# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.:** 2007-0077-AIR-E **TCEQ ID:** RN102579307 **CASE NO.:** 32118

**RESPONDENT NAME:** Exxon Mobil Corporation

| **ORDER TYPE:** | | |
|---|---|---|
| __1660 AGREED ORDER | X 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 Baytown Facility, 2800 Decker Drive, Baytown, Harris County

**TYPE OF OPERATION:** Refinery

**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 June 18, 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:** Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2134; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
**Respondent:** Mr. Adam Cantu, Environmental Section Supervisor, Exxon Mobil Corporation, P.O. Box 3950, Baytown, Texas 77522-3950
Mr. Chris W. Erickson, Plant Manager, Exxon Mobil Corporation, P.O. Box 3950, Baytown, Texas 77522-3950
**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:**<br>___ Complaint<br>___ Routine<br>___ Enforcement Follow-up<br>_X_ Records Review<br><br>**Date(s) of Complaints Relating to this Case:** None<br><br>**Date of Investigation Relating to this Case:** June 21, 2005<br><br>**Date of NOE Relating to this Case:** December 21, 2006 (NOE)<br><br>**Background Facts:** This was a routine record review. One violation was documented.<br><br>**AIR**<br><br>Failed to prevent the unauthorized release of air contaminants into the atmosphere [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 18287 and PSD-TX-730M4/PAL, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. | **Total Assessed:** $20,000<br><br>**Total Deferred:** $0<br>__Expedited Settlement<br><br>__Financial Inability to Pay<br><br>**SEP Conditional Offset:** $10,000<br><br>**Total Paid to General Revenue:** $10,000<br><br>**Site Compliance History Classification**<br>__ **High** _X_ **Average** __ **Poor**<br><br>**Person Compliance History Classification**<br>__ **High** _X_ **Average** __ **Poor**<br><br>**Major Source:** _X_ Yes ___ No<br><br>**Applicable Penalty Policy:** September 2002<br><br>**Findings Orders Justification:** Unauthorized emissions which are excessive emissions events. Also, the Respondent has more than three repeated orders for the same violation within the previous five year period. | **Ordering Provisions:**<br><br>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)<br><br>2) The Order will also require the Respondent to:<br><br>a. Within 30 days after the effective date of this Agreed Order, complete all repairs to the fans (EPN Nos. FD510 and FD520) at EPN No. FCCU3;<br><br>b. Within 45 days after the effective date of this Agreed Order, submit written certification including detailed records to demonstrate compliance with Ordering Provision No. 2.a.;<br><br>c. Within 60 days after the effective date of this Agreed Order, implement training procedures for plant personnel responsible for the operation of the West loop flare gas recovery compressor C-002, EPN No. FCCU3, and all fans and bypass valves at that unit, detailing proper procedures and precautions that should be followed during all operations. In addition, also provide training to personnel responsible for operating EPN Nos. FD510 and FD520, detailing proper procedures when calculating amperage limits for these units; and<br><br>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. |

**Attachment A**
**Docket Number: 2007-0077-AIR-E**

## SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---|---|
| **Respondent:** | **Exxon Mobil Corporation** |
| **Payable Penalty Amount:** | **Twenty Thousand Dollars ($20,000)** |
| **SEP Amount:** | **Ten Thousand Dollars ($10,000)** |
| **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 December 8, 2006*

| DATES | | | | | |
|---|---|---|---|---|---|
| Assigned | 3-Jan-2007 | | | | |
| PCW | 9-Mar-2007 | Screening | 4-Jan-2007 | EPA Due | 9-Oct-2007 |

**RESPONDENT/FACILITY INFORMATION**

| | | | |
|---|---|---|---|
| Respondent | Exxon Mobil Corporation | | |
| Reg. Ent. Ref. No. | RN102579307 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Major |

**CASE INFORMATION**

| | | | |
|---|---|---|---|
| Enf./Case ID No. | 32118 | No. of Violations | 1 |
| Docket No. | 2007-0077-AIR-E | Order Type | Findings |
| Media Program(s) | Air Quality | Enf. Coordinator | Suzanne Walrath |
| Multi-Media | | EC's Team | EnforcementTeam 4 |
| Admin. Penalty $ Limit Minimum | $0 | Maximum | $10,000 |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** — *Subtotal 1* **$20,000**

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

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

**Compliance History** — **359%** Enhancement — *Subtotals 2, 3, & 7* **$71,800**

Notes: The Respondent has received 17 NOVs with same or similar violations, 17 NOVs without same or similar violations, two 1660 orders, and eight findings orders.

