

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2005-1906-AIR-E TCEQ ID: RN102450756 CASE NO.: 27321
RESPONDENT NAME: EXXONMOBIL OIL CORPORATION

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 1795 Burt Street, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 23, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Shawn Slack, Litigation Division, MC175, (512) 239-0063; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Sherronda Martin, Enforcement Division, Section III, MC R-12, (713) 767-3680 TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838 Respondent: Mr. Daniel Risso, Plant Manager, ExxonMobil Oil Corporation, P.O. Box 3311, Beaumont, Texas 77704 Respondent's Attorney: Ms. Patricia Shenefelt, ExxonMobil Oil Corporation, 1795 Burt Street, Beaumont, Texas 77704; and P.O. Box 3311, Beaumont, Texas 77704-3311</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: June 15, 2005</p> <p>Date of NOE Relating to this Case: July 15, 2005 (NOE)</p> <p>Background Facts: The EDPRP was filed on May 9, 2006. A settlement agreement was reached with the Respondent and an Agreed Order was sent to the Respondent on June 8, 2006. A signed Agreed Order was received on October 13, 2006. On or about February 14, 2007, the Respondent expressed an interest in incorporating an SEP into the settlement agreement. The Litigation Division agreed to extend the SEP deadline and a new Agreed Order with an SEP was mailed to the Respondent thereafter. The signed Agreed Order with the SEP was received by the TCEQ on or about May 18, 2007.</p> <p>The Respondent does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>Allowed the unauthorized emission of air contaminants [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$5,000</p> <p>Total to be Paid to General Revenue: \$5,000</p> <p>The Respondent has paid \$5,000 of the administrative penalty. The remaining \$5,000 of the administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>A Findings Order is justified because human health and the environment were exposed to significant amounts of pollutants which exceeded levels that were protective of human health and environmental receptors as a result of the violation.</p>	<p>Ordering Provisions</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (<i>See Attachment A</i>).</p>

Attachment A

Docket Number: 2005-1906-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ExxonMobil Oil Corporation
Penalty Amount: Ten Thousand Dollars (\$10,000)
SEP Amount: Five Thousand Dollars (\$5,000)
Type of SEP: Pre-approved
Third-Party Recipient: Jefferson County – *Retrofit/Replace Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles*
Location of SEP: Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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

Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, *Jefferson County* will utilize the SEP contribution for its *Retrofit/Replace Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles* program. The contribution will be used to purchase alternative fueled equipment such as propane or electric-powered lawn mowers, propane-powered light duty and heavy equipment, and other alternative fueled vehicles. The retired vehicles and equipment will not be resold as working vehicles, but will only be sold for scrap. All vehicles purchased with SEP funds will meet EPA emissions standards. None of the vehicles purchased with SEP funds will be used to comply with the Texas Clean Fleet Program.

All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will reduce air emissions generated by gasoline and diesel powered lawnmowers, heavy equipment, and vehicles in the Beaumont/Port Arthur ozone non-attainment area. Such emissions contribute to ozone pollution in this state.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

SEP Project Director: Jeff Brannick
Jefferson County
P. O. Box 4025
Beaumont, Texas 77704

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the check for any amount due shall include the notation "SEP Refund" and the docket number of the case, be made payable to "Texas Commission on Environmental Quality", and be mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	31-Oct-2005			
	PCW	19-Dec-2005	Screening	08-Nov-2005	EPA Due 26-Apr-2006

RESPONDENT/FACILITY INFORMATION	
Respondent	ExxonMobil Oil Corporation
Reg. Ent. Ref. No.	RN102450756
Facility/Site Region	10-Beaumont
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	27321	No. of Violations	1
Docket No.	2005-1906-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	David Flores
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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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	53% Enhancement	Subtotals 2, 3, & 7	\$5,300
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Notes: Compliance history enhanced by two Administrative Orders, one similar NOV and four non similar NOV's.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the criteria for culpability.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$2,500
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The respondent came into compliance on September 30, 2004.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$12,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral due to Findings Order.

PAYABLE PENALTY	\$10,000
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Screening Date	08-Nov-2005	Docket No.	2005-1906-AIR-E	PCW
Respondent	ExxonMobil Oil Corporation	Policy Revision 2 (September 2002)		
Case ID No.	27321	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN102450756			
Media [Statute]	Air Quality			
Enf. Coordinator	David Flores			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (<i>number of NOV's meeting criteria</i>)	1	5%
	Other written NOV's	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements 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</i>	0	0%
	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>)	0	0%
<i>Please Enter Yes or No</i>			
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) 53%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Compliance history enhanced by two Administrative Orders, one similar NOV and four non similar NOV's.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 53%

