# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.:** 2006-1703-AIR-E **TCEQ ID:** RN100542844 **CASE NO.:** 31229

**RESPONDENT NAME:** ExxonMobil Oil Corporation

## ORDER TYPE:

| | | | |
|---|---|---|---|
| X 1660 AGREED ORDER | __FINDINGS AGREED ORDER | __AMENDED ORDER | __IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| __SHUTDOWN ORDER | __FINDINGS DEFAULT ORDER | __EMERGENCY ORDER | |

## CASE TYPE:

| | | | |
|---|---|---|---|
| __AGRICULTURE | X AIR | __INDUSTRIAL AND HAZARDOUS WASTE | __MUNICIPAL SOLID WASTE |
| __OCCUPATIONAL CERTIFICATION | __PETROLEUM STORAGE TANKS | __PUBLIC WATER SUPPLY | __RADIOACTIVE WASTE |
| __MULTI-MEDIA (check all that apply) | __SEWAGE SLUDGE | __UNDERGROUND INJECTION CONTROL | __USED OIL |
| __USED OIL FILTER | __WATER QUALITY | | |

**SITE WHERE VIOLATION(S) OCCURRED:** Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Road, Beaumont, Jefferson County

**TYPE OF OPERATION:** Petrochemical plant

**SMALL BUSINESS:** ___ Yes __X__ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2006-1743-AIR-E.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 19, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
**TCEQ Enforcement Coordinator:** Ms. Miriam Hall, Enforcement Division, Enforcement Section III, MC 149, (512) 239-1044; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
**TCEQ Field Investigator:** Mr. Marion Everhart, Beaumont Regional Office, MC R-10, (409) 899-8765
**Respondent:** Mr. John Townsend, Site Manager, ExxonMobil Oil Corporation, P.O. Box 3868, Beaumont, Texas 77704
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

## VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|---|
| **Type of Investigation:** __ Complaint ___ Routine __ Enforcement Follow-up _X_ Records Review<br><br>**Date of Complaint Relating to this Case:** None<br><br>**Date of Investigation Relating to this Case:** June 7, 2006<br><br>**Date of NOE Relating to this Case:** July 27, 2006 (NOE)<br><br>**Background Facts:** This was a routine record review. One violation was documented.<br><br>**AIR**<br><br>Failed to comply with the High Pressure Flare maximum allowable emission rates for volatile organic compounds, carbon monoxide, and nitric oxides on April 9, 2006 due to an emissions event at the USC I Unit. Since the emissions event was avoidable, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c), Permit No. 7799, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. | **Total Assessed:** $5,975<br><br>**Total Deferred:** $1,195<br>_X_ Expedited Settlement<br><br>__ Financial Inability to Pay<br><br>**SEP Conditional Offset:** $2,390<br><br>**Total Paid to General Revenue:** $2,390<br><br>**Site Compliance History Classification:** __ High _X_ Avg. __ Poor<br><br>**Person Compliance History Classification:** __ High _X_ Avg. __ Poor<br><br>**Major Source:** _X_ Yes ___ No<br><br>**Applicable Penalty Policy:** September 2002 | **Corrective Actions Taken:**<br><br>1) The Executive Director recognizes that ExxonMobil has implemented the following corrective measures at the Plant:<br><br>a. On June 30, 2006, ensured that gear operators were available on all manual block valves on both the MOV-1 and MOV-2 side at the USC I Unit; and<br><br>b. On June 30, 2006, coached and counseled inside operator for not following procedure on April 9, 2006.<br><br>**Ordering Provisions:**<br><br>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)<br><br>3) The Order will also require the Respondent to:<br><br>a. During the next turnaround currently scheduled for June 30, 2007, repair/conduct maintenance on Valve No. HV017 as required;<br><br>b. Within 30 days after the completion of the turnaround, submit written certification of compliance with Ordering Provision 3.a.;<br><br>c. By December 1, 2007, after the plant turnaround, develop and implement a Total Digital Control application and replace the Process Manager with a High Performance Process Manager to control surges and eliminate undesirable control responses that cause compressor kickbacks; and<br><br>d. By December 31, 2007, submit written certification of compliance with Ordering Provision 3.c. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance. |

Attachment: Site Compliance History

**Attachment A**
**Docket Number: 2006-1703-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

| | |
|---|---|
| **Respondent:** | **ExxonMobil Oil Corporation** |
| **Payable Penalty Amount:** | **Four Thousand Seven Hundred Eighty Dollars ($4,780)** |
| **SEP Amount:** | **Two Thousand Three Hundred Ninety Dollars ($2,390)** |
| **Type of SEP:** | **Pre-approved** |
| **Third-Party Recipient:** | **Jefferson County: Retrofit/Replacement of 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 the 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