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

Notes: 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 x) |

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

**0%** Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

| | |
|---|---|
| Total EB Amounts | $1,107 |
| Approx. Cost of Compliance | $8,500 |

**SUM OF SUBTOTALS 1-7** — *Final Subtotal* **$91,800**

**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* **$91,800**

**STATUTORY LIMIT ADJUSTMENT** — *Final Assessed Penalty* **$20,000**

**DEFERRAL** — **0%** Reduction — *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **$20,000**

**Screening Date** 4-Jan-2007 **Docket No.** 2007-0077-AIR-E **PCW**

**Respondent** Exxon Mobil Corporation

*Policy Revision 2 (September 2002)*

**Case ID No.** 32118

*PCW Revision December 8, 2006*

**Reg. Ent. Reference No.** RN102579307

**Media [Statute]** Air Quality

**Enf. Coordinator** Suzanne Walrath

# 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*) | 17 | 85% |
| | Other written NOVs | 17 | 34% |
| Orders | Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*) | 2 | 40% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 8 | 200% |
| 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)*** 359%

## >> 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**

The Respondent has received 17 NOVs with same or similar violations, 17 NOVs without same or similar violations, two 1660 orders, and eight findings orders.

***Total Adjustment Percentage (Subtotals 2, 3, & 7)*** 359%

| | | | |
|---|---|---|---|
| **Screening Date** | 4-Jan-2007 | **Docket No.** 2007-0077-AIR-E | **PCW** |
| **Respondent** | Exxon Mobil Corporation | | *Policy Revision 2 (September 2002)* |
| **Case ID No.** | 32118 | | *PCW Revision December 8, 2006* |
| **Reg. Ent. Reference No.** | RN102579307 | | |
| **Media [Statute]** | Air Quality | | |
| **Enf. Coordinator** | Suzanne Walrath | | |

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 116.715(a), Flexible Air Permit No. 18287 and PSD-TX-730M4/PAL, Special Condition No. 1, and Tex. Health and Safety Code § 382.085(b)

**Violation Description** Exxon Mobil failed to prevent the unauthorized release of air contaminants into the atmosphere during separate events on 1/15/05 and 1/17/05. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions and were determined to be excessive emission events. See attached table.

**Base Penalty** $10,000

## >> Environmental, Property and Human Health Matrix

OR

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

**Percent** 100%

## >>Programmatic Matrix

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

**Percent** 0%

Matrix Notes: Human health or the environment was exposed to significant amounts of pollutants as a result of this violation.

**Adjustment** $0

$10,000

## Violation Events

Number of Violation Events 2

2 Number of violation days

*mark only one with an x*

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

**Violation Base Penalty** $20,000

Two daily events are recommended for the emission events which occurred on 1/15/05, and 1/17/05, as documented by the file review on 6/21/05.

## Economic Benefit (EB) for this violation

**Estimated EB Amount** $1,107

## Statutory Limit Test

**Violation Final Penalty Total** $91,800

**This violation Final Assessed Penalty (adjusted for limits)** $20,000

# Economic Benefit Worksheet

**Respondent** Exxon Mobil Corporation
**Case ID No.** 32118
**Reg. Ent. Reference No.** RN102579307
**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 | $1,500 | 15-Jan-2005 | 24-Aug-2007 | 2.6 | $195 | n/a | $195 |
| Remediation/Disposal | | | | 0.0 | $0 | n/a | $0 |
| Permit Costs | | | | 0.0 | $0 | n/a | $0 |
| Other (as needed) | $7,000 | 15-Jan-2005 | 24-Aug-2007 | 2.6 | $912 | n/a | $912 |
| **Notes for DELAYED costs** | These are estimated costs for the repair of the two fans (EPN Nos. FD510 and FD520) at the fluid catalytic cracking unit 3 (EPN No. FCCU3), and for the cost of training procedures for plant personnel responsible for the operation of the EPN No. FCCU3, and all fans and bypass valves at that unit. Date required is the date of the first emission event, and the final date is the projected date of compliance. | | | | | | |
| **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** $8,500

**TOTAL** $1,107

**EXXON MOBIL CORPORATION**
**DOCKET NO. 2007-0077-AIR-E**
**Enforcement Case No. 32118**

| Date/Duration | Unauthorized Emissions |
|---|---|
| 1/15/05, 10 hrs., 3 min. | Fluid catalytic cracking unit 3 ("FCCU3") to the wet gas scrubber bypass valve: ammonia - 927 lbs., CO - 272,309 lbs., hydrogen cyanide - 742 lbs., nitrogen oxide ("NOx") - 288 lbs., particulate matter ("PM") - 1,064 lbs., and sulfur dioxide ("$SO_2$") - 8,156 lbs<br><br>The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions and was determined to be an excessive emission event. |
| 1/17/05, 9 hrs., 3 min. | FCCU3 to the wet gas scrubber bypass: ammonia - 796 lbs., CO - 252,029 lbs.; hydrogen cyanide - 637 lbs.; NOx - 247 lbs., PM - 933 lbs., and $SO_2$ - 7,003 lbs.<br><br>The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions and was determined to be an excessive emission event. |

# Compliance History

| | | | | |
|---|---|---|---|---|
| Customer/Respondent/Owner-Operator: | CN602700304 | Exxon Mobil Corporation | Classification: AVERAGE | Rating: 1.95 |
| Regulated Entity: | RN102579307 | EXXON MOBIL BAYTOWN FACILITY | Classification: AVERAGE | Site Rating: 4.21 |

