

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0811-AIR-E **TCEQ ID:** RN100542844 **CASE NO.:** 33507

**RESPONDENT NAME:** ExxonMobil Oil Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Road, Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2003-1455-AIR-E, 2004-0125-AIR-E, and 2007-0259-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 22, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Lindsey Jones, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-4930; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. D. A. Risso, Refinery Manager, ExxonMobil Oil Corporation, P.O. Box 3311, Beaumont, Texas 77704-3311                      Mr. John R. Townsend, Site Manager, ExxonMobil Oil Corporation, P.O. Box 3311, Beaumont, Texas 77704-3311  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 5 through 7, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 4, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. One violation was documented.</p> <p><b>AIR</b></p> <p>Failed to properly operate emission control equipment during normal operations, which resulted in an emission of volatile organic compounds ("VOCs") above the maximum allowable emission rate. Specifically, the flare line connection on the Ultra Selective Cracking Unit was inadvertently left open to the atmosphere, resulting in a total release of 731 pounds of VOCs over a 1.5-hour period, or approximately 487.3 pounds per hour, on February 10, 2007. The permitted limit for total VOC emissions is 4.23 pounds per hour. Since these emissions could have been foreseen and avoided by good design, operation, and maintenance practices, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4); Permit No. 7799/PSD-TX-860, Special Condition No. 1; Federal Operating Permit No. O-01173, General Terms and Conditions and Special Condition No. 20; and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,375</p> <p><b>Total Deferred:</b> \$1,075  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,150</p> <p><b>Total Paid to General Revenue:</b> \$2,150</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002.</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Conducted a formal internal investigation on February 10, 2007, to address the incident and make recommendations to prevent the reoccurrence of same or similar events;</p> <p>b. Modified the flare lock-out-tag-out procedure to include four extra valves as Primary Isolation Points by February 10, 2007; and</p> <p>c. Conducted a walk-through of all live flare headers in other areas of the Plant to confirm that lock-out-tag-out procedures were sufficient to prevent same or similar events by February 17, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): JE0062S

**Attachment A**  
**Docket Number: 2007-0811-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>ExxonMobil Oil Corporation</b>
<b>Payable Penalty Amount:</b>	<b>Four Thousand Three Hundred Dollars (\$4,300)</b>
<b>SEP Amount:</b>	<b>Two Thousand One Hundred Fifty Dollars (\$2,150)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Clean School Buses</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.



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:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**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)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	7-May-2007	<b>Screening</b>	15-May-2007	<b>EPA Due</b>	28-Jan-2008
	<b>PCW</b>	22-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	ExxonMobil Oil Corporation		
<b>Reg. Ent. Ref. No.</b>	RN100542844		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33507	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-0811-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Lindsey Jones
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply**  Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)

**Notes**

**Total EB Amounts**  **Subtotal 6**   
**Approx. Cost of Compliance**  **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

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

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

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 15-May-2007

Docket No. 2007-0811-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 33507

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator Lindsey Jones

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 140%

>> 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 penalty was enhanced due to three prior similar NOVs, three prior dissimilar NOVs, and six prior 1660-style agreed orders. The penalty was reduced due to one NOA.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 140%

Screening Date 15-May-2007

Docket No. 2007-0811-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 33507

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator Lindsey Jones

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4); Permit No. 7799/PSD-TX-860, Special Condition No. 1; Federal Operating Permit No. O-011173, General Terms and Conditions and Special Condition No. 20; and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to properly operate emission control equipment during normal operations, which resulted in an emission of volatile organic compounds ("VOCs") above the maximum allowable emission rate (Incident No. 87080), as documented in an investigation from March 5 through 7, 2007. Specifically, the flare line connection on the Ultra Selective Cracking Unit was inadvertently left open to the atmosphere, resulting in a total release of 731 pounds of VOCs over a 1.5-hour period, or approximately 487.3 pounds per hour, on February 10, 2007. The permitted limit for total VOC emissions is 4.23 pounds per hour. Since these emissions could have been foreseen and avoided by good design, operation, and maintenance practices, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,375

