

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0781-AIR-E **TCEQ ID:** RN100542844 **CASE NO.:** 35878  
**RESPONDENT NAME:** ExxonMobil Oil Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Road, Beaumont, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing 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 three additional pending enforcement actions regarding this facility location, Docket Nos. 2003-1455-AIR-E, 2004-0125-AIR-E, and 2008-1231-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 10, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. John R. Townsend, Site Manager, ExxonMobil Oil Corporation, 2775 Gulf States Road, Beaumont, Texas 77701  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 28, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 24, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to comply with the permitted emissions limits. During a 39-hour emissions event that began on December 15, 2007, Emission Point Nos. EH41 (LP Flare), EH42 (HP Flare), and EH43 (UDEX Flare) emitted 26,500 pounds of volatile organic compounds ("VOC"), 22,797.16 pounds of carbon monoxide ("CO"), and 3,156.33 pounds of nitrogen oxides ("NOx"). The authorized emissions limits are 9,261.33 pounds of VOC, 9,304.23 pounds of CO, and 1,288.95 pounds of NOx. Because the Respondent failed to demonstrate that the emissions event was not beyond their control, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review Permit No. 7799/PSD-TX-860, Special Condition No. 1].</p>	<p><b>Total Assessed:</b> \$16,450</p> <p><b>Total Deferred:</b> \$3,290  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$6,580</p> <p><b>Total Paid to General Revenue:</b> \$6,580</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>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit written documentation of the specific and exact cause for the plugging of the strainers on both oily water pumps used to drain oily water from the compressor suction drum in the USC II Furnace Unit in order to address the emissions event on December 15, 2007 and submit plans to prevent a reoccurrence of this problem in the future; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): JE0062S

Attachment A  
Docket Number: 2008-0781-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** ExxonMobil Oil Corporation  
**Payable Penalty Amount:** Thirteen Thousand One Hundred Sixty Dollars (\$13,160)  
**SEP Amount:** Six Thousand Five Hundred Eighty Dollars (\$6,580)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses  
**Location of SEP:** Jefferson County

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

**1. Project Description**

A. Project

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

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

3. **Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

DATES	Assigned	28-Apr-2008	Screening	8-May-2008	EPA Due	5-Mar-2009
	PCW	20-May-2008				

## RESPONDENT/FACILITY INFORMATION

Respondent	ExxonMobil Oil Corporation		
Reg. Ent. Ref. No.	RN100542844		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	35878	No. of Violations	1
Docket No.	2008-0781-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Sidney Wheeler
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

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

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

**Compliance History** 229.0% Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement due to three similar and five dissimilar NOVs; nine agreed orders containing a denial of liability; one agreed order without a denial of liability; and credit for one NOA.

**Culpability** No

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0.0% Reduction **Subtotal 5**

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

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

**Total EB Amounts**  0.0% Enhancement\* **Subtotal 6**   
 \*Capped at the Total EB \$ Amount  
**Approx. Cost of Compliance**

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

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

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 8-May-2008

Docket No. 2008-0781-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 35878

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator Sidney Wheeler

### 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)	3	15%
	Other written NOV's	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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) 229%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to three similar and five dissimilar NOV's; nine agreed orders containing a denial of liability; one agreed order without a denial of liability; and credit for one NOA.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 229%

Screening Date 8-May-2008 Docket No. 2008-0781-AIR-E PCW  
 Respondent ExxonMobil Oil Corporation Policy Revision 2 (September 2002)  
 Case ID No. 35878 PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100542844

Media [Statute] Air  
 Enf. Coordinator Sidney Wheeler

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), and 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review Permit No. 7799/PSD-TX-860, Special Condition No. 1.