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, 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 alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

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.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

C. Minimum Expenditure

The 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, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Carl R. Griffith, Jr.
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the 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. The Respondent shall mail a copy of the check and transmittal letter to:

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

**4. Failure to Fully Perform**

If the 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.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The 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 the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

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

# Penalty Calculation Worksheet (PCW)

TCEQ

*Policy Revision 2 (September 2002)* *PCW Revision April 25, 2006*

| DATES | | | | | |
|---|---|---|---|---|---|
| Assigned | 31-Jul-2006 | | | | |
| PCW | 14-Sep-2006 | Screening | 18-Sep-2005 | EPA Due | 23-Apr-2007 |

**RESPONDENT/FACILITY INFORMATION**

| | | | |
|---|---|---|---|
| Respondent | ExxonMobil Oil Corpration | | |
| Reg. Ent. Ref. No. | RN100542844 | | |
| Facility/Site Region | 10-Beaumont | Major/Minor Source | Major Source |

**CASE INFORMATION**

| | | | |
|---|---|---|---|
| Enf./Case ID No. | 31229 | No. of Violations | 1 |
| Docket No. | 2006-1703-AIR-E | Order Type | 1660 |
| Media Program(s) | Air Quality | Enf. Coordinator | Miriam Hall |
| 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* $2,500

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** 139% Enhancement *Subtotals 2, 3, & 7* $3,475

Notes: Penalty was enhanced due to two similar NOVs, 5 unrelated NOVs and six 1660 orders.

**Culpability** No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction *Subtotal 5* $0

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---|---|---|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | *(mark with a small x)* |

Notes: The respondent does not meet the good faith criteria.

**Economic Benefit** 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

| | |
|---|---|
| Total EB Amounts | $659 |
| Approx. Cost of Compliance | $10,500 |

**SUM OF SUBTOTALS 1-7** Final Subtotal $5,975

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $5,975

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty $5,975

**DEFERRAL** 20% Reduction Adjustment -$1,195

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** $4,780

**Screening Date** 18-Sep-2005 **Docket No.** 2006-1703-AIR-E **PCW**
**Respondent** ExxonMobil Oil Corpration *Policy Revision 2 (September 2002)*
**Case ID No.** 31229 *PCW Revision April 25, 2006*
**Reg. Ent. Reference No.** RN100542844
**Media [Statute]** Air Quality
**Enf. Coordinator** Miriam Hall

## Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

| Component | Number of... | Enter Number Here | Adjust. |
|---|---|---|---|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)* | 2 | 10% |
| | Other written NOVs | 5 | 10% |
| Orders | Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)* | 6 | 120% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)* | 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 *(number of counts)* | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 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 *(number of audits for which notices were* | 1 | -1% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)* | 0 | 0% |
| | | *Please Enter Yes or No* | |
| 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)*** **139%**

>> **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** Penalty was enhanced due to two similar NOVs, 5 unrelated NOVs and six 1660 orders.

***Total Adjustment Percentage (Subtotals 2, 3, & 7)*** **139%**

**Screening Date** 18-Sep-2005 **Docket No.** 2006-1703-AIR-E **PCW**

**Respondent** ExxonMobil Oil Corpration *Policy Revision 2 (September 2002)*

**Case ID No.** 31229 *PCW Revision April 25, 2006*

**Reg. Ent. Reference No.** RN100542844

**Media [Statute]** Air Quality

**Enf. Coordinator** Miriam Hall

**Violation Number** 1

**Primary Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 116.115(c), Permit No. 7799, Special Condition 1

**Secondary Rule Cite(s)** Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the High Pressure Flare maximum allowable emission rates for volatile organic compounds (VOC), carbon monoxide (CO), and nitric oxides ($NO_x$) on April 9, 2006 due to an emissions event at the USC I Unit. The event occurred when personnel switched a furnace to the decoke mode and failed to follow proper procedures. Therefore the event was avoidable, and the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

**Base Penalty** $10,000

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

| Release | Harm: Major | Moderate | Minor |
|---|---|---|---|
| Actual | | | x |
| Potential | | | |

OR

**Percent** 25%

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor |
|---|---|---|---|
| | | | |

**Percent**

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment. The event occurred for 45 minutes and resulted in excess emissions of approximately 61.3 pounds (lbs) of VOC, 73.9 lbs of CO, and 15.5 lbs of NOx.

**Adjustment** -$7,500

**Base Penalty Subtotal** $2,500

**Violation Events**

Number of Violation Events 1 | 1 Number of violation days

*mark only one use a small x*

| | |
|---|---|
| *daily* | |
| *monthly* | |
| *quarterly* | |
| *semiannual* | |
| *annual* | |
| *single event* | x |

**Violation Base Penalty** $2,500

One single event was documented during the record review on June 7, 2006.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** $659

**Statutory Limit Test**

**Violation Final Penalty Total** $5,975

**This violation Final Assessed Penalty (adjusted for limits)** $5,975

# Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corpration
**Case ID No.** 31229
**Reg. Ent. Reference No.** RN100542844
**Media [Statute]** Air Quality
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|---|---|
| 5.0 | 15 |

| Item Description | Item Cost (No commas or $) | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---|---|---|---|---|---|---|---|
| **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 | $500 | 09-Apr-2006 | 30-Jun-2006 | 0.2 | $6 | n/a | $6 |
| Remediation/Disposal | | | | 0.0 | $0 | n/a | $0 |
| Permit Costs | | | | 0.0 | $0 | n/a | $0 |
| Other (as needed) | $10,000 | 09-Apr-2006 | 30-Jul-2007 | 1.3 | $653 | n/a | $653 |

**Notes for DELAYED costs** The estimated cost for coaching and counseling inside operator for not following procedures is $500 from date of event to date completed. The estimated cost for completing other corrective measures is $10,000 from date of event to projected date of completion.

**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** $10,500

**TOTAL** $659

# Compliance History

| | | | | |
|---|---|---|---|---|
| Customer/Respondent/Owner-Operator: | CN600920748 | ExxonMobil Oil Corporation | Classification: AVERAGE | Rating: 1.97 |
| Regulated Entity: | RN100542844 | MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP | Classification: AVERAGE | Site Rating: 2.11 |

ID Number(s):

| | | |
|---|---|---|
| AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0062S |
| AIR OPERATING PERMITS | PERMIT | 1173 |
| AIR OPERATING PERMITS | PERMIT | 2201 |
| AIR OPERATING PERMITS | PERMIT | 1354 |
| AIR OPERATING PERMITS | PERMIT | 2292 |
| AIR OPERATING PERMITS | PERMIT | 2293 |
| AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0064O |
| AIR OPERATING PERMITS | PERMIT | 1354 |
| AIR OPERATING PERMITS | PERMIT | 2292 |
| AIR OPERATING PERMITS | PERMIT | 2293 |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1230089 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30047 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD000449694 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | ID NUMBER | 30047 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD000449694 |
| WASTEWATER | PERMIT | WQ0002029000 |
| WASTEWATER | PERMIT | TX0068934 |
| WASTEWATER | PERMIT | WQ0000462000 |
| WASTEWATER | PERMIT | TPDES0004227 |
| WASTEWATER | PERMIT | TX0004227 |
| PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 51575 |
| AIR NEW SOURCE PERMITS | PERMIT | 9907 |
| AIR NEW SOURCE PERMITS | PERMIT | 485 |
| AIR NEW SOURCE PERMITS | PERMIT | 7799 |
| AIR NEW SOURCE PERMITS | PERMIT | 10248 |
| AIR NEW SOURCE PERMITS | PERMIT | 10249 |
| AIR NEW SOURCE PERMITS | PERMIT | 10575 |
| AIR NEW SOURCE PERMITS | PERMIT | 10728 |
| AIR NEW SOURCE PERMITS | PERMIT | 11238 |
| AIR NEW SOURCE PERMITS | PERMIT | 11791 |
| AIR NEW SOURCE PERMITS | PERMIT | 13942 |
| AIR NEW SOURCE PERMITS | PERMIT | 14021 |
| AIR NEW SOURCE PERMITS | PERMIT | 15160 |
| AIR NEW SOURCE PERMITS | PERMIT | 18838 |
| AIR NEW SOURCE PERMITS | PERMIT | 19000 |
| AIR NEW SOURCE PERMITS | PERMIT | 39233 |
| AIR NEW SOURCE PERMITS | PERMIT | 41728 |
| AIR NEW SOURCE PERMITS | PERMIT | 43948 |
| AIR NEW SOURCE PERMITS | PERMIT | 44968 |
| AIR NEW SOURCE PERMITS | PERMIT | 44969 |
| AIR NEW SOURCE PERMITS | PERMIT | 44976 |
| AIR NEW SOURCE PERMITS | PERMIT | 44975 |
| AIR NEW SOURCE PERMITS | PERMIT | 44974 |
| AIR NEW SOURCE PERMITS | PERMIT | 44973 |
| AIR NEW SOURCE PERMITS | PERMIT | 44972 |
| AIR NEW SOURCE PERMITS | PERMIT | 44971 |
| AIR NEW SOURCE PERMITS | PERMIT | 44970 |
| AIR NEW SOURCE PERMITS | PERMIT | 48054 |
| AIR NEW SOURCE PERMITS | PERMIT | 48163 |
| AIR NEW SOURCE PERMITS | PERMIT | 50210 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0062S |
| AIR NEW SOURCE PERMITS | PERMIT | 53384 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72114 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72115 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 55190 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76364 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76365 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 55831 |

| | | |
|---|---|---|
| AIR NEW SOURCE PERMITS | REGISTRATION | 75511 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76058 |
| AIR NEW SOURCE PERMITS | AFS NUM | 0087 |
| AIR NEW SOURCE PERMITS | PERMIT | 56360 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 70717 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71387 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71388 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71524 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71675 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71841 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71832 |
| AIR NEW SOURCE PERMITS | PERMIT | 50767 |
| AIR NEW SOURCE PERMITS | PERMIT | 54743 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72706 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72767 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72934 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72936 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73014 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73733 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74662 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74950 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75162 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75328 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75304 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76456 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76498 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX754 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76584 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76710 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77711 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78058 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78170 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78284 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78554 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78861 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78903 |
| AIR NEW SOURCE PERMITS | PERMIT | 1295 |
| AIR NEW SOURCE PERMITS | PERMIT | 1295A |
| AIR NEW SOURCE PERMITS | PERMIT | 10194 |
| AIR NEW SOURCE PERMITS | PERMIT | 10242 |
| AIR NEW SOURCE PERMITS | PERMIT | 11641 |
| AIR NEW SOURCE PERMITS | PERMIT | 11642 |
| AIR NEW SOURCE PERMITS | PERMIT | 11983 |
| AIR NEW SOURCE PERMITS | PERMIT | 12105 |
| AIR NEW SOURCE PERMITS | PERMIT | 12362 |
| AIR NEW SOURCE PERMITS | PERMIT | 12575 |
| AIR NEW SOURCE PERMITS | PERMIT | 13789 |
| AIR NEW SOURCE PERMITS | PERMIT | 14492 |
| AIR NEW SOURCE PERMITS | PERMIT | 19366 |
| AIR NEW SOURCE PERMITS | PERMIT | 19950 |
| AIR NEW SOURCE PERMITS | PERMIT | 21015 |
| AIR NEW SOURCE PERMITS | PERMIT | 23327 |
| AIR NEW SOURCE PERMITS | PERMIT | 24243 |
| AIR NEW SOURCE PERMITS | PERMIT | 24975 |
| AIR NEW SOURCE PERMITS | PERMIT | 26126 |
| AIR NEW SOURCE PERMITS | PERMIT | 26152 |
| AIR NEW SOURCE PERMITS | PERMIT | 24857 |
| AIR NEW SOURCE PERMITS | PERMIT | 32200 |
| AIR NEW SOURCE PERMITS | PERMIT | 32614 |
| AIR NEW SOURCE PERMITS | PERMIT | 32865 |
| AIR NEW SOURCE PERMITS | PERMIT | 34347 |
| AIR NEW SOURCE PERMITS | PERMIT | 34780 |
| AIR NEW SOURCE PERMITS | PERMIT | 34427 |
| AIR NEW SOURCE PERMITS | PERMIT | 37362 |
| AIR NEW SOURCE PERMITS | PERMIT | 40289 |
| AIR NEW SOURCE PERMITS | PERMIT | 41445 |
| AIR NEW SOURCE PERMITS | PERMIT | 42983 |
| AIR NEW SOURCE PERMITS | PERMIT | 43123 |
| AIR NEW SOURCE PERMITS | PERMIT | 41935 |

| | | |
|---|---|---|
| AIR NEW SOURCE PERMITS | PERMIT | 44863 |
| AIR NEW SOURCE PERMITS | PERMIT | 44991 |
| AIR NEW SOURCE PERMITS | PERMIT | 44990 |
| AIR NEW SOURCE PERMITS | PERMIT | 46421 |
| AIR NEW SOURCE PERMITS | PERMIT | 46852 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0064O |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79510 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79796 |
| WATER LICENSING | LICENSE | 1230089 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30047 |

Location: 2775 GULF STATES ROAD, BEAUMONT, TX, 77703 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 30, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2001 to August 30, 2006

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

Name: Miriam Hall Phone: (512) 239-1044

## 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? N/A
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.

Effective Date: 11/26/2004 ADMINORDER 2004-0491-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit 7799/PSD-TX-860, SC1 PERMIT

Description: Failure to comply with Special Condition 1 which states that the total emissions of air contaminants from any of the sources shall not exceed the values stated on the table entitled Emission Sources - Maximum Allowable Emission Rates.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Unauthorized emissions from emission point number D-411 during emissions event number 34727.

Classification: Moderate

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

Rqmt Prov: Permit 7799/PSD-TX-860, SC1 PERMIT

Description: Failure to comply with Special Condition 1 which states that the total emissions of air contaminants from any of the sources shall not exceed the values stated on the table entitled Emission Sources - Maximum Allowable Emission Rates.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT

Description: Failure to comply with the emissions limits found in the Maximum Allowable Emission Rate Table of permits 7799 and PSD-TX-860.

Effective Date: 01/30/2004 ADMINORDER 2001-1044-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 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT

Description: Failure to submit initial stack test reports for temporary flares EH100 and EH101 w/in 180 days after initial startup.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to repair Vapor Compressors C44A and C44B within 15 days after detection of a leak.

Classification: Moderate

Citation: 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: 779/PSD-TX-860 PERMIT

Description: Failure to monitor water from Cooling Tower 4 (EPN EM26) utilizing an approved method.

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: SC 1 PERMIT

Description: Failure to comply with the permitted SO2 and CO emission limits at Decoking Vents B-6151A, B (EPN EM25) and B6301A, B(EPN EM6301) and B-6101C, D (EPN EM24).

Effective Date: 06/26/2006 ADMINORDER 2006-0007-AIR-E

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

Description: Failure to prevent unauthorized emissions and comply with Special Condition 1 of Permit 18838 for emissions which occurred at the Refinery Tank Farm (EPN EF-11) and the Paraxylene Unit stage III crystallizer pump (EPN EF-17).

Effective Date: 03/06/2006 ADMINORDER 2004-2052-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the initial report for an emissions event, the estimated total quantities and the authorized emissions limits for the compound descriptive type of the individually listed compounds or mixtures of air contaminants.

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

Description: Failure to obtain regulatory authority or to meet the demonstration requirements of 30 Tex. Admin. Code § 101.222 for emissions from the HP and LP Flares that occurred from September 27, 2004 to September 28, 2004.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final report for an emissions event, the estimated total quantities and the authorized emissions limits for the compound descriptive type of the individually listed compounds or mixtures of air contaminants.

Classification: Moderate

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

Description: Failure to submit a copy of the final record for a reportable emissions event to the commission office for the region in which the facility is located no later than two weeks after the end of the emissions event.

Effective Date: 07/14/2006 ADMINORDER 2005-1903-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799, Special Condition 1 PERMIT

Description: Failed to comply with permitted and visible emissions limits.

Classification: Minor

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

Citation: 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: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 08/28/2006 ADMINORDER 2006-0132-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limits specified in Air NSR Permit No. 7799/PSD-TX-860

Classification: Minor

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

Description: Failed to submit a copy of the final record for a reportable emissions event which occurred on November 14, 2005 no later than two weeks after the end of the emissions event.

Classification: Moderate

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

Description: Failed to maintain an emission rate below the allowable emission limits specified in Air NSR Permit No. 7799/PSD-TX-860.

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. (CCEDS Inv. Track. No.)

1 05/17/2002 (157243)
2 04/11/2003 (28778)
3 05/08/2003 (157244)
4 10/13/2003 (295035)
5 06/24/2002 (157248)
6 04/18/2006 (458326)
7 01/12/2006 (468281)
8 08/09/2002 (6134)
9 07/21/2005 (440745)
10 06/07/2005 (393622)
11 11/20/2002 (295036)
12 01/21/2003 (157249)

| | | |
|---|---|---|
| 13 | 08/22/2005 | (440746) |
| 14 | 09/23/2004 | (333290) |
| 15 | 09/06/2005 | (440747) |
| 16 | 05/20/2005 | (378697) |
| 17 | 11/10/2003 | (295037) |
| 18 | 09/25/2003 | (247942) |
| 19 | 08/19/2003 | (148800) |
| 20 | 04/21/2006 | (461141) |
| 21 | 12/12/2003 | (295038) |
| 22 | 01/04/2005 | (344309) |
| 23 | 01/13/2004 | (295039) |
| 24 | 04/25/2003 | (31435) |
| 25 | 04/04/2005 | (373527) |
| 26 | 07/22/2002 | (157252) |
| 27 | 06/25/2004 | (351948) |
| 28 | 10/29/2003 | (252720) |
| 29 | 08/12/2005 | (402429) |
| 30 | 04/08/2004 | (265862) |
| 31 | 10/17/2003 | (252368) |
| 32 | 01/14/2004 | (254182) |
| 33 | 03/18/2004 | (264108) |
| 34 | 08/19/2002 | (157255) |
| 35 | 07/19/2004 | (351949) |
| 36 | 02/16/2005 | (381771) |
| 37 | 08/09/2002 | (5094) |
| 38 | 03/14/2005 | (381772) |
| 39 | 04/11/2003 | (28777) |
| 40 | 03/19/2004 | (265439) |
| 41 | 09/25/2001 | (157257) |
| 42 | 08/19/2003 | (148797) |
| 43 | 02/16/2005 | (381773) |
| 44 | 09/17/2002 | (157258) |
| 45 | 09/25/2003 | (247943) |
| 46 | 08/13/2004 | (351950) |
| 47 | 10/07/2004 | (381774) |
| 48 | 11/29/2004 | (338558) |
| 49 | 04/28/2006 | (458040) |
| 50 | 11/12/2004 | (381775) |
| 51 | 03/25/2005 | (373598) |
| 52 | 08/19/2003 | (148777) |
| 53 | 12/14/2004 | (342891) |
| 54 | 10/24/2001 | (157260) |
| 55 | 05/20/2005 | (377601) |
| 56 | 01/11/2005 | (381776) |
| 57 | 09/09/2004 | (351951) |
| 58 | 04/11/2003 | (28775) |
| 59 | 06/08/2004 | (271363) |
| 60 | 08/21/2003 | (135509) |
| 61 | 04/11/2003 | (28774) |
| 62 | 04/21/2006 | (461550) |
| 63 | 10/15/2002 | (157261) |
| 64 | 04/24/2006 | (498092) |
| 65 | 04/08/2004 | (265864) |
| 66 | 11/06/2003 | (254210) |
| 67 | 03/27/2003 | (25115) |
| 68 | 04/15/2005 | (374940) |
| 69 | 05/22/2006 | (498093) |
| 70 | 06/13/2003 | (34614) |
| 71 | 06/22/2006 | (498094) |
| 72 | 11/12/2004 | (351952) |
| 73 | 01/09/2004 | (253997) |
| 74 | 12/22/2004 | (341934) |
| 75 | 08/11/2004 | (283476) |
| 76 | 06/22/2006 | (498095) |
| 77 | 11/11/2001 | (157264) |
| 78 | 03/19/2004 | (262155) |
| 79 | 07/27/2006 | (483687) |
| 80 | 12/20/2001 | (157267) |

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|---|---|---|
| 81 | 07/05/2005 | (395523) |
| 82 | 12/16/2002 | (157268) |
| 83 | 01/24/2005 | (347162) |
| 84 | 01/24/2005 | (346430) |
| 85 | 11/06/2003 | (254213) |
| 86 | 02/28/2003 | (26512) |
| 87 | 05/18/2005 | (376394) |
| 88 | 10/24/2002 | (13941) |
| 89 | 04/04/2005 | (373546) |
| 90 | 11/14/2003 | (254019) |
| 91 | 01/22/2002 | (157271) |
| 92 | 12/08/2004 | (336179) |
| 93 | 04/08/2004 | (265866) |
| 94 | 03/18/2004 | (263711) |
| 95 | 01/21/2003 | (157272) |
| 96 | 09/25/2003 | (247947) |
| 97 | 08/18/2006 | (509390) |
| 98 | 09/23/2004 | (286727) |
| 99 | 03/25/2005 | (373612) |
| 100 | 05/11/2006 | (465117) |
| 101 | 05/17/2005 | (379171) |
| 102 | 07/31/2003 | (144539) |
| 103 | 12/22/2005 | (440335) |
| 104 | 07/26/2006 | (484018) |
| 105 | 02/26/2004 | (260495) |
| 106 | 06/09/2006 | (464823) |
| 107 | 04/01/2005 | (350006) |
| 108 | 07/26/2006 | (484019) |
| 109 | 08/16/2004 | (283483) |
| 110 | 02/18/2003 | (24104) |
| 111 | 02/18/2003 | (24115) |
| 112 | 01/30/2004 | (259841) |
| 113 | 06/12/2003 | (37861) |
| 114 | 07/28/2006 | (484021) |
| 115 | 08/10/2006 | (497294) |
| 116 | 04/15/2005 | (374959) |
| 117 | 10/28/2003 | (253354) |
| 118 | 10/17/2003 | (252385) |
| 119 | 06/15/2005 | (343658) |
| 120 | 09/25/2003 | (145552) |
| 121 | 11/06/2003 | (254200) |
| 122 | 02/25/2004 | (261400) |
| 123 | 01/27/2005 | (347142) |
| 124 | 02/18/2003 | (24098) |
| 125 | 10/29/2003 | (252713) |
| 126 | 01/28/2003 | (21294) |
| 127 | 11/06/2003 | (254212) |
| 128 | 09/19/2005 | (431106) |
| 129 | 05/17/2005 | (379173) |
| 130 | 05/02/2002 | (106174) |
| 131 | 03/29/2002 | (106173) |
| 132 | 12/22/2004 | (341860) |
| 133 | 01/30/2002 | (106172) |
| 134 | 01/29/2004 | (259142) |
| 135 | 04/08/2004 | (265858) |
| 136 | 05/27/2004 | (267998) |
| 137 | 02/18/2003 | (24075) |
| 138 | 01/03/2002 | (106171) |
| 139 | 12/11/2001 | (106170) |
| 140 | 02/27/2006 | (455014) |
| 141 | 11/14/2001 | (106169) |
| 142 | 09/25/2003 | (247926) |
| 143 | 10/26/2001 | (106168) |
| 144 | 09/10/2001 | (106167) |
| 145 | 08/29/2003 | (131527) |
| 146 | 05/01/2006 | (460605) |
| 147 | 04/13/2006 | (458301) |
| 148 | 09/26/2003 | (249856) |

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|---|---|---|
| 149 | 05/18/2005 | (376397) |
| 150 | 10/09/2003 | (248598) |
| 151 | 08/15/2003 | (147299) |
| 152 | 04/13/2005 | (419603) |
| 153 | 09/25/2003 | (247927) |
| 154 | 05/16/2005 | (419604) |
| 155 | 11/02/2004 | (336327) |
| 156 | 09/25/2003 | (247928) |
| 157 | 08/19/2003 | (148754) |
| 158 | 08/19/2003 | (148786) |
| 159 | 04/08/2004 | (265859) |
| 160 | 02/23/2004 | (295023) |
| 161 | 03/19/2003 | (295024) |
| 162 | 02/22/2002 | (157233) |
| 163 | 12/23/2004 | (344306) |
| 164 | 06/14/2005 | (394339) |
| 165 | 11/22/2004 | (339443) |
| 166 | 08/12/2005 | (404419) |
| 167 | 03/17/2004 | (295025) |
| 168 | 08/08/2005 | (399209) |
| 169 | 11/06/2003 | (252449) |
| 170 | 04/15/2005 | (374964) |
| 171 | 01/07/2005 | (344744) |
| 172 | 11/26/2002 | (16013) |
| 173 | 02/10/2003 | (157234) |
| 174 | 10/05/2004 | (292551) |
| 175 | 04/14/2004 | (295026) |
| 176 | 05/03/2006 | (461386) |
| 177 | 03/19/2002 | (157236) |
| 178 | 12/22/2003 | (253031) |
| 179 | 02/27/2004 | (261399) |
| 180 | 07/10/2003 | (295029) |
| 181 | 01/19/2006 | (450582) |
| 182 | 03/08/2004 | (263017) |
| 183 | 01/27/2006 | (452740) |
| 184 | 01/27/2006 | (438784) |
| 185 | 02/21/2006 | (468276) |
| 186 | 08/14/2003 | (295031) |
| 187 | 03/04/2004 | (263223) |
| 188 | 08/12/2005 | (402412) |
| 189 | 03/20/2006 | (468277) |
| 190 | 04/08/2004 | (265861) |
| 191 | 04/19/2002 | (157240) |
| 192 | 02/10/2004 | (260798) |
| 193 | 10/21/2005 | (468278) |
| 194 | 09/15/2003 | (295033) |
| 195 | 04/07/2003 | (157241) |
| 196 | 11/28/2005 | (468279) |
| 197 | 05/14/2004 | (270134) |
| 198 | 11/19/2002 | (14888) |
| 199 | 12/16/2005 | (468280) |

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

Date: 02/28/2003 (26512)

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)

40 CFR Part 60, Subpart VV 60.482-7[G]

Rqmt Prov: PA IA

Description: Failure to conduct two successive leak free monthly fugitive monitoring events on three valves in VOC service.

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 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart VV 60.482-7[G]

Rqmt Prov: PA IA

Description: Failure to monitor three valves in VOC service in the ethylene unit.

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to authorize emissions from a wastewater drain.

Date: 04/30/2002 (157243)

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: 10/31/2002 (295036)

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: 09/30/2001 (157260)

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: 05/18/2005 (376394)

Self Report? NO Classification: Moderate

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

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA

Description: Failure to maintain the MAERT and concentration emission limit for ammonia (NH3) at the ERU Train B Stack (EPN 537).

Date: 01/31/2002 (157233)

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: 02/29/2004 (295025)

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

F. Environmental audits.

Notice of Intent Date: 09/28/2001 (32824)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| | | |
|---|---|---|
| **IN THE MATTER OF AN** | § | **BEFORE THE** |
| **ENFORCEMENT ACTION** | § | |
| **CONCERNING** | § | **TEXAS COMMISSION ON** |
| **EXXONMOBIL OIL CORPORATION** | § | |
| **RN100542844** | § | **ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2006-1703-AIR-E**

## I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation ("ExxonMobil") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and ExxonMobil appear before the Commission and together stipulate that:

1. ExxonMobil owns and operates a petrochemical plant at 2775 Gulf States Road in 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. The Commission and ExxonMobil agree that the Commission has jurisdiction to enter this Agreed Order, and that ExxonMobil is subject to the Commission's jurisdiction.

4. ExxonMobil received notice of the violations alleged in Section II ("Allegations") on or about August 1, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ExxonMobil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Nine Hundred Seventy-Five Dollars ($5,975) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ExxonMobil has paid Two Thousand Three Hundred Ninety Dollars ($2,390) of the administrative penalty and One Thousand One Hundred Ninety-Five Dollars ($1,195) is deferred contingent upon ExxonMobil's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If ExxonMobil fails to timely and satisfactorily comply with all requirements of this Agreed

Order, the Executive Director may require ExxonMobil to pay all or part of the deferred penalty. Two Thousand Three Hundred Ninety Dollars ($2,390) shall be conditionally offset by ExxonMobil's completion of a Supplemental Environmental Project.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and ExxonMobil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that ExxonMobil has implemented the following corrective measures at the Plant:

   a. On June 30, 2006, ensured that gear operators were available on all manual block valves on both the MOV-1 and MOV-2 side at the USC I Unit; and

   b. On June 30, 2006, coached and counseled inside operator for not following procedure on April 9, 2006.

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

11. 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.

12. 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.

## II. ALLEGATIONS

As owner and operator of the Plant, ExxonMobil is alleged to have failed to comply with the High Pressure Flare maximum allowable emission rates for volatile organic compounds, carbon monoxide, and nitric oxides on April 9, 2006 due to an emissions event at the USC I Unit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c), Permit No. 7799, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Since the emissions event was avoidable, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that ExxonMobil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and ExxonMobil's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2006-1703-AIR-E" to:

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

2. ExxonMobil shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Three Hundred Ninety Dollars ($2,390) 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. It is further ordered that ExxonMobil shall undertake the following technical requirements:

   a. During the next turnaround currently scheduled for June 30, 2007, repair/conduct maintenance on Valve No. HV017 as required;

   b. Within 30 days after the completion of the turnaround, submit written certification of compliance with Ordering Provision 3.a.

   The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

   "I certify that under the penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtained the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations."

c. By December 1, 2007, after the plant turnaround, develop and implement a Total Digital Control (TDC) application and replace the Process Manager (PM) with a High Performance Process Manager (HPM) to control surges and eliminate undesirable control responses that cause compressor kickbacks;

d. By December 31, 2007, submit written certification of compliance with Ordering Provision 3.c. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the same certification language as in paragraph 3.b.; and

e. The certification statements required by paragraphs 3.b. and 3.d. shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Air Section
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon ExxonMobil. ExxonMobil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If ExxonMobil fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ExxonMobil's failure to comply is not a violation of this Agreed Order. ExxonMobil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ExxonMobil shall notify the Executive Director within seven days after ExxonMobil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by ExxonMobil shall be made in writing to the Executive Director. Extensions are not effective until ExxonMobil receives written approval from

the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. 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.

8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), 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. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

4/27/07
Date

I, the undersigned, have read and understand the attached Agreed Order. 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 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.

John R. Townsend
Signature

12/13/2006
Date

John R. Townsend
Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

Site Manager
Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

**Attachment A**
**Docket Number: 2006-1703-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

| | |
|---|---|
| **Respondent:** | **ExxonMobil Oil Corporation** |
| **Payable Penalty Amount:** | **Four Thousand Seven Hundred Eighty Dollars ($4,780)** |
| **SEP Amount:** | **Two Thousand Three Hundred Ninety Dollars ($2,390)** |
| **Type of SEP:** | **Pre-approved** |
| **Third-Party Recipient:** | **Jefferson County: Retrofit/Replacement of 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 the 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

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, 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 alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

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.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

C. Minimum Expenditure

The 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, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Carl R. Griffith, Jr.
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the 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. The Respondent shall mail a copy of the check and transmittal letter to:

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

**4. Failure to Fully Perform**

If the 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.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The 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 the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

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