ID Number(s):

| | | |
|---|---|---|
| AIR NEW SOURCE PERMITS | PERMIT | 11007 |
| AIR NEW SOURCE PERMITS | PERMIT | 1384 |
| AIR NEW SOURCE PERMITS | PERMIT | 1632 |
| AIR NEW SOURCE PERMITS | PERMIT | 2007 |
| AIR NEW SOURCE PERMITS | PERMIT | 2073 |
| AIR NEW SOURCE PERMITS | PERMIT | 2185 |
| AIR NEW SOURCE PERMITS | PERMIT | 2209 |
| AIR NEW SOURCE PERMITS | PERMIT | 2258 |
| AIR NEW SOURCE PERMITS | PERMIT | 2389 |
| AIR NEW SOURCE PERMITS | PERMIT | 2521 |
| AIR NEW SOURCE PERMITS | PERMIT | 2665 |
| AIR NEW SOURCE PERMITS | PERMIT | 2794 |
| AIR NEW SOURCE PERMITS | PERMIT | 2977 |
| AIR NEW SOURCE PERMITS | PERMIT | 2979 |
| AIR NEW SOURCE PERMITS | PERMIT | 4973 |
| AIR NEW SOURCE PERMITS | PERMIT | 9163 |
| AIR NEW SOURCE PERMITS | PERMIT | 9556 |
| AIR NEW SOURCE PERMITS | PERMIT | 10461 |
| AIR NEW SOURCE PERMITS | PERMIT | 10550 |
| AIR NEW SOURCE PERMITS | PERMIT | 11053 |
| AIR NEW SOURCE PERMITS | PERMIT | 11206 |
| AIR NEW SOURCE PERMITS | PERMIT | 11250 |
| AIR NEW SOURCE PERMITS | PERMIT | 11380 |
| AIR NEW SOURCE PERMITS | PERMIT | 11464 |
| AIR NEW SOURCE PERMITS | PERMIT | 11475 |
| AIR NEW SOURCE PERMITS | PERMIT | 11483 |
| AIR NEW SOURCE PERMITS | PERMIT | 11555 |
| AIR NEW SOURCE PERMITS | PERMIT | 11624 |
| AIR NEW SOURCE PERMITS | PERMIT | 11703 |
| AIR NEW SOURCE PERMITS | PERMIT | 11939 |
| AIR NEW SOURCE PERMITS | PERMIT | 12226 |
| AIR NEW SOURCE PERMITS | PERMIT | 12380 |
| AIR NEW SOURCE PERMITS | PERMIT | 12628 |
| AIR NEW SOURCE PERMITS | PERMIT | 12968 |
| AIR NEW SOURCE PERMITS | PERMIT | 12977 |
| AIR NEW SOURCE PERMITS | PERMIT | 12994 |
| AIR NEW SOURCE PERMITS | PERMIT | 17160 |
| AIR NEW SOURCE PERMITS | PERMIT | 17369 |
| AIR NEW SOURCE PERMITS | PERMIT | 17370 |
| AIR NEW SOURCE PERMITS | PERMIT | 18287 |
| AIR NEW SOURCE PERMITS | PERMIT | 18318 |
| AIR NEW SOURCE PERMITS | PERMIT | 18448 |
| AIR NEW SOURCE PERMITS | PERMIT | 19301 |
| AIR NEW SOURCE PERMITS | PERMIT | 21222 |
| AIR NEW SOURCE PERMITS | PERMIT | 22874 |
| AIR NEW SOURCE PERMITS | PERMIT | 24669 |
| AIR NEW SOURCE PERMITS | PERMIT | 26486 |
| AIR NEW SOURCE PERMITS | PERMIT | 26294 |
| AIR NEW SOURCE PERMITS | PERMIT | 27403 |
| AIR NEW SOURCE PERMITS | PERMIT | 28697 |
| AIR NEW SOURCE PERMITS | PERMIT | 26443 |
| AIR NEW SOURCE PERMITS | PERMIT | 30186 |
| AIR NEW SOURCE PERMITS | PERMIT | 31067 |
| AIR NEW SOURCE PERMITS | PERMIT | 31008 |
| AIR NEW SOURCE PERMITS | PERMIT | 31690 |
| AIR NEW SOURCE PERMITS | PERMIT | 31852 |
| AIR NEW SOURCE PERMITS | PERMIT | 31915 |
| AIR NEW SOURCE PERMITS | PERMIT | 34139 |
| AIR NEW SOURCE PERMITS | PERMIT | 34295 |
| AIR NEW SOURCE PERMITS | PERMIT | 33875 |
| AIR NEW SOURCE PERMITS | PERMIT | 36536 |
| AIR NEW SOURCE PERMITS | PERMIT | 36664 |

| | | |
|---|---|---|
| AIR NEW SOURCE PERMITS | PERMIT | 38532 |
| AIR NEW SOURCE PERMITS | PERMIT | 39164 |
| AIR NEW SOURCE PERMITS | PERMIT | 40394 |
| AIR NEW SOURCE PERMITS | PERMIT | 40421 |
| AIR NEW SOURCE PERMITS | PERMIT | 38572 |
| AIR NEW SOURCE PERMITS | PERMIT | 42509 |
| AIR NEW SOURCE PERMITS | PERMIT | 43489 |
| AIR NEW SOURCE PERMITS | PERMIT | 43582 |
| AIR NEW SOURCE PERMITS | PERMIT | 44162 |
| AIR NEW SOURCE PERMITS | PERMIT | 47145 |
| AIR NEW SOURCE PERMITS | PERMIT | 47912 |
| AIR NEW SOURCE PERMITS | PERMIT | 49342 |
| AIR NEW SOURCE PERMITS | PERMIT | 49893 |
| AIR NEW SOURCE PERMITS | PERMIT | 50203 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG0232Q |
| AIR NEW SOURCE PERMITS | PERMIT | 51246 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 55381 |
| AIR NEW SOURCE PERMITS | AFS NUM | 0027 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 56702 |
| AIR NEW SOURCE PERMITS | PERMIT | PSDTX730M2 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76221 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76269 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75409 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75412 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75543 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75420 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX975 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71553 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71614 |
| AIR NEW SOURCE PERMITS | PERMIT | P975 |
| AIR NEW SOURCE PERMITS | PERMIT | 55511 |
| AIR NEW SOURCE PERMITS | PERMIT | 50429 |
| AIR NEW SOURCE PERMITS | PERMIT | 53461 |
| AIR NEW SOURCE PERMITS | PERMIT | 54582 |
| AIR NEW SOURCE PERMITS | PERMIT | 54497 |
| AIR NEW SOURCE PERMITS | PERMIT | 71394 |
| AIR NEW SOURCE PERMITS | PERMIT | 50582 |
| AIR NEW SOURCE PERMITS | PERMIT | 52474 |
| AIR NEW SOURCE PERMITS | PERMIT | 55912 |
| AIR NEW SOURCE PERMITS | PERMIT | 54848 |
| AIR NEW SOURCE PERMITS | PERMIT | 53785 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72657 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74344 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74483 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74575 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74578 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74885 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75075 |
| AIR NEW SOURCE PERMITS | PERMIT | 75186 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX730M2 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76713 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX730M3 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX975M2 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76931 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77409 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77399 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77720 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77854 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77856 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78550 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78881 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78997 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79217 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79286 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79530 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79601 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80102 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80108 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80212 |

| | | |
|---|---|---|
| AIR NEW SOURCE PERMITS | REGISTRATION | 80173 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80377 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80348 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80359 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80718 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD000782698 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30040 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD000782698 |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30040 |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50111 |
| INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50111 |
| AIR OPERATING PERMITS | ACCOUNT NUMBER | HG0232Q |
| AIR OPERATING PERMITS | ACCOUNT NUMBER | HG0232Q |
| AIR OPERATING PERMITS | PERMIT | 1229 |
| WASTEWATER | PERMIT | TPDES0006271 |
| WASTEWATER | PERMIT | WQ0000592000 |
| WASTEWATER | PERMIT | TX0006271 |
| PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 8309 |
| STORMWATER | PERMIT | TXR157592 |
| INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE | PERMIT | 50111 |
| INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS | PERMIT | 50111 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30040 |

Location: 2800 DECKER DR, BAYTOWN, TX, 77520 Rating Date: 9/1/2006 Repeat Violator: YES

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 04, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 04, 2002 to January 04, 2007

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

Name: Suzanne Walrath Phone: 512/239-2134

## 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? Yes
3. If Yes, who is the current owner?
   ExxonMobil Oil Corporation
   Exxon Mobil Corporation
   Exxon Mobil Corporation
4. if Yes, who was/were the prior owner(s)? Exxon Mobil Corporation
5. When did the change(s) in ownership occur? 11/18/2002

**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: 10/02/2006 ADMINORDER 2006-0365-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Air Permit #18287, SC1 PERMIT

Description: Failed to prevent an avoidable emissions event on 3/24/04 that lasted five hrs and three minutes, releasing 41,458 lbs of carbon monoxide, 185 lbs of amonia, 148 lbs of hydrogen cyanide, 220 lbs of particulate matter, 716 lbs nitrogen oxides, 5,493 lbs of sulfur dioxide, 9,106 lbs of VOCs and 46 lbs of hydrogen sulfid

Effective Date: 09/21/2006 ADMINORDER 2006-0233-AIR-E

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 1 PERMIT
Description: Failed to prevent an avoidable emissions event that lasted 51 hours and 15 minutes, releasing 86,409 lbs of sulfure dioxide, 2,602 lbs of VOCs, 1,634 lbs of carbon monoxide, 937 lbs of hydrogen sulfide and 130 lbs of nitrogen oxide.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Flexible Air Permit #18287, SC #1 PERMIT
Description: Failed to prevent an avoidable emissions event on August 9, 2005 that lasted for one hour and 43 minutes, releasing 3,887 lbs of sulfur dioxide, 1,080 lbs of nitrogen monoxide, 120 lbs of nitrogen dioxide and 569 lbs of carbon monoxide.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit #18287, SC#1 PA
Description: Failed to prevent the unauthorized emissions of 11,582 lbs of sulfur dioxide, 1,591 lbs of nitrogen monoxide, 839 lbs of carbon monoxide and 180 lbs if nitrogen dioxide during an emissions event on September 12, 2005, which lasted for one hour.

