EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1442-AIR-E **TCEQ ID:** RN102501020 **CASE NO.:** 30962

RESPONDENT NAME: Exxon Mobil Corporation

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Mont Belvieu Plastics Plant, 13330 Hatcherville Road, Mont Belvieu, Chambers County

TYPE OF OPERATION: Polyethylene plant

SMALL BUSINESS: ___ **Yes** X **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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 April 2, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

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: Ms. Denise Williams, Houston Regional Office, MC R-12, (713) 767-3500

Respondent: Ms. Laura R. Krause, MBPP Plant Manager, Exxon Mobil Corporation, 13330 Hatcherville Road, Mont Belvieu, Texas 77580

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 **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 7, 2006 **Date of NOE Relating to this Case:** July 18, 2006 (NOE) **Background Facts:** This was a routine record review. Fourteen violations were documented. **AIR** 1) Failed to provide annual written notification of intent and to provide a phone or electronic facsimile notice 24 hours in advance of any firefighting training. Specifically, training was conducted on January 7 and 27, and February 4, 2005 without notice [30 TEX. ADMIN. CODE §§ 111.205(a), 122.143(4), Federal Operating Permit ("FOP") No. O-02276, Special Condition ("SC") 3F(i) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to limit the flare exit velocity on the Low Density Polyethylene ("LPE") Process Flare (LDFLARE) to 60 feet per second ("ft/sec") on September 2, 2005. Specifically, Polymer blockage in the reactor led to a flare exit velocity of 101 ft/sec for two minutes [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 122.143(4), NSRP No. 4831, SC 6A (effective May 12, 2005, now 5A), FOP No. O-02276, SC 9, 40 Code of Federal Regulations ("CFR") § 60.18(c)(4)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to limit analyzer down time to 5 percent of flare operating hours. Specifically, the LPE Flare analyzer system was taken out of service for modification to meet new Highly Reactive Volatile Organic Compound ("HRVOC") regulations from June 12, 2005 to June 30, 2005 which resulted in down time greater than the 5 percent limit of flare operation hours [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 6D (effective May 12, 2005, now 5D), FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $92,138 **Total Deferred:** $18,428 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $73,710 **Site Compliance History Classification** __ High X Average __ Poor **Person Compliance History Classification** __ High X Average __ Poor **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that Exxon Mobil has implemented the following corrective measures at the Plant: a. By March 9, 2005, installed two car-seals on valves in a closed-vent system and added the valves to the inspection program; b. On March 21, 2005, repaired the leaking valve in ethylene service; c. By April 6, 2005, retrained personnel on daily post duties including conducting daily inspections of the Stage II vapor recovery systems on the motor vehicle fuel dispensing facility; d. By April 15, 2006, reduced VOC emissions at the LPE analyzer building common vent by routing some analyzers to the flare and installing a thermal oxidizer to control others; e. On May 12, 2005, revised New Source Review Permit ("NSRP") No. 4831 to allow for 5 percent down time on the LPE flare analyzer; f. On June 30, 2005, brought the LPE Flare analyzer system back on line after modifying it to meet new Highly Reactive VOC regulations before the regulatory deadline of December 31, 2005; g. On September 2, 2005, conducted a high pressure purge to remove polymer blockage in the LPE Process Flare reactor; h. By September 21, 2005, trained the responsible parties on firefighting training notification requirement; i. By September 21, 2005, included all car-sealed valves into a database which generates a report each month that initiates car-seal inspections. Also, developed a task checklist to ensure that the contractor has performed all required duties; j. On October 5, 2005, reported seven deviations that should have been reported on the April 6, 2005 deviation report;

4) Operated the LPE Flare while the analyzer was out of service from April 16, 2005 through April 19, 2005 [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 6D (effective May 30, 2003), FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failed to monthly monitor 37 out of 151 new car-seals on bypass lines for Units LDFUGEM, PROLDMR, PROLDPOLY, and PROLDRMP from April 1, 2005 through July 31, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1), 115.781(d)(1), 122.143(4), 40 CFR § 60.563(d)(2), FOP No. O-02276, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failed to make a first attempt to repair a valve in ethylene service in Unit LDFUGEM within five days after discovery of the leak [30 TEX. ADMIN. CODE §§ 115.352(2), 115.782(b)(2), 122.143(4), FOP No. O-02276, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failed to comply with the annual maximum allowable emission rate ("MAER") for volatile organic compounds ("VOC") at the LPE analyzer building common vent (L1ANALYZER). Specifically, from September 9, 2004 through September 8, 2005, the vent emitted 7.01 tpy; however, the MAER is 2.29 tpy [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 1, FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to maintain the minimum heating value of 300 British thermal units per standard cubic foot ("BTU/scf") in gas being combusted at the LPE flare. Specifically, on February 13 and 15, 2005 the heating value fell to 294 BTU/scf from 13:00-14:00 and 12:00-13:00, respectively. On August 23, 2005, it fell to 267 BTU/scf from 01:00-02:00 and 13:00-14:00 and was at 286 BTU/scf from 07:00-09:00 and 15:00-16:00. On August 31, 2005, it fell to 298 BTU/scf from 12:00-13:00, and on September 2, 2005, to 295 BTU/scf from 02:00-03:00 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 122.143(4), NSRP No. 4831, SC 6A (now 5A), FOP No. O-02276, SC 9, 40 CFR § 60.18(c)(3)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to obtain a permit before constructing and operating five catalyst loading stations (L1SF03539 through L1SF03543) [30 TEX. ADMIN. CODE § 116.110(a), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