Screening Date	08-Nov-2005	Docket No.	2005-1906-AIR-E	PCW
Respondent	ExxonMobil Oil Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	27321	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102450756			
Media [Statute]	Air Quality			
Enf. Coordinator	David Flores			

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), 116.115(b)(2)(F), and NSR Permit No. 49145 Special Condition 1
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)
Violation Description	ExxonMobil failed to comply with emission limits specified in the Maximum Allowable Emissions Rates table attached to NSR Permit 49145, as documented during a record review conducted 6/15/05. Specifically, the emissions limit for EPN 08FUG_001 is zero pounds. On 9/26/04, ExxonMobil failed to prevent 72,728 pounds of Butane and 61,591 pounds of Isobutane from being released directly to the atmosphere through EPN 08FUG_001. The emissions event last 22 minutes and was the result of a change in feed composition from Hull Underground Storage to Gas Plant 5 East. The emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).
Base Penalty	\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	x			
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes
Human health of the environment was exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$0

Base Penalty Subtotal \$10,000

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

Violation Base Penalty \$10,000

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1	Violation Final Penalty Total \$12,800
This violation Final Assessed Penalty (adjusted for limits) \$10,000	

Economic Benefit Worksheet

Respondent: ExxonMobil Oil Corporation
 Case ID No.: 27321
 Reg. Ent. Reference No.: RN102450756
 Media [Statute]: Air Quality
 Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	26-Sep-2004	30-Sep-2004	0.0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the costs for proper training regarding operational procedure. The date required (9/26/04) is the date of the emissions event. The final date (9/30/04) is the date ExxonMobil held additional training to emphasize proper operational procedures.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000 TOTAL \$1

Compliance History

Customer/Respondent/Owner-Operator:	CN600920748	ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 2.10
Regulated Entity:	RN102450756	EXXONMOBIL BEAUMONT REFINERY	Classification: AVERAGE	Site Rating: 5.25
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		655
	AIR NEW SOURCE PERMITS	PERMIT		1202
	AIR NEW SOURCE PERMITS	PERMIT		1519
	AIR NEW SOURCE PERMITS	PERMIT		3913
	AIR NEW SOURCE PERMITS	PERMIT		7018
	AIR NEW SOURCE PERMITS	PERMIT		7208
	AIR NEW SOURCE PERMITS	PERMIT		7760
	AIR NEW SOURCE PERMITS	PERMIT		10291
	AIR NEW SOURCE PERMITS	PERMIT		11306
	AIR NEW SOURCE PERMITS	PERMIT		12139
	AIR NEW SOURCE PERMITS	PERMIT		12817
	AIR NEW SOURCE PERMITS	PERMIT		13120
	AIR NEW SOURCE PERMITS	PERMIT		15261
	AIR NEW SOURCE PERMITS	PERMIT		18276
	AIR NEW SOURCE PERMITS	PERMIT		18277
	AIR NEW SOURCE PERMITS	PERMIT		18424
	AIR NEW SOURCE PERMITS	PERMIT		19566
	AIR NEW SOURCE PERMITS	PERMIT		20862
	AIR NEW SOURCE PERMITS	PERMIT		22999
	AIR NEW SOURCE PERMITS	PERMIT		24159
	AIR NEW SOURCE PERMITS	PERMIT		26121
	AIR NEW SOURCE PERMITS	PERMIT		27000
	AIR NEW SOURCE PERMITS	PERMIT		26860
	AIR NEW SOURCE PERMITS	PERMIT		27539
	AIR NEW SOURCE PERMITS	PERMIT		26859
	AIR NEW SOURCE PERMITS	PERMIT		30543
	AIR NEW SOURCE PERMITS	PERMIT		31227
	AIR NEW SOURCE PERMITS	PERMIT		33642
	AIR NEW SOURCE PERMITS	PERMIT		33907
	AIR NEW SOURCE PERMITS	PERMIT		34543
	AIR NEW SOURCE PERMITS	PERMIT		34963
	AIR NEW SOURCE PERMITS	PERMIT		35743
	AIR NEW SOURCE PERMITS	PERMIT		37234
	AIR NEW SOURCE PERMITS	PERMIT		41034
	AIR NEW SOURCE PERMITS	PERMIT		40837
	AIR NEW SOURCE PERMITS	PERMIT		42063
	AIR NEW SOURCE PERMITS	PERMIT		42051
	AIR NEW SOURCE PERMITS	PERMIT		42730
	AIR NEW SOURCE PERMITS	PERMIT		42852
	AIR NEW SOURCE PERMITS	PERMIT		42951
	AIR NEW SOURCE PERMITS	PERMIT		43132
	AIR NEW SOURCE PERMITS	PERMIT		43433
	AIR NEW SOURCE PERMITS	PERMIT		43675
	AIR NEW SOURCE PERMITS	PERMIT		44038
	AIR NEW SOURCE PERMITS	PERMIT		44143
	AIR NEW SOURCE PERMITS	PERMIT		45695
	AIR NEW SOURCE PERMITS	PERMIT		46329
	AIR NEW SOURCE PERMITS	PERMIT		46434
	AIR NEW SOURCE PERMITS	PERMIT		46534
	AIR NEW SOURCE PERMITS	PERMIT		46743
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	AIR NEW SOURCE PERMITS	PERMIT		47062
	AIR NEW SOURCE PERMITS	PERMIT		47175
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	AIR NEW SOURCE PERMITS	PERMIT		48110
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	AIR NEW SOURCE PERMITS	PERMIT		49138
	AIR NEW SOURCE PERMITS	PERMIT		49142
	AIR NEW SOURCE PERMITS	PERMIT		49143
	AIR NEW SOURCE PERMITS	PERMIT		49145

AIR NEW SOURCE PERMITS	PERM...	49596
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE00671
AIR NEW SOURCE PERMITS	PERMIT	52713
AIR NEW SOURCE PERMITS	PERMIT	52733
AIR NEW SOURCE PERMITS	PERMIT	52926
AIR NEW SOURCE PERMITS	PERMIT	53561
AIR NEW SOURCE PERMITS	EPA ID	PSDTX768M1
AIR NEW SOURCE PERMITS	REGISTRATION	74241
AIR NEW SOURCE PERMITS	REGISTRATION	71938
AIR NEW SOURCE PERMITS	REGISTRATION	72166
AIR NEW SOURCE PERMITS	REGISTRATION	72170
AIR NEW SOURCE PERMITS	REGISTRATION	71990
AIR NEW SOURCE PERMITS	REGISTRATION	54963
AIR NEW SOURCE PERMITS	REGISTRATION	55175
AIR NEW SOURCE PERMITS	REGISTRATION	55220
AIR NEW SOURCE PERMITS	REGISTRATION	55233
AIR NEW SOURCE PERMITS	REGISTRATION	76388
AIR NEW SOURCE PERMITS	REGISTRATION	75794
AIR NEW SOURCE PERMITS	PERMIT	75302
AIR NEW SOURCE PERMITS	REGISTRATION	75736
AIR NEW SOURCE PERMITS	REGISTRATION	55737
AIR NEW SOURCE PERMITS	PERMIT	3913
AIR NEW SOURCE PERMITS	REGISTRATION	75426
AIR NEW SOURCE PERMITS	REGISTRATION	75572
AIR NEW SOURCE PERMITS	REGISTRATION	75845
AIR NEW SOURCE PERMITS	REGISTRATION	75528
AIR NEW SOURCE PERMITS	REGISTRATION	75508
AIR NEW SOURCE PERMITS	REGISTRATION	76054
AIR NEW SOURCE PERMITS	AFS NUM	0018
AIR NEW SOURCE PERMITS	PERMIT	56259
AIR NEW SOURCE PERMITS	REGISTRATION	70001
AIR NEW SOURCE PERMITS	REGISTRATION	51920L014
AIR NEW SOURCE PERMITS	REGISTRATION	70003
AIR NEW SOURCE PERMITS	REGISTRATION	70104
AIR NEW SOURCE PERMITS	REGISTRATION	70110
AIR NEW SOURCE PERMITS	PERMIT	56617
AIR NEW SOURCE PERMITS	PERMIT	49134
AIR NEW SOURCE PERMITS	PERMIT	48623
AIR NEW SOURCE PERMITS	PERMIT	49125
AIR NEW SOURCE PERMITS	PERMIT	49146
AIR NEW SOURCE PERMITS	PERMIT	49148
AIR NEW SOURCE PERMITS	PERMIT	49151
AIR NEW SOURCE PERMITS	REGISTRATION	70376
AIR NEW SOURCE PERMITS	REGISTRATION	70541
AIR NEW SOURCE PERMITS	PERMIT	70613
AIR NEW SOURCE PERMITS	EPA ID	PSDTX768M
AIR NEW SOURCE PERMITS	EPA ID	PSDTX932
AIR NEW SOURCE PERMITS	REGISTRATION	70794
AIR NEW SOURCE PERMITS	PERMIT	70805
AIR NEW SOURCE PERMITS	REGISTRATION	71024
AIR NEW SOURCE PERMITS	REGISTRATION	70983
AIR NEW SOURCE PERMITS	REGISTRATION	71100
AIR NEW SOURCE PERMITS	PERMIT	56260
AIR NEW SOURCE PERMITS	REGISTRATION	71277
AIR NEW SOURCE PERMITS	REGISTRATION	71302
AIR NEW SOURCE PERMITS	EPA ID	PSDTX992
AIR NEW SOURCE PERMITS	REGISTRATION	71378
AIR NEW SOURCE PERMITS	REGISTRATION	71740
AIR NEW SOURCE PERMITS	REGISTRATION	105370
AIR NEW SOURCE PERMITS	PERMIT	56799
AIR NEW SOURCE PERMITS	PERMIT	56709
AIR NEW SOURCE PERMITS	PERMIT	52598
AIR NEW SOURCE PERMITS	PERMIT	52599
AIR NEW SOURCE PERMITS	PERMIT	55522
AIR NEW SOURCE PERMITS	PERMIT	56434
AIR NEW SOURCE PERMITS	PERMIT	56428
AIR NEW SOURCE PERMITS	PERMIT	52240
AIR NEW SOURCE PERMITS	PERMIT	P802
AIR NEW SOURCE PERMITS	PERMIT	52300

AIR NEW SOURCE PERMITS	PERMIT	52284
AIR NEW SOURCE PERMITS	PERMIT	55291
AIR NEW SOURCE PERMITS	PERMIT	54487
AIR NEW SOURCE PERMITS	PERMIT	54486
AIR NEW SOURCE PERMITS	PERMIT	71741
AIR NEW SOURCE PERMITS	PERMIT	71048
AIR NEW SOURCE PERMITS	PERMIT	50583
AIR NEW SOURCE PERMITS	PERMIT	54483
AIR NEW SOURCE PERMITS	PERMIT	50669
AIR NEW SOURCE PERMITS	PERMIT	53040
AIR NEW SOURCE PERMITS	PERMIT	54299
AIR NEW SOURCE PERMITS	PERMIT	54091
AIR NEW SOURCE PERMITS	PERMIT	55031
AIR NEW SOURCE PERMITS	PERMIT	55654
AIR NEW SOURCE PERMITS	PERMIT	55617
AIR NEW SOURCE PERMITS	PERMIT	54768
AIR NEW SOURCE PERMITS	PERMIT	53560
AIR NEW SOURCE PERMITS	REGISTRATION	72389
AIR NEW SOURCE PERMITS	REGISTRATION	72569
AIR NEW SOURCE PERMITS	REGISTRATION	72646
AIR NEW SOURCE PERMITS	REGISTRATION	72659
AIR NEW SOURCE PERMITS	REGISTRATION	72780
AIR NEW SOURCE PERMITS	REGISTRATION	73120
AIR NEW SOURCE PERMITS	PERMIT	73620
AIR NEW SOURCE PERMITS	REGISTRATION	73897
AIR NEW SOURCE PERMITS	PERMIT	72534
AIR NEW SOURCE PERMITS	REGISTRATION	74072
AIR NEW SOURCE PERMITS	REGISTRATION	74104
AIR NEW SOURCE PERMITS	REGISTRATION	74399
AIR NEW SOURCE PERMITS	REGISTRATION	74552
AIR NEW SOURCE PERMITS	REGISTRATION	74615
AIR NEW SOURCE PERMITS	REGISTRATION	74990
AIR NEW SOURCE PERMITS	REGISTRATION	74993
AIR NEW SOURCE PERMITS	REGISTRATION	74994
AIR NEW SOURCE PERMITS	REGISTRATION	74995
AIR NEW SOURCE PERMITS	REGISTRATION	74997
AIR NEW SOURCE PERMITS	PERMIT	75054
AIR NEW SOURCE PERMITS	REGISTRATION	75067
AIR NEW SOURCE PERMITS	REGISTRATION	75133
AIR NEW SOURCE PERMITS	PERMIT	75132
AIR NEW SOURCE PERMITS	REGISTRATION	75143
AIR NEW SOURCE PERMITS	REGISTRATION	75172
AIR NEW SOURCE PERMITS	PERMIT	75180
AIR NEW SOURCE PERMITS	REGISTRATION	75267
AIR NEW SOURCE PERMITS	REGISTRATION	75281
AIR NEW SOURCE PERMITS	REGISTRATION	75279
AIR NEW SOURCE PERMITS	REGISTRATION	75329
AIR NEW SOURCE PERMITS	REGISTRATION	75308
AIR NEW SOURCE PERMITS	REGISTRATION	75302L001
AIR NEW SOURCE PERMITS	REGISTRATION	75350
AIR NEW SOURCE PERMITS	REGISTRATION	76467
AIR NEW SOURCE PERMITS	REGISTRATION	76471
AIR NEW SOURCE PERMITS	EPA ID	PSDTX799
AIR NEW SOURCE PERMITS	EPA ID	PSDTX802
AIR NEW SOURCE PERMITS	REGISTRATION	76779
AIR NEW SOURCE PERMITS	REGISTRATION	76838
AIR NEW SOURCE PERMITS	PERMIT	76869
AIR NEW SOURCE PERMITS	REGISTRATION	77009
WASTEWATER	PERMIT	WQ0003426000
WASTEWATER	PERMIT	TPDES0118737
AIR OPERATING PERMITS	PERMIT	1999
AIR OPERATING PERMITS	PERMIT	1356
AIR OPERATING PERMITS	PERMIT	1871
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE00671
AIR OPERATING PERMITS	PERMIT	2037
AIR OPERATING PERMITS	PERMIT	1870
AIR OPERATING PERMITS	PERMIT	1998
AIR OPERATING PERMITS	PERMIT	2000
AIR OPERATING PERMITS	PERMIT	2036

AIR OPERATING PERMITS	PERMIT	2039
AIR OPERATING PERMITS	PERMIT	2040
AIR OPERATING PERMITS	PERMIT	2041
AIR OPERATING PERMITS	PERMIT	2042
AIR OPERATING PERMITS	PERMIT	2043
AIR OPERATING PERMITS	PERMIT	2044
AIR OPERATING PERMITS	PERMIT	2045
AIR OPERATING PERMITS	PERMIT	2046
AIR OPERATING PERMITS	PERMIT	2047
AIR OPERATING PERMITS	PERMIT	2048
AIR OPERATING PERMITS	PERMIT	2049
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE00671
AIR OPERATING PERMITS	PERMIT	1356
AIR OPERATING PERMITS	PERMIT	1870
AIR OPERATING PERMITS	PERMIT	1871
AIR OPERATING PERMITS	PERMIT	1998
AIR OPERATING PERMITS	PERMIT	1999
AIR OPERATING PERMITS	PERMIT	2000
AIR OPERATING PERMITS	PERMIT	2036
AIR OPERATING PERMITS	PERMIT	2037
AIR OPERATING PERMITS	PERMIT	2039
AIR OPERATING PERMITS	PERMIT	2040
AIR OPERATING PERMITS	PERMIT	2041
AIR OPERATING PERMITS	PERMIT	2042
AIR OPERATING PERMITS	PERMIT	2043
AIR OPERATING PERMITS	PERMIT	2044
AIR OPERATING PERMITS	PERMIT	2046
AIR OPERATING PERMITS	PERMIT	2047
AIR OPERATING PERMITS	PERMIT	2048
AIR OPERATING PERMITS	PERMIT	2049
UNDERGROUND INJECTION CONTROL	PERMIT	WDW158
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	EPA ID	TXD990797714
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50139
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	SOLID WASTE REGISTRATION # (SWR)	30587
STORMWATER	PERMIT	TXR05K942
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50139
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30587
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50139
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50139

Location: 1795 BURT ST, BEAUMONT, TX, 77701 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 04, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 04, 2000 to November 04, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: David Flores Phone: 512-239-1165

Site Compliance History Components

- 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 of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. If Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

Effective Date: 09/26/2004

ADMINORDER 2002-0722-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Conditions 8 and 10 PERMIT

Description: Failed to repair Valve 3005 while the Hydrocracker facility was shutdown.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 10 PERMIT
Special Conditions 1.F. & 8 PERMIT

Description: Failed to perform monthly monitoring of accessible valves following installation or discovery in order to establish two consecutive months of leak-free operation.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 10 PERMIT

Description: Failed to report Valve 5922 in the 40 CFR Subpart VV semi-annual equipment leaks report for the period from July 1, 2000, through December 31, 2000,

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to record daily notations for 24 days in the flare log for Process Flares (Emission Point Nos. 60FLR#003 and 60FLR#005) from January 1, 2001, through December 31, 2001

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAER PERMIT

Description: Failed to limit sulfur dioxide (SO₂) emissions of Crude B Vacuum Heater H-3102 Stack (Emission Point No. 05STK_002) on August 14, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAER and Special Condition No. 35 PERMIT

Description: Failed to limit emissions of carbon monoxide (CO), particulate matter of ten microns or greater (PM₁₀), and oxides of nitrogen (NO_x) from the HDC Second Stage Furnace H-3303 Stack.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAER PERMIT

Description: Failed to limit the hourly CO emissions from the HDC Stabilizer Reboiler Heater H-3304 Stack (Emission Point No. 20STK_004) during a two-hour event which began on December 12, 2001, at 0800 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18277/PSD-TX-802 PERMIT
19566/PSD-TX-768M1 PERMIT
Special Condition 6.B. and 8 PERMIT
Special Condition No. 5 PERMIT
Special Condition No. 7 PERMIT

Description: Failed to limit the SO2 emissions from 14 emission points during events which occurred on 7/22, 12/20/2001, and 01/21/2002. Failed to limit the Hydrocracker's fuel gas concentration of hydrogen sulfide (H2S) to less than 150 parts per million by volume (ppmv) during events which occurred on 07/22, 12/20/2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAER and Special Condition No. 1 PERMIT

Description: Failed to limit hourly SO2 emissions from Boiler 22 (Emission Point No. 033S01) to the applicable Permitted MAER limits during an event which occurred at 1800 hours on June 15, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAER and Special Condition No. 1 PERMIT

Special Condition No. 2 PERMIT

Description: Failed to limit the H2S concentration in the fuel gas to 150 ppmv during an event which occurred at 1715 hours on June 15, 2001, and was caused by the infrequent purging of the dryer treater beds.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to monitor Pressure Relief Valve 2435 within 24 hours after it vented to the atmosphere on April 9, 2002, at 1845 hours.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to repair Valves 3595, 6027, 6071, 1537, and 5227 within 15 days after the leaks were detected during monitoring conducted on February 28, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 14 PERMIT

Description: Failed to provide a carbon absorption system (CAS) which consists of at least two activated carbon canisters connected in series for Tank 764.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to repair Valve 1249 in OMCC Unit 1 when the emissions of purged material resulting from immediate repair are not greater than the fugitive emissions likely to result from the delay of repair.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter A 101.20[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6.B. and 8 OP

Special Condition No. 5 OP

Special Condition no. 7 OP

Description: Failed to limit the Hydrocracker's fuel gas concentration of hydrogen sulfide (H2S) to less than 150 parts per million by volume (ppmv) during events which occurred on July 22, December 20, 2001, and January 21, 2002.

Effective Date: 10/10/2005

ADMINORDER 2004-0987-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly submit initial and final emissions event notifications in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46534 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain an emission rate below the allowable emission limit.

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

N/A	1	08/15/2001	(233722)
	2	08/15/2002	(233723)
	3	09/24/2001	(233724)
	4	09/20/2002	(233725)
	5	10/19/2001	(233726)
	6	10/28/2002	(233727)
	7	11/19/2001	(233728)
	8	12/02/2002	(233729)
	9	12/17/2001	(233730)
	10	01/03/2003	(233731)
	11	01/25/2002	(233732)
	12	06/01/2001	(138350)
	13	01/27/2003	(233733)
	14	06/01/2001	(138349)
	15	06/01/2001	(138348)
	16	06/01/2001	(138347)
	17	06/01/2001	(138346)
	18	06/01/2001	(138345)
	19	06/01/2001	(138344)
	20	06/23/2005	(395768)
	21	04/27/2001	(138343)
	22	04/27/2001	(138342)
	23	04/27/2001	(138340)
	24	04/27/2001	(138339)
	25	08/18/2003	(119924)
	26	03/08/2001	(138338)
	27	02/28/2001	(138337)
	28	02/14/2001	(138336)
	29	12/20/2004	(264045)
	30	03/09/2005	(346617)

31	11/29/2004	(389976)
32	12/27/2004	(389977)
33	10/17/2003	(252163)
34	03/24/2004	(261303)
35	01/24/2005	(389978)
36	06/16/2004	(273971)
37	12/20/2004	(341746)
38	02/25/2005	(267873)
39	12/15/2004	(338648)
40	03/10/2005	(345884)
41	09/25/2002	(11047)
42	08/01/2002	(6148)
43	07/25/2005	(395338)
44	05/24/2005	(379947)
45	12/17/2003	(255436)
46	10/17/2003	(252265)
47	08/21/2002	(7615)
48	02/14/2001	(138335)
49	12/21/2000	(138334)
50	12/21/2000	(138333)
51	12/21/2000	(138332)
52	03/10/2005	(346613)
53	08/25/2005	(402894)
54	12/21/2000	(138331)
55	11/30/2000	(138330)
56	11/30/2000	(138329)
57	08/28/2003	(150045)
58	11/22/2000	(138328)
59	03/10/2005	(346615)
60	08/13/2004	(276974)
61	11/15/2000	(138327)
62	03/24/2004	(261298)
63	08/23/2005	(401849)
64	03/24/2004	(262516)
65	08/29/2003	(145367)
66	05/18/2005	(377810)
67	08/31/2005	(344208)
68	01/31/2005	(345533)
69	06/01/2001	(131251)
70	07/05/2005	(395074)
71	07/05/2005	(395563)
72	08/02/2005	(402309)
73	10/17/2003	(251900)
74	03/10/2005	(346618)
75	03/10/2005	(346616)
76	02/23/2005	(427483)
77	08/31/2004	(292712)
78	04/28/2005	(427484)
79	03/10/2005	(346614)
80	04/28/2005	(427485)
81	05/24/2005	(427486)
82	08/02/2005	(402062)

83	06/21/2005	(427487)
84	06/21/2005	(394212)
85	03/10/2005	(346619)
86	12/06/2001	(282365)
87	02/23/2004	(327154)
88	05/18/2005	(377819)
89	03/16/2004	(327155)
90	08/16/2004	(264052)
91	06/14/2005	(381060)
92	04/22/2003	(327156)
93	05/27/2003	(327157)
94	09/10/2003	(327158)
95	03/10/2005	(346611)
96	09/10/2003	(327159)
97	08/27/2003	(151728)
98	10/07/2003	(327160)
99	06/22/2004	(264038)
100	04/29/2004	(366899)
101	10/31/2003	(327161)
102	11/29/2004	(339535)
103	08/09/2002	(5591)
104	05/18/2005	(374451)
105	05/17/2004	(366900)
106	11/25/2003	(327162)
107	06/25/2004	(366901)
108	12/29/2003	(327163)
109	07/19/2004	(366902)
110	01/23/2004	(327164)
111	08/13/2004	(280106)
112	08/27/2004	(366903)
113	09/21/2004	(366904)
114	02/02/2004	(260646)
115	10/20/2004	(366905)
116	03/15/2002	(233708)
117	02/24/2003	(233709)
118	03/19/2001	(233710)
119	03/15/2002	(233711)
120	03/24/2003	(233712)
121	04/20/2001	(233713)
122	04/19/2002	(233714)
123	04/11/2001	(233715)
124	07/29/2002	(5587)
125	05/16/2002	(233716)
126	08/21/2002	(7606)
127	06/15/2001	(233717)
128	06/17/2002	(233718)
129	07/15/2005	(396321)
130	06/24/2003	(233719)
131	06/07/2005	(393785)
132	07/24/2001	(233720)
133	08/23/2002	(3439)
134	08/13/2004	(280181)

135	08/29/2003	(35495)
136	07/26/2002	(233721)

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

N/A

Date: 10/31/2002 (233729)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (292712)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to operate Crude Unit B without a cap, blind flange, plug, or a second valve installed on equipment in VOC service.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to report all instances of deviations on the semi-annual deviation report, dated January 9, 2004.

Self Report? NO

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 THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

Description: Failure to operate the Crude Unit B Heaters with refinery fuel gas which contains not more than 150 ppmv of H2S.

Date: 08/25/2005 (402894)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
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 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service for Unit ID's 22FUG#001, 23FUG#001, 33FUG#001, 15FUG#001, and 16FUG#001.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.698(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to document in the semiannual report period, January 1, 2004 through June 30, 2004, information about DEA-3 sewer repairs and corrective actions taken Unit ID 18SEW#001.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(1)(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 VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

NS

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to repair an accessible valve within 15 days after a leak is found in Unit ID 16FUG#001.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.698(c)
5C THC Chapter 382, SubChapter A 382.085(b)

NS

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to document in the semiannual report period, January 1, 2004 through June 30, 2004, information about Sulfur Recovery Unit (SRU) sewer repairs and corrective actions taken for Unit ID 32SEW#002.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

NS

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service in Unit ID 05FUG#001.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
5C THC Chapter 382, SubChapter A 382.085(b)

NS

Rqmt Prov: OP IA
PERMIT IA

Description: Failure to provide two quarterly reports, for Unit ID 55TRB#GTG, within 30 days following the end of each calendar quarter as required in 40 CFR 60.334(j)(5).

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(a)

NS

Rqmt Prov: OP IA

Description: Failure to operate two sample systems with a closed-purged, closed-loop, or closed-vent system that were located in Unit ID's 67FUG#001 and 67FUG#002.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

NS

Rqmt Prov: OP IA

Description: Failure to operate five tank access hatches and gauge float wells without gasket and bolted covers for Unit ID's 47TIF#0411, 47TIF#0412, 47TIF#0413, 47TIF#1312, and 47TIF#1313.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b) NS
Rqmt Prov: OP IA
Description: Failure to repair an accessible valve, for Unit ID 67FUG#002, within 15 days after a leak is found.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b) NS
Rqmt Prov: OP IA
Description: Failure to tag a leaking valve, located in Unit ID 67FUG#002, following discovery of the leak.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b) NS
Rqmt Prov: OP IA
Description: Failure to maintain records, for Unit ID 67FUG#002, of any audio, visual, and olfactory inspections of connectors if a leak is detected.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b) NS
Rqmt Prov: OP IA
Description: Failure to monitor in each calendar quarter, with a hydrocarbon gas analyzer, the screening concentration for components in VOC service for Unit ID's 67FUG#001 and 67FUG#002.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b) NS
Rqmt Prov: OP IA
Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service for Unit ID's 52FUG#001, 53FUG#001, and 54FUG#001.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b) NS
Rqmt Prov: OP IA
Description: Failure to operate three sample systems with a closed-purged, closed-loop, or closed-vent system that were located in Unit ID's 52FUG#001, 53FUG#001, and 54FUG#001.

Date: 06/30/2004 (366902) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G] NS
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2001 (233720) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G] NS
Description: Failure to meet the limit for one or more permit parameter

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 EXXONMOBIL
OIL CORPORATION;
RN102450756**

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§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-1906-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation ("ExxonMobil") under the authority of TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and 30 TEX. ADMIN. CODE chs. 70, 101, and 116. The Executive Director of the TCEQ, represented by the Litigation Division, and ExxonMobil, presented this agreement to the Commission.

ExxonMobil understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, ExxonMobil agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon ExxonMobil.

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

FINDINGS OF FACT

1. ExxonMobil owns and operates a petroleum refinery located at 1795 Burt Street, Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During a record review on June 15, 2005, TCEQ staff documented ExxonMobil violated 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b) by allowing the unauthorized emission of air contaminants.

Specifically, the emissions limit for EPN 08FUG_001 is zero pounds. On September 26, 2004, ExxonMobil failed to prevent 75,278 pounds of Butane and 61,591 pounds of Isobutane from being released into the atmosphere through EPN 08FUG_001. The emissions event lasted approximately 22 minutes and was the result of a change in feed composition from Hull Underground Storage to Gas Plant 5 East. The emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).

4. ExxonMobil received notice of enforcement on or about July 20, 2005.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, ExxonMobil is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE §§ 5.013 and 7.002, TEX. HEALTH & SAFETY CODE § 382.011, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, ExxonMobil allowed the unauthorized emission of air contaminants, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against ExxonMobil for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of ten thousand dollars (\$10,000.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. ExxonMobil has paid five thousand dollars (\$5,000.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. ExxonMobil is assessed an administrative penalty in the amount of ten thousand dollars (\$10,000.00) as set forth in Conclusion of Law No. 4 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and ExxonMobil's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.
2. ExxonMobil shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. Five thousand dollars (\$5,000.00) of the assessed administrative penalty shall be offset with the condition that ExxonMobil implement the SEP defined in Attachment A, incorporated herein by reference. ExxonMobil's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon ExxonMobil. ExxonMobil is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the petroleum refinery operations referenced in this Agreed Order.
4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to ExxonMobil if the Executive Director determines that ExxonMobil has not complied with one or more of the terms or conditions in this Agreed Order.
5. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
6. This Agreed Order, issued by the Commission, shall not be admissible against ExxonMobil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original

signature for all purposes.

8. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to ExxonMobil, or three days after the date on which the Commission mails notice of the Order to ExxonMobil, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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.

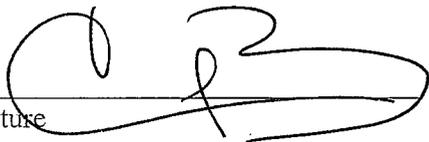
I understand that by entering into this Agreed Order, ExxonMobil Oil Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Signature



Daniel Risso
Name (printed or typed)
Authorized Representative
ExxonMobil Oil Corporation

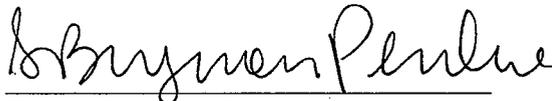
4/30/07

Date

Plant Manager

Title

I, the undersigned, on behalf of the Executive Director of the Texas Commission on Environmental Quality, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.



For the Executive Director

6/18/07

Date

Attachment A

Supplemental Environmental Project

Attachment A
Docket Number: 2005-1906-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ExxonMobil Oil Corporation
Penalty Amount: Ten Thousand Dollars (\$10,000)
SEP Amount: Five Thousand Dollars (\$5,000)
Type of SEP: Pre-approved
Third-Party Recipient: Jefferson County – *Retrofit/Replace Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles*
Location of SEP: Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP 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

Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, *Jefferson County* will utilize the SEP contribution for its *Retrofit/Replace Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles* program. The contribution will be used to purchase alternative fueled equipment such as propane or electric-powered lawn mowers, propane-powered light duty and heavy equipment, and other alternative fueled vehicles. The retired vehicles and equipment will not be resold as working vehicles, but will only be sold for scrap. All vehicles purchased with SEP funds will meet EPA emissions standards. None of the vehicles purchased with SEP funds will be used to comply with the Texas Clean Fleet Program.

All dollars contributed will be used solely for the direct cost of the project, and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will reduce air emissions generated by gasoline and diesel powered lawnmowers, heavy equipment, and vehicles in the Beaumont/Port Arthur ozone non-attainment area. Such emissions contribute to ozone pollution in this state.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

SEP Project Director: Jeff Brannick
Jefferson County
P. O. Box 4025
Beaumont, Texas 77704

3. Records and Reporting

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

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the check for any amount due shall include the notation "SEP Refund" and the docket number of the case, be made payable to "Texas Commission on Environmental Quality", and be mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.