



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

**DOCKET NO.: 2003-1455-AIR-E**

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**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>Dates of Investigation Relating to this Case:</b>            July 11, 21, 22, and 29, and August 4 and 29, 2003</p> <p><b>Date of NOEs Relating to this Case:</b> August 6 and 26, September 30, and November 11, 2003</p> <p><b>Background Facts:</b></p> <p>The ED filed the EDPRP on September 11, 2006. The Respondent filed an Answer to the EDPRP on October 20, 2006. The ED and the Respondent reached a settlement and the Respondent signed an Agreed Order and paid the outstanding penalty in August 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>AIR:</b></p> <p>1. Failed to prevent the unauthorized emission of air contaminants. Specifically, on November 1, 2002, the plant released 554.2 pounds (lbs) of volatile organic compounds ("VOC"), 275.35 lbs of oxides of nitrogen ("NOx"), and 1,988.74 lbs of carbon monoxide ("CO") from the High Pressure Flare (EH42) for the duration of one hour 49 minutes; and on April 23, 2003, EH42 released 102.55 lbs of NOx, and 363.98 lbs of CO over a period of one hour and 37 minutes, and at the Ultra Severe Cracking ("USC") 1 Unit released 197.59 lbs of VOC from the Decoking Vent B-210F, an unauthorized excessive emission, [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G)<sup>1</sup>, and 116.115(c)].</p>	<p><b>Total Assessed:</b> \$23,938</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$23,938</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><b>Corrective Action(s) Taken:</b></p> <p>The Executive Director recognizes that the violations alleged in this case are past events without the opportunity for taking corrective action.</p>

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2. Failed to prevent the unauthorized emission of air contaminants. Specifically, on March 26, 2003, Low Pressure Flare ("EH41") and EH 42 released 2,294.57 lbs of VOC over a period of 27 hours and 9 minutes and an unauthorized release of 16,913.41 lbs of propylene from an emergency vent occurred at the USC II Unit as documented on July 1, 2003 [ 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G)<sup>2</sup>, and 116.115(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to properly notify the regional office of the TCEQ of an emissions event which began on November 1, 2002 [30 TEX. ADMIN. CODE § 101.201(b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emission of an air contaminant. Specifically, on December 27, 2002, an emissions event was discovered at the Ethylene Unit which released 70,900 lbs of ethylene from atmospheric drum F-205 over a 145 hour period as a result of a leak in a heat exchanger [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G)<sup>3</sup>, and 116.115(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

<b>Penalty Calculation Worksheet (PCW)</b>		PCW Revision 6/12/2003
Policy Revision 2 (09/02)		
<b>DATES</b>		
PCW	13-Feb-2007	Screening 17-Nov-2003
Priority Due	16-Jan-2004	EPA Due 13-Aug-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)	10718	No. Violations 4
Docket No.	2003-1455-AIR-E	Order Type 1660 with deferral
Case Priority	2	EC's Team Enforcement Team 6
Enf. Coordinator	John Barry	
Media Program(s)	Air Quality	
Admin. Penalty \$ Limit	Minimum \$0	Maximum \$10,000

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY</b> <i>(Sum of violation base penalties)</i>		Subtotal 1	\$20,100
<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>	38% Enhancement	Subtotals 2, 3 & 7	\$7,638
Notes	The respondent is an average performer with one same or similar and 17 other NOVs 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
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
Ordinary			
None of the above	X	<i>(mark with small x)</i>	+
Notes	These violations are past events without the opportunity for compliance.		
<b>Economic Benefit</b>	0% Enhancement*	Subtotal 6	\$0
	\$11,000 Total EB Amounts		=
	\$10,500 Approx. Cost of Compliance		
<b>SUM OF SUBTOTALS 1-7</b>		Final Subtotal	\$27,738
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage. <i>(enter number only; e.g. -30 for -30%)</i>			
Notes			=
		Final Penalty Amount	\$27,738
<b>STATUTORY LIMIT ADJUSTMENT</b>		Final Assessed Penalty	\$23,938
<b>DEFERRAL</b>		Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. <i>(enter number only; e.g. 20 for 20% reduction)</i>			
Notes	No deferral is recommended due to referral to Litigation.		=
<b>PAYABLE PENALTY</b>			<b>\$23,938</b>

**Screening Date** 17-Nov-2003 **Docket Number** 2003-1455-AIR-E **PCW**  
**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMCP) **icy Revision 2 (09/02)**  
**Case ID No.** 10718 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** RN100542844/ Air Account No. JE-0062-S  
**Media [Statute]** Air Quality  
**Enf. Coordinator** John Barry  
**Site Address**

**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 <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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)**