k. On November 2, 2005, amended NSRP No. 4831 to increase the PM_{10} annual emission rate from 0.01 tpy to 1.88 tpy; and

l. By July 31, 2006, installed a reactor vent recovery unit to reduce VOC emissions from granular product from Reactors 1 and 2.

Ordering Provisions:

2) The Order will require the Respondent to:

a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete application to amend NSRP No. 4831 to authorize the construction and operation of catalyst loading stations L1SF03539-L1SFO3543;

b. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the NSRP No. 4831 amendment application within 30 days of the date of such letters, or by any other deadline specified in writing;

c. Within 180 days after the effective date of this Agreed Order, submit written certification that either that authorization to conduct operation of catalyst loading stations L1SF03539-L1SFO3543 has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance;

d. By March 31, 2008, install a flare gas calorimeter to provide more frequent updates of the flare gas heating value and upgrade the LPE flare natural gas supply to improve response time to changes in the flare gas heating value; and

e. By April 30, 2008, submit written certification of compliance with Ordering Provision 2.d. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

10) Failed to comply with the E2 Granular Feed Bin Filter (L1YF02310D) particulate matter ("PM_{10}) annual emission rate of 0.01 tons per year ("tpy"). Specifically, from September 9, 2004 through September 8, 2005 the annual emission rate was actually 1.38 tpy [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 1, FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 11) Exceeded the hourly MAER of 274 pounds ("lbs") of VOC to a million ("MM") pounds of granular product from Reactor 1 and 108 lbs VOC/MM of granular product from Reactor 2. Specifically, in 2005, the concentration limit was exceeded for one hour from Reactor 1 on January 18 and 19 (319 lbs VOC/MM), March 14 (339 lbs VOC/MM), and May 28 (276 lbs VOC/MM). In 2005, the concentration limit was exceeded for one hour from Reactor 2 on May 23 (177 lbs VOC/MM), July 15 (115 lbs VOC/MM) and July 21 (146 lbs VOC/MM) [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 3, FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 12) Failed to conduct daily inspection of the Stage II vapor recovery systems on the motor vehicle fuel dispensing facility [30 TEX. ADMIN. CODE § 115.244(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 13. Failed to install two car-seals to valves in a closed-vent system from February 1, 2005 to March 9, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1), 115.783(1)(B), 122.143(4), 40 CFR § 60.562-1(e), FOP No. O-02274, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 14) Failed to submit a complete deviation report. Seven of the deviations reported on the deviation report dated October 5, 2005 should have been reported on the April 6, 2005 deviation report [30 TEX. ADMIN. CODE § 122.145(2)(A), FOP No. O-02276, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	24-Jul-2006				
PCW	28-Aug-2006	Screening	25-Aug-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102501020		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	30962	No. of Violations	14
Docket No.	2006-1442-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* $52,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 45% Enhancement *Subtotals 2, 3, & 7* $23,625

Notes: Penalty was enhanced due to three NOVs for same or similar violations, five NOVs for unrelated violations, and one 1660 order.

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 50% Enhancement* *Subtotal 6* $26,250

**Capped at the Total EB $ Amount*

Total EB Amounts	$200,885
Approx. Cost of Compliance	$1,862,560

SUM OF SUBTOTALS 1-7 Final Subtotal $102,375

OTHER FACTORS AS JUSTICE MAY REQUIRE 10% Reduction Adjustment -$10,238

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

Notes: Recommend a downward adjustment of the penalty so that the reporting violation described in Violation No. 1 does not overly impact the penalty.

Final Penalty Amount $92,138

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $92,138

DEFERRAL 20% Reduction Adjustment -$18,428

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 $73,710

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**
Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*
Case ID No. 30962 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN102501020
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)*	3	15%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	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*	0	0%
	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) **45%**

>> **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 three NOVs for same or similar violations, five NOVs for unrelated violations, and one 1660 order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **45%**

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 111.205(a), 122.143(4), Federal Operating Permit (FOP) No. O-02276, Special Condition (SC) 3F(i)

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

Violation Description Failed to provide annual written notification of intent and to provide a phone or electronic facsimile notice 24 hours in advance of any fire-fighting training. Training was conducted on January 7 and 27, and February 4, 2005 without notice.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 3 — 3 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $7,500

Three events were documented during the record review conducted June 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $543

Statutory Limit Test

Violation Final Penalty Total $13,163

This violation Final Assessed Penalty (adjusted for limits) $13,163

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
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	06-Jan-2005	21-Sep-2005	0.7	$18	n/a	$18
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 estimated cost of training responsible parties on the rule requirement from the due date to date training completed.

