EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0290-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 32802

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: Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County

TYPE OF OPERATION: Chemical plant

SMALL BUSINESS: __ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are six additional pending enforcement actions regarding this facility location, Docket Numbers: 2005-0036-AIR-E, 2006-0736-AIR-E, 2006-2046-AIR-E, 2007-0034-AIR-E, 2007-0554-AIR-E, 2007-0688-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 July 1, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, R-14, (361) 825-3423; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468
Respondent: Mr. Darrin Talley, Plant Manager, Exxon Mobil Corporation, Post Office Box 4004, Baytown, Texas 77522; Mr. Adam Cantu, Environmental Section Supervisor, Exxon Mobil Corporation, Post Office Box 4004, Baytown, Texas 77522
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:** October 11, 2006 **Date of NOE Relating to this Case:** February 14, 2007 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **AIR** Failed to prevent unauthorized emissions. Specifically, 2,333.87 pounds ("lbs") of volatile organic compounds, including 1,791 lbs of 1-3 butadiene, 911.17 lbs of carbon monoxide and 121.39 lbs of nitrogen oxides were released from the Butadiene Unit during an avoidable emissions event that began October 6, 2006 and lasted five hours. Since these emissions were avoidable, Exxon failed to meet the demonstations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 3452, Special Condition No.1].	**Total Assessed:** $8,200 **Total Deferred:** $1,640 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $3,280 **Total Paid to General Revenue:** $3,280 **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 the Respondent has implemented the following corrective measures at the Plant: a. Exxon reviewed the incident with all technicians on January 12, 2007 and now requires that technicians monitor the oil reservoir while it is being filled to ensure that it is not overfilled; and b. The unit round sheet has also been enhanced to require the amount of oil fill to be recorded. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).

Attachment A
Docket Number: 2007-0290-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Payable Penalty Amount:	**Six Thousand Five Hundred Sixty Dollars ($6,560)**
SEP Amount:	**Three Thousand Two Hundred Eighty Dollars ($3,280)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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 January 9, 2007*

DATES					
Assigned	20-Feb-2007				
PCW	27-Feb-2007	Screening	27-Feb-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102212925		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32802	No. of Violations	1
Docket No.	2007-0290-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **89%** Enhancement — *Subtotals 2, 3, & 7* **$4,450**

Notes: Enhancement due to 12 NOVs with same or similar violations, two NOVs with unrelated violations and one Findings Order.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — **25%** Reduction — *Subtotal 5* **$1,250**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent completed corrective action on January 12, 2007.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$8
Approx. Cost of Compliance	$600

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$8,200**

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 **$8,200**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$8,200**

DEFERRAL — **20%** Reduction — *Adjustment* **-$1,640**

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 **$6,560**

Screening Date 27-Feb-2007 **Docket No.** 2007-0290-AIR-E **PCW**

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

Case ID No. 32802 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air Quality

Enf. Coordinator John Muennink

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*)	12	60%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	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	1	25%
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 submitted)*	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) 89%

>> 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

Enhancement due to 12 NOVs with same or similar violations, two NOVs with unrelated violations and one Findings Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 89%

Screening Date	27-Feb-2007	**Docket No.** 2007-0290-AIR-E	**PCW**
Respondent	Exxon Mobil Corporation		*Policy Revision 2 (September 2002)*
Case ID No.	32802		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN102212925		
Media [Statute]	Air Quality		
Enf. Coordinator	John Muennink		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Permit No. 3452, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, 2,333.87 pounds ("lbs") of volatile organic compounds, including 1,791 lbs 1-3 butadiene, 911.17 lbs of carbon monoxide and 121.39 lbs of nitrogen oxides were released from the Butadiene Unit during an avoidable emissions event that began October 6, 2006 and lasted five hours. Since these emissions were avoidable, Exxon Mobil Corporation failed to meet the demonstations necessary to present an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to a significant amount of pollutants as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $8,200