Effective Date: 08/28/2006 ADMINORDER 2005-0289-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Flex Permit # 18287 SC #1 PERMIT
Description: Failed to comply with the emissions sources Maximum Allowable Emission Rate Table during emissions events.

Effective Date: 03/11/2005 ADMINORDER 2002-1243-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 OP
Description: Failure to limit emissions during an upset.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 OP
Description: Failure to limit emissions during an upset that occurred July 23 to 24, 2002.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to limit emissions during an emissions event that occurred September 17 to 19, 2002 and September 20 to 25, 2002.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 OP
Description: Failure to limit emissions during an emissions event that occurred October 28 to 29, 2002.

Effective Date: 06/15/2006 ADMINORDER 2005-1792-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18287 Special Condition 1 PERMIT
Description: Failed to prevent an avoidable emissions event that lasted 2 hours and 16 minutes, releasing 15,261 pounds of carbon monoxide, 37 pounds of ammonia and 6 pounds of hydrogen cyanide.

Effective Date: 09/23/2002 ADMINORDER 2001-1269-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Spec Cond 1 PERMIT
Description: Failure to demonstrate that the upset that occurred from February 23, 2001 to March 5, 2001 could not have been prevented.

Effective Date: 08/07/2005 ADMINORDER 2003-1185-AIR-E
Classification: Major

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

Rqmt Prov: 18287 and PSD-TX-730, SC No. 20.D PA

Description: Failure to conduct grab samples which is representative of the vent gas to flares 14, 15, 17, 19, 20, 22, 25, 26 and 27.

Classification: Moderate

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

Description: ExxonMobil allowed the release of unauthorized emissions that were part of a frequent and recurring pattern indicative of inadequate design, operation, and maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to submit a timely initial notification after discovery of a reportable emissions event.

Effective Date: 04/29/2006 ADMINORDER 2005-0993-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Conditions PERMIT

Description: Failed to prevent an avoidable emissions event, resulting in the unauthorized release of air contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent an avoidable emissions event, resulting in the unauthorized release of air contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18287 Special Condition 1 PERMIT
Special Condition 1 PERMIT

Description: Failed to prevent an avoidable emissions event, resulting in the unauthorized release of air contaminants.

Classification: Minor

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

Description: Failed to include authorization number for HCU1 on the final report for the December 17, 2004 emissions event.

Effective Date: 03/03/2005 ADMINORDER 2004-0296-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter H 101.354(g)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Operated FINs LS243RP1, LS243RP2 &LS24RP3 during the 2002 without first obtaining allowances for the emissions

Effective Date: 02/20/2006 ADMINORDER 2004-0818-AIR-E

Classification: Major

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

Rqmt Prov: TCEQ FLEX PERMIT #18287 / #PSD-TX-730M2 PERMIT

Description: Failed to prevent unauthorized emissions that began on June 4, 2003 and lasted for 128 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.)

| | | |
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| 1 | 08/13/2002 | (7822) |
| 2 | 07/21/2003 | (145449) |
| 3 | 09/25/2002 | (11688) |
| 4 | 10/14/2002 | (158980) |
| 5 | 09/25/2002 | (11704) |
| 6 | 11/25/2002 | (16480) |
| 7 | 08/31/2002 | (4925) |
| 8 | 10/26/2006 | (517328) |
| 9 | 05/14/2003 | (21719) |
| 10 | 05/16/2006 | (462451) |
| 11 | 08/26/2002 | (8617) |
| 12 | 02/18/2004 | (295740) |
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| 40 | 05/17/2004 | (295745) |
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| 63 | 07/31/2006 | (489107) |
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| 65 | 11/17/2004 | (340163) |
| 66 | 08/28/2002 | (10060) |
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| 68 | 01/15/2002 | (158991) |

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| 70 | 12/28/2004 | (337673) |
| 71 | 12/13/2006 | (519183) |
| 72 | 08/27/2003 | (113043) |
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| 87 | 12/27/2004 | (341022) |
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| 129 | 01/06/2005 | (344763) |
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| 204 | 06/20/2005 | (419752) |

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| 205 | 12/02/2002 | (16777) |
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| 230 | 08/31/2002 | (9514) |
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| 249 | 08/31/2002 | (4782) |
| 250 | 09/25/2002 | (10278) |
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| 255 | 02/28/2006 | (456441) |
| 256 | 08/31/2002 | (10002) |
| 257 | 08/28/2002 | (9533) |
| 258 | 06/30/2005 | (396852) |
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| 260 | 12/30/2005 | (435916) |
| 261 | 08/30/2004 | (268034) |
| 262 | 08/29/2003 | (150365) |
| 263 | 06/13/2005 | (395496) |
| 264 | 05/02/2006 | (460481) |
| 265 | 08/09/2005 | (404230) |
| 266 | 09/24/2004 | (270454) |
| 267 | 04/28/2005 | (348685) |
| 268 | 09/25/2002 | (11714) |
| 269 | 04/22/2005 | (347659) |
| 270 | 08/23/2005 | (405305) |
| 271 | 03/29/2005 | (375295) |
| 272 | 04/18/2002 | (158958) |