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)	$500	06-Jan-2005	25-Jul-2005	1.0	$25	$500	$525

Notes for AVOIDED costs: The estimated cost of preparing notices from the first due date to last due date.

Approx. Cost of Compliance: $1,000

TOTAL $543

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 2

Primary Rule Cite(s) ~~30 Tex. Admin. Code §§ 101.20(1), 116.115(c), 122.143(4), New Source~~ Review Permit (NSRP) No. 4831, SC 6A (effective 5/12/05, now 5A), FOP No. O-02276, SC 9, 40 Code of Federal Regulations (CFR) § 60.18(c)(4)(i)

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

Violation Description Failed to limit the flare exit velocity on the LPE Process Flare (LDFLARE) to 60 feet per second (ft/sec) on September 2, 2005. Polymer blockage in the reactor led to a flare exit velocity of 101 ft/sec for two minutes.

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.

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 conducted June 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,388

This violation Final Assessed Penalty (adjusted for limits) $4,388

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 2

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	02-Sep-2005	02-Sep-2005	0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of high-pressure purging of the polymer blockage. The blockage and purging occurred on the same day.

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: $200

TOTAL $0

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 6D (effective 5/12/05, now 5D), FOP No. O-02276, SC 9

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

Violation Description Failed to limit analyzer down time to 5% of flare operating hours. The LPE Flare analyzer system was taken out of service for modification to meet new Highly Reactive Volatile Organic Compound (HRVOC) regulations from June 12, 2005 to June 30, 2005 which resulted in down time greater than the 5% limit of flare operation hours.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to significant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1 | 3 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event was documented during the record review conducted June 7, 2006.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $500 **Violation Final Penalty Total** $4,388

This violation Final Assessed Penalty (adjusted for limits) $4,388

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 3

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				0.0	$0	n/a	$0
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							
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)	$500	12-Jun-2005	30-Jun-2005	0.0	$0	$500	$500
Notes for AVOIDED costs	The estimated cost of more oversight and planning to reduce down time from start of analyzer down time to end of the down time.						

Approx. Cost of Compliance $500

TOTAL $500

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 6D (effective 05/30/03), FOP No. O-02276, SC 9

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

Violation Description Operated the LPE Flare while the analyzer was out of service from April 16, 2005 through April 19, 2005.

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1 — 3 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

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

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $1,755

This violation Final Assessed Penalty (adjusted for limits) $1,755

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 4

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$500	16-Apr-2005	12-May-2005	0.1	$2	n/a	$2
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of obtaining a permit revision to allow for 5% down time on the analyzer. The begin date is the first day of documented violation and the end date is the when the permit was amended.

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: $500

TOTAL: $2

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Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 115.781(d)(1), 122.143(4), 40 CFR § 60.563(d)(2), FOP No. O-02276, SC 1A

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

Violation Description Failed to monthly monitor 37 out of 151 new car-seals on bypass lines for Units LDFUGEM, PROLDMR, PROLDPOLY, and PROLDRMP from April 1, 2005 through July 31, 2005.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 4 | 4 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $4,000

Monitoring is required once a month and the valves should have been monitored four times from April 1, 2005 through July 31, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $206

Statutory Limit Test

Violation Final Penalty Total $7,020

This violation Final Assessed Penalty (adjusted for limits) $7,020

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 5

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	$500	01-Apr-2005	21-Sep-2005	0.5	$12	n/a	$12
Training/Sampling				0.0	$0	n/a	$0
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 estimated cost of implementing all corrective procedures to make sure that all valves are monitored. All car-sealed valves are now included in the database which generates a report each month that initiates car-seal inspections. The begin date is the start date of the violation and the end date is the date by which the corrective measures were implemented.

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]	$185	01-Apr-2005	31-Jul-2005	1.0	$9	$185	$194
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: The estimated cost of monitoring is $1.25 per valve (37 valves) per month x 4 months.

Approx. Cost of Compliance: $685

TOTAL $206

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Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 115.352(2), 115.782(b)(2), 122.143(4), FOP No. O-02276, SC 1A

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

Violation Description Failed to make a first attempt to repair a valve in ethylene service in Unit LDFUGEM within 5 days after discovery of the leak.

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.

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	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event was documented during the record review conducted June 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,388

This violation Final Assessed Penalty (adjusted for limits) $4,388

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 6

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$25	20-Mar-2005	21-Mar-2005	0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost to repair the valve which should have been repaired on March 20, 2005 but was actually repaired on March 21, 2005.

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: $25

TOTAL $0

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 1, FOP No. O-02276, SC 9

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

Violation Description Failed to comply with the annual maximum allowable emission rate (MAER) for volatile organic compounds (VOC) at the LPE analyzer building common vent (L1ANALYZER). From September 9, 2004 through September 8, 2005, the vent emitted 7.01 tons per year (tpy); however the MAER is 2.29 tpy.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or the environment. The excess emissions were 4.72 tpy of VOC.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $5,000

One annual event was documented during the record review conducted June 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $5,590

Statutory Limit Test

Violation Final Penalty Total $8,775

This violation Final Assessed Penalty (adjusted for limits) $8,775

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 7

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	$50,000	09-Sep-2004	15-Apr-2006	1.6	$266	$5,324	$5,590
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				0.0	$0	n/a	$0
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 approximate cost for routing some analyzers to the flare and installing a thermal oxidizer to control others. The begin date is the first day of documented violation and the final date is the approximate compliance date.

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: $50,000

TOTAL $5,590

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

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Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(c), 122.143(4), NSRP No. 4831, SC 6A (now 5A), FOP No. O-02276, SC 9, 40 CFR § 60.18(c)(3)(ii)

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

Violation Description Failed to maintain the minimum heating value of 300 British thermal units per standard cubic foot (BTU/scf) in gas being combusted at the LPE flare. On February 13 and 15, 2005 the heating value fell to 294 BTU/scf from 13:00-14:00 and 12:00-13:00, respectively. On August 23, 2005, it fell to 267 BTU/scf from 01:00-02:00 and 13:00-14:00 and was at 286 BTU/scf from 07:00-09:00 and 15:00-16:00. On August 31, 2005, it fell to 298 BTU/scf from 12:00-13:00, and on September 2, 2005, to 295 BTU/scf from 02:00-03:00.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 5 | 5 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Five single events are recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $66 **Violation Final Penalty Total** $8,775

This violation Final Assessed Penalty (adjusted for limits) $8,775

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 8

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	13-Feb-2005	30-Sep-2007	2.6	$66	n/a	$66

Notes for DELAYED costs: The estimated cost of taking corrective actions from date of the first violation to the projected compliance date.

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: $500

TOTAL $66

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

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Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 9

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.110(a)

Secondary Rule Cite(s) Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain a permit before constructing and operating five catalyst loading stations (L1SF03539 through L1SF03543).

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 3 | 79 Number of violation days

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three monthly events are recommended from the investigation date (June 7, 2006) to the screening date (August 25, 2006).

Economic Benefit (EB) for this violation

Estimated EB Amount $768

Statutory Limit Test

Violation Final Penalty Total $13,163

This violation Final Assessed Penalty (adjusted for limits) $13,163

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 9

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$5,000	04-Sep-2004	30-Sep-2007	3.1	$768	n/a	$768
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of obtaining a permit/permit amendment. The date required is the first day documented and the final date is the projected compliance date.

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: $5,000

TOTAL $768

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Enf. Coordinator Miriam Hall

Violation Number 10

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 1, FOP No. O-02276, SC 9

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

Violation Description Failed to comply with the E2 Granular Feed Bin Filter (L1YF02310D) particulate matter (PM_{10}) annual emission rate of 0.01 tpy. From September 9, 2004 through September 8, 2005 the annual emission rate was actually 1.38 tpy.

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 excess emissions were 0.10 tpy of PM_{10}.

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	x
single event	

Violation Base Penalty $2,500

One annual event was documented during the record review conducted June 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $172

Statutory Limit Test

Violation Final Penalty Total $4,388

This violation Final Assessed Penalty (adjusted for limits) $4,388

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 10

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$3,000	09-Sep-2004	02-Nov-2005	1.1	$172	n/a	$172
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of obtaining the permit including the $900 permit fee. The date required is the first day documented and the final date is the date Permit No. 4831 was amended to increase the PM_{10} limit from 0.01 tpy to 1.88 tpy.

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: $3,000

TOTAL $172

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Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 11

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 3, FOP No. O-02276, SC 9

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

Violation Description Exceeded the hourly MAER of 274 pounds of VOC to a million (MM) pounds of granular product from Reactor 1 and 108 lbs VOC/MM of granular product from Reactor 2. In 2005, The concentration limit was exceeded for one hour from Reactor 1 on January 18 and 19 (319 lbs VOC/MM), March 14 (339 lbs VOC/MM), and May 28 (276 lbs VOC/MM). In 2005, the concentration limit was exceeded for one hour from Reactor 2 on May 23 (177 lbs VOC/MM), July 15 (115 lbs VOC/MM) and July 21 (146 lbs VOC/MM).

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.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 3 | 6 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Two quarterly events are recommended for Reactor 1 and one quarterly event for Reactor 2.

Economic Benefit (EB) for this violation

Estimated EB Amount $192,970

Statutory Limit Test

Violation Final Penalty Total $13,163

This violation Final Assessed Penalty (adjusted for limits) $13,163

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 11

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	$1,800,000	18-Jan-2005	31-Jul-2006	1.5	$9,189	$183,781	$192,970
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				0.0	$0	n/a	$0
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 approximate cost of installing a reactor vent recovery unit. The date required is the first day of documented violation, and the final date is the approximate date the project was finished.

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: $1,800,000

TOTAL $192,970

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 12

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.244(1)

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

Violation Description Failed to conduct daily inspection of the Stage II vapor recovery systems on the motor vehicle fuel dispensing facility on November 11 and December 13, 2004.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2 | 2 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

Two single events (two missed inspections) were documented during the record review conducted June 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $63

Statutory Limit Test

Violation Final Penalty Total $3,510

This violation Final Assessed Penalty (adjusted for limits) $3,510

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 12

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	11-Nov-2004	06-Apr-2005	0.4	$10	n/a	$10
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 estimated cost for retraining personnel on daily post duties from the date of the first missed inspection to the date by which training had been completed.

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]	$50	11-Nov-2004	13-Dec-2004	1.0	$3	$50	$53
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: The estimated cost for not conducting the inspections from the date of the first missed inspection to the day of the last missed inspection.

Approx. Cost of Compliance: $550

TOTAL $63

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 13

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 115.783(1)(B), 122.143(4), 40 CFR § 60.562-1(e), FOP No. O-02274, SC 1A

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

Violation Description Failed to install two car-seals to valves in a closed-vent system from February 1, 2005 to March 9, 2005.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: The valves were in the proper position. Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2 | 36 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

One event per valve is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $3,510

This violation Final Assessed Penalty (adjusted for limits) $3,510

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 13

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	$500	01-Feb-2005	09-Mar-2005	0.1	$0	$3	$3
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				0.0	$0	n/a	$0
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 estimated cost of installing car-seals and adding the valves to the inspection program from first date of violation to compliance date.

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: $500

TOTAL $3

Screening Date 25-Aug-2006 **Docket No.** 2006-1442-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 30962 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN102501020

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 14

Primary Rule Cite(s) 30 Tex. Admin. Code § 122.145(2)(A), FOP No. O-02276, General Terms and Conditions (GTC)

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

Violation Description Failed to submit a complete deviation report. Seven of the deviations reported on the deviation report dated October 5, 2005 should have been reported on the April 6, 2005 deviation report.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes: The respondent reported 8 out of 15 deviations on April 6, 2005.

Adjustment -$9,000

Base Penalty Subtotal $1,000

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 $1,000

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

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $1,755

This violation Final Assessed Penalty (adjusted for limits) $1,755

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 30962
Reg. Ent. Reference No. RN102501020
Media [Statute] Air Quality
Violation No. 14

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				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	06-Apr-2005	05-Oct-2005	0.5	$2	n/a	$2

Notes for DELAYED costs: The estimated cost for failing to report the deviations on the April 6, 2005 report (date required) to date actually reported (final date).

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: $100

TOTAL $2

Compliance History

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.71
Regulated Entity:	RN102501020	EXXONMOBIL CHEMICAL MONT BELVIEU PLASTICS PLANT	Classification: AVERAGE	Site Rating: 0.59

ID Number(s):

WASTEWATER	PERMIT	WQ0002546000
WASTEWATER	PERMIT	TPDES0089125
WASTEWATER	PERMIT	TX0089125
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	36975
AIR NEW SOURCE PERMITS	PERMIT	4831
AIR NEW SOURCE PERMITS	PERMIT	19016
AIR NEW SOURCE PERMITS	PERMIT	47243
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0009P
AIR NEW SOURCE PERMITS	PERMIT	53389
AIR NEW SOURCE PERMITS	PERMIT	54754
AIR NEW SOURCE PERMITS	AFS NUM	0016
AIR NEW SOURCE PERMITS	PERMIT	74418
AIR NEW SOURCE PERMITS	REGISTRATION	77687
AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0009P
AIR OPERATING PERMITS	PERMIT	1446
AIR OPERATING PERMITS	PERMIT	2276
STORMWATER	PERMIT	TXR05L467
STORMWATER	PERMIT	TXR05L467
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXT000618090
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32238

Location: 13330 HATCHERVILLE RD, MONT BELVIEU, TX, 77580 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 22, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 22, 2001 to August 22, 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? 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.

Effective Date: 04/29/2006 ADMINORDER 2005-1811-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02276 Special Condition 1A OP

Description: Failure to properly calibrate the monitoring instruments in accordance with Method 21 of 40 Code of Federal Regulations Part 60, Appendix A, resulting in exceedances during 2 quarterly periods from September 9, 2003 through December 15, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to install a Stage II vapor recovery system in an above ground storage and dispersing facility.

Classification: Moderate

Citation: 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: No. 4831, Special Condition No. 3 PERMIT

Description: Failure to control the maximum hourly emission rate of 274 parts per million ("ppm") of granular product from Reactor-1 on three occassions from January 27, 2004 through March 3, 2004. Also, an analysis of product downstream of the product purger exceeded the hourly limit emitting 282 ppm of VOCs on March 30, 2004.

Classification: Moderate

Citation: 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: O-02276, Special Condition 1A OP

Description: Failure to maintain the heating value in the compressor associated with Reactor-1 at a minimum of 300 Btu/SCF, resulting in venting more nitrogen than normal to the flare on September 30, 2003.

Classification: Moderate

Citation: 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: O-02276 Special Condition 9A OP
Permit No. 4831, Special Condition 1 PERMIT

Description: Failure to maintain the permitted limits of 2.29 tons per year ("TPY") VOC, 0.01 TPY particulate matter ("PM"), and 2.47 TPY (Catalyst VOC cap) for the period from September 9, 2003 through September 8, 2004.