This violation Final Assessed Penalty (adjusted for limits) $8,200

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 32802
Reg. Ent. Reference No. RN102212925
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	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)	$600	6-Oct-2006	12-Jan-2007	0.3	$8	n/a	$8
Notes for DELAYED costs	Estimated expense to implement measures designed to prevent the reoccurrence of emissions due to similar causes. Date required is the date of the emissions event. Final date is the date corrective actions were 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)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $600

TOTAL: $8

Compliance History

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.80
Regulated Entity:	RN102212925	EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT	Classification: AVERAGE	Site Rating: 0.73

ID Number(s):

WASTEWATER	PERMIT	WQ0002184000
WASTEWATER	PERMIT	TX0077887000
AIR NEW SOURCE PERMITS	PERMIT	3452
AIR NEW SOURCE PERMITS	PERMIT	29094
AIR NEW SOURCE PERMITS	PERMIT	34420
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0228H
AIR NEW SOURCE PERMITS	PERMIT	52330
AIR NEW SOURCE PERMITS	REGISTRATION	54793
AIR NEW SOURCE PERMITS	PERMIT	54383
AIR NEW SOURCE PERMITS	PERMIT	53401
AIR NEW SOURCE PERMITS	AFS NUM	4820100257
AIR NEW SOURCE PERMITS	REGISTRATION	56790
AIR NEW SOURCE PERMITS	REGISTRATION	71717
AIR NEW SOURCE PERMITS	PERMIT	P731M2
AIR NEW SOURCE PERMITS	PERMIT	55105
AIR NEW SOURCE PERMITS	PERMIT	55660
AIR NEW SOURCE PERMITS	REGISTRATION	73880
AIR NEW SOURCE PERMITS	REGISTRATION	74541
AIR NEW SOURCE PERMITS	EPA ID	PSDTX302M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX731M2
AIR NEW SOURCE PERMITS	REGISTRATION	78611
AIR NEW SOURCE PERMITS	REGISTRATION	78591
AIR NEW SOURCE PERMITS	REGISTRATION	79047
AIR NEW SOURCE PERMITS	REGISTRATION	80283
AIR NEW SOURCE PERMITS	EPA ID	PAL6
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980625966
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31404
AIR OPERATING PERMITS	PERMIT	1553
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0228H

Location: 3525 DECKER DR, BAYTOWN, TX, 77520 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 26, 2002 to February 26, 2007

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

Name: John Muennink Phone: (361) 825-3423

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: 07/22/2006 ADMINORDER 2005-2070-AIR-E

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 initial notification within 24 hours after discovery of emissions event that ocurred from August 17, 2004 to December 2, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: 3452, Special Condition 1 PERMIT
Description: Failed to prevent the unauthorized emissions of 16,272 lbs of ethylene, 6,395 lbs of propylene and 91,264 lbs of carbon monoxide from the main burner vent valve during an emissions event that ocurred from August 17, 2004 to December 2, 2004, lasting 2,568 hours.

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	02/26/2002	(103255)
2	02/26/2002	(103256)
3	02/26/2002	(103257)
4	02/26/2002	(103258)
5	02/26/2002	(103259)
6	03/01/2002	(103260)
7	03/04/2002	(103261)
8	03/18/2002	(203996)
9	04/18/2002	(204001)
10	05/16/2002	(204005)
11	06/20/2002	(204009)
12	06/28/2002	(3241)
13	06/28/2002	(3177)
14	06/28/2002	(3145)
15	07/03/2002	(3285)
16	07/22/2002	(204013)
17	08/06/2002	(7039)
18	08/13/2002	(6066)
19	08/13/2002	(6041)
20	08/16/2002	(6645)
21	08/23/2002	(204017)
22	08/31/2002	(9591)
23	08/31/2002	(10243)
24	08/31/2002	(4902)
25	08/31/2002	(4912)
26	08/31/2002	(9413)
27	08/31/2002	(9080)
28	08/31/2002	(8103)
29	09/16/2002	(204021)
30	10/07/2002	(10090)
31	10/14/2002	(11512)
32	10/21/2002	(204024)
33	11/22/2002	(204028)
34	12/17/2002	(204032)
35	12/19/2002	(10826)
36	01/06/2003	(16230)
37	01/23/2003	(204036)
38	02/21/2003	(203994)
39	02/21/2003	(204018)
40	03/21/2003	(203997)
41	03/22/2003	(314722)
42	04/04/2003	(29321)
43	04/07/2003	(23967)
44	04/10/2003	(29966)
45	04/22/2003	(204002)
46	05/05/2003	(28946)
47	05/05/2003	(29004)
48	05/22/2003	(204006)
49	05/29/2003	(31277)
50	06/19/2003	(40869)
51	06/23/2003	(204010)
52	06/25/2003	(96672)
53	06/25/2003	(99067)