This violation Final Assessed Penalty (adjusted for limits) \$5,375

## Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation  
**Case ID No.** 33507  
**Reg. Ent. Reference No.** RN100542844  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b>	No commas or \$						

**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	\$400	10-Feb-2007	17-Feb-2007	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and proper management practices designed to ensure proper operation and monitoring of emission control equipment. Date required is the date of the emission event and final date is the 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 \$400

TOTAL \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN600920748	ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 2.70
Regulated Entity:	RN100542844	MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP	Classification: AVERAGE	Site Rating: 4.26
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		JE0062S
	AIR OPERATING PERMITS	PERMIT		1173
	AIR OPERATING PERMITS	PERMIT		2201
	AIR OPERATING PERMITS	PERMIT		1354
	AIR OPERATING PERMITS	PERMIT		2292
	AIR OPERATING PERMITS	PERMIT		2293
	AIR OPERATING PERMITS	ACCOUNT NUMBER		JE0064O
	AIR OPERATING PERMITS	PERMIT		1354
	AIR OPERATING PERMITS	PERMIT		2292
	AIR OPERATING PERMITS	PERMIT		2293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1230089
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD000449694
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER		30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD000449694
	WASTEWATER	PERMIT		WQ0002029000
	WASTEWATER	PERMIT		TX0068934
	WASTEWATER	PERMIT		WQ0000462000
	WASTEWATER	PERMIT		TPDES0004227
	WASTEWATER	PERMIT		TX0004227
	AIR NEW SOURCE PERMITS	PERMIT		9907
	AIR NEW SOURCE PERMITS	PERMIT		485
	AIR NEW SOURCE PERMITS	PERMIT		7799
	AIR NEW SOURCE PERMITS	PERMIT		10248
	AIR NEW SOURCE PERMITS	PERMIT		10249
	AIR NEW SOURCE PERMITS	PERMIT		10575
	AIR NEW SOURCE PERMITS	PERMIT		10728
	AIR NEW SOURCE PERMITS	PERMIT		11238
	AIR NEW SOURCE PERMITS	PERMIT		11791
	AIR NEW SOURCE PERMITS	PERMIT		13942
	AIR NEW SOURCE PERMITS	PERMIT		14021
	AIR NEW SOURCE PERMITS	PERMIT		15160
	AIR NEW SOURCE PERMITS	PERMIT		18838
	AIR NEW SOURCE PERMITS	PERMIT		19000
	AIR NEW SOURCE PERMITS	PERMIT		41728
	AIR NEW SOURCE PERMITS	PERMIT		43948
	AIR NEW SOURCE PERMITS	PERMIT		44969
	AIR NEW SOURCE PERMITS	PERMIT		44976
	AIR NEW SOURCE PERMITS	PERMIT		44975
	AIR NEW SOURCE PERMITS	PERMIT		44973
	AIR NEW SOURCE PERMITS	PERMIT		44971
	AIR NEW SOURCE PERMITS	PERMIT		48054
	AIR NEW SOURCE PERMITS	PERMIT		48163
	AIR NEW SOURCE PERMITS	PERMIT		50210
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0062S
	AIR NEW SOURCE PERMITS	PERMIT		53384
	AIR NEW SOURCE PERMITS	REGISTRATION		72115
	AIR NEW SOURCE PERMITS	REGISTRATION		55190
	AIR NEW SOURCE PERMITS	REGISTRATION		76364
	AIR NEW SOURCE PERMITS	REGISTRATION		76365
	AIR NEW SOURCE PERMITS	REGISTRATION		75511
	AIR NEW SOURCE PERMITS	REGISTRATION		76058
	AIR NEW SOURCE PERMITS	AFS NUM		4824500087
	AIR NEW SOURCE PERMITS	PERMIT		56360
	AIR NEW SOURCE PERMITS	REGISTRATION		70717
	AIR NEW SOURCE PERMITS	REGISTRATION		71387
	AIR NEW SOURCE PERMITS	REGISTRATION		71388