Violation Description Failed to comply with the permitted emissions limits. During a 39-hour emissions event that began on December 15, 2007, Emission Point Nos. EH41 (LP Flare), EH42 (HP Flare), and EH43 (UDEX Flare) emitted 26,500 pounds of volatile organic compounds ("VOC"), 22,797.16 pounds of carbon monoxide ("CO"), and 3,156.33 pounds of nitrogen oxides ("NOx"). The authorized emissions limits are 9,261.33 pounds of VOC, 9,304.23 pounds of CO, and 1,288.95 pounds of NOx. Because the Respondent failed to demonstrate that the emissions event was not beyond their control, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Human health or the environment was 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

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input checked="" type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

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  
**Case ID No.** 35878  
**Reg. Ent. Reference No.** RN100542844  
**Media** Air  
**Violation No.** 1

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	15-Dec-2007	8-Nov-2008	0.90	\$225	n/a	\$225
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	15-Dec-2007	8-Nov-2008	0.90	\$23	n/a	\$23

Notes for DELAYED costs

Costs are estimates for equipment/parts/repair to avoid plugging of strainers for oily water pumps used to drain oily water from the compressor suction drum at USC II Furnace Unit and for implementation of procedures to prevent these types of incidents in the future. Date required is date of emissions event and final date is estimated date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,500

TOTAL \$248

# Compliance History

Customer/Respondent/Owner-Operator:	CN600920748 ExxonMobil Oil Corporation	Classification: AVERAGE	Rating: 3.85
Regulated Entity:	RN100542844 MOBIL CHEMICAL BEAUMONT CHEMICAL PLANT BMCP	Classification: AVERAGE	Site Rating: 4.17

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0062S
	AIR OPERATING PERMITS	PERMIT	1173
	AIR OPERATING PERMITS	PERMIT	2201
	AIR OPERATING PERMITS	PERMIT	1354
	AIR OPERATING PERMITS	PERMIT	2292
	AIR OPERATING PERMITS	PERMIT	2293
	AIR OPERATING PERMITS	PERMIT	1354
	AIR OPERATING PERMITS	PERMIT	2292
	AIR OPERATING PERMITS	PERMIT	2293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230089
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000449694
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	30047
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000449694
	WASTEWATER	PERMIT	WQ0002029000
	WASTEWATER	PERMIT	TX0068934
	WASTEWATER	PERMIT	WQ0000462000
	WASTEWATER	PERMIT	TPDES0004227
	WASTEWATER	PERMIT	TX0004227
	AIR NEW SOURCE PERMITS	PERMIT	9907
	AIR NEW SOURCE PERMITS	PERMIT	485
	AIR NEW SOURCE PERMITS	PERMIT	7799
	AIR NEW SOURCE PERMITS	PERMIT	10248
	AIR NEW SOURCE PERMITS	PERMIT	10249
	AIR NEW SOURCE PERMITS	PERMIT	10575
	AIR NEW SOURCE PERMITS	PERMIT	10728
	AIR NEW SOURCE PERMITS	PERMIT	11238
	AIR NEW SOURCE PERMITS	PERMIT	11791
	AIR NEW SOURCE PERMITS	PERMIT	13942
	AIR NEW SOURCE PERMITS	PERMIT	14021
	AIR NEW SOURCE PERMITS	PERMIT	15160
	AIR NEW SOURCE PERMITS	PERMIT	18838
	AIR NEW SOURCE PERMITS	PERMIT	19000
	AIR NEW SOURCE PERMITS	PERMIT	41728
	AIR NEW SOURCE PERMITS	PERMIT	43948
	AIR NEW SOURCE PERMITS	PERMIT	44969
	AIR NEW SOURCE PERMITS	PERMIT	44976
	AIR NEW SOURCE PERMITS	PERMIT	44975
	AIR NEW SOURCE PERMITS	PERMIT	44973
	AIR NEW SOURCE PERMITS	PERMIT	44971
	AIR NEW SOURCE PERMITS	PERMIT	48054
	AIR NEW SOURCE PERMITS	PERMIT	48163
	AIR NEW SOURCE PERMITS	PERMIT	50210
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0062S
	AIR NEW SOURCE PERMITS	PERMIT	1295
	AIR NEW SOURCE PERMITS	PERMIT	1295A
	AIR NEW SOURCE PERMITS	PERMIT	10194
	AIR NEW SOURCE PERMITS	PERMIT	10242
	AIR NEW SOURCE PERMITS	PERMIT	11641
	AIR NEW SOURCE PERMITS	PERMIT	11642
	AIR NEW SOURCE PERMITS	PERMIT	11983
	AIR NEW SOURCE PERMITS	PERMIT	12105
	AIR NEW SOURCE PERMITS	PERMIT	12362
	AIR NEW SOURCE PERMITS	PERMIT	12575
	AIR NEW SOURCE PERMITS	PERMIT	13789
	AIR NEW SOURCE PERMITS	PERMIT	14492
	AIR NEW SOURCE PERMITS	PERMIT	19366

AIR NEW SOURCE PERMITS	PERMIT	19950
AIR NEW SOURCE PERMITS	PERMIT	21015
AIR NEW SOURCE PERMITS	PERMIT	23327
AIR NEW SOURCE PERMITS	PERMIT	24243
AIR NEW SOURCE PERMITS	PERMIT	24975
AIR NEW SOURCE PERMITS	PERMIT	26126
AIR NEW SOURCE PERMITS	PERMIT	26152
AIR NEW SOURCE PERMITS	PERMIT	24857
AIR NEW SOURCE PERMITS	PERMIT	32200
AIR NEW SOURCE PERMITS	PERMIT	32614
AIR NEW SOURCE PERMITS	PERMIT	32865
AIR NEW SOURCE PERMITS	PERMIT	34347
AIR NEW SOURCE PERMITS	PERMIT	34780
AIR NEW SOURCE PERMITS	PERMIT	34427
AIR NEW SOURCE PERMITS	PERMIT	37362
AIR NEW SOURCE PERMITS	PERMIT	40289
AIR NEW SOURCE PERMITS	PERMIT	41445
AIR NEW SOURCE PERMITS	PERMIT	42983
AIR NEW SOURCE PERMITS	PERMIT	43123
AIR NEW SOURCE PERMITS	PERMIT	41935
AIR NEW SOURCE PERMITS	PERMIT	44863
AIR NEW SOURCE PERMITS	PERMIT	44991
AIR NEW SOURCE PERMITS	PERMIT	44990
AIR NEW SOURCE PERMITS	PERMIT	46421
AIR NEW SOURCE PERMITS	PERMIT	46852
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE00640
AIR NEW SOURCE PERMITS	REGISTRATION	72115
AIR NEW SOURCE PERMITS	PERMIT	53384
AIR NEW SOURCE PERMITS	REGISTRATION	55190
AIR NEW SOURCE PERMITS	REGISTRATION	83294
AIR NEW SOURCE PERMITS	REGISTRATION	76364
AIR NEW SOURCE PERMITS	REGISTRATION	76365
AIR NEW SOURCE PERMITS	REGISTRATION	75511
AIR NEW SOURCE PERMITS	REGISTRATION	76058
AIR NEW SOURCE PERMITS	AFS NUM	4824500087
AIR NEW SOURCE PERMITS	PERMIT	56360
AIR NEW SOURCE PERMITS	REGISTRATION	71524
AIR NEW SOURCE PERMITS	REGISTRATION	71675
AIR NEW SOURCE PERMITS	REGISTRATION	71387
AIR NEW SOURCE PERMITS	REGISTRATION	71388
AIR NEW SOURCE PERMITS	PERMIT	50767
AIR NEW SOURCE PERMITS	PERMIT	54743
AIR NEW SOURCE PERMITS	REGISTRATION	73014
AIR NEW SOURCE PERMITS	REGISTRATION	72706
AIR NEW SOURCE PERMITS	REGISTRATION	72936
AIR NEW SOURCE PERMITS	REGISTRATION	73733
AIR NEW SOURCE PERMITS	REGISTRATION	72767
AIR NEW SOURCE PERMITS	REGISTRATION	74662
AIR NEW SOURCE PERMITS	REGISTRATION	75162
AIR NEW SOURCE PERMITS	REGISTRATION	75328
AIR NEW SOURCE PERMITS	REGISTRATION	75304
AIR NEW SOURCE PERMITS	EPA ID	PSDTX754
AIR NEW SOURCE PERMITS	REGISTRATION	76710
AIR NEW SOURCE PERMITS	REGISTRATION	76456
AIR NEW SOURCE PERMITS	REGISTRATION	77711
AIR NEW SOURCE PERMITS	REGISTRATION	78058
AIR NEW SOURCE PERMITS	REGISTRATION	78903
AIR NEW SOURCE PERMITS	REGISTRATION	78554
AIR NEW SOURCE PERMITS	REGISTRATION	78861
AIR NEW SOURCE PERMITS	REGISTRATION	78170
AIR NEW SOURCE PERMITS	REGISTRATION	78284
AIR NEW SOURCE PERMITS	REGISTRATION	83702
AIR NEW SOURCE PERMITS	REGISTRATION	79796
AIR NEW SOURCE PERMITS	REGISTRATION	79510
AIR NEW SOURCE PERMITS	REGISTRATION	80418
AIR NEW SOURCE PERMITS	REGISTRATION	79874
AIR NEW SOURCE PERMITS	REGISTRATION	80937

AIR NEW SOURCE PERMITS	REGISTRATION	80540
AIR NEW SOURCE PERMITS	REGISTRATION	80827
AIR NEW SOURCE PERMITS	REGISTRATION	81163
AIR NEW SOURCE PERMITS	REGISTRATION	81318
AIR NEW SOURCE PERMITS	REGISTRATION	81813
AIR NEW SOURCE PERMITS	REGISTRATION	81905
AIR NEW SOURCE PERMITS	REGISTRATION	81541
AIR NEW SOURCE PERMITS	REGISTRATION	82391
AIR NEW SOURCE PERMITS	REGISTRATION	84011
AIR NEW SOURCE PERMITS	REGISTRATION	84807
AIR NEW SOURCE PERMITS	REGISTRATION	84781
AIR NEW SOURCE PERMITS	REGISTRATION	84611
AIR NEW SOURCE PERMITS	REGISTRATION	84001
AIR NEW SOURCE PERMITS	REGISTRATION	83294
AIR NEW SOURCE PERMITS	REGISTRATION	83461
AIR NEW SOURCE PERMITS	EPA ID	PAL15
AIR NEW SOURCE PERMITS	REGISTRATION	82725
AIR NEW SOURCE PERMITS	PERMIT	83370
AIR NEW SOURCE PERMITS	REGISTRATION	83276
AIR NEW SOURCE PERMITS	REGISTRATION	84535
AIR NEW SOURCE PERMITS	REGISTRATION	84067
AIR NEW SOURCE PERMITS	REGISTRATION	84315
AIR NEW SOURCE PERMITS	REGISTRATION	82468
WATER LICENSING	LICENSE	1230089
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30047

Location: 2775 GULF STATES RD, BEAUMONT, TX, 77701 Rating Date: 9/1/2007 Repeat Violator: NO

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TCEQ Region: REGION 10 - BEAUMONT

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Date Compliance History Prepared: May 06, 2008

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Agency Decision Requiring Compliance History: Enforcement

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Compliance Period: May 06, 2003 to May 06, 2008

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

Name: Sidney Wheeler Phone: (512) 239-4969

**Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

**Components (Multimedia) for the Site :**

A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/30/2004 ADMINORDER 2001-1044-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(e).  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 7799/PSD-TX-860 PERMIT  
Description: Failure to submit initial stack test reports for temporary flares EH100 and EH101 w/in 180 days after initial startup.

Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to repair Vapor Compressors C44A and C44B within 15 days after detection of a leak.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 779/PSD-TX-860 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

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

Effective Date: 11/26/2004

ADMINORDER 2004-0491-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Effective Date: 03/06/2006

ADMINORDER 2004-2052-AIR-E

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

Effective Date: 06/26/2006

ADMINORDER 2006-0007-AIR-E

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

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

Effective Date: 07/14/2006

ADMINORDER 2005-1903-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799, Special Condition 1 PERMIT

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

Classification: Minor

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

Description: Failed to submit a timely emission event report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 08/28/2006

ADMINORDER 2006-0132-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7799 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Effective Date: 05/25/2007

ADMINORDER 2006-1743-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 7799 PERMIT

Description: Failure to comply with emissions limits as found in the Maximum Allowable Emissions Rate Table (MAERT) of TCEQ Permit 7799.

Effective Date: 06/29/2007

ADMINORDER 2006-1703-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with the High Pressure Flare maximum allowable emission rates for volatile organic compounds, carbon monoxide, and nitric oxides on April 9, 2006 due to an emissions event at the USC I Unit.

Effective Date: 01/12/2008

ADMINORDER 2007-0259-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799, PSD-TX-860, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 01/28/2008

ADMINORDER 2007-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 7799 Special Condition 1 PERMIT

FOP O-01173 General Terms and Conditions OP  
FOP O-01173 Special Condition 20 OP

Description: Failed to properly operate emission control equipment during normal operations, which resulted in an emission of volatile organic compounds ("VOCs") above the maximum allowable emission rate

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	05/08/2003	(157244)
2	06/12/2003	(37861)
3	06/13/2003	(34614)
4	07/10/2003	(295029)
5	07/31/2003	(144539)
6	08/14/2003	(295031)
7	08/15/2003	(147299)
8	08/19/2003	(148800)
9	08/19/2003	(148797)
10	08/19/2003	(148777)
11	08/19/2003	(148754)
12	08/19/2003	(148786)
13	08/21/2003	(135509)
14	08/29/2003	(131527)
15	09/15/2003	(295033)
16	09/25/2003	(247942)
17	09/25/2003	(247943)
18	09/25/2003	(247947)
19	09/25/2003	(145552)
20	09/25/2003	(247926)
21	09/25/2003	(247927)
22	09/25/2003	(247928)
23	09/26/2003	(249856)

24	10/09/2003	(248598)
25	10/13/2003	(295035)
26	10/17/2003	(252368)
27	10/17/2003	(252385)
28	10/28/2003	(253354)
29	10/29/2003	(252720)
30	10/29/2003	(252713)
31	11/06/2003	(254210)
32	11/06/2003	(254213)
33	11/06/2003	(254200)
34	11/06/2003	(254212)
35	11/06/2003	(252449)
36	11/10/2003	(295037)
37	11/14/2003	(254019)
38	12/12/2003	(295038)
39	12/22/2003	(253031)
40	01/09/2004	(253997)
41	01/13/2004	(295039)
42	01/14/2004	(254182)
43	01/29/2004	(259142)
44	01/30/2004	(259841)
45	02/10/2004	(260798)
46	02/23/2004	(295023)
47	02/25/2004	(261400)
48	02/26/2004	(260495)
49	02/27/2004	(261399)
50	03/04/2004	(263223)
51	03/08/2004	(263017)
52	03/17/2004	(295025)
53	03/18/2004	(264108)
54	03/18/2004	(263711)
55	03/19/2004	(265439)
56	03/19/2004	(262155)
57	04/08/2004	(265862)
58	04/08/2004	(265864)
59	04/08/2004	(265866)
60	04/08/2004	(265858)
61	04/08/2004	(265859)
62	04/08/2004	(265861)
63	04/14/2004	(295026)
64	05/14/2004	(270134)
65	05/27/2004	(267998)
66	06/08/2004	(271363)
67	06/25/2004	(351948)
68	07/19/2004	(351949)
69	08/11/2004	(283476)
70	08/13/2004	(351950)
71	08/16/2004	(283483)
72	09/09/2004	(351951)
73	09/23/2004	(333290)
74	09/23/2004	(286727)
75	10/05/2004	(292551)
76	10/07/2004	(381774)
77	11/02/2004	(336327)
78	11/12/2004	(381775)
79	11/12/2004	(351952)
80	11/22/2004	(339443)
81	11/29/2004	(338558)
82	12/08/2004	(336179)
83	12/14/2004	(342891)
84	12/22/2004	(341934)
85	12/22/2004	(341860)
86	12/23/2004	(344306)
87	01/04/2005	(344309)
88	01/07/2005	(344744)
89	01/11/2005	(381776)
90	01/24/2005	(347162)
91	01/24/2005	(346430)

92	01/27/2005	(347142)
93	02/16/2005	(381771)
94	02/16/2005	(381773)
95	03/14/2005	(381772)
96	03/25/2005	(373598)
97	03/25/2005	(373612)
98	04/01/2005	(350006)
99	04/04/2005	(373527)
100	04/04/2005	(373546)
101	04/13/2005	(419603)
102	04/15/2005	(374940)
103	04/15/2005	(374959)
104	04/15/2005	(374964)
105	05/16/2005	(419604)
106	05/17/2005	(379171)
107	05/17/2005	(379173)
108	05/18/2005	(376394)
109	05/18/2005	(376397)
110	05/20/2005	(378697)
111	05/20/2005	(377601)
112	06/07/2005	(393622)
113	06/14/2005	(394339)
114	06/15/2005	(343658)
115	07/05/2005	(395523)
116	07/21/2005	(440745)
117	08/08/2005	(399209)
118	08/12/2005	(402429)
119	08/12/2005	(404419)
120	08/12/2005	(402412)
121	08/22/2005	(440746)
122	09/06/2005	(440747)
123	09/19/2005	(431106)
124	10/21/2005	(468278)
125	11/28/2005	(468279)
126	12/16/2005	(468280)
127	12/22/2005	(440335)
128	01/12/2006	(468281)
129	01/19/2006	(450582)
130	01/27/2006	(452740)
131	01/27/2006	(438784)
132	02/21/2006	(468276)
133	02/27/2006	(455014)
134	03/20/2006	(468277)
135	04/13/2006	(458301)
136	04/18/2006	(458326)
137	04/21/2006	(461141)
138	04/21/2006	(461550)
139	04/24/2006	(498092)
140	04/28/2006	(458040)
141	05/01/2006	(460605)
142	05/03/2006	(461386)
143	05/11/2006	(465117)
144	05/22/2006	(498093)
145	06/09/2006	(464823)
146	06/22/2006	(498094)
147	06/22/2006	(498095)
148	07/17/2006	(520112)
149	07/26/2006	(484018)
150	07/26/2006	(484019)
151	07/27/2006	(483687)
152	07/28/2006	(484021)
153	08/10/2006	(497294)
154	08/18/2006	(509390)
155	08/21/2006	(520113)
156	08/31/2006	(438315)
157	09/11/2006	(489225)
158	09/21/2006	(489166)
159	09/22/2006	(511416)

160	10/24/2006	(544371)
161	11/14/2006	(515867)
162	11/15/2006	(544372)
163	11/18/2006	(515852)
164	11/27/2006	(531085)
165	11/30/2006	(519476)
166	11/30/2006	(519280)
167	12/11/2006	(601550)
168	12/11/2006	(533458)
169	12/12/2006	(515914)
170	12/28/2006	(261352)
171	12/28/2006	(396465)
172	01/19/2007	(532314)
173	01/19/2007	(513430)
174	01/22/2007	(575113)
175	02/14/2007	(535431)
176	02/14/2007	(537204)
177	02/14/2007	(535407)
178	02/27/2007	(575107)
179	02/28/2007	(539164)
180	03/19/2007	(575108)
181	03/21/2007	(543226)
182	03/30/2007	(538598)
183	03/30/2007	(538639)
184	04/24/2007	(575109)
185	04/24/2007	(575112)
186	05/04/2007	(543280)
187	05/21/2007	(558462)
188	05/21/2007	(558475)
189	05/21/2007	(575110)
190	05/31/2007	(558487)
191	05/31/2007	(558479)
192	06/19/2007	(556679)
193	06/22/2007	(575111)
194	07/06/2007	(561820)
195	07/06/2007	(563442)
196	07/06/2007	(564834)
197	07/20/2007	(601548)
198	07/24/2007	(564898)
199	08/06/2007	(571035)
200	08/06/2007	(571036)
201	08/16/2007	(570339)
202	08/20/2007	(570721)
203	08/20/2007	(570794)
204	08/22/2007	(601549)
205	08/29/2007	(571493)
206	10/15/2007	(573833)
207	10/15/2007	(573862)
208	10/15/2007	(573835)
209	10/15/2007	(573836)
210	10/17/2007	(619454)
211	10/17/2007	(619455)
212	10/24/2007	(573702)
213	11/01/2007	(593551)
214	11/06/2007	(598961)
215	11/12/2007	(598319)
216	11/15/2007	(619456)
217	11/20/2007	(596220)
218	11/20/2007	(596165)
219	11/20/2007	(596223)
220	11/26/2007	(596817)
221	12/27/2007	(600710)
222	01/14/2008	(611160)
223	01/30/2008	(616600)
224	02/25/2008	(636532)
225	02/27/2008	(637150)
226	02/29/2008	(614580)
227	02/29/2008	(614800)

228 02/29/2008 (618536)  
 229 04/07/2008 (638797)  
 230 04/08/2008 (641496)  
 231 04/09/2008 (641396)  
 232 04/24/2008 (641272)  
 233 04/29/2008 (639053)  
 234 04/29/2008 (639054)  
 235 04/29/2008 (639063)  
 236 04/29/2008 (639047)  
 237 04/29/2008 (639051)  
 238 05/05/2008 (637371)

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

Date: 02/29/2004 (295025)

Self Report? YES Classification: Moderate

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

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

Date: 05/18/2005 (376394)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT 1295, Special Conditions I-1 and IV-5

Description: Failure to maintain the MAERT and concentration emission limit for ammonia (NH3) at the ERU Train B Stack (EPN 537).

Date: 09/30/2006 (544371)

Self Report? YES Classification: Moderate

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

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

Date: 03/31/2007 (575109)

Self Report? YES Classification: Moderate

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

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

Date: 04/02/2007 (538639)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1295 Special Condition II-7  
 OP FOP 2292 SC 10

Description: Failure to properly operate and maintain the Abator oxygen analyzer.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1295 Special Condition IV-5  
 OP FOP 2292 Special Condition 10

Description: Failure to maintain the NOx concentration below 175 parts per million as required.

Self Report? NO Classification: Minor

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

Rqmt Prov: OP FOP O-02292 Special Condition 17A  
 OP FOP O-02293 Special Condition 18A

Description: Failure to comply with the FOP condition to comply with the Stratospheric Ozone Requirements as required by 40 CFR 82.156.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 19950 Special Condition 10(A)  
 OP FOP 2293 Special Condition 10

Description: Failure to perform daily audible, visual, and olfactory observations in the Boron Trifluoride area.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT 19366 Special Condition 7(B)  
OP FOP 1354 Special Condition 11  
Description: Failure to calibrate the fugitive emissions monitor in accordance with the manufacturer's recommendations.

Date: 04/30/2007 (575110)

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

Date: 08/17/2007 (570339)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP FOP O-01173 General Terms and Conditions  
OP FOP O-02201 General Terms and Conditions  
Description: Failure to submit the semi-annual deviation reports within 30 days of the reporting period for FOPs O-02201 and O-01173.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.167  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP FOP O-02201 General Terms and Conditions  
OP FOP O-02201 Special Condition 1A  
OP FOP O-02201 Special Condition 26  
PERMIT Permit 18838 Special Condition 14E  
PERMIT Permit 18838 Special Condition 6

Description: Failure to replace two plugs on open ended lines in VOC service.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.181(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP FOP O-02201 Special Condition 1A  
OP FOP O-02201 Special Condition 26  
PERMIT Permit 18838 Special Condition 6

Description: Failure to properly document criteria to determine leaks from dual sealed pumps based on design or operational experience.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.168  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP FOP O-01173 Special Condition 1A  
OP FOP O-01173 Special Condition 20  
OP FOP O-02201 Special Condition 1A  
OP FOP O-02201 Special Condition 26  
PERMIT Permit 18838 Special Condition 14F  
PERMIT Permit 18838 Special Condition 6  
PERMIT Permit 7799 Special Condition 18F

Description: Failure to conduct quarterly monitoring of components in VOC service at several units during the deviation reporting periods for FOPs O-02201 and O-01173.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02201 General Terms and Conditions  
 Description: Failure to properly notify the TCEQ of Permits By Rule claimed by the company within 10 days.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)  
 30 TAC Chapter 115, SubChapter E 115.426(1)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01173 General Terms and Conditions  
 OP FOP O-01173 Special Condition 1A  
 Description: Failure to maintain records in sufficient detail to demonstrate compliance with the 3 pounds of VOC per hour limit.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01173 General Terms and Conditions  
 OP FOP O-01173 Special Condition 1A  
 Description: Failure to monitor 107 connectors within 30 days of being placed in VOC service.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01173 General Terms and Conditions  
 OP FOP O-01173 Special Condition 1A  
 Description: Failure to make a first attempt at repair within 5 days and repair within 15 days for one component.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02201 General Terms and Conditions  
 Description: Failure to provide notification of a deviation. A deviation for the failure to monitor 1,661 valves was made in the semi-annual deviation report for FOP O-01173, but should have been reported in the semi-annual deviation report for FOP O-02201.

Date: 01/15/2008 (611160)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-02292, General Terms and Conditions  
 OP O-02292, Special Condition 10  
 PERMIT Permit 1295, Special Condition I-12  
 Description: Failure to submit a permit alteration request identifying pressure drops for the catalyst unit baghouses by June 30, 2007, as required by Permit 1295, Special Condition I-12.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01354, General Terms and Conditions  
 OP O-01354, Special Condition 11  
 PERMIT Permit 19366, Special Condition 6A  
 Description: Failure to sample the carbon adsorber at least quarterly to determine whether breakthrough of volatile organic compounds was occurring, as required by Special Condition 6A of permit 19366.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01354, General Terms and Conditions  
 OP O-01354, Special Condition 11  
 PERMIT Permit 19366, Special Condition 6C  
 Description: Failure to replace the carbon canister within two years of the date the canister

was placed in service, as required by Special Condition 6C of Permit 19366.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: OP O-01354, General Terms and Conditions  
Description: Failure to report a deviation (failure to replace the carbon canister within two years of the date the canister was placed in service) during the semi-annual reporting period of April 18, 2006, through October 17, 2006).

F. Environmental audits.

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

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-0781-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical manufacturing plant at 2775 Gulf States Road in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 29, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand Four Hundred Fifty Dollars (\$16,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Five Hundred Eighty Dollars (\$6,580) of the administrative penalty and Three Thousand Two Hundred Ninety Dollars (\$3,290) is deferred



contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Five Hundred Eighty Dollars (\$6,580) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review Permit No. 7799/PSD-TX-860, Special Condition No. 1, as documented during a record review conducted on March 28, 2008. During a 39-hour emissions event that began on December 15, 2007, Emission Point Nos. EH41 (LP Flare), EH42 (HP Flare), and EH43 (UDEX Flare) emitted 26,500 pounds of volatile organic compounds ("VOC"), 22,797.16 pounds of carbon monoxide ("CO"), and 3,156.33 pounds of nitrogen oxides ("NOx"). The authorized emissions limits are 9,261.33 pounds of VOC, 9,304.23 pounds of CO, and 1,288.95 pounds of NOx. Because the Respondent failed to demonstrate that the emissions event was not beyond their control, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11)

## III. DENIALS

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



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2008-0781-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 Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Five Hundred Eighty Dollars (\$6,580) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit written documentation of the specific and exact cause for the plugging of the strainers on both oily water pumps used to drain oily water from the compressor suction drum in the USC II Furnace Unit in order to address the emissions event on December 15, 2007 and submit plans to prevent a reoccurrence of this problem in the future; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
8. 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.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Srdan  
For the Executive Director

10/10/2008  
Date

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

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

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

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

John R. Townsend  
Signature

7/28/2008  
Date

JOHN R. TOWNSEND  
Name (Printed or typed)  
Authorized Representative of  
ExxonMobil Oil Corporation

Site Manager  
Title

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



Attachment A  
Docket Number: 2008-0781-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** ExxonMobil Oil Corporation  
**Payable Penalty Amount:** Thirteen Thousand One Hundred Sixty Dollars (\$13,160)  
**SEP Amount:** Six Thousand Five Hundred Eighty Dollars (\$6,580)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses  
**Location of SEP:** Jefferson County

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

**1. Project Description**

**A. Project**

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

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

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

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