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| 273 | 05/30/2006 | (479791) |
| 274 | 12/14/2004 | (342432) |
| 275 | 12/29/2004 | (341979) |
| 276 | 04/15/2003 | (158959) |
| 277 | 11/22/2005 | (438130) |
| 278 | 11/03/2005 | (431598) |
| 279 | 04/30/2004 | (266933) |
| 280 | 07/19/2002 | (1862) |
| 281 | 08/09/2005 | (404296) |
| 282 | 08/28/2004 | (268992) |
| 283 | 10/21/2002 | (11574) |
| 284 | 05/03/2006 | (463377) |
| 285 | 08/05/2003 | (12119) |
| 286 | 09/28/2005 | (431581) |
| 287 | 08/03/2006 | (454867) |
| 288 | 11/22/2004 | (340575) |
| 289 | 05/13/2005 | (379379) |
| 290 | 08/02/2005 | (402844) |
| 291 | 09/05/2006 | (489770) |
| 292 | 05/20/2002 | (158962) |
| 293 | 06/09/2005 | (394572) |
| 294 | 05/30/2006 | (479710) |
| 295 | 03/24/2006 | (459648) |
| 296 | 05/20/2003 | (158963) |
| 297 | 08/19/2005 | (404792) |
| 298 | 01/04/2005 | (267736) |
| 299 | 08/29/2005 | (405928) |
| 300 | 07/28/2003 | (143775) |
| 301 | 12/28/2004 | (341980) |
| 302 | 05/04/2006 | (462741) |
| 303 | 10/18/2006 | (513741) |
| 304 | 06/26/2006 | (481569) |
| 305 | 12/31/2004 | (272589) |
| 306 | 12/16/2004 | (342682) |
| 307 | 06/28/2004 | (267243) |
| 308 | 11/15/2006 | (518447) |
| 309 | 12/20/2005 | (267563) |
| 310 | 12/14/2004 | (342708) |
| 311 | 08/29/2003 | (150864) |
| 312 | 07/29/2005 | (349505) |
| 313 | 05/31/2006 | (463588) |
| 314 | 06/27/2002 | (246552) |
| 315 | 01/30/2004 | (258928) |
| 316 | 09/12/2002 | (6717) |
| 317 | 05/30/2006 | (479817) |
| 318 | 08/29/2005 | (405272) |
| 319 | 06/14/2002 | (158966) |
| 320 | 01/12/2005 | (344761) |
| 321 | 01/17/2006 | (450474) |
| 322 | 08/09/2006 | (484809) |
| 323 | 12/28/2004 | (268918) |
| 324 | 07/26/2002 | (1750) |
| 325 | 06/30/2004 | (268976) |
| 326 | 06/18/2003 | (158967) |
| 327 | 11/19/2002 | (14312) |
| 328 | 05/25/2006 | (431599) |
| 329 | 12/14/2004 | (342152) |
| 330 | 05/14/2002 | (246551) |
| 331 | 08/06/2004 | (283891) |
| 332 | 02/28/2006 | (457051) |
| 333 | 04/20/2006 | (457390) |
| 334 | 08/31/2002 | (9984) |
| 335 | 11/03/2004 | (338702) |
| 336 | 07/12/2005 | (399391) |
| 337 | 05/08/2003 | (24899) |
| 338 | 06/22/2004 | (267197) |
| 339 | 09/29/2006 | (489710) |
| 340 | 07/22/2005 | (349408) |

| | | |
|---|---|---|
| 341 | 05/10/2004 | (151755) |
| 342 | 08/27/2003 | (152197) |
| 343 | 10/30/2006 | (516968) |
| 344 | 06/20/2005 | (343630) |
| 345 | 04/20/2006 | (461537) |
| 346 | 07/12/2002 | (158970) |
| 347 | 04/07/2004 | (263885) |
| 348 | 07/31/2006 | (484463) |
| 349 | 07/15/2003 | (158971) |
| 350 | 09/01/2004 | (290226) |
| 351 | 01/08/2003 | (16789) |
| 352 | 06/23/2005 | (395306) |
| 353 | 08/31/2004 | (268764) |
| 354 | 12/22/2004 | (340759) |
| 355 | 06/19/2006 | (481262) |
| 356 | 08/09/2005 | (403017) |
| 357 | 11/22/2004 | (339656) |
| 358 | 08/16/2005 | (404301) |
| 359 | 03/20/2006 | (498267) |
| 360 | 08/24/2005 | (399636) |
| 361 | 11/08/2004 | (337651) |
| 362 | 06/25/2004 | (267327) |
| 363 | 03/10/2004 | (260872) |
| 364 | 03/21/2003 | (22728) |
| 365 | 05/17/2006 | (498268) |
| 366 | 08/24/2005 | (399637) |
| 367 | 12/28/2004 | (338557) |
| 368 | 08/21/2002 | (158974) |
| 369 | 07/30/2004 | (281613) |
| 370 | 12/09/2004 | (341224) |
| 371 | 05/08/2006 | (457378) |
| 372 | 07/11/2003 | (38025) |
| 373 | 06/13/2006 | (498269) |
| 374 | 09/01/2006 | (510733) |
| 375 | 10/26/2004 | (292710) |
| 376 | 11/09/2004 | (340023) |
| 377 | 08/03/2005 | (401816) |
| 378 | 07/17/2006 | (498270) |
| 379 | 11/12/2004 | (335883) |
| 380 | 06/03/2003 | (31487) |
| 381 | 08/31/2002 | (10376) |
| 382 | 01/30/2004 | (258921) |
| 383 | 08/08/2005 | (399628) |
| 384 | 09/01/2004 | (292083) |
| 385 | 10/18/2006 | (512809) |
| 386 | 01/27/2005 | (342684) |
| 387 | 10/09/2002 | (12765) |
| 388 | 05/17/2004 | (267458) |
| 389 | 08/31/2002 | (9873) |
| 390 | 07/23/2004 | (267916) |
| 391 | 08/31/2002 | (9839) |
| 392 | 02/21/2005 | (337401) |
| 393 | 12/22/2004 | (342051) |
| 394 | 06/03/2004 | (269088) |
| 395 | 11/29/2004 | (340829) |
| 396 | 11/22/2005 | (433933) |
| 397 | 08/31/2002 | (10301) |
| 398 | 11/22/2004 | (267703) |
| 399 | 08/15/2005 | (405021) |
| 400 | 08/31/2002 | (10337) |
| 401 | 12/21/2005 | (434204) |
| 402 | 12/13/2004 | (342441) |
| 403 | 07/07/2006 | (484811) |
| 404 | 09/16/2002 | (158977) |
| 405 | 08/31/2006 | (465761) |
| 406 | 12/05/2004 | (269620) |
| 407 | 08/31/2002 | (9529) |
| 408 | 11/30/2006 | (531626) |

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

Date: 08/31/2002 (158977)

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: 07/31/2003 (143468)

Self Report? NO Classification: Minor

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

Description: Failure to draw representative samples from cooling towers CT 16/24 and CT 58

Date: 12/22/2004 (339607)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: PERMIT IA

Description: Operator inadvertently left CWS block valve closed during startup. Wet Gas Compressor could not handle all the acfm of gas. Excess cat gas was flared until troubleshooters found and corrected the problem.

Date: 07/08/2004 (332775)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/31/2002 (158984)

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: 12/28/2004 (338518)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: PERMIT IA

Description: Exxon failed to properly control 600 psi steam system pressure during a rainstorm, thereby losing control of Sour Gas Compressor speed in the Flexicoker Unit, resulting in localized loss of pressure control and opening of some pressure relief valves to the flare.

Date: 10/18/2006 (513741)

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 IA

Description: Exxon Mobil failed to prevent a break on the instrument air line.

Date: 12/31/2004 (267843)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: PERMIT IA

Description: During the startup of the T-6 sour depropanizer tower, the refrigeration would not start, due to instrument malfunction, which resulted in flaring. The instrument malfunction was corrected and the compressor started as quickly as possible.

Date: 12/13/2006 (519183)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)

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

Description: Exxon failed to submit a CAP in a timely manner.

Date: 05/31/2006 (463588)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(I)

Description: Failed to report the permit authorization for the facility involved in the maintenance activity.

Date: 11/30/2004 (340185)

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 IA

Description: Failure to prevent unauthorized emissions of 687 lbs SO2.

Date: 07/07/2006 (483457)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)

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

Description: Exxon failed to submit a CAP in a timely manner.

Date: 12/29/2004 (341979)

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 IA

Description: Failure to prevent unauthorized emissions of 11 lbs of hydrogen sulfide and 3862 lbs of sulfur dioxide.

Date: 09/30/2005 (440888)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 08/28/2004 (268055)

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 IA

Description: Exceeded VOC permit limit.

Date: 05/08/2003 (24899)

Self Report? NO Classification: Moderate

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

Description: Failed to control ethylene emissions during process operations.

Date: 12/28/2004 (341978)

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 IA

Description: Failure to prevent unauthorized emissions of 909 pounds of sulfur dioxide.

Date: 11/10/2004 (339949)

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 IA

Description: Failure to prevent unauthorized ethylene emissions from safety valve CLO-369.

Date: 01/24/2005 (342494)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PA IA

Description: failure to cap/plug valve nos., 204, 223, 451, 650, 222, 283, and valves next to valve 43, and 228 respectively.

Self Report? NO Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Description: failure to seal the end of two leaking plug #462 (670 ppmv reading), and #511 (6,500 ppmv reading).

Date: 08/28/2004 (268992)

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 IA

Description: Failed to prevent unauthorized emissions during an emissions event.

Date: 05/15/2006 (462451)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

30 TAC Chapter 116, SubChapter B 116.115(b)

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

Rqmt Prov: PERMIT IA

Description: Exxon failed to submit a completed final report.

Date: 03/25/2003 (22728)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)

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

Description: Failure to prevent unauthorized emissions that resulted from a maintenance event.

Date: 08/31/2006 (489776)

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 IA

Description: EM failed to prevent this emissions event.

Date: 06/27/2002 (246552)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/19/2005 (404792)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)

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

Description: failed to identify self heating waste material which caused a fire in a roll off bin.

Date: 05/14/2002 (246551)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/06/2004 (283891)

Self Report? NO Classification: Minor

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent the unauthorized discharge of firewater.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA

Description: Failure to maintain compliance with permitted Total Suspended Solids (TSS) effluent limit at outfall 001. The grab sample collected during the inspection was noncompliant for TSS.

Date: 08/29/2003 (150864)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Exxon failed to report an emissions event that occurred during a scheduled maintenance activity.
Date: 04/26/2006 (461574)

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 IA
Description: ExxonMobil failed to provide lean MEA while pressurizing Tower 381.
Date: 12/30/2004 (268990)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: Exxon failed to provide an affirmative defense for Incident # 36744. CO Boiler SG501B air damper stuck too far open, then swung shut. Exxon has not explaned how/why. 12,881 lbs of unauthorized CO emissions cannot be exempted. NOV to be issued.
Date: 12/21/2004 (334796)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT IA
Description: A contract worker inadvertently tripped the C30 shutdown interlock, shutting down the CLEU3 unit.
Date: 07/31/2002 (158974)

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: 12/31/2004 (341980)

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 IA
Description: Failure to prevent emissions of 4035 lbs of SO2.
Date: 08/18/2006 (487811)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)
Description: Failed submit a CAP in a timely manner.

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** | § | |
| **RN102579307** | § | **ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2007-0077-AIR-E**

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, presented this agreement to the Commission.

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

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

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

## I. FINDINGS OF FACT

1. Exxon Mobil owns and operates a refinery at 2800 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. During a record review on June 21, 2005, TCEQ staff documented that Exxon Mobil failed to prevent the unauthorized release of air contaminants into the atmosphere. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions. (See table below.)

| Date/Duration | Unauthorized Emissions |
|---|---|
| 1/15/05, 10 hrs., 3 min. | Fluid catalytic cracking unit 3 ("FCCU3") to the wet gas scrubber bypass valve: ammonia - 927 lbs., CO - 272,309 lbs., hydrogen cyanide - 742 lbs., nitrogen oxide ("NOx") - 288 lbs., particulate matter ("PM") - 1,064 lbs., and sulfur dioxide ("$SO_2$") - 8,156 lbs<br>The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions and was determined to be an excessive emission event. |
| 1/17/05, 9 hrs., 3 min. | FCCU3 to the wet gas scrubber bypass: ammonia - 796 lbs., CO - 252,029 lbs.; hydrogen cyanide - 637 lbs.; NOx - 247 lbs., PM - 933 lbs., and $SO_2$ - 7,003 lbs.<br>The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions and was determined to be an excessive emission event. |

4. Exxon Mobil received notice of the violations on December 26, 2006.

## II. CONCLUSIONS OF LAW

1. Exxon Mobil is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, Exxon Mobil failed to prevent the unauthorized release of air contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 18287 and PSD-TX-730M4/PAL, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Exxon Mobil for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Twenty Thousand Dollars ($20,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 6.053. Ten Thousand Dollars ($10,000) shall be conditionally offset by Exxon Mobil's completion of a Supplemental Environmental Project ("SEP").

## III. ORDERING PROVISIONS

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

1. Exxon Mobil is assessed an administrative penalty in the amount of Twenty Thousand Dollars ($20,000) set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Exxon Mobil's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2007-0077-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 shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 in Conclusions of Law, Ten Thousand Dollars ($10,000) of the assessed administrative penalty shall be offset with the condition that Exxon Mobil implement the SEP defined in Attachment A, incorporated herein by reference. Exxon Mobil'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. Exxon Mobil shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order complete all repairs to the fans (EPN Nos. FD510 and FD520) at EPN No. FCCU3;

   b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed records to demonstrate compliance with Ordering Provision No. 3.a., as described by Ordering Provision No. 3.d.;

   c. Within 60 days after the effective date of this Agreed Order, implement training procedures for plant personnel responsible for the operation of the West loop flare gas recovery compressor C-002, EPN No. FCCU3, and all fans and bypass valves at that unit, detailing proper procedures and precautions that should be followed during all

operations. In addition, also provide training to personnel responsible for operating EPN Nos. FD510 and FD520, detailing proper procedures when calculating amperage limits for these units; and

d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall 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."

The certification 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:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.

5. 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.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.

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

8. 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.

9. 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.

10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 7/30/07
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Exxon Mobil Corporation. I am authorized to agree to the attached Agreed Order on behalf of Exxon Mobil Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

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

Chris W Erickson 29 March '07
Signature Date

Chris W. Erickson Plant Manager
Name (Printed or typed) Title
Authorized Representative of
Exxon Mobil Corporation

**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: 2007-0077-AIR-E**

## SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---|---|
| **Respondent:** | **Exxon Mobil Corporation** |
| **Payable Penalty Amount:** | **Twenty Thousand Dollars ($20,000)** |
| **SEP Amount:** | **Ten Thousand Dollars ($10,000)** |
| **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.