

Executive Summary – Enforcement Matter – Case No. 61622

Phillips 66 Company
RN101619179
Docket No. 2021-1545-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petroleum refinery and petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$93,729

Total Paid to General Revenue: \$46,865

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$46,864

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: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 6, 2021 through July 16, 2021, July 21, 2021 through July 28, 2021, September 13, 2021 through September 28, 2021, October 4, 2021 through December 21, 2021, and November 23, 2021 through February 24, 2022

Date(s) of NOE(s): November 3, 2021, November 29, 2021, November 30, 2021, January 10, 2022, and March 8, 2022

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Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 82.83 percent opacity from the Unit 27 - Fluid Catalytic Cracking Regenerator Exhaust, Emissions Point Number ("EPN") 27.1-36-RE; released 1,284.94 pounds ("lbs") of volatile organic compounds ("VOC"), 555.92 lbs of sulfur dioxide ("SO₂"), 521.00 lbs of carbon monoxide ("CO"), 7.00 lbs of hydrogen sulfide ("H₂S"), and 73.60 lbs of nitrogen oxides ("NO_x") from the Expansion High Pressure Flare, EPN 56-61-16; released 255.04 lbs of VOC, 187.00 lbs of SO₂, 61.20 lbs of CO, 2.11 lbs of H₂S, and 22.00 lbs of NO_x from the Expansion Low Pressure Flare, EPN 56-61-17; released, 888.70 lbs of VOC, 16,853.35 lbs of SO₂, 279.37 lbs of CO, 182.82 lbs of H₂S, and 50.28 lbs of NO_x from the Coker Flare, EPN 29-61-1; released 118.80 lbs of VOC, 123.30 lbs of SO₂, 34.80 lbs of CO, 1.36 lbs of H₂S, and 3.83 lbs of NO_x from the Old Alky Flare, EPN 56-61-19, during an emissions event (Incident No. 311104) that occurred on June 10, 2019 and lasted 19 hours and 30 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 30513, Special Conditions ("SC") No. 1, NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, NSR Permit No. 7467A, SC No. 1, NSR Permit No. 49140, SC No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A. and 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 87.94 percent opacity and released 1,156.25 lbs of VOC from the Unit 27 - Fluid Catalytic Cracking Regenerator Exhaust, EPN 27.1-36-RE; released 192.83 lbs of CO, 28.96 lbs of NO_x, 10,924.08 lbs of SO₂, 118.41 lbs of H₂S, and 728.34 lbs of VOC from the Coker Flare, EPN 29-61-1; released 123.78 lbs of CO, 41.23 lbs of NO_x, 1,167.89 lbs of SO₂, 19.95 lbs of H₂S, and 474.29 lbs of VOC from Flare 16, EPN 56-61-16; and released 11.58 lbs of CO, 2.57 lbs of NO_x, 94.89 lbs of SO₂, 1.05 lbs of H₂S, and 35.46 lbs of VOC from Flare 17, EPN 56-61-17, during an emissions event (Incident No. 338605) that occurred on July 8, 2020 and lasted six hours and 13 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, NSR Permit No. 7467A, SC No. 1, FOP No. O1626, GTC and STC Nos. 1.A. and 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 57.55 lbs of H₂S and 5,308.14 lbs of SO₂ from the Diethanolamine Stripper Flare, EPN 28.1-61-9; released 676.60 lbs of SO₂ from the Unit 25.1 Crude Charge Heater, EPN 25.1-36-1; released 118.76 lbs of SO₂ from the Unit 25.2 Reactor Charge Heater, EPN 25.2-CS; released 330.75 lbs of SO₂ from the Unit 26.1 Atmospheric Residuum Desulfurization Charge Heater 1, EPN 26.1-CS; released 11.02 lbs of H₂S and 1,161.56 lbs of SO₂ from the Unit 28 Incinerator Stack, EPN 28.2-36-2; released 429.66 lbs of SO₂ from the Unit 29.1 Vacuum Unit Heater, EPN 29.1-36-001; released 1,527.47 lbs of SO₂ from the Unit 35 Continuous Catalyst Regeneration Furnace, EPN 35-36-1; released 140.24 lbs of SO₂ from the Unit 38 Reactor Charge Heater; EPN 38-36-251; released 113.89 lbs of SO₂ from the Unit 38 Stripper Reboiler, EPN 38-36-252; released 18.24

Executive Summary – Enforcement Matter – Case No. 61622

Phillips 66 Company

RN101619179

Docket No. 2021-1545-AIR-E

lbs of H₂S and 1,682.34 lbs of SO₂ from the Unit 39.1 Incinerator Stack, EPN 39.1-95-118; and released 125.71 lbs of SO₂ from the Unit 45 Ultra Low Sulfur Gasoline Heater, EPN 45-36-1, during an emissions event (Incident No. 365800) that occurred on August 30, 2021 and lasted six hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, NSR Permit No. 118699, SC No. 2, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 299.14 lbs of SO₂ from the Unit 25.1 Crude Charge Heater, EPN 25.1-36-1; released 60.00 lbs of SO₂ from the Unit 25.2 Reactor Charge Heater, EPN 25.2-CS; released 149.89 lbs of SO₂ from the Unit 26 Atmospheric Residuum Desulfurization Charge Heater, EPN 26-CS; released 1,327.89 lbs of SO₂ from the Unit 35 Continuous Catalyst Regeneration Furnace, EPN 35-36-1; released 68.52 lbs of SO₂ from the Unit 38 Reactor Charge Heater, EPN 38-36-251; released 56.45 lbs of SO₂ from the Unit 38 Stripper Reboiler, EPN 38-36-252; and released 125.84 lbs of SO₂ from the Unit 45 Ultra Low Sulfur Gasoline, EPN 45-36-1, during an emissions event (Incident No. 367062) that occurred on September 21, 2021 and lasted one hour [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, NSR Permit No. 118699, SC No. 2, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities of CO and NO_x on the final record for Incident No. 367062 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 484.58 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 369865) that occurred on November 9, 2021 and lasted one minute [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A, N292, 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 implemented the following corrective measures:

a. By September 1, 2020, adjusted the settings on all four cogeneration units to have the sudden pressure relays alarm in the control room instead of directly tripping breakers and equipped the transformers with additional protections that will activate in the event of a fault in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 311104;

Executive Summary – Enforcement Matter – Case No. 61622

**Phillips 66 Company
RN101619179
Docket No. 2021-1545-AIR-E**

b. By December 21, 2020, updated the communication modules to a newer version of software and successfully tested in the field with the new hardware connection procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338605;

c. By September 15, 2021, locked the isolation valve out of service until its removal in the next turnaround in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365800;

d. On October 18, 2021, removed an unneeded trip on the high level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367062;

e. By November 5, 2022, implemented procedures for the use of emergency isolation valves as primary isolation along with notes on the work orders and how to bypass the emergency isolation valves during maintenance activities in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369865; and

f. By August 3, 2023, implemented a two-touch peer review prior to submitting the initial notifications and final records and began using a reference table for emissions events that outline the data requirements and corresponding typical sources in order to ensure that all of the required information is identified on the final records for reportable emissions events.

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, 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, General Manager, Phillips 66 Company, P.O. Box 866, Sweeny, Texas 77480

William Stone, Vice President, Phillips 66 Company, P.O. Box 866, Sweeny, Texas 77480

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Nov-2021	Screening	10-Nov-2021	EPA Due	
	PCW	14-May-2024				

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

CASE INFORMATION				
Enf./Case ID No.	61622		No. of Violations	6
Docket No.	2021-1545-AIR-E		Order Type	1660
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	\$52,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$52,750
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Notes

Enhancement for one NOV with same or similar violations, two NOVs with dissimilar violations, 10 orders containing a denial of liability, and one order without a denial of liability. Reduction for 45 Notices of Intent to conduct an audit and 22 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	-\$12,025
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts
Estimated Cost of Compliance

\$1,909
\$30,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$93,475
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3%	Adjustment	\$254
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended enhancement to capture the avoided costs of compliance associated with Violation No. 5.

Final Penalty Amount	\$93,729
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$93,729
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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	\$93,729
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Screening Date	10-Nov-2021	Docket No.	2021-1545-AIR-E	PCW
Respondent	Phillips 66 Company			
Case ID No.	61622			
Reg. Ent. Reference No.	RN101619179			
Media	Air			
Enf. Coordinator	Johnnie Wu			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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>)	45	-45%
	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>)	22	-44%
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) 145%

>> 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 or similar violations, two NOVs with dissimilar violations, 10 orders containing a denial of liability, and one order without a denial of liability. Reduction for 45 Notices of Intent to conduct an audit and 22 Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 145%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 10-Nov-2021 Respondent Phillips 66 Company Case ID No. 61622 Reg. Ent. Reference No. RN101619179 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2021-1545-AIR-E	PCW <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>
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Violation Number	1		
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 30513, Special Conditions ("SC") No. 1, NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, NSR Permit No. 7467A, SC No. 1, NSR Permit No. 49140, SC No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A. and 29, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 82.83 percent opacity from the Unit 27 - Fluid Catalytic Cracking Regenerator Exhaust, Emissions Point Number ("EPN") 27.1-36-RE; released 1,284.94 pounds ("lbs") of volatile organic compounds ("VOC"), 555.92 lbs of sulfur dioxide ("SO2"), 521.00 lbs of carbon monoxide ("CO"), 7.00 lbs of hydrogen sulfide ("H2S"), and 73.60 lbs of nitrogen oxides ("NOx") from the Expansion High Pressure Flare, EPN 56-61-16; released 255.04 lbs of VOC, 187.00 lbs of SO2, 61.20 lbs of CO, 2.11 lbs of H2S, and 22.00 lbs of NOx from the Expansion Low Pressure Flare, EPN 56-61-17; released, 888.70 lbs of VOC, 16,853.35 lbs of SO2, 279.37 lbs of CO, 182.82 lbs of H2S, and 50.28 lbs of NOx from the Coker Flare, EPN 29-61-1; released 118.80 lbs of VOC, 123.30 lbs of SO2, 34.80 lbs of CO, 1.36 lbs of H2S, and 3.83 lbs of NOx from the Old Alky Flare, EPN 56-61-19, during an emissions event (Incident No. 311104) that occurred on June 10, 2019 and lasted 19 hours and 30 minutes.	
		Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Major	Moderate	Minor		
	Actual		x			
	Potential					
					Percent	50.0%

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor		
					Percent	0.0%

Matrix Notes	Based on the Air Quality Analysis Audit performed on the air dispersion modeling provided by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment		\$12,500

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%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A				
Notes	The Respondent completed the corrective measures by September 1, 2020, prior to the Notice of Enforcement ("NOE") dated November 29, 2021.			
Violation Subtotal				\$9,375

Economic Benefit (EB) for this violation

	\$1,230			
Violation Final Penalty Total				\$21,934
This violation Final Assessed Penalty (adjusted for limits)				\$21,934

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61622
Reg. Ent. Reference No. RN101619179
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	10-Jun-2019	1-Sep-2020	1.23	\$1,230	n/a	\$1,230
Notes for DELAYED costs	Estimated cost to adjust the settings on all four cogeneration units to have the sudden pressure relays alarm in the control room instead of directly tripping breakers and to equip the transformers with additional protections that will activate in the event of a fault in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 311104. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.						
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$20,000			TOTAL		\$1,230	

Screening Date	10-Nov-2021	Docket No.	2021-1545-AIR-E	PCW																			
Respondent	Phillips 66 Company	<i>Policy Revision 5 (January 28, 2021)</i>																					
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Reg. Ent. Reference No.	RN101619179																						
Media	Air																						
Enf. Coordinator	Johnnie Wu																						
Violation Number	2																						
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, NSR Permit No. 7467A, SC No. 1, FOP No. 01626, GTC and STC Nos. 1.A. and 29, and Tex. Health & Safety Code § 382.085(b)																						
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single event																							
One weekly event is recommended.																							
Good Faith Efforts to Comply		25.0%	Reduction	\$3,125																			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>N/A</td> <td></td> <td></td> </tr> </table>					Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary	x		N/A									
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																					
Extraordinary																							
Ordinary	x																						
N/A																							
Notes	The Respondent completed the corrective measures by December 21, 2020, prior to the NOE dated November 29, 2021.																						
		Violation Subtotal	\$9,375																				
Economic Benefit (EB) for this violation		Statutory Limit Test																					
Estimated EB Amount	\$68	Violation Final Penalty Total	\$21,934																				
		This violation Final Assessed Penalty (adjusted for limits)	\$21,934																				

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61622
Reg. Ent. Reference No. RN101619179
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
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)	\$3,000	8-Jul-2020	21-Dec-2020	0.45	\$68	n/a	\$68
Notes for DELAYED costs	Estimated cost to update the communication modules to a newer version of software and successfully test in the field with the new hardware connection procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338605. 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	\$3,000			TOTAL		\$68	

Screening Date	10-Nov-2021	Docket No.	2021-1545-AIR-E	PCW						
Respondent	Phillips 66 Company	Policy Revision 5 (January 28, 2021)								
Case ID No.	61622	PCW Revision February 11, 2021								
Reg. Ent. Reference No.	RN101619179									
Media	Air									
Enf. Coordinator	Johnnie Wu									
Violation Number	3									
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, NSR Permit No. 118699, SC No. 2, FOP No. 01626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)									
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 57.55 lbs of H2S and 5,308.14 lbs of SO2 from the Diethanolamine Stripper Flare, EPN 28.1-61-9; released 676.60 lbs of SO2 from the Unit 25.1 Crude Charge Heater, EPN 25.1-36-1; released 118.76 lbs of SO2 from the Unit 25.2 Reactor Charge Heater, EPN 25.2-CS; released 330.75 lbs of SO2 from the Unit 26.1 Atmospheric Residuum Desulfurization Charge Heater 1, EPN 26.1-CS; released 11.02 lbs of H2S and 1,161.56 lbs of SO2 from the Unit 28 Incinerator Stack, EPN 28.2-36-2; released 429.66 lbs of SO2 from the Unit 29.1 Vacuum Unit Heater, EPN 29.1-36-001; released 1,527.47 lbs of SO2 from the Unit 35 Continuous Catalyst Regeneration Furnace, EPN 35-36-1; released 140.24 lbs of SO2 from the Unit 38 Reactor Charge Heater; EPN 38-36-251; released 113.89 lbs of SO2 from the Unit 38 Stripper Reboiler, EPN 38-36-252; released 18.24 lbs of H2S and 1,682.34 lbs of SO2 from the Unit 39.1 Incinerator Stack, EPN 39.1-95-118; and released 125.71 lbs of SO2 from the Unit 45 Ultra Low Sulfur Gasoline Heater, EPN 45-36-1, during an emissions event (Incident No. 365800) that occurred on August 30, 2021 and lasted six hours.									
		Base Penalty	\$25,000							
>> Environmental, Property and Human Health Matrix										
OR	Release	Harm								
		Major Moderate Minor								
	Actual	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="text-align: center;">x</td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>		x						
x										
	Potential	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>				Percent	50.0%			
>> Programmatic Matrix										
	Falsification	Major Moderate Minor								
	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>				<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>				Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.									
		Adjustment	\$12,500							
		\$12,500								
Violation Events										
Number of Violation Events		1	Number of violation days							
		1								
	daily	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
	weekly	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="text-align: center;">x</td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>		x						
x										
	monthly	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
	quarterly	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
	semiannual	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
	annual	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
	single event	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
		Violation Base Penalty								
		\$12,500								
One weekly event is recommended.										
Good Faith Efforts to Comply										
		25.0%	Reduction							
		\$3,125								
	Extraordinary	Before NOE/NOV NOE/NOV to EDRP/Settlement Offer								
	Ordinary	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="text-align: center;">x</td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>				x				
x										
	N/A	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> <tr><td style="width: 50px; height: 20px;"></td></tr> </table>								
	Notes	The Respondent completed the corrective measures by September 15, 2021, prior to the NOE dated November 29, 2021.								
		Violation Subtotal	\$9,375							
Economic Benefit (EB) for this violation										
		Statutory Limit Test								
Estimated EB Amount		\$3	Violation Final Penalty Total							
			\$21,934							
		This violation Final Assessed Penalty (adjusted for limits)								
		\$21,934								

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61622
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Aug-2021	15-Sep-2021	0.04	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to lock the isolation valve out of service until its removal in the next turnaround in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365800. 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

\$1,500

TOTAL

\$3

Screening Date	10-Nov-2021	Docket No.	2021-1545-AIR-E	PCW
Respondent	Phillips 66 Company			Policy Revision 5 (January 28, 2021)
Case ID No.	61622			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101619179			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, NSR Permit No. 118699, SC No. 2, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to prevent unauthorized emissions. Specifically, the Respondent released 299.14 lbs of SO2 from the Unit 25.1 Crude Charge Heater, EPN 25.1-36-1; released 60.00 lbs of SO2 from the Unit 25.2 Reactor Charge Heater, EPN 25.2-CS; released 149.89 lbs of SO2 from the Unit 26 Atmospheric Residuuum Desulfurization Charge Heater, EPN 26-CS; released 1,327.89 lbs of SO2 from the Unit 35 Continuous Catalyst Regeneration Furnace, EPN 35-36-1; released 68.52 lbs of SO2 from the Unit 38 Reactor Charge Heater, EPN 38-36-251; released 56.45 lbs of SO2 from the Unit 38 Stripper Reboiler, EPN 38-36-252; and released 125.84 lbs of SO2 from the Unit 45 Ultra Low Sulfur Gasoline, EPN 45-36-1, during an emissions event (Incident No. 367062) that occurred on September 21, 2021 and lasted one hour.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual			X
	Potential			
			Percent	30.0%
>>Programmatic Matrix				
	Falsification	Major Moderate Minor		
			Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
	Number of Violation Events	1	Number of violation days	1
	daily			
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$7,500
One monthly event is recommended.				
Good Faith Efforts to Comply		25.0%	Reduction	\$1,875
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer		
	Extraordinary			
	Ordinary	X		
	N/A			
Notes	The Respondent completed the corrective measures on October 18, 2021, prior to the NOE dated January 10, 2022.			
		Violation Subtotal	\$5,625	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$6	Violation Final Penalty Total	\$13,161
	This violation Final Assessed Penalty (adjusted for limits)			\$13,161

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61622
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	21-Sep-2021	18-Oct-2021	0.07	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to remove an unneeded trip on the high level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367062. 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

\$1,500

TOTAL

\$6

Screening Date 10-Nov-2021 Respondent Phillips 66 Company Case ID No. 61622 Reg. Ent. Reference No. RN101619179 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2021-1545-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	5	Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(b)(1)(G) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F., and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities of CO and NOx on the final record for Incident No. 367062.		

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

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

0.0%

>> Programmatic Matrix

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

1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$24,750
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	\$250
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Violation Events

Number of Violation Events	1	111	Number of violation days
----------------------------	---	-----	--------------------------

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

One single event is recommended.

Good Faith Efforts to Comply

	10.0%	Reduction	\$25
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	x	
N/A	<input type="text"/>		
Notes	The Respondent completed the corrective measures by August 3, 2023, after the NOE dated January 10, 2022.		

Violation Subtotal	\$225
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$528	Violation Final Penalty Total	\$476
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This violation Final Assessed Penalty (adjusted for limits)	\$476
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Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61622
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$3,000	5-Oct-2021	3-Aug-2023	1.83	\$274	n/a	\$274
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Estimated cost to implement a two-touch peer review prior to submitting the initial notifications and final records and begin using a reference table for emissions events that outline the data requirements and corresponding typical sources in order to ensure that all of the required information is identified on the final records for reportable emissions events. The Date Required is the date the final record was due and the Final Date is the date of compliance.							
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$250	5-Oct-2021	24-Jan-2022	0.30	\$4	\$250	\$254
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs Estimated avoided cost to identify the estimated total quantities for CO and NOx on the final record for Incident No. 367062. The Date Required is the date the final record was due and the Final Date is the screening date for Investigation No. 1765276.							
Approx. Cost of Compliance		\$3,250		TOTAL		\$528	

Screening Date 10-Nov-2021 Respondent Phillips 66 Company Case ID No. 61622 Reg. Ent. Reference No. RN101619179 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2021-1545-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	6	Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 484.58 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 369865) that occurred on November 9, 2021 and lasted one minute.		

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Release	Major	Harm Moderate	Minor
Actual				x
Potential				

Percent 30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$750

Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent completed the corrective measures by November 5, 2022, after the NOE dated March 8, 2022.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$14,289

This violation Final Assessed Penalty (adjusted for limits) \$14,289

Economic Benefit Worksheet

Respondent Phillips 66 Company
Case ID No. 61622
Reg. Ent. Reference No. RN101619179
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	9-Nov-2021	5-Nov-2022	0.99	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to implement procedures for the use of emergency isolation valves as primary isolation along with notes on the work orders and how to bypass the emergency isolation valves during maintenance activities in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369865. 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

\$1,500

TOTAL

\$74



Compliance History Report

Compliance History Report for CN604065912, RN101619179, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN604065912, Phillips 66 Company	Classification:	SATISFACTORY	Rating:	12.42
Regulated Entity:	RN101619179, SWEENEY REFINERY AND PETROCHEMICAL COMPLEX	Classification:	SATISFACTORY	Rating:	32.53
Complexity Points:	50	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	8189 OLD FARM-TO-MARKET ROAD 524, OLD OCEAN, BRAZORIA COUNTY, TEXAS				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS PERMIT 1626

AIR QUALITY NON PERMITTED ACCOUNT NUMBER BL0042G

AIR NEW SOURCE PERMITS REGISTRATION 72035

AIR NEW SOURCE PERMITS REGISTRATION 10779

AIR NEW SOURCE PERMITS REGISTRATION 12993

AIR NEW SOURCE PERMITS REGISTRATION 13929

AIR NEW SOURCE PERMITS PERMIT 1486A

AIR NEW SOURCE PERMITS PERMIT 5920A

AIR NEW SOURCE PERMITS PERMIT 18142

AIR NEW SOURCE PERMITS PERMIT 22086

AIR NEW SOURCE PERMITS REGISTRATION 24717

AIR NEW SOURCE PERMITS REGISTRATION 25434

AIR NEW SOURCE PERMITS REGISTRATION 33153

AIR NEW SOURCE PERMITS REGISTRATION 43038

AIR NEW SOURCE PERMITS REGISTRATION 75616

AIR NEW SOURCE PERMITS AFS NUM 4803900010

AIR NEW SOURCE PERMITS REGISTRATION 54666

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M1

AIR NEW SOURCE PERMITS REGISTRATION 76731

AIR NEW SOURCE PERMITS REGISTRATION 77648

AIR NEW SOURCE PERMITS REGISTRATION 77156

AIR NEW SOURCE PERMITS REGISTRATION 77152

AIR NEW SOURCE PERMITS REGISTRATION 78566

AIR NEW SOURCE PERMITS REGISTRATION 81104

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M4

AIR NEW SOURCE PERMITS REGISTRATION 25389

AIR NEW SOURCE PERMITS PERMIT 118699

AIR NEW SOURCE PERMITS REGISTRATION 111673

AIR NEW SOURCE PERMITS REGISTRATION 118459

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M5

AIR NEW SOURCE PERMITS REGISTRATION 106776

AIR NEW SOURCE PERMITS REGISTRATION 158959

AIR NEW SOURCE PERMITS REGISTRATION 152547

AIR NEW SOURCE PERMITS REGISTRATION 168860

AIR NEW SOURCE PERMITS REGISTRATION 164644

AIR NEW SOURCE PERMITS REGISTRATION 148130

AIR NEW SOURCE PERMITS REGISTRATION 160243

AIR NEW SOURCE PERMITS EPA PERMIT N278

AIR OPERATING PERMITS ACCOUNT NUMBER BL0042G

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200756

AIR NEW SOURCE PERMITS REGISTRATION 72036

AIR NEW SOURCE PERMITS REGISTRATION 12344

AIR NEW SOURCE PERMITS REGISTRATION 13744

AIR NEW SOURCE PERMITS REGISTRATION 13978

AIR NEW SOURCE PERMITS PERMIT 5689A

AIR NEW SOURCE PERMITS PERMIT 7467A

AIR NEW SOURCE PERMITS PERMIT 21265

AIR NEW SOURCE PERMITS REGISTRATION 24161

AIR NEW SOURCE PERMITS REGISTRATION 26533

AIR NEW SOURCE PERMITS PERMIT 30513

AIR NEW SOURCE PERMITS REGISTRATION 39026

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0042G

AIR NEW SOURCE PERMITS REGISTRATION 75713

AIR NEW SOURCE PERMITS PERMIT 49140

AIR NEW SOURCE PERMITS REGISTRATION 74130

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M2

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX103M3

AIR NEW SOURCE PERMITS REGISTRATION 77153

AIR NEW SOURCE PERMITS REGISTRATION 77157

AIR NEW SOURCE PERMITS REGISTRATION 77154

AIR NEW SOURCE PERMITS PERMIT 80806

AIR NEW SOURCE PERMITS REGISTRATION 82601

AIR NEW SOURCE PERMITS REGISTRATION 95086

AIR NEW SOURCE PERMITS REGISTRATION 111670

AIR NEW SOURCE PERMITS REGISTRATION 114522

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX751

AIR NEW SOURCE PERMITS REGISTRATION 116241

AIR NEW SOURCE PERMITS REGISTRATION 111676

AIR NEW SOURCE PERMITS REGISTRATION 151092

AIR NEW SOURCE PERMITS REGISTRATION 151896

AIR NEW SOURCE PERMITS REGISTRATION 168576

AIR NEW SOURCE PERMITS REGISTRATION 169961

AIR NEW SOURCE PERMITS REGISTRATION 165952

AIR NEW SOURCE PERMITS REGISTRATION 147128

AIR NEW SOURCE PERMITS EPA PERMIT N292

AIR NEW SOURCE PERMITS REGISTRATION 159203

AIR NEW SOURCE PERMITS REGISTRATION 160791
AIR NEW SOURCE PERMITS REGISTRATION 157719
AIR NEW SOURCE PERMITS REGISTRATION 167892
AIR NEW SOURCE PERMITS REGISTRATION 175812

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 83813

STORMWATER PERMIT TXR05BI93

WASTEWATER EPA ID TX0007536

WASTEWATER PERMIT TXG670460

WASTEWATER PERMIT TXG670471

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
BL0042G

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD048210645

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50186

AIR NEW SOURCE PERMITS REGISTRATION 155673

AIR NEW SOURCE PERMITS REGISTRATION 172379

AIR NEW SOURCE PERMITS REGISTRATION 171069

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 20580

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 30048

STORMWATER PERMIT TXR1553OB

WASTEWATER PERMIT WQ0000721000

WASTEWATER PERMIT TXG670470

WASTEWATER PERMIT TXG670203

POLLUTION PREVENTION PLANNING ID NUMBER
P00531

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30048

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

Date Compliance History Report Prepared: April 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 01, 2019 to April 01, 2024

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: 09/16/2019 | 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. | | |
| 2 | 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). | | |
| 3 | 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.

4 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.

5 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)
5C THSC Chapter 382 382.085(b)

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

6 Effective Date: 12/20/2022 ADMINORDER 2021-0335-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov: FOP O1626 OP
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on February 19, 2018, TCEQ/STEERS Incident No. 278916. (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 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on May 21, 2018, TCEQ/STEERS Incident No. 284217. (Category A12.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 OP

NSR 5920A and PSDTX103M4 PERMIT

Description: Failure to prevent visible emissions with opacity greater than a limit of 20 percent (%) averaged over a six-minute period from Emissions Point Number (EPN) 27.1-36-RE. [Category A12.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 OP

NSR 5920A and PSDTX103M4 PERMIT

Description: Failure to prevent visible emissions with opacity greater than a limit of 20 percent (%) averaged over a six-minute period from Emissions Point Number (EPN) 27.1-36-RE. (Category A12.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 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on June 25, 2018, TCEQ/STEERS Incident No. 287245. (Category A12.i.[6]).

Classification: Minor

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

Rqmt Prov: FOP O1626 OP

Description: Failure to submit a complete final record associated with emissions event, TCEQ/STEERS Incident No. 287245. (Category C3)

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 OP

NSR 5920A and PSDTX103M4 PERMIT

Description: Failure to prevent visible emissions with opacity greater than a limit of 20 percent (%) averaged over a six-minute period from Emissions Point Number (EPN) 27.1-36-RE. (Category 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 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on

August 25, 2018, TCEQ/STEERS Incident No. 290993. (Category A.12.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 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on

August 31, 2018, TCEQ/STEERS Incident No. 291418. (Category A.12.i.[6])

7 Effective Date: 07/27/2023 ADMINORDER 2021-0654-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 No. O1626 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 45.17 pounds ("lbs") of volatile organic compounds ("VOC"), 92.80 lbs of carbon monoxide ("CO"), 73.96 lbs of hydrogen sulfide ("H2S"), 17.09 lbs of nitrogen oxides ("NOx"), and 6,821.92 lbs of sulfur dioxide ("SO2") from the Coker Flare, Emissions Point Number ("EPN") 29-61-1, during an emissions event (Incident No. 327253) that occurred on December 26, 2019 and lasted 29 minutes. The emissions event occurred when

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)

Rqmt Prov: 49140 PERMIT

FOP No. O1626 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,721.85 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 324198) that occurred on November 5, 2019 and lasted 20 minutes. The emissions event occurred when a railcar was overfilled with hexane, resulting in the release to the atmosphere.

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 OP

NSR No. 118699 PERMIT

NSR No. 30513 PERMIT

NSR No. 5920A PERMIT

NSR No. 7467A PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,642.86 lbs of VOC, 3,804.36 lbs of CO, 28.45 lbs of H2S, 1,201.11 lbs of NOx, and 5,645.77 lbs of SO2 from multiple EPNs, during an emissions event (Incident No. 353741) that occurred on April 3, 2021 and lasted three hours and 27 minutes. The emissions event occurred when a malfunction on a lube oil pump occurred and the backup lube oil pump was unable to start quickly enough to keep a

8 Effective Date: 07/27/2023 ADMINORDER 2021-1034-AIR-E (Findings Order-Agreed Order Without 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 No. O1626 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit 18142, Special Condition 1 PERMIT
NSR Permit 5920A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 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 ("NOx"), 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

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)

Rqmt Prov: FOP No. O1626 OP
NSR No. 18142 PERMIT
NSR No. 5920A OP

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 DEA Stripper Flare, EPN 28.1-61-9, on the final record for Incident No. 271476.

9 Effective Date: 07/27/2023 ADMINORDER 2021-1066-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

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 OP
NSR Permit No. 5920A PERMIT

Description: Failed to prevent an excess opacity event. Specifically, the Respondent experienced 51.62 percent ("%") opacity from the Unit 27.1 Fluid Catalytic Cracking ("FCC") Regenerator, Emissions Point Number ("EPN") 27.1-36-RE, during an excess opacity event (Incident No. 299470) that occurred on December 26, 2018 and lasted 20 minutes. The excess opacity event occurred when an insulator on a transmission line failed that caused a power loss and decreased efficiency to the electrostatic precipitator

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 OP
NSR Permit No. 5920A PERMIT

Description: Failed to prevent an excess opacity event. Specifically, the Respondent experienced 50.24% opacity from the Unit 27.1 FCC Regenerator, EPN 27.1-36-RE, during an excess opacity event (Incident No. 304211) that occurred on March 8, 2019 and lasted six minutes. The excess opacity event occurred when low differential pressure contributed by both improper catalyst feed fed into Unit 27 and poor standpipe aeration caused a plug valve to stick open and trip the electrostatic precipitators, resulting

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 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 61.28 lbs of VOC, 32.37 lbs of CO, 30.42 lbs of H2S, 5.72 lbs of NOx, and 2,806.09 lbs of SO2 from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 299757) that began on January 2, 2019 and lasted one hour and 10 minutes. The emissions event occurred when rainwater interfered with the level instrumentation that caused false readings and a compressor to trip and a low level alarm being lower than

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 OP
NSR Permit No. 22086 PERMIT
NSR Permit No. 30513 PERMIT
NSR Permit No. 5920A PERMIT
NSR Permit No. 7467A PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.62 lbs of VOC, 90.35 lbs of CO, 9.50 lbs of H₂S, 17.48 lbs of NO_x, and 876.18 lbs of SO₂ from multiple EPNs as shown in the table below, during an emissions event (Incident No. 355478) that occurred on May 7, 2021 and lasted one hour and 18 minutes. The emissions event occurred due to high cycle fatigue failure of a piston rod that caused a Unit 35 compressor to trip, resulting in flaring.

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 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,580.66 lbs of VOC, 1,393.16 lbs of CO, 28.71 lbs of H₂S, 614.84 lbs of NO_x, and 2,648.81 lbs of SO₂ from multiple EPNs as shown in the table below, during an emissions event (Incident No. 358273) that occurred on May 15, 2021 and lasted one hour and 11 minutes. The emissions event occurred due to liquid carryover from the hydrogen entrainment that caused a compressor to trip, resulting in flaring.

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 OP
NSR Permit No. 22086 PERMIT
NSR Permit No. 30513 PERMIT
NSR Permit No. 5920A PERMIT
NSR Permit No. 7467A PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 789.37 lbs of VOC, 755.34 lbs of CO, 31.08 lbs of H₂S, 108.62 lbs of NO_x, and 2,866.46 lbs of SO₂ from multiple EPNs as shown in the table below, during an emissions event (Incident No. 358564) that began on May 18, 2021 and lasted two hours and 33 minutes. The emissions event occurred due to rapid cooling during a rainstorm and the third-party pull on the steam system that caused a dip in the 150 lb steam supply,

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 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 9.97 lbs of volatile organic compounds ("VOC"), 17.15 lbs of carbon monoxide ("CO"), 7.37 lbs of hydrogen sulfide ("H₂S"), 3.37 lbs of nitrogen oxides ("NO_x"), and 679.59 lbs of sulfur dioxide ("SO₂") from the Coker Flare, EPN 29-61-1, during an emissions event (Incident No. 358907) that occurred on May 24, 2021 and lasted 45 minutes. The emissions event occurred due to fouling that caused the Unit 26.2 cold box to

10 Effective Date: 07/27/2023 ADMINORDER 2021-1250-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 OP
NSR No. 5920A and PSDTX103M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 89.60 percent opacity and released 5,894.24 pounds ("lbs") of particulate matter ("PM") from the Fluid Catalytic Cracking Regenerator Exhaust, Emissions Point Number ("EPN") 27.1-36-RE, during an emissions event (Incident No. 303118) that began on February 20, 2019 and lasted 27 hours. The emissions event occurred when a malfunctioning plug valve in the regenerator caused the resulting loss of catalyst level in

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 OP

NSR No. 5920A and PSDTX103M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 669.38 lbs of volatile organic compounds ("VOC"), 240.51 lbs of carbon monoxide ("CO"), 61.63 lbs of hydrogen sulfide ("H2S"), 33.30 lbs of nitrogen oxides ("NOx"), and 5,684.74 lbs of sulfur dioxide ("SO2") from the Flare, EPN 29-61-1, during an emissions event (Incident No. 304700) that occurred on March 13, 2019 and lasted 46 minutes. The emissions event occurred when excessive steam generated from quench water

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 OP

NSR No. 5920A and PSDTX103M4 PERMIT

Special Term and Condition 3.A.(i) OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 87.37 percent opacity and released 94.34 lbs of ammonia, 651.34 lbs of CO, and 1,863.00 lbs of PM from the Fluid Catalytic Cracking Regenerator Exhaust, EPN 27.1-36-RE, and released 77.62 lbs of CO, 10.75 lbs of NOx, 14.08 lbs of SO2, and 167.89 lbs of VOC from the Flare, EPN 29-61-1, during an emissions event (Incident No. 309892) that occurred on June 1, 2019 and lasted seven hours. The emissions event occurred

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 OP

NSR No. 5920A and PSDTX103M4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,933.08 lbs of VOC, 323.90 lbs of SO2, 3.51 lbs of H2S, 105.02 lbs of NOx, and 758.51 lbs of CO from the Flare, EPN 29-61-1, during an emissions event (Incident No. 313845) that began on July 1, 2019 and lasted eight hours and 45 minutes. The emissions event occurred when a steam leak melted a control panel wire and caused a dual modular valve to fail open, resulting in flaring.

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 OP

Special conditions, 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,824.89 lbs of VOC, 1,192.33 lbs of CO, 35.70 lbs of H2S, 153.67 lbs of NOx, and 3,293.07 lbs of SO2 from multiple EPNs as shown in the table below, during an emissions event (Incident No. 359511) that began on June 3, 2021 and lasted 11 hours and 58 minutes. The emissions event occurred when a malfunctioning feeder caused an upstream breaker to trip from a ground fault and led to a power loss, resulting in flaring

11 Effective Date: 08/22/2023 ADMINORDER 2021-0897-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 No. O1626 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 10,602.20 lbs of SO2, 117.00 lbs of H2S, 107.70 lbs of NOx, 251.70 lbs of CO, and 537.70 lbs of VOC from multiple EPNs, during an emissions event (Incident No. 290648) that occurred on August 21, 2018 and lasted 49 minutes. The emissions event occurred due to a change in the crude slate that caused the compressor to shut down, resulting in flaring.

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. 01626 OP

NSR No. 5920A PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 40.90 percent opacity and released 67.00 lbs of PM from EPN 27.1-36-RE, released 3.00 lbs of VOC, 2.00 lbs of CO, and 3.00 lbs of SO2 from EPN 29-61-1, and released 679.00 lbs of VOC, 722.00 lbs of CO, 1.00 lb of H2S, 84.00 lbs of NOx, and 22.00 lbs of SO2 from EPN 56-61-16, during an emissions event (Incident No. 292017) that began on September 11, 2018 and lasted six hours and three 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: FOP No. 01626 OP

NSR No. 30513 PERMIT

NSR No. 5920A PERMIT

NSR No. 7467A PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 247.95 lbs of VOC, 136.96 lbs of CO, 15.09 lbs of H2S, 20.20 lbs of NOx, and 1,388.44 lbs of SO2 from multiple EPNs as shown in the table below, during an emissions event (Incident No. 297621) that occurred on November 20, 2018 and lasted 10 hours. The emissions event occurred when a valve was inadvertently left blocked while swapping dryers that caused the system to pressure up, resulting in flaring.

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. 01626 OP

Special Conditions 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 293.86 lbs of VOC, 249.10 lbs of CO, 11.24 lbs of H2S, 108.52 lbs of NOx, and 1,036.33 lbs of SO2 from multiple EPNs, during an emissions event (Incident No. 354850) that occurred on April 26, 2021 and lasted 34 minutes. The emissions event occurred when low lube oil supply pressure caused the compressor to trip, resulting in flaring.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 15, 2019	(1583334)
Item 2	June 14, 2019	(1583335)
Item 3	August 23, 2019	(1590826)
Item 4	September 09, 2019	(1581493)
Item 5	September 30, 2019	(1581663)
Item 6	October 15, 2019	(1589774)
Item 7	October 21, 2019	(1603885)
Item 8	December 06, 2019	(1603434)
Item 9	December 16, 2019	(1612136)
Item 10	February 04, 2020	(1611301)
Item 11	February 13, 2020	(1629758)
Item 12	March 19, 2020	(1647219)
Item 13	April 22, 2020	(1645136)
Item 14	May 15, 2020	(1646416)
Item 15	June 19, 2020	(1666646)
Item 16	June 24, 2020	(1639387)
Item 17	September 09, 2020	(1672190)
Item 18	September 15, 2020	(1666358)
Item 19	November 13, 2020	(1632678)
Item 20	December 15, 2020	(1684789)
Item 21	December 18, 2020	(1712573)
Item 22	January 19, 2021	(1712574)

Item 23	February 19, 2021	(1725627)
Item 24	March 17, 2021	(1725628)
Item 25	March 18, 2021	(1701387)
Item 26	April 15, 2021	(1704972)
Item 27	April 16, 2021	(1725629)
Item 28	April 23, 2021	(1710125)
Item 29	May 18, 2021	(1740115)
Item 30	May 19, 2021	(1711305)
Item 31	May 28, 2021	(1710983)
Item 32	June 14, 2021	(1710695)
Item 33	June 25, 2021	(1685173)
Item 34	June 28, 2021	(1686177)
Item 35	July 01, 2021	(1724218)
Item 36	July 09, 2021	(1683582)
Item 37	July 12, 2021	(1690433)
Item 38	July 14, 2021	(1685739)
Item 39	July 15, 2021	(1724182)
Item 40	August 16, 2021	(1751511)
Item 41	August 23, 2021	(1683680)
Item 42	August 30, 2021	(1472287)
Item 43	September 10, 2021	(1750110)
Item 44	October 04, 2021	(1747477)
Item 45	October 20, 2021	(1776750)
Item 46	December 10, 2021	(1775170)
Item 47	December 17, 2021	(1771883)
Item 48	January 18, 2022	(1783487)
Item 49	February 15, 2022	(1806353)
Item 50	March 08, 2022	(1797225)
Item 51	March 16, 2022	(1788034)
Item 52	April 07, 2022	(1764907)
Item 53	April 19, 2022	(1797561)
Item 54	May 05, 2022	(1801991)
Item 55	May 19, 2022	(1828830)
Item 56	May 25, 2022	(1701919)
Item 57	June 20, 2022	(1835123)
Item 58	June 30, 2022	(1711335)
Item 59	July 06, 2022	(1812827)
Item 60	July 20, 2022	(1842327)
Item 61	August 11, 2022	(1812756)
Item 62	August 19, 2022	(1848460)
Item 63	September 20, 2022	(1856258)
Item 64	October 03, 2022	(1834728)
Item 65	October 18, 2022	(1862615)
Item 66	November 28, 2022	(1854133)
Item 67	November 29, 2022	(1852934)
Item 68	December 19, 2022	(1875378)
Item 69	January 05, 2023	(1860732)
Item 70	January 20, 2023	(1882199)
Item 71	February 13, 2023	(1878943)
Item 72	February 20, 2023	(1890015)
Item 73	February 22, 2023	(1874726)
Item 74	March 13, 2023	(1869160)
Item 75	March 16, 2023	(1898574)
Item 76	March 28, 2023	(1860757)
Item 77	May 02, 2023	(1852636)
Item 78	May 15, 2023	(1898292)
Item 79	May 18, 2023	(1912546)
Item 80	June 02, 2023	(1886890)
Item 81	June 06, 2023	(1903231)
Item 82	June 19, 2023	(1904843)
Item 83	July 31, 2023	(1916540)
Item 84	August 02, 2023	(1845758)

Item 85	August 08, 2023	(1845687)
Item 86	August 10, 2023	(1841307)
Item 87	August 11, 2023	(1918848)
Item 88	August 18, 2023	(1933076)
Item 89	August 28, 2023	(1922901)
Item 90	September 14, 2023	(1925916)
Item 91	September 19, 2023	(1939213)
Item 92	October 02, 2023	(1925511)
Item 93	October 19, 2023	(1946063)
Item 94	November 15, 2023	(1937314)
Item 95	November 19, 2023	(1951755)
Item 96	December 20, 2023	(1961517)
Item 97	December 29, 2023	(1943772)
Item 98	March 13, 2024	(1965411)
Item 99	March 26, 2024	(1930038)

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: | 06/30/2023 | (1926113) | |
| | 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: | 08/29/2023 | (1841309) | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 29 OP
NSR Special Condition 6 PERMIT | | |
| | Description: | Failure to maintain Unit 9 fuel gas H2S concentrations within permitted limit.
(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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 29 OP
NSR Special Condition 6 PERMIT | | |
| | Description: | Failure to maintain Unit 29.1 fuel gas H2S concentrations within permitted limit. (CATEGORY B13 Violation) | | |
| | Self Report? | NO | | Classification: Moderate |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(ii)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP | | |
| | Description: | Failure to maintain Flare 17 (Unit ID: 56-61-17) H2S emissions within permitted limit. (CATEGORY B13 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: 39.1-95-118) 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: 27.1-36-RE) continuous emissions monitoring system (CEMS). (CATEGORY C1 Violation) | | |

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(c) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 1A OP FOP Special Term & Condition 29 OP NSR Special Condition 8C 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 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(c) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 1A OP FOP, Special Term & Condition 29 OP NSR, Special Condition 7C PERMIT		
Description:	Failure to prevent visible emissions from Flare (Unit ID: 56-61-17). (CATEGORY B13 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 1A OP FOP Special Term & Condition 29 OP NSR Special Condition 14C PERMIT NSR Special Condition 8C 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 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 1A OP FOP Special Term & Condition 29 OP NSR Special Condition 12C PERMIT		
Description:	Failure to prevent visible emissions from Flare (Unit ID: 56-61-19). (CATEGORY B13 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.111(a)(2)(G) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 29 OP		
Description:	Failure to maintain temperatures within permitted limit for Thermal Oxidizer (Unit ID: 56-61-152). (CATEGORY B12 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 20A PERMIT		
Description:	Failure to monitor carbon adsorption system (CAS) (Unit ID: CAS). (CATEGORY C1 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(a) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 1A OP		
Description:	Failure to conduct sampling along the facility's property boundary. (CATEGORY B1 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 10B PERMIT
 Description: Failure to maintain total dissolved solid (TDS) concentration within permitted limit. (CATEGORY C4 Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 29 OP
 NSR Special Condition 10(D)(1) PERMIT
 Description: Failure to conduct Cooling Tower (Unit ID: 54-22-1) total dissolved solid (TDS) sampling with approved method. (CATEGORY B1 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 16(D)(1) PERMIT
 Description: Failure to conduct Cooling Tower (Unit ID: 54-22-16) total dissolved solid (TDS) sampling with approved method. (CATEGORY B1 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 29 OP
 NSR Special Condition 15F PERMIT
 NSR Special Condition 34F PERMIT
 Description: Failure to conduct leak detection and repair (LDAR) valve monitoring. (CATEGORY B1 Violation)
 Self Report? NO Classification: Moderate

Citation: 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 combustion zone net heating values for Flare (Unit ID: 29-61-1). (CATEGORY B12 Violation)
 Self Report? NO Classification: Moderate

Citation: 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 combustion zone net heating values for Flare (Unit ID: 56-61-17). (CATEGORY B12 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
 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 1A OP
 FOP Special Term & Condition 29 OP
 NSR Special Condition 16A PERMIT
 NSR Special Condition 36 PERMIT
 Description: Failure to conduct leak detection and repair (LDAR) connector monitoring. (CATEGORY B1 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 29 OP
 NSR Special Condition 15G PERMIT
 NSR Special Condition 34G PERMIT
 Description: Failure to conduct leak detection and repair (LDAR) pump monitoring. (CATEGORY B1 Violation)

3 Date: 12/31/2023 (1968112)
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

F. Environmental audits:

Notice of Intent Date: 04/05/2018 (1481097)
Disclosure Date: 04/02/2019
Viol. Minor
Classification:
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: 02/25/2019 (1550857)
Disclosure Date: 06/27/2019
Viol. 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. 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. 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. 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. 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. 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. 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. 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. 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. Minor

Viol.

Citation:

Classification: 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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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 MECECTI reporting in 2017 and 2018.

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

Disclosure Date: 12/17/2019

Viol. Minor

Classification:

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

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

Viol. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:

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. Minor

Classification:
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)
Disclosure Date: 04/20/2022
Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.126(a)
Rqmt Prov: PERMIT SC 11
Description: During the audit it was discovered that hexane railcar loading was not adequately controlled (vapors not being routed to the RTO), as represented in a 2000 permit renewal application and required by PN49140, SCI 1. The vapors had not been routed to the RTO due to high levels of oxygen in the incoming railcars (beyond Phillips 66's control), causing a safety concern.
Notice of Intent Date: 06/09/2021 (1735788)
Disclosure Date: 06/16/2022
Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Rqmt Prov: PERMIT MAERT exceeded
Description: Tons per year limits for NOx and CO were exceeded during tank degassing (EPN MSSTANK), in an effort to reduce VOC emissions.
Notice of Intent Date: 07/01/2021 (1738752)
Disclosure Date: 06/16/2022
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(G)
Description: The circulation rate represented in permit applications was intermittently exceeded for Cooling Tower 14.
Notice of Intent Date: 07/23/2021 (1746586)
Disclosure Date: 06/16/2022
Viol. Moderate
Classification:
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. Minor
Classification:
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. Minor
Classification:

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. 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. 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. 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. 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. 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. 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. 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. Minor

Viol.

Citation:

Classification: 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. Minor

Classification:

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.

Disclosure Date: 02/07/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)

Description: The plant conducted 5 year primary seal tank measurements without prior notifications to regulatory administrators.

Notice of Intent Date: 01/03/2023 (1873626)

No DOV Associated

Notice of Intent Date: 01/31/2023 (1874894)

No DOV Associated

Notice of Intent Date: 01/31/2023 (1874900)

No DOV Associated

Notice of Intent Date: 02/13/2023 (1881873)

No DOV Associated

Notice of Intent Date: 02/13/2023 (1881882)

No DOV Associated

Notice of Intent Date: 03/28/2023 (1895565)

Disclosure Date: 10/26/2023

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter F 290.110

30 TAC Chapter 290, SubChapter D 290.46

Description: Failure to correctly identify that the PWS serves a population between 1,001 to 2,500 people during normal operations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: Failure to submit records of operator and/or employment notices to the Water Supply Division.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(6)

Description: Failure to ensure sample sites are located on the Sample Siting Plan distribution system map.

Notice of Intent Date: 03/28/2023 (1895567)

No DOV Associated

Notice of Intent Date: 04/11/2023 (1896547)

No DOV Associated

Notice of Intent Date: 04/20/2023 (1902172)

No DOV Associated

Notice of Intent Date: 05/03/2023 (1904400)
No DOV Associated

Notice of Intent Date: 08/25/2023 (1925332)
No DOV Associated

Notice of Intent Date: 02/13/2024 (1965595)
No DOV Associated

Notice of Intent Date: 02/13/2024 (1965598)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2021-1545-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Phillips 66 Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery and petrochemical manufacturing plant located at 8189 Old Farm-to-Market Road 524 in Old Ocean, Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$93,729 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$46,865 of the penalty.

Pursuant to TEX. WATER CODE § 7.067, \$46,864 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By September 1, 2020, adjusted the settings on all four cogeneration units to have the sudden pressure relays alarm in the control room instead of directly tripping breakers and equipped the transformers with additional protections that will activate in the event of a fault in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 311104;
 - b. By December 21, 2020, updated the communication modules to a newer version of software and successfully tested in the field with the new hardware connection procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338605;
 - c. By September 15, 2021, locked the isolation valve out of service until its removal in the next turnaround in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365800;
 - d. On October 18, 2021, removed an unneeded trip on the high level in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 367062;
 - e. By November 5, 2022, implemented procedures for the use of emergency isolation valves as primary isolation along with notes on the work orders and how to bypass the emergency isolation valves during maintenance activities in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369865; and
 - f. By August 3, 2023, implemented a two-touch peer review prior to submitting the initial notifications and final records and began using a reference table for emissions events that outline the data requirements and corresponding typical sources in order to ensure that all of the required information is identified on the final records for reportable emissions events.

II. ALLEGATIONS

1. During a record review for the Plant conducted from July 6, 2021 through July 16, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 30513, Special Conditions ("SC") No. 1, NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, NSR Permit No. 7467A, SC No. 1, NSR Permit No. 49140, SC No. 1, Federal Operating Permit ("FOP") No. O1626, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A. and 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 82.83 percent opacity from the Unit 27 - Fluid Catalytic Cracking Regenerator Exhaust, Emissions Point Number ("EPN") 27.1-36-RE; released 1,284.94 pounds ("lbs") of volatile organic compounds ("VOC"), 555.92 lbs of sulfur dioxide ("SO₂"), 521.00 lbs of carbon monoxide ("CO"), 7.00 lbs of hydrogen sulfide ("H₂S"), and 73.60 lbs of nitrogen oxides ("NO_x") from the Expansion High Pressure Flare, EPN 56-61-16; released 255.04 lbs of VOC, 187.00 lbs of SO₂, 61.20 lbs of CO, 2.11 lbs of H₂S, and 22.00 lbs of NO_x from the Expansion Low Pressure Flare, EPN 56-61-17; released, 888.70 lbs of VOC, 16,853.35 lbs of SO₂, 279.37 lbs of CO, 182.82 lbs of H₂S, and 50.28 lbs of NO_x from the Coker Flare, EPN 29-61-1; released 118.80 lbs of VOC, 123.30 lbs of SO₂, 34.80 lbs of CO, 1.36 lbs of H₂S, and 3.83 lbs of NO_x from the Old Alky Flare, EPN 56-61-19, during an emissions event (Incident No. 311104) that occurred on June 10, 2019 and lasted 19 hours and 30 minutes.
2. During a record review for the Plant conducted from July 21, 2021 through July 28, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A and PSDTX103M4, SC No. 1, NSR Permit No. 7467A, SC No. 1, FOP No. O1626, GTC and STC Nos. 1.A. and 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 87.94 percent opacity and released 1,156.25 lbs of VOC from the Unit 27 - Fluid Catalytic Cracking Regenerator Exhaust, EPN 27.1-36-RE; released 192.83 lbs of CO, 28.96 lbs of NO_x, 10,924.08 lbs of SO₂, 118.41 lbs of H₂S, and 728.34 lbs of VOC from the Coker Flare, EPN 29-61-1; released 123.78 lbs of CO, 41.23 lbs of NO_x, 1,167.89 lbs of SO₂, 19.95 lbs of H₂S, and 474.29 lbs of VOC from Flare 16, EPN 56-61-16; and released 11.58 lbs of CO, 2.57 lbs of NO_x, 94.89 lbs of SO₂, 1.05 lbs of H₂S, and 35.46 lbs of VOC from Flare 17, EPN 56-61-17, during an emissions event (Incident No. 338605) that occurred on July 8, 2020 and lasted six hours and 13 minutes.
3. During a record review for the Plant conducted from September 13, 2021 through September 28, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, NSR Permit No. 118699, SC No. 2, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 57.55 lbs of H₂S and 5,308.14 lbs of SO₂ from the Diethanolamine Stripper Flare, EPN 28.1-61-9; released 676.60 lbs of SO₂ from the Unit 25.1 Crude Charge Heater, EPN 25.1-36-1; released 118.76 lbs of SO₂ from the Unit 25.2 Reactor Charge Heater, EPN 25.2-CS; released 330.75 lbs of SO₂ from the Unit 26.1 Atmospheric Residuum Desulfurization Charge Heater 1, EPN 26.1-CS; released 11.02 lbs of H₂S and 1,161.56 lbs of SO₂ from the Unit 28 Incinerator Stack, EPN 28.2-36-2; released 429.66 lbs of SO₂ from the Unit 29.1 Vacuum Unit Heater, EPN 29.1-36-001; released 1,527.47

lbs of SO₂ from the Unit 35 Continuous Catalyst Regeneration Furnace, EPN 35-36-1; released 140.24 lbs of SO₂ from the Unit 38 Reactor Charge Heater; EPN 38-36-251; released 113.89 lbs of SO₂ from the Unit 38 Stripper Reboiler, EPN 38-36-252; released 18.24 lbs of H₂S and 1,682.34 lbs of SO₂ from the Unit 39.1 Incinerator Stack, EPN 39.1-95-118; and released 125.71 lbs of SO₂ from the Unit 45 Ultra Low Sulfur Gasoline Heater, EPN 45-36-1, during an emissions event (Incident No. 365800) that occurred on August 30, 2021 and lasted six hours.

4. During a record review for the Plant conducted from October 4, 2021 through December 21, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit No. 30513, SC No. 1, NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, NSR Permit No. 118699, SC No. 2, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 299.14 lbs of SO₂ from the Unit 25.1 Crude Charge Heater, EPN 25.1-36-1; released 60.00 lbs of SO₂ from the Unit 25.2 Reactor Charge Heater, EPN 25.2-CS; released 149.89 lbs of SO₂ from the Unit 26 Atmospheric Residuum Desulfurization Charge Heater, EPN 26-CS; released 1,327.89 lbs of SO₂ from the Unit 35 Continuous Catalyst Regeneration Furnace, EPN 35-36-1; released 68.52 lbs of SO₂ from the Unit 38 Reactor Charge Heater, EPN 38-36-251; released 56.45 lbs of SO₂ from the Unit 38 Stripper Reboiler, EPN 38-36-252; and released 125.84 lbs of SO₂ from the Unit 45 Ultra Low Sulfur Gasoline, EPN 45-36-1, during an emissions event (Incident No. 367062) that occurred on September 21, 2021 and lasted one hour.
 - b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and 122.143(4), FOP No. O1626, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the estimated total quantities of CO and NO_x on the final record for Incident No. 367062.
5. During a record review for the Plant conducted from November 23, 2021 through February 24, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 5920A, N292, and PSDTX103M4, SC No. 1, FOP No. O1626, GTC and STC No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 484.58 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 369865) that occurred on November 9, 2021 and lasted one minute.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for

violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Phillips 66 Company, Docket No. 2021-1545-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$46,864 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

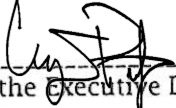
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/15/2024

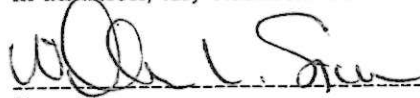
Date

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

July 23, 2024

Date

William L. Stone

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

VP Sweeney Primary

Title

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

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

Attachment A
Docket Number: 2021-1545-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Phillips 66 Company
Payable Penalty Amount:	\$93,729
SEP Offset Amount:	\$46,864
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.