Classification: Minor

Citation: 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: O-02276, Special Condition 9A OP
Permit No. 4831, Special Condition 16A PERMIT

Description: Failure to properly conduct water sampling and testing by an approved method meeting the requirements of the TCEQ Sampling Procedures Manual, Appendix P (dated January 2003 or a later edition) or an approved equivalent method.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(i)
30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)

Description: Failure to record the leak test and identification number of each gasoline tank-truck for which annual leak testing is required.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.4(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)

Rqmt Prov: O-02276 Special Condition 1A OP

Description: Failure to submit reports required to assure compliance with the permit.

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	01/18/2002	(211517)
2	01/17/2003	(211518)
3	11/22/2005	(477354)
4	06/21/2004	(317907)
5	12/27/2005	(477355)
6	01/27/2006	(477356)
7	08/18/2003	(317910)
8	08/19/2002	(5860)
9	09/17/2003	(317912)
10	07/21/2006	(487662)
11	11/11/2004	(293123)
12	10/21/2003	(317914)
13	11/20/2003	(317915)

14	07/18/2006	(480139)
15	12/19/2003	(317916)
16	01/22/2004	(317917)
17	02/23/2005	(387260)
18	03/21/2005	(387261)
19	12/22/2004	(387262)
20	01/21/2005	(387263)
21	03/28/2003	(23323)
22	02/25/2002	(211474)
23	05/31/2006	(480108)
24	02/18/2003	(211475)
25	06/08/2004	(269337)
26	03/25/2002	(211478)
27	04/25/2005	(425021)
28	05/19/2006	(458202)
29	03/18/2003	(211479)
30	05/23/2005	(425022)
31	01/07/2002	(98663)
32	06/18/2005	(425023)
33	01/07/2002	(98664)
34	02/22/2002	(98665)
35	02/26/2002	(98666)
36	02/26/2002	(98667)
37	04/22/2002	(211483)
38	04/11/2003	(211484)
39	05/22/2002	(211487)
40	08/26/2005	(396757)
41	05/19/2003	(211488)
42	08/12/2004	(283737)
43	06/25/2002	(211491)
44	07/05/2005	(395671)
45	07/30/2003	(61782)
46	06/16/2003	(211492)
47	10/07/2005	(406736)
48	02/04/2003	(22945)
49	07/22/2005	(445640)
50	07/19/2002	(211495)
51	08/18/2005	(445641)
52	07/17/2003	(211496)
53	08/31/2002	(10219)
54	09/19/2005	(445642)
55	04/15/2005	(377347)
56	06/30/2005	(396064)
57	08/20/2002	(211499)
58	04/24/2006	(504009)
59	07/28/2004	(361602)
60	09/19/2001	(211501)
61	05/22/2006	(504010)
62	08/24/2004	(361603)
63	09/19/2002	(211502)
64	01/28/2005	(347389)
65	09/23/2004	(361604)
66	06/23/2006	(504011)
67	10/19/2004	(361605)
68	10/19/2001	(211504)
69	11/23/2004	(361606)
70	10/15/2002	(211505)
71	05/31/2006	(480129)
72	11/19/2001	(211508)
73	11/15/2002	(211509)
74	12/20/2004	(340190)
75	02/02/2004	(257559)
76	12/27/2001	(211512)
77	02/20/2004	(317900)
78	12/18/2002	(211513)
79	02/22/2006	(477351)
80	03/19/2004	(317902)
81	03/17/2006	(477352)

82 08/29/2005 (406625)
83 04/22/2004 (317903)
84 10/26/2005 (477353)
85 05/24/2004 (317905)

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

Date: 09/30/2005 (477353)
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: 02/04/2004 (257559)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
Description: EMCC failed to calibrate their monitoring instrument according to the TCEQ Regulation V, Rule 115.355(1), which requres Test Method 21 (40 CFR 60, Appendix A) for determining volatile organic compound leaks

Date: 03/28/2003 (23323)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
Description: Failure to control emissions from the HDPE process.

Date: 08/30/2005 (406625)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.563(d)(1)
Rqmt Prov: OP IA
Description: Failure to install a car seal or flow meter device on two process vents

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.4(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(k)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
Description: RE failed to submit NSPS DDD and VV semi annual reports to the EPA.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
Rqmt Prov: OP IA
PERMIT IA
Description: The RE failed to maintain the flare heating value at or above 300 Btu/SCF

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: The RE failed to maintain the flare to ensure continuous ignition.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PERMIT IA
Description: Failure to maintain VOC limits in the process sewer and oil/water separator.

Date: 05/22/2006 (458202)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(3)

Description: Failure to document dates of unit shut-down on Semi-annual reports.

Self Report? NO Classification: Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)

Description: Failure to monitor valves for two successive leak free months.

Date: 01/31/2002 (211474)

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: 02/28/2003 (211479)

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: 05/31/2002 (211491)

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.

