)

Disclosure Date: 11/22/2019

Viol. Minor

Classification:

Citation:

40 CFR Part 63, Subpart S 63.448

40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.640(a)

Description: As a part of the ongoing investigation, the audit has discovered 457 untagged components that appear to be in voe service and are not in the LOAR database.

Disclosure Date: 01/13/2020

Viol. Minor

Classification:

Citation: 40 CFR Part 60, Subpart VV 60.487

Description: As a part of the ongoing investigation, the audit discovered semi-annual reports for the affected unit had not been submitted as required.

Disclosure Date: 08/24/2020

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGGa 60.592a

Description: As a part of the ongoing investigation, the audit discovered 2,686 components missed their consecutive month of monitoring after triggering GGGa for the Diesel Flex Project. Texas 28VHP & 40 CFR 60.592a.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.481a

Description: As a part of the ongoing investigation, the audit discovered the unit triggered NSPS GGGa through the definition of Capital Expenditure. 40 CFR 60.481a(a)

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(a)(2)(i)

Description: As a part of the ongoing investigation, 187 components were misidentified and did not receive their required method 21 monitoring. Texas 28 VHP (Only Applicable to F-4 & F-11), 40 CFR 60.482-7(a)(2)(i) , & 40 CFR 60.482-7a(a)(2)(i)

Notice of Intent Date: 06/09/2020 (1658627)

Disclosure Date: 06/15/2021

Viol. Minor

Classification:

Citation: 40 CFR Part 60, Subpart QQQ 60.692-5

Description: As a part of the ongoing investigation, the audit discovered 455 component connectors missed their semiannual leak detection monitoring as required per 40 CFR 60.692?5

Notice of Intent Date: 08/04/2020 (1672294)

No DOV Associated

Notice of Intent Date: 08/24/2020 (1679217)

Disclosure Date: 08/19/2021

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 56

Description: The following EPNs were included in Permit 9868A CAP emission limits but were inadvertently left out of the short-term CAP calculations for the identified pollutants. Specifically this includes EPNs 50H1 -VOC, PM; 50HT1 - NOx, CO, SO2,, VOC, PM; 50HT2 - NOx, CO, SO2, VOC, PM; 50HT3 - NOx, CO, SO2,, VOC, PM; 51HI -VOC, PM; 53FL1 - NOx, CO, S02, VOC. PM; F-50 -VOC; F-50A - PM; F-51 -VOC

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 56

Description: The following EPNs were included in Permit 9868A CAP emission calculations but have individual limits in Permit 9868A. Specifically this concerns: 40H3 - NOx, CO, SO2, VOC; 85B2 - NOx, CO, SO2, VOC.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 56

Description: The following EPNs were included in Permit 9868A CAP emission calculations but have individual limits in Permit 87872. Specifically, this concerns SKIDBLR - NOx, CO, SO2, VOC; 81B17 - NOx, CO, SO2, VOC.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 56

Description: The following EPNs were included in Permit 9868A CAP emission calculations but have individual limits in Permit 155341. This concerns: 66FL8-NOx, CO, SO2, VOC, Benzene, H2S, HCI; 66FL10-NOx, CO, SO2, VOC, Benzene, H2S, HCI; 66FL11-NOx, CO, SO2, VOC, Benzene, H2S, HCI ;5525-VOC; 5536-VOC; 5537-VOC; 5539-VOC; 5540-VOC; 5541-VOC; 5542-VOC; 5543-VOC; 5544-VOC; 5545-VOC; 5548 -VOC; F68(4a)-(4f)-VOC.

Notice of Intent Date: 08/03/2021 (1760690)

Disclosure Date: 11/22/2021

Viol. Minor

Classification:

Citation: 30 TAC Chapter 335, SubChapter F 335.167(c)

Description: Written notification of remediation system shutdown was not provided to the TCEQ within 7 days of a shutdown that will last more than 30 days. The Upper Jackson Canyon remediation system was shut down in February following freeze damage from Winter Storm Uri.

Disclosure Date: 07/01/2022

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)

Description: The audit has discovered 367 untagged components that appear to be in VOC service and are not in the LDAR database. Specifically these are for EPN Nos. F-11, F-56-1-4- A, F-56-1-6, F-68-2n, and F-68-2s.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Description: The audit has discovered 4 untagged components that appear to be in VOC service and are not in the LOAR database. Specifically this applies to HF Alkylation Fugitives and F-22.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

Description: Annual QAQC certification of the COMS lenses did not occur.

Notice of Intent Date: 08/10/2022 (1848033)

Disclosure Date: 06/14/2023

Viol. Moderate

Classification:

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

Description: Failure to ensure the same gas concentration is not introduced twice during a cylinder gas audit.

Notice of Intent Date: 09/22/2022 (1853408)

Disclosure Date: 04/03/2023

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 327 327.4(b)(2)

Description: Failure to prevent a sub-surface leak from the Rocky Station Tank Farm.

Notice of Intent Date: 10/04/2022 (1853405)

Disclosure Date: 01/30/2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT SC 1 and 2

Description: During the records review, one instance of a DOR was found that was not completed within the required time frame.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT SC E4

Description: During the field review, five (5) instances of an uncontrolled open-ended line was found. 30 TAC§ 116.715(a) and 9868A SC(E)(4)

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Description: During the field review, it was discovered that five (5) components that appear to be in VOC service are not currently in the LOAR program.

Disclosure Date: 06/20/2023

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT SC 39(E)(2)

Description: Failure to tag, monitoring and include in the LDAR databased 317 components in VOC service.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 39(E)(2)

Description: Failure to tag and include in the LDAR database 17 components in VOC service.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 39(E)(2)

Description: Failure to tag and include in the LDAR database 24 components in VOC service.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 39(E)(4)

Description: Failure to prevent six open ended lines.

Disclosure Date: 08/28/2023

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT SC 39 (1)(2)

Description: Failure to complete the delay of repair on one component within the required timeframe.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT SC 39 (E)(2)

Description: Failure to include 279 untagged components in VOC service in the LDAR database and monitor as required.

Notice of Intent Date: 08/28/2023 (1931144)
No DOV Associated

Notice of Intent Date: 10/27/2023 (1943073)
No DOV Associated

Notice of Intent Date: 05/08/2024 (1989254)
No DOV Associated

Notice of Intent Date: 05/23/2024 (1996505)
No DOV Associated

Notice of Intent Date: 06/20/2024 (1996464)
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
RN102495884

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0712-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 approximately 0.9 mile northeast of the State Highway Spur 245 and State Highway Spur 119 intersection in Borger, Hutchinson 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 \$54,708 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$27,354 of the penalty.

Pursuant to TEX. WATER CODE § 7.067, \$27,354 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. On January 5, 2022, submitted the initial notification for Incident No. 372349;
 - b. By January 10, 2022, repaired the pipe with the proper contact point design in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 372349;
 - c. By February 14, 2022, made a high priority alarm for the feed surge drum, developed a startup/warmup procedure for the pumps, repaired the K006 remote shutdown, and updated the charge pump and unit shutdown procedure to close the light cycle oil seal flush and to warm up the line and the minimum flow line in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 362527;
 - d. By May 26, 2022, changed the overspeed trip test to turnaround priority, replaced the pilot valve on turbine, corrected the control valve wiring, and created new labels to identify the switches in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365597;
 - e. By June 21, 2022, developed an improvement team to review solutions from the root cause analysis cause map and determine the best path forward for procedural improvements, developed a hole clearance risk matrix, retrained affected contractors and staff on work authorization procedures and other applicable governing requirements within the Plant's units, pipeline corridors, and other areas within the Plant, developed a formalized drill plan checklist to ensure hole clearance requirements are being followed and documented and completed an Affected Property Assessment Report in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 350190; and
 - f. By July 26, 2024, developed a tracking verification system for equipment clearing activities to assist operations in tracking flaring events during maintenance, startup, and shutdown, reviewed critical procedures with the new accelerator program to verify procedures are being completed, evaluated installing a new

flare meter at the Unit 5 SRI, replaced the existing ultrasonic flow meter transducer probes with new transducer probes with the capability to measure hydrogen flow, and replaced the root valves at the Unit 5 SRI in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367792.

II. ALLEGATIONS

1. During a record review for the Plant conducted on 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), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1440, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 427.0 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 350190) that occurred on February 7, 2021 and lasted seven hours and 40 minutes.
2. During a record review for the Plant conducted on January 12, 2022, 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), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 88 percent ("%") opacity and released 2,432 lbs of carbon monoxide ("CO"), 0.3 lb of lead, 0.3 lb of nickel, and 6,800 lbs of particulate matter from Unit 40 Fluid Catalytic Cracking Unit, Emissions Point Number ("EPN") 40P1, during an emissions event (Incident No. 362527) that began on July 15, 2021 and lasted 16 hours and 40 minutes.
 - b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B) and (a)(4), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 95% opacity and released 2,511 lbs of CO, 12 lbs of hydrogen sulfide ("H2S"), 551 lbs of nitrogen oxides ("NOx"), and 2,234 lbs of sulfur dioxide ("SO2") from the Unit Gas Oil Hydrodesulfurizer ("GOHDS") Flare, EPN 66FL12, experienced 95% opacity from the Fluid Catalytic Cracking ("FCC") Flare, EPN 66FL3, and experienced 95% opacity and released 996 lbs of HS2 and 9,040 lbs of SO2 from Unit 34 Sulfur Recovery Unit Incinerator, EPN 34I1, during an emissions event (Incident No. 365597) that began on August 25, 2021 and lasted 170 hours and 30 minutes.
3. During a record review for the Plant conducted on April 25, 2022, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 523 lbs of SO2, 839 lbs of CO, 2.8 lbs of H2S, and 184 lbs of NOx, from the FCC Flare, EPN

66FL3, and released 614 lbs of SO₂, 964 lbs of CO, 3.3 lbs of H₂S, and 212 lbs of NO_x from the GOHDS Flare, EPN 66FL12, during an emissions event (Incident No. 367792) that began on October 4, 2021 and lasted 11 hours and 30 minutes.

- b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 116.715(a), and 122.143(4), Flexible Permit Nos. 9868A and PSDTX102M7, SC No.1, FOP No. O1440, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 39 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 372349) that occurred on January 4, 2022 and lasted two hours and five minutes.
- c. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1440, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 372349 was due by January 5, 2022 at 9:45 a.m., but was not submitted until January 5, 2022 at 10:00 am.

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. 2021-0712-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$27,354 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.
8. 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

Krista Mello-Jurack

For the Executive Director

Date

02/24/2026

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Todd Schmidt

Signature

11-03-2025

Date

Todd Schmidt

Name (Printed or typed)

Authorized Representative of

PHILLIPS 66 COMPANY

VP, Berger 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: 2021-0712-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	PHILLIPS 66 COMPANY
Payable Penalty Amount:	\$54,708
SEP Offset Amount:	\$27,354
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	American Energy Institute
Project Name:	<i>High Emission Vehicle Replacement Project</i>
Location of SEP:	TCEQ Air Quality Control Region 211 - Amarillo-Lubbock - Preference for Hutchinson County

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, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the “Project”). The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides (“NOx”) and particulate matter (“PM”), as well as other harmful pollutants such as volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled vehicles. 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

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NO_x by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NO_x by 98%, VOCs by 83%; and PM by 99%.

c. Minimum Expenditure

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

2. Performance Schedule

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

American Energy Institute
Attention: Heather Ball, Grant Coordinator
2315 Newfield Lane
Austin, Texas 78703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached

PHILLIPS 66 COMPANY
Docket No. 2021-0712-AIR-E
Agreed Order - Attachment A

Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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