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

*Select Yes/No*

**Adjustment Percentage (Subtotal 3)**

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

*Select High, Average or Poor*

**Adjustment Percentage (Subtotal 7)**

**Compliance History Summary**

**Compliance History Notes**

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

**Screening Date** 17-Nov-03 **Docket Number** 2003-1455-AIR-E **PCW**  
**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMCP) **Revision 2 (09/02)**  
**Case ID No.** 10718 **PCW Revision** 6/12/2003  
**Respondent/Site ID No.** RN100542844/ **Air Account No.** JE-0062-S  
**Media [Statute]** Air Quality  
**Enf. Coordinator** John Barry  
**Violation Number** 1  
**Primary Rule Cite** Permit No. 7799/PSD-TX-860, Special Condition ("SC") 1, Maximum Allowable Emission Rate Table ("MAERT")  
**Secondary Cite(s)** 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(G) [now 116.115(b)(2)(F)] and (c), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failure to prevent the unauthorized emission of an air contaminant: (1) On November 1, 2002, from 09:41-11:30 AM the plant released 554.26 pounds ("lb") volatile organic compounds ("VOC"), 275.35 lb oxides of nitrogen ("NO<sub>x</sub>"), and 1,988.74 lb carbon monoxide ("CO") from the High Pressure Flare ("EH42") for the duration of one hour ("hr") and 49 minutes ("min"); and (2) on April 23, 2003 at 3:20 PM, EH42 released 102.55 lb of VOC, 71.43 lb of NO<sub>x</sub>, and 363.98 lb of CO over a period of one hour and 37 min and at the Ultra Severe Cracking ("USC") I Unit released 197.59 lb of VOC from the Decoking Vent B-2101F, an unauthorized excessive emission. See attached Tables One and Two. Since these emissions events were avoidable, ExxonMobil Oil Corporation 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				
		Major	Moderate	Minor		
OR	Actual			X	Percent	25%
	Potential					

» Programmatic Matrix

		Falsification	Major	Moderate	Minor		
OR						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** 2

mark only one; use small x	daily		<b>Violation Base Penalty</b> \$5,000
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

**Events Notes** Two single events are recommended as documented by the investigation and record review of July 21, 22, and 29, and August 4, 2003.

Economic Benefit (EB) for this violation Statutory Limit Test

**Estimated EB Amount (\$)** \$10,500 **Violation Final Penalty total** \$6,900

**This Violation Final Assessed Penalty (adjusted for limits)** \$6,900

### Economic Benefit Worksheet

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

**ID Number(s)** 10718

**Media [Statute]** Air Quality

**Violation Number** 1

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]				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	1-Nov-2002	23-Apr-2003	1.0	\$500	\$10,000	\$10,500

Notes for AVOIDED costs

Estimated cost of planning and implementing operational procedures, including training, to avoid preventable emissions; date required is the initial emission event date; final date is date of last emission event.

Approx Cost of Compliance \$10,000

**TOTAL** \$10,500

**Screening Date** 17-Nov-03 **Docket Number** 2003-1455-AIR-E **PCW**  
**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMC) **Revision 2 (09/02)**  
**Case ID No.** 10718 **PCW Revision** 6/12/2003  
**Respondent/Site ID No.** RN100542844/ Air Account No. JE-0062-S  
**Media [Statute]** Air Quality  
**Enf. Coordinator** John Barry  
**Violation Number** 2  
**Primary Rule Cite** Permit No. 7799/PSD-TX-860, SC 1, MAERT  
**Secondary Cite(s)** 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(G) [now 116.115(b)(2)(F)] and (c), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failure to prevent the unauthorized emission of an air contaminant: on March 26, 2003 at 05:37 PM, EH41 and EH42 released 2,294.57 lb of VOC over a period of 27 hr and 9 min and an unauthorized release of 16,913.41 lb of propylene from an emergency vent occurred at the USC II Unit. See attached Table Three. Since this emissions event was avoidable, ExxonMobil Oil Corporation 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				
		Major	Moderate	Minor		
OR	Release Actual		x		Percent	50%
	Potential					

» Programmatic Matrix

		Major	Moderate	Minor		
OR	Falsification				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 event is recommended as documented by the investigation of July 11, 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount (\$)** \$0

**Violation Final Penalty total** \$6,900

**This Violation Final Assessed Penalty (adjusted for limits)** \$6,900

### Economic Benefit Worksheet

**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMCP)  
**ID Number(s)** 10718  
**Media [Statute]** Air Quality  
**Violation Number** 2

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
<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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance \$0 TOTAL \$0

**Screening Date** 17-Nov-03 **Docket Number** 2003-1455-AIR-E **PCW**  
**Respondent** ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMC) **Revision 2 (09/02)**  
**Case ID No.** 10718 **PCW Revision** 6/12/2003

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

**Media [Statute]** Air Quality

**Enf. Coordinator** John Barry

**Violation Number**

**Primary Rule Cite**

**Secondary Cite(s)**

**Violation Description**  
 Failure to properly notify the regional office of an emissions event which began on November 1, 2002, at 09:41 AM and ended at 11:30 AM. Within the final report, dated November 15, 2002, the plant failed to include the authorized limit for CO emissions.