N/A

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**
EXXON MOBIL CORPORATION	§	
RN102501020	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1442-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 Exxon Mobil Corporation ("Exxon Mobil") 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 Exxon Mobil appear before the Commission and together stipulate that:

1. Exxon Mobil owns and operates a polyethylene plant at 13330 Hatcherville Road in Mont Belvieu, Chambers 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 Exxon Mobil agree that the Commission has jurisdiction to enter this Agreed Order, and that Exxon Mobil is subject to the Commission's jurisdiction.

4. Exxon Mobil received notice of the violations alleged in Section II ("Allegations") on or about July 23, 2006.

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

6. An administrative penalty in the amount of Ninety-Two Thousand One Hundred Thirty-Eight Dollars ($92,138) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Exxon Mobil has paid Seventy-Three Thousand Seven Hundred Ten Dollars ($73,710) of the administrative penalty and Eighteen Thousand Four Hundred Twenty-Eight Dollars ($18,428) is deferred contingent upon Exxon Mobil'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 Exxon Mobil fails to timely and satisfactorily comply with all

requirements of this Agreed Order, the Executive Director may require Exxon Mobil to pay all or part of the deferred penalty.

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 Exxon Mobil 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 Exxon Mobil has implemented the following corrective measures at the Plant:

   a. By March 9, 2005, installed two car-seals on valves in a closed-vent system and added the valves to the inspection program;

   b. On March 21, 2005, repaired the leaking valve in ethylene service;

   c. By April 6, 2005, retrained personnel on daily post duties including conducting daily inspections of the Stage II vapor recovery systems on the motor vehicle fuel dispensing facility;

   d. By April 15, 2006, reduced volatile organic compound ("VOC") emissions at the LPE analyzer building common vent by routing some analyzers to the flare and installing a thermal oxidizer to control others;

   e. On May 12, 2005, revised New Source Review Permit ("NSRP") No. 4831 to allow for 5 percent down time on the LPE flare analyzer;

   f. On June 30, 2005, brought the LPE Flare analyzer system back on line after modifying it to meet new Highly Reactive VOC regulations before the regulatory deadline of December 31, 2005;

   g. On September 2, 2005, conducted a high pressure purge to remove polymer blockage in the Low Density Polyethylene ("LPE") Process Flare reactor;

   h. By September 21, 2005, trained the responsible parties on firefighting training notification requirement;

   i. By September 21, 2005, included all car-sealed valves into a database which generates a report each month that initiates car-seal inspections. Also, developed a task checklist to ensure that the contractor has performed all required duties;

   j. On October 5, 2005, reported seven deviations that should have been reported on the April 6, 2005 deviation report;

k. On November 2, 2005, amended NSRP No. 4831 to increase the particulate matter ("PM_{10}") annual emission rate from 0.01 tons per year ("tpy") to 1.88 tpy; and

l. By July 31, 2006, installed a reactor vent recovery unit to reduce VOC emissions from granular product from Reactors 1 and 2.

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 Exxon Mobil 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, Exxon Mobil is alleged to have:

1. Failed to provide annual written notification of intent and to provide a phone or electronic facsimile notice 24 hours in advance of any firefighting training, in violation of 30 TEX. ADMIN. CODE §§ 111.205(a), 122.143(4), Federal Operating Permit ("FOP") No. O-02276, Special Condition ("SC") 3F(i) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, training was conducted on January 7 and 27, and February 4, 2005 without notice.

2. Failed to limit the flare exit velocity on the LPE Process Flare (LDFLARE) to 60 feet per second ("ft/sec") on September 2, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 122.143(4), NSRP No. 4831, SC 6A (effective May 12, 2005, now 5A), FOP No. O-02276, SC 9, 40 Code of Federal Regulations ("CFR") § 60.18(c)(4)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, Polymer blockage in the reactor led to a flare exit velocity of 101 ft/sec for two minutes.

3. Failed to limit analyzer down time to 5 percent of flare operating hours, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 6D (effective May 12, 2005, now 5D), FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, the LPE Flare analyzer system was taken out of service for modification to meet new Highly Reactive Volatile Organic Compound ("HRVOC") regulations from June 12, 2005 to June 30, 2005 which resulted in down time greater than the 5 percent limit of flare operation hours.

4. Operated the LPE Flare while the analyzer was out of service from April 16, 2005 through April 19, 2005, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 6D (effective May 30, 2003), FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006.

5. Failed to monthly monitor 37 out of 151 new car-seals on bypass lines for Units LDFUGEM, PROLDMR, PROLDPOLY, and PROLDRMP from April 1, 2005 through July 31, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.781(d)(1), 122.143(4), 40 CFR § 60.563(d)(2), FOP No. O-02276, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006.

6. Failed to make a first attempt to repair a valve in ethylene service in Unit LDFUGEM within five days after discovery of the leak, in violation of 30 TEX. ADMIN. CODE §§ 115.352(2), 115.782(b)(2), 122.143(4), FOP No. O-02276, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006.

7. Failed to comply with the annual maximum allowable emission rate ("MAER") for VOC at the LPE analyzer building common vent (L1ANALYZER), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 1, FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, from September 9, 2004 through September 8, 2005, the vent emitted 7.01 tpy; however, the MAER is 2.29 tpy.

8. Failed to maintain the minimum heating value of 300 British thermal units per standard cubic foot ("BTU/scf") in gas being combusted at the LPE flare, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), 122.143(4), NSRP No. 4831, SC 6A (now 5A), FOP No. O-02276, SC 9, 40 CFR § 60.18(c)(3)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, on February 13 and 15, 2005 the heating value fell to 294 BTU/scf from 13:00-14:00 and 12:00-13:00, respectively. On August 23, 2005, it fell to 267 BTU/scf from 01:00-02:00 and 13:00-14:00 and was at 286 BTU/scf from 07:00-09:00 and 15:00-16:00. On August 31, 2005, it fell to 298 BTU/scf from 12:00-13:00, and on September 2, 2005, to 295 BTU/scf from 02:00-03:00.

9. Failed to obtain a permit before constructing and operating five catalyst loading stations (L1SF03539 through L1SF03543), in violation of 30 TEX. ADMIN. CODE § 116.110(a), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during a record review conducted on June 7, 2006.

10. Failed to comply with the E2 Granular Feed Bin Filter (L1YF02310D) PM_{10} annual emission rate of 0.01 tpy, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 1, FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, from September 9, 2004 through September 8, 2005 the annual emission rate was actually 1.38 tpy.

11. Exceeded the hourly MAER of 274 pounds ("lbs") of VOC to a million ("MM") pounds of granular product from Reactor 1 and 108 lbs VOC/MM of granular product from Reactor 2, in violation of

30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), NSRP No. 4831, SC 3, FOP No. O-02276, SC 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Specifically, in 2005, the concentration limit was exceeded for one hour from Reactor 1 on January 18 and 19 (319 lbs VOC/MM), March 14 (339 lbs VOC/MM), and May 28 (276 lbs VOC/MM). In 2005, the concentration limit was exceeded for one hour from Reactor 2 on May 23 (177 lbs VOC/MM), July 15 (115 lbs VOC/MM) and July 21 (146 lbs VOC/MM).

12. Failed to conduct daily inspection of the Stage II vapor recovery systems on the motor vehicle fuel dispensing facility, in violation of 30 TEX. ADMIN. CODE § 115.244(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006.

13. Failed to install two car-seals to valves in a closed-vent system from February 1, 2005 to March 9, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.783(1)(B), 122.143(4), 40 CFR § 60.562-1(e), FOP No. O-02274, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006.

14. Failed to submit a complete deviation report, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A), FOP No. O-02276, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2006. Seven of the deviations reported on the deviation report dated October 5, 2005 should have been reported on the April 6, 2005 deviation report.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Exxon Mobil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Exxon Mobil'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: Exxon Mobil Corporation, Docket No. 2006-1442-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. It is further ordered that Exxon Mobil shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete application to amend NSRP No. 4831 to authorize the construction and operation of catalyst loading stations L1SF03539-L1SFO3543, in accordance with 30 TEX. ADMIN. CODE § 116.111 to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

b. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the NSRP No. 4831 amendment application within 30 days of the date of such letters, or by any other deadline specified in writing;

c. Within 180 days after the effective date of this Agreed Order, submit written certification that either that authorization to conduct operation of catalyst loading stations L1SF03539-L1SFO3543 has been obtained or that operation has ceased until such time that appropriate authorization is obtained. 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 under 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 obtaining 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."

d. By March 31, 2008, install a flare gas calorimeter to provide more frequent updates of the flare gas heating value and upgrade the LPE flare natural gas supply to improve response time to changes in the flare gas heating value;

e. By April 30, 2008, submit written certification of compliance with Ordering Provision 2.d. 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 2.c.

f. The certification statements required by paragraphs 2.c. and 2.e. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Exxon Mobil. Exxon Mobil 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.

4. If Exxon Mobil 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, Exxon Mobil's failure to comply is not a violation of this Agreed Order. Exxon Mobil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Exxon Mobil shall notify the Executive Director within seven days after Exxon Mobil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. 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 Exxon Mobil shall be made in writing to the Executive Director. Extensions are not effective until Exxon Mobil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Exxon Mobil 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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Exxon Mobil, or three days after the date on which the Commission mails notice of the Order to Exxon Mobil, 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

_____ 5/11/07
For the Executive Director 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.

Laura R Krause 22 Jan 07
Signature Date

LAURA R. KRAUSE MBPP Plant Manager
Name (Printed or typed) Title
Authorized Representative of
Exxon Mobil Corporation

State of Texas
County of ~~Harris~~ Chambers

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.

Sworn to and subscribed before me on the 22nd day of January, 2007

Carol Brogan
Notary Public's Signature
My Commission Expires June 24, 2010

CAROL BROGAN
Notary Public, State of Texas
My Commission Expires
June 24, 2010

State of _____

County of _____

Sworn to and subscribed before me on

the _____ day of _____

_____

Notary Public, State of Texas

My Commission Expires

_____

CAROL BROGAN

Notary Public, State of Texas

My Commission Expires

June 24, 2019