

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2004-0125-AIR-E TCEQ ID: RN100542844 CASE NO.: 12364**

**RESPONDENT NAME: EXXONMOBIL OIL CORPORATION DBA MOBIL CHEMICAL BEAUMONT  
CHEMICAL PLANT (BMCP)**

<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> 2775 Gulf States Road in Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing plant</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 4 additional pending enforcement actions regarding this facility location.</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:</b> Mr. Alfred Oloko, Litigation Division, MC R-12, (713) 422-8918                  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Ms. Trina Greico, San Antonio Regional Office, MC R-13, (210) 403-4006  <b>TCEQ Regional Contact:</b> Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838  <b>Respondent:</b> Mr. John Townsend, Site Manager, ExxonMobil Oil Corporation, P. O. Box 3868, Beaumont, Texas 77704  <b>Respondent's Attorney:</b> Ms. Patricia F. Shenefeld, Refinery Attorney, ExxonMobil Oil Corporation, 1795 Burt Street, Beaumont, Texas 77704-3311</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b>            October 7, through 25, 2003; January 2, through 6, 2004; and January 13, 2004.</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 23, 2003; January 29, 2004; and February 2, 2004. (NOE)</p> <p><b>Background Facts:</b> The Executive Director filed the EDP RP in this case on September 11, 2006. The Respondent filed an Answer to the EDP RP on October 20, 2006. The attorney for the ED and Respondent's attorney and other representatives held various settlement meetings and finally agreed to a settlement of the case. The ED received the signed Agreed Order together with a check for the payment of the full penalty amount on June 29, 2007.</p> <p><b>AIR:</b></p> <p>1) Failed to submit a final emissions event notification within two weeks after the end of an emission event [30 TEX. ADMIN. CODE §§ 101.201(c) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions during an emissions event at the chemical plant. The C3 splitter on the Ethylene Unit was not authorized for any emissions but emitted 20,156 pounds (lbs) of propylene during the 23 minutes (mins) of this incident. Since this emissions event was not properly reported, ExxonMobil failed to meet the demonstrations [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G) {now 30 TEX. ADMIN. CODE § 116.115.(b)(2)(F)}, and 116.115(c); Permit No. 7799/PSD-TX-860, Special Condition ("SC") 1; and TEX. HEALTH &amp; SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 101.222].</p> <p>3) Failed to maintain an emission rate within the Maximum Allowable Emission Rate Table ("MAERT") limits. Specifically, an emissions event was discovered which involved the Ethylene Unit and the High Pressure ("HP") and Low Pressure ("LP") Flares, Emission Point Numbers ("EPNs") EH-42 and EH-41, respectively.</p>	<p><b>Total Assessed:</b> \$14,241</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$14,241</p> <p>The Respondent has paid the administrative penalty in full.</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>The violations are past events without the opportunity for taking any corrective action.</p>

**EXXONMOBIL OIL CORPORATION DBA MOBIL CHEMICAL BEAUMONT**  
**CHEMICAL PLANT (BMCP)**  
**DOCKET NO.: 2004-0125-AIR-E**

During this emissions event, 837.18 lbs of volatile organic compounds ("VOCs"), 1,155.59 lbs of oxide of nitrogen ("NOx"), and 5,888.39 lbs of carbon monoxide ("CO") were released from the HP and LP Flares over a period of 18 hours ("hrs") and 14 mins, as shown in Table One attached to the Penalty Calculation Worksheet ("PCW"). Since this emissions event was avoidable, ExxonMobil failed to meet the demonstrations [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G) {now 30 TEX. ADMIN. CODE § 116.115.(b)(2)(F)}, and 116.115(c); Permit No. 7799/PSD-TX-860, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), and 30 TEX. ADMIN. CODE § 101.222].

4) Failed to maintain an emission rate within the MAERT limits. Specifically, on December 3, 2003, emissions from EPN EH-42 were reported to be 1,457.8 lbs total for VOCs (approximately 243 lbs/hr), 522.7 lbs total for CO (approximately 87.1 lbs/hr), and 102.58 lbs total for NOx (approximately 17.1 lbs/hr) over an approximately five to six hr period, as shown in Table Two attached to the PCW. Since this emissions event was avoidable, ExxonMobil failed to meet the demonstrations [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and 116.115(c); Permit No. 7799/PSD-TX-860, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE §101.222].