AIR NEW SOURCE PERMITS	REGISTRATION	71524
AIR NEW SOURCE PERMITS	REGISTRATION	71675
AIR NEW SOURCE PERMITS	PERMIT	50767
AIR NEW SOURCE PERMITS	PERMIT	54743
AIR NEW SOURCE PERMITS	REGISTRATION	72706
AIR NEW SOURCE PERMITS	REGISTRATION	72767
AIR NEW SOURCE PERMITS	REGISTRATION	72934
AIR NEW SOURCE PERMITS	REGISTRATION	72936
AIR NEW SOURCE PERMITS	REGISTRATION	73014
AIR NEW SOURCE PERMITS	REGISTRATION	73733
AIR NEW SOURCE PERMITS	REGISTRATION	74662
AIR NEW SOURCE PERMITS	REGISTRATION	74950
AIR NEW SOURCE PERMITS	REGISTRATION	75162
AIR NEW SOURCE PERMITS	REGISTRATION	75328
AIR NEW SOURCE PERMITS	REGISTRATION	75304
AIR NEW SOURCE PERMITS	REGISTRATION	76456
AIR NEW SOURCE PERMITS	REGISTRATION	76498
AIR NEW SOURCE PERMITS	EPA.ID	PSDTX754
AIR NEW SOURCE PERMITS	REGISTRATION	76584
AIR NEW SOURCE PERMITS	REGISTRATION	76710
AIR NEW SOURCE PERMITS	REGISTRATION	77711
AIR NEW SOURCE PERMITS	REGISTRATION	78058
AIR NEW SOURCE PERMITS	REGISTRATION	78170
AIR NEW SOURCE PERMITS	REGISTRATION	78284
AIR NEW SOURCE PERMITS	REGISTRATION	78554
AIR NEW SOURCE PERMITS	REGISTRATION	78861
AIR NEW SOURCE PERMITS	REGISTRATION	78903
AIR NEW SOURCE PERMITS	PERMIT	1295
AIR NEW SOURCE PERMITS	PERMIT	1295A
AIR NEW SOURCE PERMITS	PERMIT	10194
AIR NEW SOURCE PERMITS	PERMIT	10242
AIR NEW SOURCE PERMITS	PERMIT	11641
AIR NEW SOURCE PERMITS	PERMIT	11642
AIR NEW SOURCE PERMITS	PERMIT	11983
AIR NEW SOURCE PERMITS	PERMIT	12105
AIR NEW SOURCE PERMITS	PERMIT	12362
AIR NEW SOURCE PERMITS	PERMIT	12575
AIR NEW SOURCE PERMITS	PERMIT	13789
AIR NEW SOURCE PERMITS	PERMIT	14492
AIR NEW SOURCE PERMITS	PERMIT	19366
AIR NEW SOURCE PERMITS	PERMIT	19950
AIR NEW SOURCE PERMITS	PERMIT	21015
AIR NEW SOURCE PERMITS	PERMIT	23327
AIR NEW SOURCE PERMITS	PERMIT	24243
AIR NEW SOURCE PERMITS	PERMIT	24975
AIR NEW SOURCE PERMITS	PERMIT	26126
AIR NEW SOURCE PERMITS	PERMIT	26152
AIR NEW SOURCE PERMITS	PERMIT	24857
AIR NEW SOURCE PERMITS	PERMIT	32200
AIR NEW SOURCE PERMITS	PERMIT	32614
AIR NEW SOURCE PERMITS	PERMIT	32865
AIR NEW SOURCE PERMITS	PERMIT	34347
AIR NEW SOURCE PERMITS	PERMIT	34780
AIR NEW SOURCE PERMITS	PERMIT	34427
AIR NEW SOURCE PERMITS	PERMIT	37362
AIR NEW SOURCE PERMITS	PERMIT	40289
AIR NEW SOURCE PERMITS	PERMIT	41445
AIR NEW SOURCE PERMITS	PERMIT	42983
AIR NEW SOURCE PERMITS	PERMIT	43123
AIR NEW SOURCE PERMITS	PERMIT	41935
AIR NEW SOURCE PERMITS	PERMIT	44863
AIR NEW SOURCE PERMITS	PERMIT	44991
AIR NEW SOURCE PERMITS	PERMIT	44990
AIR NEW SOURCE PERMITS	PERMIT	46421
AIR NEW SOURCE PERMITS	PERMIT	46852
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE00640
AIR NEW SOURCE PERMITS	REGISTRATION	79510
AIR NEW SOURCE PERMITS	REGISTRATION	79796

AIR NEW SOURCE PERMITS	REGISTRATION	79874
AIR NEW SOURCE PERMITS	REGISTRATION	80418
AIR NEW SOURCE PERMITS	REGISTRATION	80540
AIR NEW SOURCE PERMITS	REGISTRATION	80827
AIR NEW SOURCE PERMITS	REGISTRATION	80937
AIR NEW SOURCE PERMITS	REGISTRATION	81163
AIR NEW SOURCE PERMITS	REGISTRATION	81318
AIR NEW SOURCE PERMITS	REGISTRATION	81541
AIR NEW SOURCE PERMITS	REGISTRATION	81813
WATER LICENSING	LICENSE	1230089
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30047

Location: 2775 GULF STATES ROAD, BEAUMONT, TX, 77701 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 15, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 07, 2002 to May 07, 2007

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

Name: Lindsey Jones Phone: 512-239-4930

### 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  
Mobil Chemical Company Inc.  
Groendyke Transport, Inc.  
ExxonMobil Oil Corporation
4. If Yes, who was/were the prior owner(s)?  
Exxon Mobil Corporation  
ExxonMobil Oil 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: 01/30/2004 ADMINORDER 2001-1044-AIR-E  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(e)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT  
Description: Failure to submit initial stack test reports for temporary flares EH100 and EH101 w/in 180 days after initial startup.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)(1)

5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to repair Vapor Compressors C44A and C44B within 15 days after detection of a leak.

Classification: Moderate

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

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

Rqmt Prov: 779/PSD-TX-860 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 1 PERMIT

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

Effective Date: 11/26/2004

ADMINORDER 2004-0491-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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



Effective Date: 03/06/2006

ADMINORDER 2004-2052-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

Effective Date: 06/26/2006

ADMINORDER 2006-0007-AIR-E

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

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

Effective Date: 07/14/2006

ADMINORDER 2005-1903-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]

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

Rqmt Prov: 7799, Special Condition 1 PERMIT

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

Classification: Minor

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

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

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

Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to comply with permitted emissions limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)[G]

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

Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failed to comply with permitted emissions limits.

Effective Date: 08/28/2006

ADMINORDER 2006-0132-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Classification: Minor

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/17/2002	(157243)	16	01/28/2003	(21294)
2	06/24/2002	(157248)	17	02/10/2003	(157234)
3	07/22/2002	(157252)	18	02/18/2003	(24104)
4	08/09/2002	(6134)	19	02/18/2003	(24115)
5	08/09/2002	(5094)	20	02/18/2003	(24098)
6	08/19/2002	(157255)	21	02/18/2003	(24075)
7	09/17/2002	(157258)	22	02/28/2003	(26512)
8	10/15/2002	(157261)	23	03/19/2003	(295024)
9	10/24/2002	(13941)	24	03/27/2003	(25115)
10	11/19/2002	(14888)	25	04/07/2003	(157241)
11	11/20/2002	(295036)	26	04/11/2003	(28778)
12	11/26/2002	(16013)	27	04/11/2003	(28777)
13	12/16/2002	(157268)	28	04/11/2003	(28775)
14	01/21/2003	(157249)	29	04/11/2003	(28774)
15	01/21/2003	(157272)	30	04/25/2003	(31435)

31	05/08/2003	(157244)	94	05/14/2004	(270134)
32	06/12/2003	(37861)	95	05/27/2004	(267998)
33	06/13/2003	(34614)	96	06/08/2004	(271363)
34	07/10/2003	(295029)	97	06/25/2004	(351948)
35	07/31/2003	(144539)	98	07/19/2004	(351949)
36	08/14/2003	(295031)	99	08/11/2004	(283476)
37	08/15/2003	(147299)	100	08/13/2004	(351950)
38	08/19/2003	(148800)	101	08/16/2004	(283483)
39	08/19/2003	(148797)	102	09/09/2004	(351951)
40	08/19/2003	(148777)	103	09/23/2004	(333290)
41	08/19/2003	(148754)	104	09/23/2004	(286727)
42	08/19/2003	(148786)	105	10/05/2004	(292551)
43	08/21/2003	(135509)	106	10/07/2004	(381774)
44	08/29/2003	(131527)	107	11/02/2004	(336327)
45	09/15/2003	(295033)	108	11/12/2004	(381775)
46	09/25/2003	(247942)	109	11/12/2004	(351952)
47	09/25/2003	(247943)	110	11/22/2004	(339443)
48	09/25/2003	(247947)	111	11/29/2004	(338558)
49	09/25/2003	(145552)	112	12/08/2004	(336179)
50	09/25/2003	(247926)	113	12/14/2004	(342891)
51	09/25/2003	(247927)	114	12/22/2004	(341934)
52	09/25/2003	(247928)	115	12/22/2004	(341860)
53	09/26/2003	(249856)	116	12/23/2004	(344306)
54	10/09/2003	(248598)	117	01/04/2005	(344309)
55	10/13/2003	(295035)	118	01/07/2005	(344744)
56	10/17/2003	(252368)	119	01/11/2005	(381776)
57	10/17/2003	(252385)	120	01/24/2005	(347162)
58	10/28/2003	(253354)	121	01/24/2005	(346430)
59	10/29/2003	(252720)	122	01/27/2005	(347142)
60	10/29/2003	(252713)	123	02/16/2005	(381771)
61	11/06/2003	(254210)	124	02/16/2005	(381773)
62	11/06/2003	(254213)	125	03/14/2005	(381772)
63	11/06/2003	(254200)	126	03/25/2005	(373598)
64	11/06/2003	(254212)	127	03/25/2005	(373612)
65	11/06/2003	(252449)	128	04/01/2005	(350006)
66	11/10/2003	(295037)	129	04/04/2005	(373527)
67	11/14/2003	(254019)	130	04/04/2005	(373546)
68	12/12/2003	(295038)	131	04/13/2005	(419603)
69	12/22/2003	(253031)	132	04/15/2005	(374940)
70	01/09/2004	(253997)	133	04/15/2005	(374959)
71	01/13/2004	(295039)	134	04/15/2005	(374964)
72	01/14/2004	(254182)	135	05/16/2005	(419604)
73	01/29/2004	(259142)	136	05/17/2005	(379171)
74	01/30/2004	(259841)	137	05/17/2005	(379173)
75	02/10/2004	(260798)	138	05/18/2005	(376394)
76	02/23/2004	(295023)	139	05/18/2005	(376397)
77	02/25/2004	(261400)	140	05/20/2005	(378697)
78	02/26/2004	(260495)	141	05/20/2005	(377601)
79	02/27/2004	(261399)	142	06/07/2005	(393622)
80	03/04/2004	(263223)	143	06/14/2005	(394339)
81	03/08/2004	(263017)	144	06/15/2005	(343658)
82	03/17/2004	(295025)	145	07/05/2005	(395523)
83	03/18/2004	(264108)	146	07/21/2005	(440745)
84	03/18/2004	(263711)	147	08/08/2005	(399209)
85	03/19/2004	(265439)	148	08/12/2005	(402429)
86	03/19/2004	(262155)	149	08/12/2005	(404419)
87	04/08/2004	(265862)	150	08/12/2005	(402412)
88	04/08/2004	(265864)	151	08/22/2005	(440746)
89	04/08/2004	(265866)	152	09/06/2005	(440747)
90	04/08/2004	(265858)	153	09/19/2005	(431106)
91	04/08/2004	(265859)	154	10/21/2005	(468278)
92	04/08/2004	(265861)	155	11/28/2005	(468279)
93	04/14/2004	(295026)	156	12/16/2005	(468280)

157	12/22/2005	(440335)	184	08/18/2006	(509390)
158	01/12/2006	(468281)	185	08/21/2006	(520113)
159	01/19/2006	(450582)	186	08/31/2006	(438315)
160	01/27/2006	(452740)	187	09/11/2006	(489225)
161	01/27/2006	(438784)	188	09/21/2006	(489166)
162	02/21/2006	(468276)	189	09/22/2006	(511416)
163	02/27/2006	(455014)	190	10/24/2006	(544371)
164	03/20/2006	(468277)	191	11/14/2006	(515867)
165	04/13/2006	(458301)	192	11/15/2006	(544372)
166	04/18/2006	(458326)	193	11/18/2006	(515852)
167	04/21/2006	(461141)	194	11/27/2006	(531085)
168	04/21/2006	(461550)	195	11/30/2006	(519476)
169	04/24/2006	(498092)	196	11/30/2006	(519280)
170	04/28/2006	(458040)	197	12/11/2006	(533458)
171	05/01/2006	(460605)	198	12/12/2006	(515914)
172	05/03/2006	(461386)	199	12/28/2006	(261352)
173	05/11/2006	(465117)	200	12/28/2006	(396465)
174	05/22/2006	(498093)	201	01/19/2007	(532314)
175	06/09/2006	(464823)	202	01/19/2007	(513430)
176	06/22/2006	(498094)	203	02/14/2007	(535431)
177	06/22/2006	(498095)	204	02/14/2007	(537204)
178	07/17/2006	(520112)	205	02/14/2007	(535407)
179	07/26/2006	(484018)	206	02/28/2007	(539164)
180	07/26/2006	(484019)	207	03/21/2007	(543226)
181	07/27/2006	(483687)	208	03/30/2007	(538598)
182	07/28/2006	(484021)	209	03/30/2007	(538639)
183	08/10/2006	(497294)	210	05/04/2007	(543280)

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

Date 10/31/2002 (295036)

Self Report? YES Classification: Moderate

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

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

Date: 02/28/2003 (26512)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart VV 60.482-7[G]

Rqmt Prov: PA Permit 7799 SC 10A

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart VV 60.482-7[G]

Rqmt Prov: PA Permit 7799, SC 10A

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

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to authorize emissions from a wastewater drain.

Date 02/29/2004 (295025)

Self Report? YES Classification: Moderate

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

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

Date 05/18/2005 (376394)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 1295, Special Conditions I-1 and IV-5  
 Description: Failure to maintain the MAERT and concentration emission limit for ammonia (NH3) at the ERU Train B Stack (EPN 537).

Date 09/30/2006 (544371)  
 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 04/02/2007 (538639)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 1295 Special Condition II-7  
 OP FOP 2292 SC 10  
 Description: Failure to properly operate and maintain the Abator oxygen analyzer.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 1295 Special Condition IV-5  
 OP FOP 2292 Special Condition 10  
 Description: Failure to maintain the NOx concentration above 175 parts per million as required.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 1295 Special Condition II-4  
 OP FOP 2292 Special Condition 10  
 Description: Failure to maintain the Abator oxygen concentration above 3%.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP FOP O-02292 Special Condition 17A  
 OP FOP O-02293 Special Condition 18A  
 Description: Failure to comply with the FOP condition to comply with the Stratospheric Ozone Requirements as required by 40 CFR 82.156.

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 D 382.085(b)  
 Rqmt Prov: PERMIT 19950 Special Condition 10(A)  
 OP FOP 2293 Special Condition 10  
 Description: Failure to perform daily audible, visual, and olfactory observations in the Boron Trifluoride area.

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 D 382.085(b)  
 Rqmt Prov: PERMIT 19366 Special Condition 7(B)  
 OP FOP 1354 Special Condition 11  
 Description: Failure to calibrate the fugitive emissions monitor in accordance with the manufacturer's recommendations.

F. Environmental audits.

Notice of Intent Date: 01/19/2007 (541324)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
EXXONMOBIL OIL CORPORATION  
RN100542844**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0811-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. ExxonMobil owns and operates a petrochemical manufacturing plant at 2775 Gulf States Road in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and ExxonMobil agree that the Commission has jurisdiction to enter this Agreed Order, and that ExxonMobil is subject to the Commission's jurisdiction.
4. ExxonMobil received notice of the violations alleged in Section II ("Allegations") on or about May 9, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by ExxonMobil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Three Hundred Seventy-Five Dollars (\$5,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ExxonMobil has paid Two Thousand One Hundred Fifty Dollars (\$2,150) of the administrative penalty and One Thousand Seventy-Five Dollars (\$1,075) is deferred contingent





- upon ExxonMobil's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If ExxonMobil fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require ExxonMobil to pay all or part of the deferred penalty. Two Thousand One Hundred Fifty Dollars (\$2,150) shall be conditionally offset by ExxonMobil's completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and ExxonMobil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that ExxonMobil has implemented the following corrective measures at the Plant:
    - a. Conducted a formal internal investigation on February 10, 2007, to address the incident and make recommendations to prevent the reoccurrence of same or similar events;
    - b. Modified the flare lock-out-tag-out procedure to include four extra valves as Primary Isolation Points by February 10, 2007; and
    - c. Conducted a walk-through of all live flare headers in other areas of the Plant to confirm that lock-out-tag-out procedures were sufficient to prevent same or similar events by February 17, 2007.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that ExxonMobil has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, ExxonMobil is alleged to have failed to properly operate emission control equipment during normal operations, which resulted in an emission of volatile organic compounds ("VOCs") above the maximum allowable emission rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4); Permit No. 7799/PSD-TX-860, Special Condition No. 1; Federal Operating Permit No. O-01173, General Terms and Conditions, and Special Condition No. 20; and TEX. HEALTH AND SAFETY CODE § 382.085(b), as documented in an investigation from March 5 through 7, 2007. Specifically, the flare line connection on the Ultra Selective Cracking Unit was inadvertently left open to the atmosphere, resulting in a total release of 731 pounds of VOCs over a 1.5-



hour period, or approximately 487.3 pounds per hour, on February 10, 2007. The permitted limit for total VOC emissions is 4.23 pounds per hour. Since these emissions could have been foreseen and avoided by good design, operation, and maintenance practices, ExxonMobil failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that ExxonMobil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and ExxonMobil's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2007-0811-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. ExxonMobil shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand One Hundred Fifty Dollars (\$2,150) of the assessed administrative penalty shall be offset with the condition that ExxonMobil implement the SEP defined in Attachment A, incorporated herein by reference. ExxonMobil's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon ExxonMobil. ExxonMobil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If ExxonMobil fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ExxonMobil's failure to comply is not a violation of this Agreed Order. ExxonMobil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. ExxonMobil shall notify the Executive Director within seven days after ExxonMobil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 ExxonMobil shall be made in writing to the Executive Director. Extensions are not effective until ExxonMobil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against ExxonMobil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to ExxonMobil, or three days after the date on which the Commission mails notice of the Order to ExxonMobil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Ordlie  
\_\_\_\_\_  
For the Executive Director

10/18/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

John R. Townsend  
\_\_\_\_\_  
Signature

7/30/2007  
\_\_\_\_\_  
Date

John R. TOWNSEND  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
ExxonMobil Oil Corporation

Site Manager  
\_\_\_\_\_  
Title

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





Attachment A  
Docket Number: 2007-0811-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** ExxonMobil Oil Corporation  
**Payable Penalty Amount:** Four Thousand Three Hundred Dollars (\$4,300)  
**SEP Amount:** Two Thousand One Hundred Fifty Dollars (\$2,150)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses  
**Location of SEP:** Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.



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:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**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.