**Base Penalty**

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

**Harm**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

» **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

*mark only one; use small x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Events Notes**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount (\$)**

**Violation Final Penalty total**

**This Violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

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

**ID Number(s)** 10718

**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>
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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]				0.0	\$0	\$0	\$0
Other (as needed)	\$500	1-Nov-2002	15-Nov-2002	0.0	\$0	\$500	\$500

Notes for AVOIDED costs

Estimated avoided costs of training to report emissions events properly; date required is date of emission event; final date is the report date.

Approx Cost of Compliance

**TOTAL**

<b>Screening Date</b> 17-Nov-03	<b>Docket Number</b> 2003-1455-AIR-E	<b>PCW</b>
<b>Respondent</b> ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMC)		Revision 2 (09/02)
<b>Case ID No.</b> 10718		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> John Barry		
<b>Violation Number</b>	4	
<b>Primary Rule Cite</b>	30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(G) [now 116.115(b)(2)(F)] and (c), and Permit Nos. 7799/PSD-TX-860, SC 1, MAERT	
<b>Secondary Cite(s)</b>	Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failure to prevent the unauthorized emission of an air contaminant. On December 27, 2002, at 8:30 AM, an emissions event was discovered at the Ethylene Unit which released 70,900 lb of ethylene from atmospheric drum F-205 over a 145 hr period as a result of a leak in a heat exchanger. Since this emissions event was avoidable, ExxonMobil Oil Corporation failed to meet the demonstrations as found in 30 Tex. Admin. Code § 101.222.	
<b>Base Penalty</b>		\$10,000
» Environmental, Property and Human Health Matrix		
<b>Harm</b>		
	<b>Release</b>	Major      Moderate      Minor
<b>OR</b>	Actual	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>Percent</b>		100%
» Programmatic Matrix		
	<b>Falsification</b>	Major      Moderate      Minor
<b>OR</b>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<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 pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.	
<b>Adjustment</b>		\$0
<b>Base Penalty Subtotal</b>		\$10,000
<b>Violation Events</b>		
<b>Number of Violation Events</b>		1
<small>mark only one; use small x</small>	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>		\$10,000
<b>Events Notes</b>	One single event is recommended as documented by the record review of August 29, 2003.	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount (\$)</b>		\$0
<b>Violation Final Penalty total</b>		\$13,800
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>		\$10,000

### Economic Benefit Worksheet

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

**ID Number(s)** 10718

**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

See Violation 1 for economic benefit.

**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

Approx Cost of Compliance

**TOTAL**

## Compliance History

Customer/Respondent/Owner-Operator:	CN601470214	ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 1.13
Regulated Entity:	RN100542844	MOBIL CHEMICAL BMCP BEAUMONT CHEMICAL PLANT	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	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	JE0064O
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0064O
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
AIR NEW SOURCE PERMITS	PERMIT	12105

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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: November 18, 2003

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 18, 1998 to November 18, 2003

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
- 13 06/22/2001
- 14 10/21/2002
- 15 10/29/1999