 Policy Revision 2 (09/02)		PCW Revision 6/12/2003	
<b>Penalty Calculation Worksheet (PCW)</b>			
<b>DATES</b>			
PCW	26-Jun-2007	Screening	29-Jan-2004
Priority Due	29-Mar-2004	EPA Due	17-Sep-2004
<b>RESPONDENT INFORMATION</b>			
Respondent	ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCP		
Respondent/Site ID No(s)	RN100542844/ Air Account No. JE-0062-S		
Facility/Site Region	10 - Beaumont	Major/Minor Source	Major
<b>CASE INFORMATION</b>			
Enf./Case ID No(s)	12364	No. Violations	4
Docket No.	2004-0125-AIR-E	Order Type	1660 without deferral
Case Priority	2	EC's Team	Enforcement Team 4
Enf. Coordinator	Trina Grieco		
Media Program(s)	Air Quality		
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY</b> (Sum of violation base penalties)		Subtotal 1	\$10,100
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	41% Enhancement	Subtotals 2, 3 & 7	\$4,141
Notes	The respondent is an average performer with 2 NOVs having same or similar violations, 2 NOVs without same or similar violations, 14 self-reported violations, and has submitted one notice of audit.		
<b>Culpability</b>	0% Enhancement	Subtotal 4	\$0
Notes	The culpability criteria is not met.		
<b>Good Faith Effort to Comply</b>	0% Reduction	Subtotal 5	\$0
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary			
None of the above	X	(mark with small x)	
Notes	The violations are past events and the respondent has no opportunity to comply.		
<b>Economic Benefit</b>	0% Enhancement*	Subtotal 6	\$0
	\$1,500 Total EB Amounts		
	\$1,600 Approx. Cost of Compliance		
			=
<b>SUM OF SUBTOTALS 1-7</b>		Final Subtotal	\$14,241
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	Adjustment	\$0
Notes			=
		Final Penalty Amount	\$14,241
<b>STATUTORY LIMIT ADJUSTMENT</b>		Final Assessed Penalty	\$14,241
<b>DEFERRAL</b>	0% Reduction	Adjustment	\$0
Notes	No deferral is recommended due to referral to Litigation.		=
<b>PAYABLE PENALTY</b>			\$14,241

**Screening Date** 29-Jan-2004 **Docket Number** 2004-0125-AIR-E **PCW**  
**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCP **icy Revision 2 (09/02)**  
**Case ID No.** 12364 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** RN100542844/ Air Account No. JE-0062-S  
**Media [Statute]** Air Quality  
**Enf. Coordinator** Trina Grieco  
**Site Address** 2775 Gulf States Road, Beaumont, Jefferson County

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	2	10%
	Other written NOV's	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
<i>Please enter Yes or No</i>			
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)** 41%

>> **Repeat Violator (Subtotal 3)**

No  Select Yes/No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer  Select High, Average or Poor

**Adjustment Percentage (Subtotal 7)** 0%

**Compliance History Summary**

**Compliance History Notes** The respondent is an average performer with 2 NOV's having same or similar violations, 2 NOV's without same or similar violations, 14 self-reported violations, and has submitted one notice of audit.

**Total Adjustment Percentage (Subtotals 2, 3 & 7)** 41%

Screening Date 29-Jan-04

Docket Number 2004-0125-AIR-E

PCW

Respondent ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMC

Case ID No. 12364

Revision 2 (09/02)  
PCW Revision 6/12/2003

Respondent/Site ID No. RN100542844/ Air Account No. JE-0062-S

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 1

Primary Rule Cite 30 Tex. Admin. Code § 101.201(c)

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

Violation Description Failure to submit a final emissions event notification within two weeks after the end of an emissions event on October 7, 2003. This event ended at 11:07 AM on October 7, 2003 and was therefore required to be submitted by October 21, 2003; however, the final report was not received until October 23, 2003.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent

» Programmatic Matrix

OR	Falsification			
	Major	Moderate	Minor	
			x	

Percent 1%

Matrix Notes 100% of the rule was not met.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Events Notes One single event is recommended as documented by the October 7-25, 2003, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$0

Violation Final Penalty total \$141

This Violation Final Assessed Penalty (adjusted for limits) \$141

**Economic Benefit Worksheet**

**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCP

**ID Number(s)** 12364

**Media [Statute]** Air Quality

**Violation Number** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	\$100	21-Oct-2003	23-Oct-2003	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost of report submittal; date required is the date the report was due; the final date was the date the report was submitted.

**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/equip				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**

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**Approx Cost of Compliance**

**TOTAL**

Screening Date 29-Jan-04

Docket Number 2004-0125-AIR-E

PCW

Respondent ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMC

Case ID No. 12364

Revision 2 (09/02)  
PCW Revision 6/12/2003

Respondent/Site ID No. RN100542844/ Air Account No. JE-0062-S

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 2

Primary Rule Cite

30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(G) [presently 116.115(b)(2)(F)] and (c), and Permit No. 7799/PSD-TX-860, Special Condition ("S.C.") 1

Secondary Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to prevent unauthorized emissions during an emissions event at the chemical plant on October 7, 2003. The C3 splitter on the Ethylene Unit was not authorized for any emissions, but emitted 20,156 pounds ("lbs") of propylene during the 23 minutes ("mins") of this incident. Since this emissions event was not properly reported, ExxonMobil failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release Major Moderate Minor

OR

Actual		x	
Potential			

Percent 50%

» Programmatic Matrix

Falsification Major Moderate Minor

OR

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Percent

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

Events Notes

One single event is recommended as documented by the October 7-25, 2003, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$500

Violation Final Penalty total \$7,050

This Violation Final Assessed Penalty (adjusted for limits) \$7,050

**Economic Benefit Worksheet**

**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCP

**ID Number(s)** 12364

**Media [Statute]** Air Quality

**Violation Number** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	7-Oct-2003	8-Oct-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost of preventing emission; the date required is the emission date; the final date is the day after the emission event.

Approx Cost of Compliance

**TOTAL**

<b>Screening Date</b>	29-Jan-04	<b>Docket Number</b>	2004-0125-AIR-E	<b>PCW</b>
<b>Respondent</b>	ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCF <span style="float: right;">Revision 2 (09/02)</span>			
<b>Case ID No.</b>	12364	PCW Revision 6/12/2003		
<b>Respondent/Site ID No.</b>	RN100542844/ Air Account No. JE-0062-S			
<b>Media [Statute]</b>	Air Quality			
<b>Enf. Coordinator</b>	Trina Grieco			
<b>Violation Number</b>	3			
<b>Primary Rule Cite</b>	30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(G) [presently 116.115(b)(2)(F)] and (c), and Permit No. 7799/PSD-TX-860, S.C. 1			
<b>Secondary Cite(s)</b>	Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	<p>Failure to maintain an emission rate within the maximum allowable emissions rate table ("MAERT") limits. On August 10, 2003, at 1:10 AM, an emissions event was discovered which involved the Ethylene Unit and the High Pressure ("HP") and Low Pressure ("LP") Flares, Emission Point Numbers ("EPNs") EH-42 and EH-41, respectively. During this emissions event, 837.18 lbs of volatile organic compounds ("VOCs"), 1,155.59 lbs of oxides of nitrogen ("NO<sub>x</sub>"), and 5,888.39 lbs of carbon monoxide ("CO") were released from the HP and LP Flares over a period of 18 hours ("hrs") and 14 mins (see Table One). Since this emissions event was avoidable, ExxonMobil failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.</p>			
	<b>Base Penalty</b>	\$10,000		
»	<b>Environmental, Property and Human Health Matrix</b>			
	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
OR	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Percent</b>	25%		
»	<b>Programmatic Matrix</b>			
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
OR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Percent</b>	<input type="text"/>		
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	-\$7,500		
	<b>Base Penalty Subtotal</b>	\$2,500		
<b>Violation Events</b>	<b>Number of Violation Events</b> <input style="width: 50px;" type="text" value="1"/>			
<i>mark only one; use small x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
	<b>Violation Base Penalty</b>	\$2,500		
<b>Events Notes</b>	One single event is recommended as documented by the January 2-6, 2004, investigation.			
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>			
<b>Estimated EB Amount (\$)</b>	<input style="width: 50px;" type="text" value="\$500"/>	<b>Violation Final Penalty total</b>	<input style="width: 50px;" type="text" value="\$3,525"/>	
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>		<input style="width: 50px;" type="text" value="\$3,525"/>	

