

15 MAY 25 AM 07:45

ConocoPhillips Company
Docket No. CAA 06-2024-3354

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

[illegible]

RESPONDENT

WHEREAS, nothing in this CAFO amendment shall relieve Respondent of the duty to comply with all applicable provisions of the Clean Air Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. EPA does not, by its consent to the entry of this CAFO

amendment, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO amendment will result in compliance with provisions of the Clean Air Act, 42 U.S.C. § 7401, *et seq.*, or with any other provisions of federal, state, or local laws, regulations, or permits.

WHEREAS, Paragraph 38(b) of the Consent Agreement and Final Order requires Respondent to perform compliance monitoring, specifically within 90 days of the Effective Date of the CAFO to install and operate monitoring equipment in accordance with Sections II-III of Appendix C for a period of one year from the Effective Date of the CAFO.

WHEREAS, Section II of Appendix C requires Respondent to conduct tank pressure monitoring at the Facilities indicated in Appendix A of the CAFO.

WHEREAS, Paragraph 5(b) of Section II of Appendix C requires Respondent to determine a trigger point of each tank system which must be at least two ounces per square inch below the lowest set point of any pressure relief device in the tank system and less than the leak point.

WHEREAS, Respondent notified Complainant on April 7, 2025, that in determining trigger points in accordance with Paragraph 5(b) of Section II of Appendix C, Respondent discovered the storage tanks at the following facilities covered by the CAFO, Texas 6 WF1, Rustler Hills 7-1H and 2H Battery, and North Water Transfer Station, are not designed for high pressure operations. The tanks are designed with maximum tank pressures of 8 ounces (Texas 6 WF1), 4 ounces (Rustler Hills 7-1H and 2H Battery), and 7 ounces (North Water Transfer Station) and operate with typical tank pressures ranging from 1.5 – 6.5 ounces (Texas 6 WF1), 2 – 3 ounces (Rustler Hills 7-1H and 2H Battery) and 2 – 6 ounces (North Water Transfer Station).

Consequently under the existing method for trigger point determination, the trigger point is exceeded on a frequent, daily basis for these tanks.

WHEREAS, Complainant and Respondent both agree that an alternative method for trigger point determination is appropriate given the circumstances, as it will allow Respondent to comply with Section II of Appendix C at facilities with both high and low pressure operations.

THEREFORE, Respondent and Complainant jointly request that the Regional Judicial Officer approve the following amendment to the August 21, 2024, CAFO:

1. Modify Paragraph 5(b) of Section II of Appendix C to read (new language in bold):

5. After the Tank Pressure Monitors are calibrated and optimized pursuant to Paragraph 4 of this Section, Respondent shall:

b. determine the trigger point, which must be **no more than 90% of the leak point as determined in Paragraph 5(a) of this Section.**

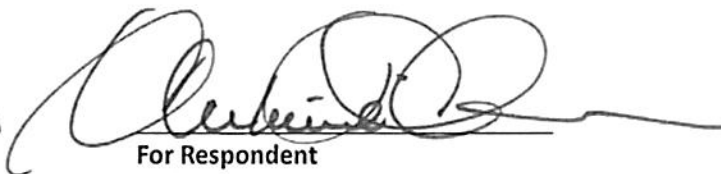
Whereas it currently reads:

5. After the Tank Pressure Monitors are calibrated and optimized pursuant to Paragraph 4 of this Section, Respondent shall:

b. determine the trigger point, which must be at least two ounces per square inch below the lowest set point of any pressure relief device in the tank system and less than the leak point (e.g., if a tank is equipped with a thief hatch with a set point of 16 oz/in² and a pressure relief valve ("PRV") with a set point of 14 oz/in², the trigger point can be no greater than 12 oz/in²).

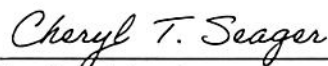
RESPECTFULLY SUBMITTED,

Date: 2-May-2025



For Respondent
Christine T. Lloyd
General Manager, Lower 48 Environmental and
Sustainable Development
ConocoPhillips Company

Date: May 14, 2025



For Complainant
Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER ON AMENDMENT

Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement Amendment resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Respondent is ORDERED to comply with all terms of the Consent Agreement and Amendment. In accordance with 40 C.F.R. § 22.31(b), the foregoing Consent Agreement Amendment and this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated _____

Rucki, Thomas

Digitally signed by Rucki,
Thomas
Date: 2025.05.15 08:27:41
-04'00'

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consent Agreement Amendment and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the addressees:

Copy via Email to Complainant - READ RECEIPT REQUESTED

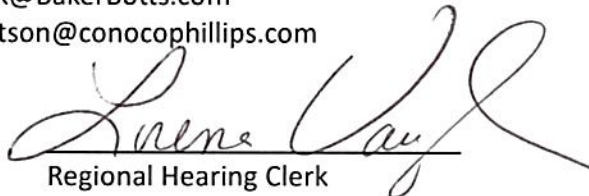
Smith.Christian.A@epa.gov

Copy via Email to Respondent- READ RECEIPT REQUESTED

Scott Janoe, Scott.Janoe@BakerBotts.com

Harrison Reback, Harrison.Reback@BakerBotts.com

Margaret Hutson, Margaret.B.Hutson@conocophillips.com


Regional Hearing Clerk
U.S. EPA, Region 6