16 06/24/2002  
17 08/09/2002  
18 11/24/2000  
19 01/21/2003  
20 11/26/2001  
21 07/21/2000  
22 11/22/2002  
23 09/25/2003  
24 11/17/1999  
25 08/19/2003  
26 07/23/2001  
27 12/22/2000  
28 04/25/2003  
29 07/22/2002  
30 12/27/2001  
31 12/27/2002  
32 10/29/2003  
33 08/21/2000  
34 12/27/1999  
35 08/16/2001  
36 01/24/2001  
37 10/17/2003  
38 08/19/2002  
39 01/23/2002  
40 09/21/2000  
41 08/09/2002  
42 04/11/2003  
43 01/21/2003  
44 09/25/2001  
45 08/19/2003  
46 01/24/2000  
47 09/17/2002  
48 09/25/2003  
49 10/20/2000  
50 08/19/2003  
51 10/24/2001  
52 04/11/2003  
53 08/21/2003  
54 04/11/2003  
55 10/15/2002  
56 11/06/2003  
57 03/27/2003  
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76 12/13/1999  
77 02/28/2003  
78 01/29/2001  
79 10/24/2002  
80 07/19/2000  
81 11/14/2003  
82 01/22/2002  
83 06/18/2000  
84 01/21/2003  
85 06/18/2000  
86 09/25/2003  
87 05/22/2001  
88 06/06/2000  
89 06/06/2000  
90 01/21/2000  
91 06/06/2000  
92 05/19/2000  
93 07/31/2003  
94 05/19/2000  
95 05/05/2000  
96 04/19/2000  
97 03/15/2000  
98 03/15/2000  
99 03/15/2000  
100 03/15/2000  
101 03/15/2000  
102 01/14/2000  
103 02/18/2003  
104 12/21/1999  
105 02/18/2003  
106 12/09/1999  
107 12/09/1999  
108 10/28/2003  
109 10/17/2003  
110 09/25/2003  
111 11/10/1999  
112 11/06/2003  
113 10/06/1999  
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118 01/28/2003  
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120 10/06/1999  
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122 10/06/1999  
123 05/22/2001  
124 05/02/2002  
125 03/29/2002  
126 01/30/2002  
127 02/18/2003  
128 01/03/2002  
129 03/09/2001  
130 12/11/2001  
131 02/25/2002  
132 11/14/2001  
133 09/25/2003  
134 10/26/2001  
135 02/21/2003  
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137 03/26/2001  
138 08/29/2003  
139 03/21/2002  
140 09/26/2003  
141 03/24/2003  
142 08/30/2001  
143 10/09/2003  
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145 04/19/2001  
146 04/24/2001  
147 08/15/2003  
148 03/01/2001  
149 04/22/2002  
150 02/23/2001  
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185 04/07/2003  
186 07/22/2003  
187 11/19/2002  
188 05/22/2000  
189 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,  
RN100542844

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2003-1455-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 ("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 August 6 and 26, September 30, and November 11, 2003.
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.

**ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant  
Docket No. 2003-1455-AIR-E**

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6. An administrative penalty in the amount of twenty-three thousand nine hundred thirty-eight dollars (\$23,938.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). ExxonMobil has paid twenty-three thousand nine hundred thirty-eight dollars (\$23,938.00) 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

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ExxonMobil is alleged to have violated:

1. 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 the unauthorized emission of air contaminants. Specifically, on November 1, 2002, from 9:41 AM to 11:30 AM the plant released 554.26 pounds (lbs) of volatile organic compounds ("VOC"), 275.35 lbs of oxides of nitrogen ("NOx"), and 1,988.74 lbs of carbon monoxide ("CO") from the High Pressure Flare (EH42) for the duration of one hour 49 minutes; and on April 23, 2003, at 3:20 PM, EH42 released 102.55

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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

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

**Docket No. 2003-1455-AIR-E**

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lbs of VOC, 71.43 lbs of NO<sub>x</sub>, and 363.98 lbs of CO over a period of one hour and 37 minutes, and at the Ultra Severe Cracking ("USC") I Unit released 197.59 lbs of VOC from the Decoking Vent B-2101F, an unauthorized excessive emission, as documented on July 21, 22, and 29, and August 4, 2003. Since these emissions events were avoidable, ExxonMobil failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE §101.222.

2. 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 prevent the unauthorized emission of air contaminants. Specifically, on March 26, 2003 at 5:37 PM, Low Pressure Flare ("EH41") and EH 42 released 2,294.57 lbs of VOC over a period of 27 hours and 9 minutes and an unauthorized release of 16,913.41 lbs of propylene from an emergency vent occurred at the USC II Unit as documented on July 11, 2003. Since these emissions events were avoidable, ExxonMobil failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE §101.222.
3. 30 TEX. ADMIN. CODE § 101.201(b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to properly notify the regional office of the TCEQ of an emissions event which began on November 1, 2002, at 9:41 AM and ended at 11:30 AM. Specifically, ExxonMobil failed to include the authorized limit for CO emissions in the final report dated November 15, 2002 as documented on July 21, 2003.
4. 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(G)<sup>3</sup>, and 116.115(c); Permit No. 7799/PSD-TX-860, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent the unauthorized emission of an air contaminant. Specifically, on December 27, 2002, at 8:30 AM, an emissions event was discovered at the Ethylene Unit which released 70,900 lbs of ethylene from atmospheric drum F-205 over a 145 hour period as a result of a leak in a heat exchanger as documented on August 29, 2003. Since these emissions events were avoidable, ExxonMobil failed to meet the demonstrations as found in 30 TEX. ADMIN. CODE §101.222.

### III. DENIALS

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

### IV. ORDER

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

<sup>3</sup> See Footnote 1, above

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

**Docket No. 2003-1455-AIR-E**

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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, Docket No. 2003-1455-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 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

*Bergerson-Pendue*

\_\_\_\_\_  
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

*8/23/07*  
\_\_\_\_\_  
Date

*JOHN R. TOWNSEND*  
\_\_\_\_\_  
Name (Printed or typed)

*SITE Manager*  
\_\_\_\_\_  
Title

Authorized representative of  
ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant