

Executive Summary – Enforcement Matter – Case No. 61143

Phillips 66 Company
RN101619179
Docket No. 2021-1034-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events

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: Yes, Docket Nos. 2021-0654-AIR-E, 2021-0897-AIR-E, 2021-1066-AIR-E, and 2021-1250-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 19, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$41,703

Total Paid to General Revenue: \$20,852

Total Due to General Revenue: 0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$20,851

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$14,000

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 6, 2020 through October 13, 2020 and April 6, 2021 through September 21, 2021

Date(s) of NOE(s): July 30, 2021 and November 19, 2021

Executive Summary – Enforcement Matter – Case No. 61143
Phillips 66 Company
RN101619179
Docket No. 2021-1034-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5920A and PSDTX103M4, Special Conditions ("SC") No. 1, NSR Permit No. 18142, 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 identify all required information on the final record for a reportable emissions event [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [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)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On October 13, 2020, provided the estimated total quantities for the H2S that were released during Incident No. 271476;
- b. By April 21, 2021, implemented checklists for the final records for reportable emissions events in order to ensure that all of the required information on the final records for reportable emissions events are identified;
- c. By October 10, 2021, implemented a Lube Oil Pump Swap Procedure that is specific for Compressors C-103 and C-111, added alarms to the Lube Oil System control valve, and implemented a procedure to move process gases out of Compressors C-103/C-111 in order to address the excessive emissions event that occurred on July 1, 2018 (Incident No. 287534); and
- d. By February 6, 2023, separated the electrical preventive maintenance plans for isolation switches by incorporating corrosion mitigation steps and oil testing/moisture analysis, implemented a tracking mechanism for oil sample results, completed a trial run for the use of a rust inhibitor on electrical equipment, repaired or replaced the covers of all isolation switches with evident corrosion, replaced DS-504B with an electrical splice box, evaluated the relay settings associated with Breaker 504B, replaced the oil switches with SF6 switches, reviewed the potential application for motor undervoltage ride through, implemented new burner pressure operating limits, revised the H2S Shed Procedure, and completed operator training on the revised H2S

Executive Summary – Enforcement Matter – Case No. 61143

**Phillips 66 Company
RN101619179
Docket No. 2021-1034-AIR-E**

Shed Procedure in order to address the excessive emissions event that occurred on October 30, 2017 (Incident No. 271476).

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: 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: Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Mark Evans, Vice President, 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	2-Aug-2021	Screening	4-Aug-2021	EPA Due	
	PCW	20-Mar-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Phillips 66 Company
Reg. Ent. Ref. No.	RN101619179 (PCW No. 1 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61143	No. of Violations	2
Docket No.	2021-1034-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$25,250
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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.	
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Compliance History	56.0% Adjustment	Subtotals 2, 3, & 7	\$14,140
Notes	Enhancement for one NOV with same/similar violations, three NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 37 notices of intent to conduct an audit and 19 disclosures of violations.		

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$13,479	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$51,750		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$39,328
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			

Notes	
	Final Penalty Amount
	\$39,328

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,328
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage.				

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$25,328
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Screening Date 4-Aug-2021

Docket No. 2021-1034-AIR-E

PCW

Respondent Phillips 66 Company

Case ID No. 61143

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101619179 (PCW No. 1 of 2)

PCW Revision March 26, 2014

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>)	1	5%
	Other written NOVs	3	6%
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>)	37	-37%
	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>)	19	-38%
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) 56%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, three NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 37 notices of intent to conduct an audit and 19 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 56%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 56%

Screening Date 4-Aug-2021

Docket No. 2021-1034-AIR-E

PCW

Respondent Phillips 66 Company

Policy Revision 4 (April 2014)

Case ID No. 61143

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101619179 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5920A and PSDTX103M4, Special Conditions ("SC") No. 1, NSR Permit No. 18142, 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 824.13 pounds ("lbs") of volatile organic compounds, 128.00 lbs of carbon monoxide, 347.58 lbs of hydrogen sulfide ("H2S"), 27.00 lbs of nitrogen oxides, and 62,619.45 lbs of sulfur dioxide from multiple Emissions Point Numbers ("EPNs", see the attached Emissions Event Table), during an emissions event (Incident No. 271476) that occurred on October 30, 2017 and lasted two hours. The emissions event occurred when natural material ageing and the rigorous wear and tear of the industrial environment caused a 15 kiloVolt Feeder isolation switch to experience an electrical fault and the Feeder 504B Breaker to operate as designed, resulting in various units to trip, in a voltage dip to occur, and in flaring. The emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the Air Quality Analysis Audit performed on the dispersion modeling that was submitted by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One daily 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 \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13,185

Violation Final Penalty Total \$39,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61143
Reg. Ent. Reference No. RN101619179 (PCW No. 1 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	30-Oct-2017	6-Feb-2023	5.27	\$13,185	n/a	\$13,185

Notes for DELAYED costs

Estimated cost to separate the electrical preventive maintenance plans for isolation switches by incorporating corrosion mitigation steps and oil testing/moisture analysis, implement a tracking mechanism for oil sample results, complete a trial run for the use of a rust inhibitor on electrical equipment, repair or replace the covers of all isolation switches with evident corrosion, replace DS-504B with an electrical splice box, evaluate the relay settings associated with Breaker 504B, replace the oil switches with SF6 switches, review the potential application for motor undervoltage ride through, implement new burner pressure operating limits, revise the H2S Shed Procedure, and complete operator training on the revised H2S Shed Procedure in order to address the excessive emissions event that occurred on October 30, 2017 (Incident No. 271476). 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

\$50,000

TOTAL

\$13,185

Screening Date 4-Aug-2021
Respondent Phillips 66 Company
Case ID No. 61143
Reg. Ent. Reference No. RN101619179 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2021-1034-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(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 properly identify the amount of H2S released from the Diethanol Amine ("DEA") Stripper Flare, EPN 28.1-61-9, on the final record for Incident No. 271476.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures by April 21, 2021, prior to the NOE dated July 30, 2021.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61143
Reg. Ent. Reference No. RN101619179 (PCW No. 1 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	13-Nov-2017	21-Apr-2021	3.44	\$258	n/a	\$258
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-Nov-2017	13-Oct-2020	2.92	\$36	n/a	\$36

Notes for DELAYED costs

Estimated costs to provide the estimated total quantities for the H2S that were released during Incident No. 271476 (\$250) and to implement checklists for the final records for reportable emissions events in order to ensure that all of the required information on the final records for reportable emissions events are identified (\$1,500). The Dates Required are the date the final record was due and the Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$294



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Nov-2021	Screening	30-Nov-2021	EPA Due	
	PCW	20-Mar-2023				

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

CASE INFORMATION			
Enf./Case ID No.	61143	No. of Violations	1
Docket No.	2021-1034-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$12,500
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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	56.0%	Adjustment	Subtotals 2, 3, & 7	\$7,000
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Notes: Enhancement for one NOV with same/similar violations, three NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 37 notices of intent to conduct an audit and 19 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	-\$3,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$4,099
 Estimated Cost of Compliance \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,375
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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	\$16,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,375
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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	\$16,375
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Screening Date 30-Nov-2021

Docket No. 2021-1034-AIR-E

PCW

Respondent Phillips 66 Company

Policy Revision 5 (January 28, 2021)

Case ID No. 61143

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101619179 (PCW No. 2 of 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>)	1	5%
	Other written NOVs	3	6%
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>)	37	-37%
	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>)	19	-38%
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) 56%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, three NOVs with dissimilar violations, and six orders containing a denial of liability. Reduction for 37 notices of intent to conduct an audit and 19 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 56%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 56%

Screening Date 30-Nov-2021 **Docket No.** 2021-1034-AIR-E **PCW**
Respondent Phillips 66 Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 61143 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101619179 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 5920A and PSDTX103M4, Special Conditions No. 1, Federal Operating Permit No. 01626, General Terms and Conditions and Special Terms and Conditions No. 29, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to prevent unauthorized emissions. Specifically, the Respondent released 222.00 pounds ("lbs") of carbon monoxide, 140.50 lbs of hydrogen sulfide, 43.50 lbs of nitrogen oxides, 16,003.00 lbs of sulfur dioxide, and 219.00 lbs of volatile organic compounds from the Coker Flare, Emissions Point Number 29-61-1, during an emissions event (Incident No. 287534) that occurred on July 1, 2018 and lasted eight hours and 30 minutes. The emissions event occurred when a check valve on the discharge of the turbine driven Lube Oil Pump P-71 stuck closed that caused low lube oil pressure during a swap of the redundant lube oil supply pumps, resulting in the compressors to shut down and in flaring. The emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual		x	
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Based on the Air Quality Analysis Audit performed on the dispersion modeling that was submitted by the Respondent, 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 1 Number of violation days

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 EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes
 The Respondent completed the corrective measures by October 10, 2021, prior to the Notice of Enforcement dated November 19, 2021.

Violation Subtotal \$9,375

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

Estimated EB Amount \$4,099 **Violation Final Penalty Total** \$16,375

This violation Final Assessed Penalty (adjusted for limits) \$16,375

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61143
Reg. Ent. Reference No. RN101619179 (PCW No. 2 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	1-Jul-2018	10-Oct-2021	3.28	\$4,099	n/a	\$4,099

Notes for DELAYED costs

Estimated cost to implement a Lube Oil Pump Swap Procedure that is specific for Compressors C-103 and C-111, add alarms to the Lube Oil System control valve, and implement a procedure to move process gases out of Compressors C-103/C-111 in order to address the excessive emissions event that occurred on July 1, 2018 (Incident No. 287534). 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

\$25,000

TOTAL

\$4,099

Phillips 66 Company

Docket No. 2021-1034-AIR-E; Case No. 61143

Emissions Event Table (Incident No. 271476)						
Source Name	EPN	Pollutants (lbs)				
		VOC	CO	H2S	NOx	SO2
Coker Flare	29-61-1	90.40	67.00	7.00	13.00	624.00
Diethanol Amine ("DEA") Stripper Flare	28.1-61-9	0.00	0.00	334.57	0.00	61,719.00
Expansion Flare	56-61-16	218.00	61.00	6.00	14.00	10.00
Sour Water Stripper Flare	28.1-61-10	0.00	0.00	0.01	0.00	0.45
Unit 28.2 Tail Gas Incinerator	28.2-36-2	0.00	0.00	0.00	0.00	204.00
Unit 30 Flare	56-61-23	515.73	0.00	0.00	0.00	0.00
Unit 39.1 Sulfur Recovery Unit Tail Gas Incinerator	39.1-95-118	0.00	0.00	0.00	0.00	62.00
Totals:		824.13	128.00	347.58	27.00	62,619.45



Compliance History Report

Compliance History Report for CN604065912, RN101619179, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604065912, Phillips 66 Company

Classification: SATISFACTORY

Rating: 6.86

Regulated Entity: RN101619179, Sweeny Refinery and Petrochemical Complex

Classification: SATISFACTORY

Rating: 11.50

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 77463

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1626

AIR OPERATING PERMITS ACCOUNT NUMBER BL0042G

AIR OPERATING PERMITS PERMIT O3781

AIR QUALITY NON PERMITTED ACCOUNT NUMBER BL0042G

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200756

AIR NEW SOURCE PERMITS REGISTRATION 72035

AIR NEW SOURCE PERMITS REGISTRATION 72036

AIR NEW SOURCE PERMITS REGISTRATION 10779

AIR NEW SOURCE PERMITS REGISTRATION 12344

AIR NEW SOURCE PERMITS REGISTRATION 12993

AIR NEW SOURCE PERMITS REGISTRATION 13744

AIR NEW SOURCE PERMITS REGISTRATION 13929

AIR NEW SOURCE PERMITS REGISTRATION 13978

AIR NEW SOURCE PERMITS PERMIT 1486A

AIR NEW SOURCE PERMITS PERMIT 5689A

AIR NEW SOURCE PERMITS PERMIT 5920A

AIR NEW SOURCE PERMITS PERMIT 7467A

AIR NEW SOURCE PERMITS PERMIT 18142

AIR NEW SOURCE PERMITS PERMIT 21265

AIR NEW SOURCE PERMITS PERMIT 22086

AIR NEW SOURCE PERMITS REGISTRATION 24161

AIR NEW SOURCE PERMITS REGISTRATION 24717

AIR NEW SOURCE PERMITS REGISTRATION 26533

AIR NEW SOURCE PERMITS REGISTRATION 25434

AIR NEW SOURCE PERMITS PERMIT 30513

AIR NEW SOURCE PERMITS REGISTRATION 33153

AIR NEW SOURCE PERMITS REGISTRATION 39026

AIR NEW SOURCE PERMITS REGISTRATION 43038

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0042G

AIR NEW SOURCE PERMITS REGISTRATION 75616

AIR NEW SOURCE PERMITS REGISTRATION 75713

AIR NEW SOURCE PERMITS AFS NUM 4803900010

AIR NEW SOURCE PERMITS PERMIT 49140

AIR NEW SOURCE PERMITS REGISTRATION 54666

AIR NEW SOURCE PERMITS REGISTRATION 74130

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M1

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M2

AIR NEW SOURCE PERMITS REGISTRATION 76731

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M3

AIR NEW SOURCE PERMITS REGISTRATION 77648

AIR NEW SOURCE PERMITS REGISTRATION 77153

AIR NEW SOURCE PERMITS REGISTRATION 77156

AIR NEW SOURCE PERMITS REGISTRATION 77157

AIR NEW SOURCE PERMITS REGISTRATION 77152

AIR NEW SOURCE PERMITS REGISTRATION 77154

AIR NEW SOURCE PERMITS REGISTRATION 78566

AIR NEW SOURCE PERMITS PERMIT 80806

AIR NEW SOURCE PERMITS REGISTRATION 81104

AIR NEW SOURCE PERMITS REGISTRATION 82601

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M4

AIR NEW SOURCE PERMITS REGISTRATION 95086

AIR NEW SOURCE PERMITS REGISTRATION 25389

AIR NEW SOURCE PERMITS REGISTRATION 111670

AIR NEW SOURCE PERMITS PERMIT 118699

AIR NEW SOURCE PERMITS REGISTRATION 114522

AIR NEW SOURCE PERMITS REGISTRATION 111673

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX751

AIR NEW SOURCE PERMITS REGISTRATION 118459

AIR NEW SOURCE PERMITS REGISTRATION 116241

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M5

AIR NEW SOURCE PERMITS REGISTRATION 111676

AIR NEW SOURCE PERMITS REGISTRATION 106776

AIR NEW SOURCE PERMITS REGISTRATION 151092

AIR NEW SOURCE PERMITS REGISTRATION 158959

AIR NEW SOURCE PERMITS REGISTRATION 151896

AIR NEW SOURCE PERMITS REGISTRATION 152547

AIR NEW SOURCE PERMITS REGISTRATION 168576

AIR NEW SOURCE PERMITS REGISTRATION 168860

AIR NEW SOURCE PERMITS REGISTRATION 169961

AIR NEW SOURCE PERMITS REGISTRATION 164644

AIR NEW SOURCE PERMITS REGISTRATION 165952

AIR NEW SOURCE PERMITS REGISTRATION 148130

AIR NEW SOURCE PERMITS REGISTRATION 147128

AIR NEW SOURCE PERMITS REGISTRATION 160243

AIR NEW SOURCE PERMITS EPA PERMIT N292

AIR NEW SOURCE PERMITS EPA PERMIT N278

AIR NEW SOURCE PERMITS REGISTRATION 159203

AIR NEW SOURCE PERMITS REGISTRATION 160791

AIR NEW SOURCE PERMITS REGISTRATION 155673

AIR NEW SOURCE PERMITS REGISTRATION 157719

AIR NEW SOURCE PERMITS REGISTRATION 167892
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 20580
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30048
WASTEWATER EPA ID TX0007536
WASTEWATER PERMIT TXG670460
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0042G

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD048210645
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50186

AIR NEW SOURCE PERMITS REGISTRATION 171069
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 83813
STORMWATER PERMIT TXR05BI93

WASTEWATER PERMIT WQ0000721000
WASTEWATER PERMIT TXG670203
POLLUTION PREVENTION PLANNING ID NUMBER
P00531
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30048

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: December 20, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 20, 2017 to December 20, 2022

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: 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).
- 2 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.
- 3 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).
- 4 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 NOx, 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 NOx, 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.

5 Effective Date: 01/27/2022 ADMINORDER 2020-1530-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O1626 GTC and STC 29 OP
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on December 5, 2017, TCEQ/STEERS Incident No. 273862. (Category A12.i.(6))

Classification: Moderate

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

Rqmt Prov: FOP O1626 GTC and STC 29 OP
Special Conditions No.1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on August 22, 2020, TCEQ/STEERS Incident No. 341093.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(J)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1626 GTC and STC 2.F OP

Description: Failure to submit an accurate final record associated with emissions event, TCEQ/STEERS Incident No. 341093.

6 Effective Date: 07/07/2022 ADMINORDER 2021-0220-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP O1626 GTC and STC 29 OP
Special Conditions 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on October 12, 2020, TCEQ/STEERS Incident No. 343850.

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 O1626 GTC and STC 29 OP
Special Conditions 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 13, 2020, TCEQ/STEERS Incident No. 346007. [Caategory A.12.i.6]

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 O1626 GOP and STC 29 OP
Special Conditions 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 21, 2020, TCEQ/STEERS Incident No. 346420. [Category A.12.i.6]

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 O1626 GTC and STC 29 OP
Special Conditions 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 2, 2021, TCEQ/STEERS Incident No. 348430. [Category A.12.i.6]

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
Classification: Minor

Description: Failure to respond to a request for additional information for an emissions event, TCEQ/STEERS Incident No. 348430. [Category B3]

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 20, 2018	(1493710)
Item 2	June 20, 2018	(1496896)
Item 3	July 20, 2018	(1514063)
Item 4	July 25, 2018	(1439430)
Item 5	August 09, 2018	(1498714)
Item 6	August 20, 2018	(1520125)
Item 7	September 19, 2018	(1517765)
Item 8	October 18, 2018	(1517438)
Item 9	November 20, 2018	(1541482)
Item 10	December 20, 2018	(1545266)
Item 11	December 21, 2018	(1532466)
Item 12	January 18, 2019	(1559773)
Item 13	February 19, 2019	(1559771)
Item 14	March 19, 2019	(1559772)
Item 15	May 15, 2019	(1583334)
Item 16	June 14, 2019	(1583335)
Item 17	August 23, 2019	(1590826)
Item 18	September 09, 2019	(1581493)
Item 19	September 30, 2019	(1581663)
Item 20	October 15, 2019	(1589774)
Item 21	October 21, 2019	(1603885)
Item 22	December 06, 2019	(1603434)
Item 23	December 16, 2019	(1612136)
Item 24	February 04, 2020	(1611301)
Item 25	February 13, 2020	(1629758)
Item 26	March 19, 2020	(1647219)
Item 27	April 22, 2020	(1645136)
Item 28	May 15, 2020	(1646416)
Item 29	June 19, 2020	(1666646)
Item 30	June 24, 2020	(1639387)
Item 31	September 09, 2020	(1672190)
Item 32	September 15, 2020	(1666358)
Item 33	November 13, 2020	(1632678)
Item 34	December 15, 2020	(1684789)
Item 35	December 18, 2020	(1712573)
Item 36	January 19, 2021	(1712574)
Item 37	February 19, 2021	(1725627)
Item 38	March 17, 2021	(1725628)
Item 39	March 18, 2021	(1701387)
Item 40	April 15, 2021	(1704972)
Item 41	April 16, 2021	(1725629)
Item 42	April 23, 2021	(1710125)
Item 43	May 18, 2021	(1740115)
Item 44	May 19, 2021	(1711305)
Item 45	May 28, 2021	(1710983)
Item 46	June 14, 2021	(1710695)
Item 47	June 25, 2021	(1685173)
Item 48	June 28, 2021	(1686177)
Item 49	July 01, 2021	(1724218)
Item 50	July 09, 2021	(1683582)

Item 51	July 12, 2021	(1690433)
Item 52	July 14, 2021	(1685739)
Item 53	July 15, 2021	(1724182)
Item 54	August 16, 2021	(1751511)
Item 55	August 23, 2021	(1683680)
Item 56	August 30, 2021	(1472287)
Item 57	September 10, 2021	(1750110)
Item 58	October 04, 2021	(1747477)
Item 59	October 20, 2021	(1776750)
Item 60	December 10, 2021	(1775170)
Item 61	December 17, 2021	(1771883)
Item 62	January 18, 2022	(1783487)
Item 63	February 15, 2022	(1806353)
Item 64	March 08, 2022	(1797225)
Item 65	March 16, 2022	(1788034)
Item 66	April 07, 2022	(1764907)
Item 67	April 19, 2022	(1797561)
Item 68	May 05, 2022	(1801991)
Item 69	May 19, 2022	(1828830)
Item 70	May 25, 2022	(1701919)
Item 71	June 20, 2022	(1835123)
Item 72	June 30, 2022	(1711335)
Item 73	July 06, 2022	(1812827)
Item 74	July 20, 2022	(1842327)
Item 75	August 11, 2022	(1812756)
Item 76	August 19, 2022	(1848460)
Item 77	September 20, 2022	(1856258)
Item 78	October 03, 2022	(1834728)
Item 79	October 18, 2022	(1862615)
Item 80	November 28, 2022	(1854133)
Item 81	November 29, 2022	(1852934)

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: 12/31/2021 (1798479)
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: 02/28/2022 (1813420)
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: 03/31/2022 (1819991)
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: 08/31/2022 (1812757)
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)
FOP, Special Term & Condition 29 OP
NSR, Special Condition 7(C) PERMIT
Description: Failure to prevent visible emissions from Flare (Unit ID: 29-61-1). (CATEGORY
B13 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)
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 14(C) PERMIT
 NSR, Special Condition 8(C) PERMIT
 Description: Failure to prevent visible emissions from Flare (Unit ID: 56-61-11). (CATEGORY B13 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)
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 12(C) PERMIT
 Description: Failure to prevent visible emissions from Flare (Unit ID: 56-61-19). (CATEGORY B13 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)
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 12(B)(2)(c) PERMIT
 Description: Failure to limit startup and shutdown operations (Unit ID: 27.1-36-RE) without the use of the electrostatic precipitator (ESP) due to safety hazards within permitted limit. (CATEGORY B13 Violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 1A OP
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 24(B) PERMIT
 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 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)(1)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 1A OP
 Description: Failure to conduct daily validations for the Flare (Unit ID: 56-61-16) 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)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 1A OP
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 12(B) PERMIT
 Description: Failure to maintain Flare (Unit ID: 56-61-19) pilot. (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)
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 19 PERMIT
 Description: Failure to conduct titrations for U30 ARN. (CATEGORY C1 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)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 1A OP
 Description: Failure to maintain net heating values for Flare (Unit ID: 29-61-1). (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)
 FOP, Special Term & Condition 29 OP
 NSR, Special Condition 15(B) PERMIT
 Description: A Failure to conduct daily fluoride monitoring for Cooling Tower (Unit ID: 54-22-16). (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)
FOP, Special Term & Condition 29 OP
NSR, Special Condition 27(D) PERMIT
Description: Failure to maintain PH within permitted limit for Caustic Scrubber (Unit ID: 35-95-102). (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)
FOP, Special Term & Condition 29 OP
NSR, Special Condition 27(A) PERMIT
Description: Failure to maintain the caustic circulation rate within permitted limit for Caustic Scrubber (Unit ID: 35-95-102). (CATEGORY C4 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to control emissions with RTO (Unit ID: 56-61-152) as required by permit representation. (CATEGORY B17 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)
FOP, Special Term & Condition 29 OP
NSR, Special Condition 14 PERMIT
Description: Failure to maintain temperatures within permitted limit for Thermal Oxidizer (Unit ID: 56-TO-BACKUP). (CATEGORY B17 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)
FOP, Special Term & Condition 29 OP
NSR, Special Condition 14 PERMIT
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)
FOP, Special Term & Condition 29 OP
NSR, Special Condition 20(A) PERMIT
Description: Failure to monitor carbon adsorption system (CAS) (Unit ID: CAS). (CATEGORY C1 Violation)

F. Environmental audits:

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: 12/27/2017 (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 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 27A

Description: Caustic circulation was below minimum limit specified on PN 30513, SC 27A.

Viol. Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)

Rqmt Prov: PERMIT SC 27C and 27D

Description: Daily/quarterly calibration checks and quarterly inspections of scrubber liquid pH meter were not completed. Biennial calibration checks and quarterly inspections were not completed on liquid and gas flow rate sensors . Weekly calibration/cleaning was not completed on the scrubber liquid pH meter. Annual

calibration checks were not completed on liquid and gas flow rate sensors.

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.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
Rqmt Prov: PERMIT MAERT

Description: Rolling 12 mo. emissions were not monitored on a monthly basis for 35-95-102.

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(b)(2)

Description: On the initial RMACT II compliance test, only two of three liquid flows and one of two gas flows were included on the stack test report. The absence of these values affects the liquid flow requirement in PN3015 and the required Liquid to Gas Ratio required by RMACT II.

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

Disclosure Date: 08/18/2020

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(a)(2)

Description: Relative Accuracy Test Audits (RAT As) were not conducted on an annual basis for SRU Incinerators' (EPNs 28.2-36-2 and 39.1-95-118).

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)

Disclosure Date: 12/16/2020

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

Rqmt Prov: PERMIT SC 56 D

Description: Unit 29.2 D-102 (coke drum) was vented to atmosphere at a 5-minute rolling average pressure of 3.8 PSI, versus a limit of 2.5 PSI. This exceedance occurred once, on 3/6/2019.

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)

Disclosure Date: 12/15/2021

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

Rqmt Prov: PERMIT MAERT
PERMIT SC 1
PERMIT SC 54

Description: H2S04 emission monitoring was not performed for sulfur plant incinerators (EPNs 28.2-36-2, and 39.1-95-118). When initial calculations were developed, intermittent exceedances were indicated.

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)

Disclosure Date: 06/16/2022

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 11B

Description: The TDS sample for the Cooling Tower (54-22-1) indicated TDS concentration above permit limits.

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

No DOV Associated

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

Disclosure Date: 12/15/2021

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(i)(9)(ii)

Description: Camera footage for flare monitoring was permanently lost. The affected flares include: 29-61-1, 56-61-16, 56-61-17, 56-61-11, 56-61-19.

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

No DOV Associated

Notice of Intent Date: 10/25/2021 (1771654)

Disclosure Date: 12/15/2021

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)(iii)

Description: During the audit it was discovered that the fuel gas H₂S CEMS for the refinery were completing triplicate injections during calibrations, consistent with Performance Specification 9. All other performance evaluations were in accordance with Performance Specification 7.

Notice of Intent Date: 10/29/2021 (1776418)

Disclosure Date: 01/25/2022

Viol. Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC ;7 and MAERT

Description: Regarding the Heater Hourly Firing Rate - VOC lb/hr, and PM lb/hr exceeded permit limits due to unrepresentative fuel gas sample input used for compliance monitoring.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 22D

Description: Stack Test Firing Rate - Heater hourly firing rate exceeded stack test limit due to unrepresentative fuel gas sample input used for compliance monitoring. Additional stack sampling (per permit requirements) was not performed.

Viol. Classification: Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(d)(7)

Rqmt Prov: PERMIT SC 4B

Description: An unrepresentative fuel gas sample input was used for compliance monitoring. The higher heating value of the fuel was determined less than once per day.

Notice of Intent Date: 10/25/2021 (1781320)

Disclosure Date: 12/15/2021

Viol. Classification: Minor

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

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

Ten OELs were identified in Unit 4. (EPNS 4-0-0, 38-0-0, and 27.2-0-0)

Viol. Classification: Minor

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

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

Description: The audit found 4 overlooked components that appear to have been excluded from the LDAR program. These components were identified in Unit 87 (EPN 87-0- 0).

Notice of Intent Date: 02/08/2022 (1790247)

No DOV Associated

Notice of Intent Date: 02/21/2022 (1797179)
No DOV Associated

Notice of Intent Date: 05/23/2022 (1818510)
Disclosure Date: 06/16/2022
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 14

Description: The Unit 30 Reboiler (EPN No. 30-36-1) fuel gas flow meter did not meet accuracy requirements.
Disclosure Date: 10/25/2022
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 14

Description: During the audit, it was identified that the fuel gas flow meter on the Unit 30 Reboiler (EPN 30-36-1) was calibrated annually but documentation was missing to demonstrate calibration accuracy requirements were fulfilled (RY 2017 and RY 2020).

Notice of Intent Date: 06/28/2022 (1826007)
No DOV Associated

Notice of Intent Date: 07/08/2022 (1828220)
Disclosure Date: 11/09/2022
Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)

Description: During the audit, it was identified that the visual inspection of the Internal Floating Roof and seals was not inspected at least every 12 months in accordance with 40 CFR Part 63 Subpart G
Viol. Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(4)

Description: During the audit, it was identified that reports of completed secondary seal gap measurements under 40 CFR Part 60 Subpart Kb were not submitted to the Administrator within the required 30- or 60- days following completion of the inspections.

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

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1034-AIR-E

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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

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. During a record review for the Plant conducted from October 6, 2020 through October 13, 2020, an investigator documented that:
 - a. The Respondent released 824.13 pounds ("lbs") of volatile organic compounds ("VOC"), 128.00 lbs of carbon monoxide ("CO"), 347.58 lbs of hydrogen sulfide ("H₂S"), 27.00 lbs of nitrogen oxides ("NO_x"), and 62,619.45 lbs of sulfur dioxide ("SO₂") from multiple Emissions Point Numbers ("EPNs") as shown in the table below, during an emissions event (Incident No. 271476) that occurred on October 30, 2017 and lasted two hours. The emissions event occurred when natural material ageing and the rigorous wear and tear of the industrial environment caused a 15 kiloVolt Feeder isolation switch to experience an electrical fault and the Feeder 504B Breaker to operate as designed, resulting in various units to trip, in a voltage dip to occur, and in flaring. TCEQ staff determined that the emissions event was an excessive emissions event.

Emissions Event Table (Incident No. 271476)						
Source Name	EPN	Pollutants (lbs)				
		VOC	CO	H2S	NOx	SO2
Coker Flare	29-61-1	90.40	67.00	7.00	13.00	624.00
Diethanol Amine ("DEA") Stripper Flare	28.1-61-9	0.00	0.00	334.57	0.00	61,719.00
Expansion Flare	56-61-16	218.00	61.00	6.00	14.00	10.00
Sour Water Stripper Flare	28.1-61-10	0.00	0.00	0.01	0.00	0.45
Unit 28.2 Tail Gas Incinerator	28.2-36-2	0.00	0.00	0.00	0.00	204.00
Unit 30 Flare	56-61-23	515.73	0.00	0.00	0.00	0.00
Unit 39.1 Sulfur Recovery Unit Tail Gas Incinerator	39.1-95-118	0.00	0.00	0.00	0.00	62.00
Totals:		824.13	128.00	347.58	27.00	62,619.45

- b. The Respondent did not properly identify the amount of H2S released from the DEA Stripper Flare, EPN 28.1-61-9, on the final record for Incident No. 271476.
3. During a record review for the Plant conducted from April 6, 2021 through September 21, 2021, an investigator documented that the Respondent released 222.00 lbs of CO, 140.50 lbs of H2S, 43.50 lbs of NOx, 16,003.00 lbs of SO2, and 219.00 lbs of VOC from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 287534) that occurred on July 1, 2018 and lasted eight hours and 30 minutes. The emissions event occurred when a check valve on the discharge of the turbine driven Lube Oil Pump P-71 stuck closed that caused low lube oil pressure during a swap of the redundant lube oil supply pumps, resulting in the compressors to shut down and in flaring. TCEQ staff determined that the emissions event was an excessive emissions event.
4. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On October 13, 2020, provided the estimated total quantities for the H2S that were released during Incident No. 271476;
 - b. By April 21, 2021, implemented checklists for the final records for reportable emissions events in order to ensure that all of the required information on the final records for reportable emissions events are identified;
 - c. By October 10, 2021, implemented a Lube Oil Pump Swap Procedure that is specific for Compressors C-103 and C-111, added alarms to the Lube Oil System control valve, and implemented a procedure to move process gases out of

Compressors C-103/C-111 in order to address the excessive emissions event that occurred on July 1, 2018 (Incident No. 287534); and

- d. By February 6, 2023, separated the electrical preventive maintenance plans for isolation switches by incorporating corrosion mitigation steps and oil testing/moisture analysis, implemented a tracking mechanism for oil sample results, completed a trial run for the use of a rust inhibitor on electrical equipment, repaired or replaced the covers of all isolation switches with evident corrosion, replaced DS-504B with an electrical splice box, evaluated the relay settings associated with Breaker 504B, replaced the oil switches with SF6 switches, reviewed the potential application for motor undervoltage ride through, implemented new burner pressure operating limits, revised the H2S Shed Procedure, and completed operator training on the revised H2S Shed Procedure in order to address the excessive emissions event that occurred on October 30, 2017 (Incident No. 271476).

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 5920A and PSDTX103M4, Special Conditions ("SC") No. 1, NSR Permit No. 18142, 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). The emissions event was determined to be an excessive emissions event.
3. As evidenced by Finding of Fact No. 2.b, the Respondent 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)(H) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3, 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). The emissions event was determined to be an excessive emissions event.
5. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of \$41,703 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$20,852 penalty. Pursuant to TEX. WATER CODE § 7.067, \$20,851 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 6 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that 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. 2021-1034-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 Conclusion of Law No. 6. The amount of \$20,851 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent

shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

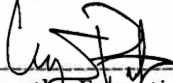
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
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. 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.
10. 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.
11. 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



For the Executive Director

6/5/2023


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.



Signature

4-6-23

Date

Mark Evans

Name (Printed or typed)

VP, Sweeny Refinery

Title

Authorized Representative of
Phillips 66 Company

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: 2021-1034-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Phillips 66 Company
Payable Penalty Amount:	\$41,703
SEP Offset Amount:	\$20,851
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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 **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership 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 replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. 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 to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. **Records and Reporting**

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

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

4. **Failure to Fully Perform**

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

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

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

5. **Publicity**

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

6. **Recognition**

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

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

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