



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

SEP 27 2012

Gindi Eckel Vincent, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2 Houston Center
909 Fannin, Suite 2000
Houston, TX 77010-1018

Re: In the Matter of: Chevron Phillips Chemical Company, LP
Pasadena, Harris County, Texas
Docket No. CAA-06-2012-3321

Dear Ms. Vincent:

Enclosed, please find a copy of the fully-executed Consent Agreement and Final Order (CAFO) that was filed today with the Regional Hearing Clerk in EPA Region 6. Chevron Phillips Chemical Company, LP (Chevron Phillips) will have thirty (30) days from the effective date of the CAFO to pay the civil penalty of Two Hundred and Forty Thousand Dollars (\$240,000). Chevron Phillips must also comply with the Additional Terms of Settlement under the timetable described in the document.

Should you need to reach me, my telephone is (214) 665-8144. Thank you for your assistance with this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Andrea Carrillo".

Andrea Carrillo
Assistant Regional Counsel

Enclosure

cc: C T Corporation System
Registered Agent for Chevron Phillips Chemical Company
350 N. St Paul Street, Ste 2900
Dallas, TX 75201-4234

Mitch Krutilek
Plant Manager
Pasadena Plastics Complex
Chevron Phillips Chemical Company LP
1400 Jefferson Road
Pasadena, TX 77506

Bryan Sinclair, Enforcement Director (MC 219)
Texas Commission on Environmental Quality (TCEQ)

Mr. Jason Harris, Air Section Manager
TCEQ Region 12

Mr. Manuel Bautista, Air Section Manager
TCEQ Region 12

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2012 SEP 27 PM 4:31
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	:	DOCKET NO. CAA 06-2012-3321
Chevron Phillips Chemical Company LP	:	COMPLAINT AND
Pasadena Plastics Complex	:	CONSENT AGREEMENT AND
Pasadena, Texas	:	FINAL ORDER
RESPONDENT	:	

COMPLAINT AND
CONSENT AGREEMENT AND FINAL ORDER

The Director, Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6 ("Complainant" or "EPA"), and Chevron Phillips Chemical Company LP's Pasadena Plastic Complex, located in Pasadena, Texas ("Respondent" or "CP Chem"), in the above referenced action, have agreed to resolve this matter through issuance of this Complaint and Consent Agreement and Final Order ("Complaint" or "CAFO").

I.
PRELIMINARY STATEMENT

1. This proceeding is for the assessment of civil penalties pursuant to Section 113(d) of the Clean Air Act, as amended (CAA), 42 U.S.C. § 7413(d), the issuance of a Compliance Order pursuant to Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), and for additional terms of settlement as agreed to by Respondent. This proceeding was instituted by the issuance of a Complaint and Notice of Opportunity for Hearing incorporated herein, and is simultaneously

concluded by the issuance of this CAFO against Respondent pursuant to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), 22.18(b)(3), and 22.34.

2. The Complaint alleges that Respondent violated regulations promulgated under the CAA at its Pasadena Plastics Complex, a chemical manufacturing plant located in Pasadena, Texas.

3. For purposes of this proceeding, Respondent admits the jurisdictional allegations of this Complaint; however, Respondent neither admits nor denies the specific factual allegations contained in this Complaint.

4. By signature on this Complaint and CAFO, Respondent waives any right to contest the allegations in the CAFO and its right to appeal the Final Order set forth herein, and waives all defenses which have been raised or could have been raised to the claims set forth in the CAFO.

5. Compliance with all the terms and conditions of this CAFO shall only resolve Respondent's liability for Federal civil penalties for the violations alleged in the CAFO.

6. Respondent consents to the issuance of this CAFO hereinafter recited and consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this CAFO, and agrees to additional terms of settlement set forth in Paragraphs 50 through 58 of this CAFO.

7. Nothing in this CAFO shall be construed to prevent or limit EPA's civil and criminal authorities, or that of other Federal, State, or local agencies or departments to obtain penalties or injunctive relief under other Federal, State, or local laws or regulations.

8. In any subsequent administrative or judicial proceeding initiated by the EPA, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, or claim-splitting for violations not alleged in this Complaint.

9. Respondent represents that the undersigned representative is fully authorized by the Party whom he or she represents to enter into the terms and conditions of this CAFO, to execute this CAFO, and to legally bind the Respondent to the terms and conditions of this CAFO.

10. Respondent agrees that the provisions of this CAFO shall be binding on its officers, directors, employees, agents, servants, authorized representatives, successors, and assigns, including, but not limited to, subsequent purchasers. Nothing in the previous sentence shall adversely affect any right of EPA under applicable law to assert successor or assignee liability against Respondent's successor or assignee, even if not owned in whole or in part, directly or indirectly, by Respondent.

11. Pursuant to Section 113(a)(3)(A) of the Act, 42 U.S.C. § 7413(a)(3)(A), the Administrator of EPA may issue an administrative penalty order in accordance with subsection (d) of this section when the Administrator finds that any person has violated requirements of the Act.

12. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), also authorizes EPA to bring an administrative penalty action where the first alleged date of violation occurred more than twelve (12) months prior to the initiation of the action, if the Administrator and the United States Attorney General jointly determine that a matter is appropriate for administrative action.

13. The U.S. Department of Justice and EPA have jointly determined that an administrative action is appropriate for the violations alleged herein and have, therefore, waived the limit on the age of the violations, pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

II.
STATUTORY AND REGULATORY BACKGROUND

14. Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1), states that the statute is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.

15. Section 111(b)(1)(A) of the CAA, 42 U.S.C. § 7411(b)(1)(A), requires the Administrator of the United States Environmental Protection Agency to publish a list of categories of stationary sources that in his judgment cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. Section 111(b)(1)(B) of the CAA, 42 U.S.C. § 7411(b)(1)(B), requires EPA to publish standards of performance for new sources (NSPS) within each such category.

16. NSPS General Provisions apply to all source categories and are set forth at 40 C.F.R. Part 60, Subpart A, §§ 60.1-60.19.

17. On January 21, 1986, EPA published 40 C.F.R. § 60.18 of Subpart A, which sets forth requirements for general control device and work practice, including operation of flares as control devices.

18. 40 C.F.R. § 60.18(c)(3)(ii) requires that steam- or air-assisted flares must maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater.

III.
FINDINGS OF FACT AND CONCLUSIONS OF LAW

19. Respondent is a Delaware limited partnership authorized to do business in the State of Texas.

20. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the Act, 42 U.S.C. § 7413(d).

21. At all times relevant to this CAFO, Respondent owns and operates a chemical manufacturing facility located at 1400 Jefferson Road, Pasadena, Texas ("Facility").

22. The Respondent is the owner and operator of the Facility within the meaning of the CAA, Section 111(a)(5), 42 U.S.C. § 7411(a)(5), and 40 C.F.R. § 60.2.

23. The Facility produces high-density polyethylene and styrene-butadiene copolymer.

24. The Facility is a "stationary source" as that term is defined at Section 111(a) of the Act. 42 U.S.C. § 7411(a), and 40 C.F.R. § 60.2.

25. The Facility is subject to the CAA Title V program Federal Operating Permit (FOP).

26. At all times relevant to this CAFO, the Facility had two CAA Title V Permits, # O1315 and O2645.

27. The Facility is equipped with four air-assisted and one steam-assisted flare at the Facility, referred to as PP Flare, PE Flare 6/7, PE Flare-8, K-Resin Finishing Flare, and K-Resin Main Flare, respectively. All five flares are operated as pollution control devices.

28. The Facility's PP Flare, PE Flare 6/7, PE Flare-8, K-Resin Finishing Flare, and K-Resin Main Flare are all pollution control devices subject to 40 C.F.R. Part 60, Subpart A, including § 60.18(c)(3)(ii), as required by their CAA Title V Permits # O1315 and O2645.

IV.

VIOLATIONS

29. The Respondent owns or operates a stationary source with pollution control devices, PP Flare, PE Flare 6/7, PE Flare-8, K-Resin Finishing Flare, and K-Resin Main Flare, that are regulated under 40 C.F.R. Part 60, Subpart A (General Provisions).

30. These referenced flares must comply with 40 C.F.R. § 60.18(c)(3)(ii).

31. 40 C.F.R. § 60.18(c)(3)(ii) requires that steam- or air-assisted flares must maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater.

A. COUNT 1: PP Flare Failed to Maintain Required Net Heating Value

32. At the Facility, on multiple days from September 1, 2005, to January 1, 2009, including, for purposes of penalty, on October 4, 2007, the PP Flare did not maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater.

33. As a result, the Respondent failed to operate the PP Flare with the required combusted gas net heating value, and has therefore violated 40 C.F.R. § 60.18(c)(3)(ii).

B. COUNT 2: PE Flare-6/7 Failed to Maintain Required Net Heating Value

34. At the Facility, on multiple days from September 1, 2005, and August 7, 2007, the PE Flare-6/7 did not maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater.

35. As a result, the Respondent failed to operate the PE Flare-6/7 with the required combusted gas net heating value, and has therefore violated 40 C.F.R. § 60.18(c)(3)(ii).

36. Count 2 is not included in the penalty assessment.

C. COUNT 3: PE Flare-8 Failed to Maintain Required Net Heating Value

37. At the Facility, on multiple days from September 1, 2005, to January 1, 2009, including, for purposes of penalty, September 28, 2007, the PE Flare-8 did not maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater.

38. As a result, the Respondent failed to operate the PE Flare-8 with the required combusted gas net heating value, and has therefore violated 40 C.F.R. § 60.18(c)(3)(ii).

D. COUNT 4: K-Resin Main Flare Failed to Maintain Required Net Heating Value

39. At the Facility, on multiple days from September 1, 2005, to January 1, 2009, the K-Resin Main Flare did not maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater, including at least 17 days from October 8, 2007, to February 23, 2008, for purposes of penalty.

40. As a result, the Respondent failed to operate the K-Resin Main Flare with the required combusted gas net heating value, and has therefore violated 40 C.F.R. § 60.18(c)(3)(ii).

E. COUNT 5: K-Resin Finishing Flare Failed to Maintain Required Net Heating Value

41. At the Facility, on multiple days from September 1, 2005, to January 1, 2009, the K-Resin Finishing Flare did not maintain the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater, including at least 10 days from November 1, 2007, to December 26, 2007, for purposes of penalty.

42. As a result, the Respondent failed to operate the K-Resin Finishing Flare with the required combusted gas net heating value, and has therefore violated 40 C.F.R. § 60.18(c)(3)(ii).

V.
CIVIL PENALTY AND TERMS OF SETTLEMENT

A. Civil Penalty

43. For the reasons set forth above, Respondent has agreed to pay a civil penalty which has been determined in accordance with Sections 113(b)(2) and 113(d) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d), which authorize EPA to assess a civil penalty of up to twenty-five thousand dollars (\$25,000) per day for each violation of the CAA.¹

44. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the Penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, including Respondent's agreement to perform the additional terms of settlement set forth below, it is ORDERED that Respondent be assessed a civil penalty in the amount of Two Hundred and Forty Thousand Dollars (\$240,000.00).

45. Within thirty (30) days of the effective date of this Complaint and CAFO, Respondent shall pay the assessed civil penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA - Region 6." Payment shall be remitted in one of five (5) ways: regular U.S. Postal Service mail, to include certified mail; overnight mail; or wire transfer; Automated Clearinghouse for receiving US currency; or

¹ The Civil Penalty Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701 provides for increases in the statutory penalty provisions (\$25,000) cited in the Clean Air Act Stationary Source Civil Penalty Policy dated October 25, 1991 (CAA Penalty Policy). It provides for up to \$25,000 per day of violation for violations occurring on or before January 30, 1997; up to \$27,500 per day for each violation occurring after January 30, 1997 through March 15, 2004; up to \$32,500 per day for each violation occurring after March 15, 2004 through January 12, 2009; and up to \$37,500 per day for each such violation occurring after January 12, 2009.

On Line Payment. For regular U.S. Postal Service mail, U.S. Postal Service certified mail, or

U.S. Postal Service express mail, the check(s) should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

For overnight mail (non-U.S. Postal Service, e.g. FedEx), the check(s) should be remitted to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Natalie Pearson
314-418-4087

For wire transfer, the payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as REX or remittance express):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact – Jesse White (301) 887-6548

For On Line Payment:

<https://www.pay.gov/paygov/>

Enter sfo 1.1 in search field

Open form and complete required fields.

PLEASE NOTE: The docket number CAA 06-2012-3321 shall be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter and shall reference Respondent's name and address, the case name, and docket number of the administrative complaint and CAFO. Respondent's adherence to this request will ensure proper credit is given when penalties are received for the Region. Respondent shall also send a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter below to the following:

Jim Yang
Enforcement Officer (6EN-AT)
Toxics Enforcement Section
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue Suite 1200
Dallas, TX 75202-2733;

Lorena Vaughn
Region 6 Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

46. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

47. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim. Interest on

the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b).

48. EPA will also assess a fifteen dollar (\$15.00) administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional fifteen dollars (\$15.00) for each subsequent thirty (30) day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. See 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

49. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), any person who fails to pay on a timely basis, a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States enforcement expenses, including but not limited to, attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of each quarter.

B. Additional Terms of Settlement

50. Respondent shall develop, implement, and install advance process control ("APC") logic using process data, which includes flare net heating value ("NHV") monitoring results from HRVOC gas chromatograph ("GC") and calorimeter analyzers, in all five flares, PE Flare-8 (EPN 408), PE Flare-6/7 (EPN 308), K-Resin Main Flare (EPN 524), K-Resin Finishing Flare (EPN 536), and PP Flare (EPN 216). These control improvements will be installed and implemented as follows: at the first flare by no later than April 1, 2013, at the second flare by no later than July 1, 2013, and at the remaining three flares by no later than twelve months from the effective date of this CAFO. If a flare has been removed from service, implementation is required prior to the flare being returned to service.

51. Respondent shall evaluate the following items as part of the APC project design implementation for all five flares:

- a. Differences between the GC and calorimeter NHV monitoring results for the PE Flare-8 (EPN 408), PE Flare-6/7 (EPN 308), K-Resin Main Flare (EPN 524), and PP Flare (EPN 216).
- b. Variables from process streams that introduce significant volumes of material with NHVs less than 300 BTU/scf into the flare system.
- c. Potential permitting, compliance and safety considerations.
- d. Control of supplemental natural gas flow to the flares to minimize VOC, NOx, and CO emissions while maintaining the NHV greater than or equal to 300 BTU/scf.
- e. Flare BTU controller set points and BTU alarm set points.
- f. Additional process control and equipment changes that could potentially improve flare NHV compliance.

52. As part of the implementation of the APC improvements, Respondent shall:

- a. Train personnel with responsibility or oversight for the operation of each applicable flare on BTU control.
- b. Review all applicable flare system Standard Operating Procedures (SOPs) and modify such SOPs as necessary. The SOPs at least should include environmental regulatory requirements of flares; functions and operations of flares, and their control instruments; and a training log section.

53. By no later than April 1, 2013, Respondent shall submit an application to amend the Facility's CAA Title V Permits # O1315 and O2645 to incorporate the conditions of paragraphs 50-52.

54. By no later than one year after the effective date of this CAFO, Respondent shall certify to EPA completion of the additional terms of settlement in paragraphs 50-53 above. Respondent represents that the signing representative is fully authorized by Respondent to certify that the terms and conditions of this CAFO have been met. The certification should have the following statement:

- a. I certify under penalty of law that I have examined and am familiar with the information submitted in this document and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

55. The certification required by paragraph 54 above shall be sent to:

Jim Yang
Enforcement Officer (6EN-AT)
Toxics Enforcement Section
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733;

Lorena Vaughn
Region 6 Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

56. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of the Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for the Respondent's violation of any applicable provision of law.

57. This CAFO shall not relieve the Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute EPA approval of any equipment or technology installed by the Respondent in connection with any additional settlement terms undertaken pursuant to this CAFO. Nothing in this CAFO shall be construed to prohibit or prevent the federal, state, or local government from developing, implementing, and enforcing more stringent standards through rulemaking, the permit process, or as otherwise authorized or required.

58. This document is a "Final Order" as that term is defined in the CAA Penalty Policy for the purpose of demonstrating a history of "prior such violations."

VI.
RETENTION OF ENFORCEMENT RIGHTS

59. EPA does not waive any rights or remedies available to EPA for any violations by the Respondent of Federal laws, regulations, statutes, or permitting programs.

60. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA.

VII.
COSTS

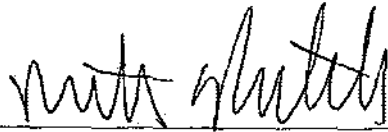
61. Each party shall bear its own costs and attorneys fees.

U.S. EPA v. Chevron Phillips Chemical Company LP
DOCKET NO. CAA 06-2012-3321

IT IS SO AGREED:

FOR THE RESPONDENT:

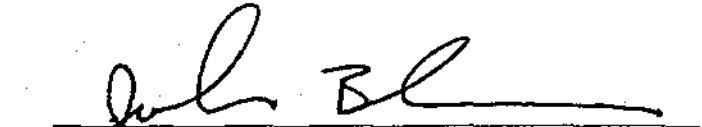
Date: 9/27/2012



Mitch Krutilek, Plant Manager
Pasadena Plastics Complex
Chevron Phillips Chemical Company LP

FOR THE COMPLAINANT:

Date: 9.27.12



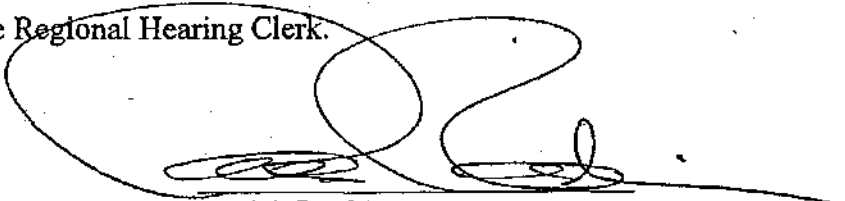
John Blevins, Director
Compliance Assurance and
Enforcement Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to Section 113(d) of the Clean Air Act (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 foregoing Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged in this CAFO. The successful completion of the additional terms of settlement set forth in Paragraphs 50 through 58 to this CAFO are conditions precedent to the resolution of the claims set forth in Paragraphs 29 through 42 of this CAFO. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondent is ordered to comply with the terms of settlement, including the assessment of civil penalties and other agreed terms, as set forth in the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated

9/27/12



Patrick Rankin
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

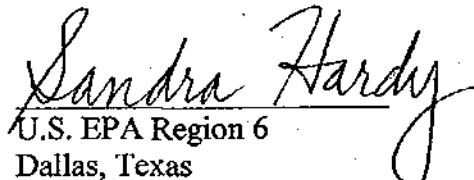
I hereby certify that on the 28th day of September, 2012, the original and one copy of the foregoing Complaint and Consent Agreement and Final Order ("Complaint and CAFO") was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and a true and correct copy was delivered to the following individual(s) by the method indicated below:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mitch Krutilek
Plant Manager
Pasadena Plastics Complex
Chevron Phillips Chemical Company LP
1400 Jefferson Road
Pasadena, TX 77506

Gindi Eckel Vincent, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2 Houston Center
909 Fannin, Suite 2000
Houston, TX 77010-1018

C T Corporation System
Registered Agent for Chevron Phillips Chemical Company LP
350 N. St. Paul Street, Ste 2900
Dallas, TX 75201-4234


Sandra Hardy
U.S. EPA Region 6
Dallas, Texas