54	07/02/2003	(119540)
55	07/16/2003	(47649)
56	07/22/2003	(204014)
57	08/28/2003	(152674)
58	09/19/2003	(314731)
59	09/19/2003	(314736)
60	10/21/2003	(314733)
61	11/21/2003	(314734)
62	12/29/2003	(314735)
63	02/09/2004	(259540)
64	02/23/2004	(314720)
65	04/19/2004	(314723)
66	05/18/2004	(314725)
67	06/17/2004	(314727)
68	06/18/2004	(271703)
69	06/18/2004	(271704)
70	06/30/2004	(271595)
71	07/14/2004	(360120)
72	08/13/2004	(277844)
73	08/13/2004	(278593)
74	08/16/2004	(278248)
75	08/16/2004	(277845)
76	08/16/2004	(277785)
77	08/20/2004	(360121)
78	08/31/2004	(278199)
79	09/01/2004	(288748)
80	09/01/2004	(277846)
81	09/01/2004	(288665)
82	09/01/2004	(288722)
83	09/01/2004	(278352)
84	09/02/2004	(279829)
85	09/02/2004	(279860)
86	09/03/2004	(280144)
87	09/03/2004	(279795)
88	09/03/2004	(280037)
89	09/03/2004	(280123)
90	09/03/2004	(279817)
91	09/03/2004	(280111)
92	09/21/2004	(360122)
93	09/30/2004	(280282)
94	09/30/2004	(287843)
95	09/30/2004	(287848)
96	09/30/2004	(289552)
97	09/30/2004	(289553)
98	09/30/2004	(289557)
99	09/30/2004	(289561)
100	09/30/2004	(289677)
101	09/30/2004	(289566)
102	09/30/2004	(289679)
103	09/30/2004	(287862)
104	09/30/2004	(287902)
105	09/30/2004	(288587)
106	10/19/2004	(360123)
107	10/26/2004	(292713)
108	10/31/2004	(287875)
109	10/31/2004	(289550)
110	10/31/2004	(289551)
111	10/31/2004	(289554)
112	11/08/2004	(339636)
113	11/08/2004	(339632)
114	11/08/2004	(339363)
115	11/09/2004	(339460)
116	11/16/2004	(360124)
117	11/29/2004	(339359)
118	11/29/2004	(339626)
119	12/13/2004	(287868)
120	12/13/2004	(289555)

121	12/13/2004	(289556)
122	12/13/2004	(289563)
123	12/13/2004	(271258)
124	12/20/2004	(360125)
125	12/21/2004	(339334)
126	01/14/2005	(386366)
127	02/14/2005	(386364)
128	03/18/2005	(386365)
129	03/21/2005	(341471)
130	03/25/2005	(374513)
131	04/18/2005	(424253)
132	04/22/2005	(377892)
133	05/10/2005	(339150)
134	05/17/2005	(424254)
135	05/19/2005	(373581)
136	05/20/2005	(373582)
137	05/25/2005	(349417)
138	06/17/2005	(424255)
139	07/14/2005	(392795)
140	07/14/2005	(396285)
141	07/14/2005	(392796)
142	07/14/2005	(392797)
143	07/19/2005	(445026)
144	07/26/2005	(400606)
145	08/05/2005	(403334)
146	08/10/2005	(445027)
147	08/15/2005	(404700)
148	08/24/2005	(397056)
149	08/29/2005	(405282)
150	09/20/2005	(445028)
151	10/24/2005	(445029)
152	11/28/2005	(476046)
153	12/06/2005	(376780)
154	12/20/2005	(476047)
155	01/19/2006	(439145)
156	01/23/2006	(476048)
157	02/03/2006	(437332)
158	02/07/2006	(433592)
159	02/10/2006	(438263)
160	02/21/2006	(476045)
161	02/28/2006	(457054)
162	03/20/2006	(503241)
163	03/28/2006	(452535)
164	04/21/2006	(503242)
165	05/22/2006	(503243)
166	05/24/2006	(463814)
167	05/24/2006	(464433)
168	05/30/2006	(479940)
169	05/30/2006	(479920)
170	05/30/2006	(479932)
171	05/30/2006	(479928)
172	05/30/2006	(479945)
173	05/30/2006	(479910)
174	05/31/2006	(464208)
175	05/31/2006	(341397)
176	06/20/2006	(503244)
177	07/17/2006	(503245)
178	07/17/2006	(481459)
179	07/28/2006	(465223)
180	08/07/2006	(488663)
181	08/17/2006	(525611)
182	08/24/2006	(480881)
183	08/29/2006	(480895)
184	08/29/2006	(480887)
185	08/31/2006	(510492)
186	09/19/2006	(525612)
187	09/22/2006	(513668)

188 10/23/2006 (509809)
189 11/15/2006 (515850)
190 11/16/2006 (519233)
191 12/07/2006 (514158)
192 12/11/2006 (373579)
193 12/14/2006 (531122)
194 12/20/2006 (516286)
195 02/14/2007 (536779)
196 02/22/2007 (515162)
197 02/22/2007 (514944)

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

Date 03/01/2002 (103260)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
Description: NSPS STANDARDS

Date 10/27/2002 (10090)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to control emissions.

Date 04/08/2003 (29321)
Self Report? NO Classification Major
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 VOC emissions during a routine process operation.

Date 05/10/2005 (339150)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: ExxonMobil BOP had an avoidable emissions event during Incident 49018,

Date 05/20/2005 (373582)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: BOP had an avoidable emissions event during Incident 51478. Incident was not reported on time. Incident was not excessive.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
Description: BOP had a late report during incident 51478. Not excessive.

Date 07/14/2005 (396285)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to identify the preconstruction authorization number governing the facility involved in the emissions event.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible Permit No. 3452, S.C. No. 1
Description: Unauthorized emissions as a consequence of failure to comply with the reporting requirements.

Date 02/06/2006 (437332)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Permit #3452, Special Condition-1
Description: Failure to prevent unauthorized emissions.

Date 02/06/2006 (433592)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Permit #3452, Special Condition 1
Description: Failure to prevent unauthorized emissions.

Date 05/23/2006 (463814)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: Exxon/Mobil failed to maintain the RC-01 Butadiene Compressor.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 governing the facilities involved in emissions event (Incident No. 69812).

Date 05/31/2006 (464208)

Self Report? NO 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: PERMIT 9910 and PSD-TX-731M3, SC 7B
OP O-1153, Special Condition 14

Description: Failed to prevent the exceedence of the annual firing rate limit, which occurred from February 1, 2005 through February 28, 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent the incorrect calibration of the analyzer resulting in excess ammonia being injected into the system causing a exceedence in the 24-hour rolling average concentration, which occurred from March 21, 2005, 6:00 a.m.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 3452 and PSD-TX-302M2, SC 13A
OP O-1553, Special Condition 14

Description: Failed to monitor a flange (LDAR tag #13300.1) in HRVOC service for two quarters (April 1, 2005 through October 2, 2005).

Self Report? NO Classification Moderate

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

Rqmt Prov: OP O-1553, General Terms and Conditons

Description: Failed to include non-reportable emissions events and start-up activities that occurred during the certification period as deviations in the deviation reports dated July 15, 2005 and January 13, 2006.

Date 07/28/2006 (465223)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 as the governing authorization for the facilities involved in emissions event (Incident No. 70899).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 3452, Special Condition No. 1

Description: Exxon/Mobil failed to maintain the NT-02 bottom's balance lines.

Date 08/25/2006 (480887)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 3452, Special Condition No. 1

Description: ExxonMobil failed to maintain the liquid hydrocarbons levels in the MD-16, the Cold Blowdown Drum.

Date 08/25/2006 (480895)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 3452, Special Condition No. 1

Description: ExxonMobil Chemical Baytown failed to maintain the protective relay to the XVCM-02 compressor motor which resulted in the release of 1,621 pounds of unauthorized volatile organic compounds (VOC) to the atmosphere.

Date 11/16/2006 (519233)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PA TCEQ Air Permit No. 3452, SC No. 1

Description: Failure to prevent an avoidable emissions event.

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	§	
RN102212925	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0290-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 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 Corporation appear before the Commission and together stipulate that:

1. Exxon Mobil Corporation owns and operates a chemical plant at 3525 Decker Drive in Baytown, Harris 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 Corporation agree that the Commission has jurisdiction to enter this Agreed Order, and that Exxon Mobil Corporation is subject to the Commission's jurisdiction.

4. Exxon Mobil Corporation received notice of the violations alleged in Section II ("Allegations") on or about February 19, 2007.

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

6. An administrative penalty in the amount of Eight Thousand Two Hundred Dollars ($8,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Exxon Mobil Corporation has paid Three Thousand Two Hundred Eighty Dollars ($3,280) of the

administrative penalty. Three Thousand Two Hundred Eighty Dollars ($3,280) shall be conditionally offset by Exxon Mobil Corporation's completion of a Supplemental Environmental Project ("SEP") and One Thousand Six Hundred Forty Dollars ($1,640) is deferred contingent upon Exxon Mobil Corporation'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 Corporation fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Exxon Mobil Corporation 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 Corporation 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 Corporation has implemented the following corrective measures at the Plant:

   a. Exxon Mobil Corporation reviewed the incident with all technicians on January 12, 2007 and now requires that technicians monitor the oil reservoir while it is being filled to ensure that it is not overfilled; and

   b. The unit round sheet has also been enhanced to require the amount of oil fill to be recorded.

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 Corporation 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 Corporation is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 3452, Special Condition No. 1, as documented during a record review conducted on October 11, 2006. Specifically, 2,333.87 pounds ("lbs") of volatile organic compounds, including 1,791 lbs of 1-3 butadiene, 911.17 lbs of carbon monoxide and 121.39 lbs of nitrogen oxides were released from the Butadiene Unit during an avoidable emissions event that began October 6, 2006 and lasted five hours. Since these emissions were avoidable, Exxon Mobil Corporation failed to meet the demonstations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Exxon Mobil Corporation pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Exxon Mobil Corporation'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. 2007-0290-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. Exxon Mobil Corporation shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Two Hundred Eighty Dollars ($3,280) of the assessed administrative penalty shall be offset with the condition that Exxon Mobil Corporation implement the SEP defined in Attachment A, incorporated herein by reference. Exxon Mobil Corporation's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon Exxon Mobil Corporation. Exxon Mobil Corporation 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 Corporation 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 Corporation's failure to comply is not a violation of this Agreed Order. Exxon Mobil Corporation shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Exxon Mobil Corporation shall notify the Executive Director within seven days after Exxon Mobil Corporation 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 Corporation shall be made in writing to the Executive Director. Extensions are not effective until Exxon Mobil Corporation 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 Corporation 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 Corporation, or three days after the date on which the Commission mails notice of the Order to Exxon Mobil Corporation, 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

Date 8/20/07

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.

Signature

Date 4/24/07

Name (Printed or typed)
Authorized Representative of
Exxon Mobil Corporation

Plant 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: 2007-0290-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Payable Penalty Amount:	**Six Thousand Five Hundred Sixty Dollars ($6,560)**
SEP Amount:	**Three Thousand Two Hundred Eighty Dollars ($3,280)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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.