**Economic Benefit Worksheet**

**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCP  
**ID Number(s)** 12364  
**Media [Statute]** Air Quality  
**Violation Number** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b> <small>No commas or \$</small>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	10-Aug-2003	11-Aug-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost of preventing emission; the date required is the emission date; the final date is the day after the emission event.

Approx Cost of Compliance

**TOTAL**

Screening Date 29-Jan-04

Docket Number 2004-0125-AIR-E

PCW

Respondent ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMC

Case ID No. 12364

Revision 2 (09/02)  
PCW Revision 6/12/2003

Respondent/Site ID No. RN100542844/ Air Account No. JE-0062-S

Media [Statute] Air Quality

Enf. Coordinator Trina Grieco

Violation Number 4

Primary Rule Cite 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), and Permit No. 7799/PSD-TX-860, S.C. 1

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

Violation Description Failure to maintain an emission rate below the MAERT limits. During the emissions event, which occurred on December 5, 2003, emissions from EPN EH-42 were reported to be 1,457.8 lbs total for VOC (approximately 243 lbs/hr), 522.7 lbs total for CO (approximately 87.1 lbs/hr), and 102.58 lbs total for NO<sub>x</sub> (approximately 17.1 lbs/hr) over an approximately five to six hr period. See Table Two. Since this emissions event was avoidable, ExxonMobil failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

Events Notes

One single event is recommended as documented by the January 13, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$500

Violation Final Penalty total \$3,525

This Violation Final Assessed Penalty (adjusted for limits) \$3,525

### Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant BMCP

**ID Number(s)** 12364

**Media [Statute]** Air Quality

**Violation Number** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	5-Dec-2003	6-Dec-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost of preventing emission; the date required is the emission date; the final date is the day after the emission event.

Approx Cost of Compliance \$500

**TOTAL** \$500

TABLE ONE: EXXONMOBIL Oil Corporation BMCP Beaumont Chemical Plant

Violation 3 (08/10/03 Event; Incident Reports # 25697 and 25706) - # Of Upset Emissions - % Exceedances above limit

Unit/	Emitted Compounds	MEART Limits (#/hr)	Emissions #	% above #/hr limits
18 hr 14 min duration				
<u>HP Flare (EH42)</u>	Total VOCs	26.60	N/A	N/A
	Total NOx	2.50	N/A	N/A
	Total CO	18.10	N/A	N/A
<u>LP FLARE (EH41)</u>	Total VOCs	11.40	N/A	N/A
	Total NOx	2.00	N/A	N/A
	Total CO	10.00	N/A	N/A
<u>COMBINED EMISSION</u>	Total VOCs	38.00	837.18	20.83
	Total NOx	4.50	1155.59	1308.40
	Total CO	28.10	5888.39	1049.28

TABLE TWO: EXXONMOBIL Oil Corporation BMCP Beaumont Chemical Plant

Isolation 4 (12/5/03 Event; Incidents Reports # 31676 and 31679) - Pounds (#) Of Upset Emissions - % Exceedances

Unit/ 5 hour 8 minute duration	Emitted Compounds	MEART Limits (#/hr)	Emissions #	% above #/hr limits
<u>HP Flare (EH42)</u>	Total VOCs	26.60	837.18	513.11
	Total NOx	2.50	102.58	699.33
	Total CO	18.10	522.70	462.57
<u>LP FLARE (EH41)</u>	Total VOCs	11.40	N/A	
	Total NOx	2.00	N/A	
	Total CO	10.00	N/A	

## Compliance History

Customer/Respondent/Owner-Operator:	CN601470214	ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 1.13
Regulated Entity:	RN100542844	MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP	Classification: AVERAGE	Site Rating: 0.49
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD000449694
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30047
	AIR NEW SOURCE PERMITS	PERMIT		53384
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		JE0062S
	AIR NEW SOURCE PERMITS	PERMIT		50210
	AIR NEW SOURCE PERMITS	PERMIT		49817
	AIR NEW SOURCE PERMITS	PERMIT		48163
	AIR NEW SOURCE PERMITS	PERMIT		48054
	AIR NEW SOURCE PERMITS	PERMIT		44970
	AIR NEW SOURCE PERMITS	PERMIT		44971
	AIR NEW SOURCE PERMITS	PERMIT		44972
	AIR NEW SOURCE PERMITS	PERMIT		44973
	AIR NEW SOURCE PERMITS	PERMIT		44974
	AIR NEW SOURCE PERMITS	PERMIT		44975
	AIR NEW SOURCE PERMITS	PERMIT		44976
	AIR NEW SOURCE PERMITS	PERMIT		44969
	AIR NEW SOURCE PERMITS	PERMIT		44968
	AIR NEW SOURCE PERMITS	PERMIT		43948
	AIR NEW SOURCE PERMITS	PERMIT		41728
	AIR NEW SOURCE PERMITS	PERMIT		39233
	AIR NEW SOURCE PERMITS	PERMIT		19000
	AIR NEW SOURCE PERMITS	PERMIT		18838
	AIR NEW SOURCE PERMITS	PERMIT		15160
	AIR NEW SOURCE PERMITS	PERMIT		14021
	AIR NEW SOURCE PERMITS	PERMIT		13942
	AIR NEW SOURCE PERMITS	PERMIT		11791
	AIR NEW SOURCE PERMITS	PERMIT		11238
	AIR NEW SOURCE PERMITS	PERMIT		10728
	AIR NEW SOURCE PERMITS	PERMIT		10575
	AIR NEW SOURCE PERMITS	PERMIT		10249
	AIR NEW SOURCE PERMITS	PERMIT		10248
	AIR NEW SOURCE PERMITS	PERMIT		7799
	AIR NEW SOURCE PERMITS	PERMIT		485
	AIR NEW SOURCE PERMITS	PERMIT		9907
	AIR OPERATING PERMITS	PERMIT		2293
	AIR OPERATING PERMITS	PERMIT		2292
	AIR OPERATING PERMITS	PERMIT		1354
	AIR OPERATING PERMITS	PERMIT		2201
	AIR OPERATING PERMITS	PERMIT		1173
	AIR OPERATING PERMITS	ACCOUNT NUMBER		JE0062S
	WASTEWATER	PERMIT		TPDES0068934
	WASTEWATER	PERMIT		WQ0002029000
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		51575
	WASTEWATER	PERMIT		TPDES0004227
	WASTEWATER	PERMIT		WQ0000462000
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		31859

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INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000803528
AIR NEW SOURCE PERMITS	REGISTRATION	70717
AIR NEW SOURCE PERMITS	PERMIT	56360
AIR NEW SOURCE PERMITS	AFS NUM	0087
AIR NEW SOURCE PERMITS	REGISTRATION	55831
AIR NEW SOURCE PERMITS	REGISTRATION	55190
AIR OPERATING PERMITS	PERMIT	2293
AIR OPERATING PERMITS	PERMIT	2292
AIR OPERATING PERMITS	PERMIT	1354
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE00640
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE00640
AIR NEW SOURCE PERMITS	PERMIT	49759
AIR NEW SOURCE PERMITS	PERMIT	47327
AIR NEW SOURCE PERMITS	PERMIT	47058
AIR NEW SOURCE PERMITS	PERMIT	46852
AIR NEW SOURCE PERMITS	PERMIT	46570
AIR NEW SOURCE PERMITS	PERMIT	46421
AIR NEW SOURCE PERMITS	PERMIT	46024
AIR NEW SOURCE PERMITS	PERMIT	44990
AIR NEW SOURCE PERMITS	PERMIT	44991
AIR NEW SOURCE PERMITS	PERMIT	44863
AIR NEW SOURCE PERMITS	PERMIT	41935
AIR NEW SOURCE PERMITS	PERMIT	42463
AIR NEW SOURCE PERMITS	PERMIT	43123
AIR NEW SOURCE PERMITS	PERMIT	42983
AIR NEW SOURCE PERMITS	PERMIT	41445
AIR NEW SOURCE PERMITS	PERMIT	40289
AIR NEW SOURCE PERMITS	PERMIT	40044
AIR NEW SOURCE PERMITS	PERMIT	39107
AIR NEW SOURCE PERMITS	PERMIT	39220
AIR NEW SOURCE PERMITS	PERMIT	37362
AIR NEW SOURCE PERMITS	PERMIT	34427
AIR NEW SOURCE PERMITS	PERMIT	34780
AIR NEW SOURCE PERMITS	PERMIT	34272
AIR NEW SOURCE PERMITS	PERMIT	34347
AIR NEW SOURCE PERMITS	PERMIT	32865
AIR NEW SOURCE PERMITS	PERMIT	32614
AIR NEW SOURCE PERMITS	PERMIT	32200
AIR NEW SOURCE PERMITS	PERMIT	24857
AIR NEW SOURCE PERMITS	PERMIT	26152
AIR NEW SOURCE PERMITS	PERMIT	26126
AIR NEW SOURCE PERMITS	PERMIT	24975
AIR NEW SOURCE PERMITS	PERMIT	24243
AIR NEW SOURCE PERMITS	PERMIT	23327
AIR NEW SOURCE PERMITS	PERMIT	22096
AIR NEW SOURCE PERMITS	PERMIT	21015
AIR NEW SOURCE PERMITS	PERMIT	19950
AIR NEW SOURCE PERMITS	PERMIT	19366
AIR NEW SOURCE PERMITS	PERMIT	14492
AIR NEW SOURCE PERMITS	PERMIT	13789
AIR NEW SOURCE PERMITS	PERMIT	12575
AIR NEW SOURCE PERMITS	PERMIT	12362

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AIR NEW SOURCE PERMITS	PERMIT	12105
AIR NEW SOURCE PERMITS	PERMIT	11983
AIR NEW SOURCE PERMITS	PERMIT	11642
AIR NEW SOURCE PERMITS	PERMIT	11641
AIR NEW SOURCE PERMITS	PERMIT	10242
AIR NEW SOURCE PERMITS	PERMIT	10194
AIR NEW SOURCE PERMITS	PERMIT	3186
AIR NEW SOURCE PERMITS	PERMIT	1295A
AIR NEW SOURCE PERMITS	PERMIT	1295

Location: 2775 GULF STATES ROAD, BEAUMONT, TX, 77704 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 29, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 29, 1999 to January 29, 2004

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

Name: John Barry Phone: (409) 899-8781

#### 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.
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  
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.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

D. The dates of investigations.

- 1 10/23/2001
- 2 05/17/2002
- 3 04/11/2003
- 4 08/26/2002
- 5 09/19/2000
- 6 05/08/2003
- 7 09/27/2001
- 8 05/22/2001
- 9 09/24/2002
- 10 06/20/2000
- 11 10/20/2000
- 12 11/01/2001
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- 14 10/21/2002

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20 11/26/2001  
21 07/21/2000  
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 201 11/19/2002  
 202 05/22/2000  
 203 08/23/2000

E. Written notices of violations (NOV).

Date: 02/28/2003

Self Report? NO

Classification: Moderate

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

Rqmt Prov: PA IA

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

Self Report? NO

Classification: Moderate

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

Rqmt Prov: PA IA

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

Self Report? NO

Classification: Moderate

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

Date: 04/30/2002

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: 08/31/2000  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2001  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/1999  
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: 12/31/2000  
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: 04/07/2003  
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: 09/30/2001  
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: 08/30/2001  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
Description: PERMIT GEN CONDITIONS

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
Description: MAERT EMISSION LIMITS

Date: 02/28/2002  
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  
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: 03/31/2002  
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: 04/30/2002  
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: 01/31/2002  
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: 05/15/2000

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
Description: APPLICABILITY

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP IA  
Description: SPECIAL CONDITIONS

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP IA  
Description: SPECIAL CONDITIONS

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP IA  
Description: SPECIAL CONDITIONS

Date: 05/31/2001

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: 06/30/2000

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: 06/30/2001

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 09/28/2001

No DOV Associated

No Classification

Citation:

Description:

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 DBA MOBIL  
CHEMICAL BEAUMONT  
CHEMICAL PLANT (BMCP),  
RN100542844

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2004-0125-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMCP) ("ExxonMobil") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation 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. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382.
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 December 28, 2003, and February 3 and 7, 2004.
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.

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6. An administrative penalty in the amount of fourteen thousand two hundred forty-one dollars (\$14,241.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ExxonMobil has paid fourteen thousand two hundred forty-one dollars (\$14,241.00) of the administrative penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and 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 the violations alleged in this case are past events without the opportunity for taking corrective action.
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**

ExxonMobil is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to submit a final emissions event notification within two weeks after the end of an emissions event on October 7, 2003. This event ended at 11:07 AM on October 7, 2003 and was therefore required to be submitted by October 21, 2003. However, the final report was not received until October 23, 2003.

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2. 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G)<sup>1</sup>, and 116.115(c); Permit No. 7799/PSD-TX-860, Special Condition (“SC”) 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent unauthorized emissions during an emissions event at the chemical plant on October 7, 2003. The C3 splitter on the Ethylene Unit was not authorized for any emissions but emitted 20,156 pounds (lbs) of propylene during the 23 minutes (mins) of this incident. Since this emissions event was not properly reported, ExxonMobil failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE §101.222.
3. 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G)<sup>2</sup>, and 116.115(c); Permit No. 7799/PSD-TX-860, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emission rate within the Maximum Allowable Emission Rate Table (“MAERT”) limits. Specifically, on August 10, 2003, at 11:00 AM, an emissions event was discovered which involved the Ethylene Unit and the High Pressure (“HP”) and Low Pressure (“LP”) Flares, Emission Point Numbers (“EPNs”) EH-42 and EH-41, respectively. During this emissions event, 837.18 lbs of volatile organic compounds (“VOCs”), 1,155.59 lbs of oxide of nitrogen (“NOx”), and 5,888.39 lbs of carbon monoxide (“CO”) were released from the HP and LP Flares over a period of 18 hours (“hrs”) and 14 mins, as shown in Table One attached to the Penalty Calculation Worksheet (“PCW”). Since this emissions event was avoidable, ExxonMobil failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE §101.222.
4. 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and 116.115(c); Permit No. 7799/PSD-TX-860, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain an emission rate within the MAERT limits. Specifically, on December 3, 2003, emissions from EPN EH-42 were reported to be 1,457.8 lbs total for VOCs (approximately 243 lbs/hr), 522.7 lbs total for CO (approximately 87.1 lbs/hr), and 102.58 lbs total for NOx (approximately 17.1 lbs/hr) over an approximately five to six hr period, as shown in Table Two attached to the PCW. Since this emissions event was avoidable, ExxonMobil failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE §101.222.

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<sup>1</sup> The provisions of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(G) were amended effective September 14, 2003 and can now be found in 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F). See 28 TexReg 7763

<sup>2</sup> See Footnote 1, above

### **III. DENIALS**

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

### **IV. ORDER**

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 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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMCP), Docket No. 2004-0125-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. 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.
3. 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to ExxonMobil, or three days

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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

Bergeron Perdue

For the Executive Director

10/9/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

John R. Townsend  
Signature

7/30/2007  
Date

John R. TOWNSEND  
Name (Printed or typed)

Site Manager  
Title

Authorized representative of

ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant