

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1231-AIR-E **TCEQ ID:** RN100542844 **CASE NO.:** 36282

RESPONDENT NAME: ExxonMobil Oil Corporation

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <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 | |
| CASE TYPE: | | |
| <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>SITE WHERE VIOLATION(S) OCCURRED: Mobil Chemical Beaumont Chemical Plant BMCP, 2775 Gulf States Road, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions, Docket Numbers 2004-0125-AIR-E, 2003-1455-AIR-E, 2002-1053-AIR-E, and 2008-0781-AIR-E, regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 15, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. John R. Townsend, Site Manager, ExxonMobil Oil Corporation, 2775 Gulf States Road, Beaumont, Texas 77701 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|--|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Reviews Relating to this Case: May 14 through May 29, 2008</p> <p>Date of NOE Relating to this Case: July 17, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, the Respondent released 6,797.33 pounds ("lbs") of volatile organic compounds ("VOC") from the Low Pressure Flare and 2,423.18 lbs of VOCs from the Ethylene Unit, due to the failure of a contractor to properly set and test the current transformer ratio for breaker GB3555, during an avoidable emissions event that began May 14, 2008 and lasted 115 hours and 19 minutes. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 7799/PSD-TX-860, Special Condition No. 1, Federal Operating Permit O-01173, Special Condition No. 20 and General Terms and Conditions].</p> | <p>Total Assessed: \$8,100</p> <p>Total Deferred: \$1,620 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,240</p> <p>Total Paid to General Revenue: \$3,240</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent corrected the current transformer ratio for breaker GB3555 and verified the correct ratios for all other breakers in Mobil Chemical Station 1 on May 14, 2008.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p> |

Additional ID No(s): JE0062S

Attachment A
Docket Number: 2008-1231-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ExxonMobil Oil Corporation
Payable Penalty Amount: Six Thousand Four Hundred Eighty Dollars (\$6,480)
SEP Amount: Three Thousand Two Hundred Forty Dollars (\$3,240)
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_x) 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 June 12, 2008

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 21-Jul-2008 | Screening | 30-Jul-2008 | EPA Due | 13-Apr-2009 |
| | PCW | 29-Jul-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. | 36282 | No. of Violations | 1 |
| Docket No. | 2008-1231-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | John Muennink |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$2,500 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|--------------------|--------------------------------|---------|
| Compliance History | 249.0% Enhancement | Subtotals 2, 3, & 7 | \$6,225 |
|---------------------------|--------------------|--------------------------------|---------|

Notes
Enhancement due to two NOVs with same or similar violations, eight NOVs with unrelated violations (including five NOVs for self-reported monthly effluent violations), ten 1660 Agreed Orders and one Findings Order. Reduction due to two notice of audit letters submitted.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes
The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$625 |
|--|-------------------|-------|

| | | | |
|-------------------------|------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement | Subtotal 6 | \$0 |
|-------------------------|------------------|-------------------|-----|

Total EB Amounts \$0
Approx. Cost of Compliance \$2,000
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$8,100 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$8,100

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$8,100 |
|-----------------------------------|-------------------------------|---------|

| | | | |
|-----------------|-----------------|-------------------|----------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$1,620 |
|-----------------|-----------------|-------------------|----------|

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 | \$6,480 |
|------------------------|---------|

Screening Date 30-Jul-2008

Docket No. 2008-1231-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 2 (September 2002)

Case ID No. 36282

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100542844

Media [Statute] Air

Enf. Coordinator John Muennink

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 2 | 10% |
| | Other written NOVs | 8 | 16% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 10 | 200% |
| | 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 judgements or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 2 | -2% |
| | 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) 249%

>> **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 two NOVs with same or similar violations, eight NOVs with unrelated violations (including five NOVs for self-reported monthly effluent violations), ten 1660 Agreed Orders and one Findings Order. Reduction due to two notice of audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 249%

Screening Date 30-Jul-2008 **Docket No.** 2008-1231-AIR-E **PCW**
Respondent ExxonMobil Oil Corporation *Policy Revision 2 (September 2002)*
Case ID No. 36282 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN100542844
Media [Statute] Air
Enf. Coordinator John Muennink

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 7799/PSD-TX-860, Special Condition No. 1, Federal Operating Permit O-01173, Special Condition No. 20 and General Terms and Conditions
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,797.33 pounds ("lbs") of volatile organic compounds ("VOC") from the Low Pressure Flare and 2,423.18 lbs of VOCs from the Ethylene Unit, due to the failure of a contractor to properly set and test the current transformer ratio for breaker GB3555, during an avoidable emissions event that began May 14, 2008 and lasted 115 hours and 19 minutes. Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.
Base Penalty

>> Environmental, Property and Human Health Matrix
OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|----------------------------------|
| | Major | Moderate | Minor | |
| Actual | | | x | <input type="text" value="25%"/> |
| Potential | | | | |

>> Programmatic Matrix

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

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.
Adjustment

Violation Events

Number of Violation Events **Number of violation days**
mark only one with an x

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

Violation Base Penalty
 One quarterly event is recommended.

Good Faith Efforts to Comply **Reduction**
 Before NOV NOV to EDRP/Settlement Offer

| | | |
|---------------|----------------------|----------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | x | <input type="text"/> |
| N/A | | (mark with x) |

Notes The Respondent completed corrective action on May 14, 2008.
Violation Subtotal

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. 36282

Reg. Ent. Reference No. RN100542844

Media Air

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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 | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$2,000 | 14-May-2008 | 14-May-2008 | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated expense to ensure the proper calibration of the current transformer ratio for breaker GB3555. Date Required is the date of the emissions event. Final Date is the date that corrective actions were completed.

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

\$2,000

TOTAL

\$0

Compliance History

| | | | |
|-------------------------------------|---|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600920748 ExxonMobil Oil Corporation | Classification: AVERAGE | Rating: 4.06 |
| 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 | AFS NUM | 4824500009 |
| | 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 |

Location: 2775 GULF STATES RD, BEAUMONT, TX, 77701

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 25, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 25, 2003 to July 25, 2008

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

Name: John Muennink Phone: (361) 825-3423

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 judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/30/2004

ADMINORDER 2001-1044-AIR-E

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

Description: Failure to submit initial stack test reports for temporary flares EH100 and EH101 w/in 180 days after initial startup.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(g)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to repair Vapor Compressors C44A and C44B within 15 days after detection of a leak.

Classification: Moderate

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

Rqmt Prov: 779/PSD-TX-860 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT

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

Effective Date: 11/26/2004

ADMINORDER 2004-0491-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Effective Date: 03/06/2006

ADMINORDER 2004-2052-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 7799/PSD-TX-860 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

Effective Date: 06/26/2006

ADMINORDER 2006-0007-AIR-E

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

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

Effective Date: 07/14/2006

ADMINORDER 2005-1903-AIR-E

Classification: Moderate

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

Effective Date: 06/19/2008

ADMINORDER 2007-1840-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self reported data.

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 | 07/31/2003 | (144539) |
| 2 | 08/14/2003 | (295031) |
| 3 | 08/15/2003 | (147299) |
| 4 | 08/19/2003 | (148800) |
| 5 | 08/19/2003 | (148797) |
| 6 | 08/19/2003 | (148777) |
| 7 | 08/19/2003 | (148754) |

| | | |
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| 8 | 08/19/2003 | (148786) |
| 9 | 08/21/2003 | (135509) |
| 10 | 08/29/2003 | (131527) |
| 11 | 09/15/2003 | (295033) |
| 12 | 09/25/2003 | (247942) |
| 13 | 09/25/2003 | (247943) |
| 14 | 09/25/2003 | (247947) |
| 15 | 09/25/2003 | (145552) |
| 16 | 09/25/2003 | (247926) |
| 17 | 09/25/2003 | (247927) |
| 18 | 09/25/2003 | (247928) |
| 19 | 09/26/2003 | (249856) |
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| 21 | 10/13/2003 | (295035) |
| 22 | 10/17/2003 | (252368) |
| 23 | 10/17/2003 | (252385) |
| 24 | 10/28/2003 | (253354) |
| 25 | 10/29/2003 | (252720) |
| 26 | 10/29/2003 | (252713) |
| 27 | 11/06/2003 | (254210) |
| 28 | 11/06/2003 | (254213) |
| 29 | 11/06/2003 | (254200) |
| 30 | 11/06/2003 | (254212) |
| 31 | 11/06/2003 | (252449) |
| 32 | 11/10/2003 | (295037) |
| 33 | 11/14/2003 | (254019) |
| 34 | 12/12/2003 | (295038) |
| 35 | 12/22/2003 | (253031) |
| 36 | 01/09/2004 | (253997) |
| 37 | 01/13/2004 | (295039) |
| 38 | 01/14/2004 | (254182) |
| 39 | 01/29/2004 | (259142) |
| 40 | 01/30/2004 | (259841) |
| 41 | 02/10/2004 | (260798) |
| 42 | 02/23/2004 | (295023) |
| 43 | 02/25/2004 | (261400) |
| 44 | 02/26/2004 | (260495) |
| 45 | 02/27/2004 | (261399) |
| 46 | 03/04/2004 | (263223) |
| 47 | 03/08/2004 | (263017) |
| 48 | 03/17/2004 | (295025) |
| 49 | 03/18/2004 | (264108) |
| 50 | 03/18/2004 | (263711) |
| 51 | 03/19/2004 | (265439) |
| 52 | 03/19/2004 | (262155) |
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| 54 | 04/08/2004 | (265864) |
| 55 | 04/08/2004 | (265866) |
| 56 | 04/08/2004 | (265858) |
| 57 | 04/08/2004 | (265859) |
| 58 | 04/08/2004 | (265861) |
| 59 | 04/14/2004 | (295026) |
| 60 | 05/14/2004 | (270134) |
| 61 | 05/27/2004 | (267998) |
| 62 | 06/08/2004 | (271363) |
| 63 | 06/25/2004 | (351948) |
| 64 | 07/19/2004 | (351949) |
| 65 | 08/11/2004 | (283476) |
| 66 | 08/13/2004 | (351950) |
| 67 | 08/16/2004 | (283483) |
| 68 | 09/09/2004 | (351951) |
| 69 | 09/23/2004 | (333290) |
| 70 | 09/23/2004 | (286727) |
| 71 | 10/05/2004 | (292551) |
| 72 | 10/07/2004 | (381774) |
| 73 | 11/02/2004 | (336327) |
| 74 | 11/12/2004 | (381775) |
| 75 | 11/12/2004 | (351952) |
| 76 | 11/22/2004 | (339443) |
| 77 | 11/29/2004 | (338558) |
| 78 | 12/08/2004 | (336179) |
| 79 | 12/14/2004 | (342891) |
| 80 | 12/22/2004 | (341934) |
| 81 | 12/22/2004 | (341860) |
| 82 | 12/23/2004 | (344306) |
| 83 | 01/04/2005 | (344309) |
| 84 | 01/07/2005 | (344744) |
| 85 | 01/11/2005 | (381776) |
| 86 | 01/24/2005 | (347162) |
| 87 | 01/24/2005 | (346430) |

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| 88 | 01/27/2005 | (347142) |
| 89 | 02/16/2005 | (381771) |
| 90 | 02/16/2005 | (381773) |
| 91 | 03/14/2005 | (381772) |
| 92 | 03/25/2005 | (373598) |
| 93 | 03/25/2005 | (373612) |
| 94 | 04/01/2005 | (350006) |
| 95 | 04/04/2005 | (373527) |
| 96 | 04/04/2005 | (373546) |
| 97 | 04/13/2005 | (419603) |
| 98 | 04/15/2005 | (374940) |
| 99 | 04/15/2005 | (374959) |
| 100 | 04/15/2005 | (374964) |
| 101 | 05/16/2005 | (419604) |
| 102 | 05/17/2005 | (379171) |
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| 105 | 05/18/2005 | (376397) |
| 106 | 05/20/2005 | (378697) |
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| 108 | 06/07/2005 | (393622) |
| 109 | 06/14/2005 | (394339) |
| 110 | 06/15/2005 | (343658) |
| 111 | 07/05/2005 | (395523) |
| 112 | 07/21/2005 | (440745) |
| 113 | 08/08/2005 | (399209) |
| 114 | 08/12/2005 | (402429) |
| 115 | 08/12/2005 | (404419) |
| 116 | 08/12/2005 | (402412) |
| 117 | 08/22/2005 | (440746) |
| 118 | 09/06/2005 | (440747) |
| 119 | 09/19/2005 | (431106) |
| 120 | 10/21/2005 | (468278) |
| 121 | 11/28/2005 | (468279) |
| 122 | 12/16/2005 | (468280) |
| 123 | 12/22/2005 | (440335) |
| 124 | 01/12/2006 | (468281) |
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| 126 | 01/27/2006 | (452740) |
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| 130 | 03/20/2006 | (468277) |
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| 134 | 04/21/2006 | (461550) |
| 135 | 04/24/2006 | (498092) |
| 136 | 04/28/2006 | (458040) |
| 137 | 05/01/2006 | (460605) |
| 138 | 05/03/2006 | (461386) |
| 139 | 05/11/2006 | (465117) |
| 140 | 05/22/2006 | (498093) |
| 141 | 06/09/2006 | (464823) |
| 142 | 06/22/2006 | (498094) |
| 143 | 06/22/2006 | (498095) |
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| 145 | 07/26/2006 | (484018) |
| 146 | 07/26/2006 | (484019) |
| 147 | 07/27/2006 | (483687) |
| 148 | 07/28/2006 | (484021) |
| 149 | 08/10/2006 | (497294) |
| 150 | 08/18/2006 | (509390) |
| 151 | 08/21/2006 | (520113) |
| 152 | 08/31/2006 | (438315) |
| 153 | 09/11/2006 | (489225) |
| 154 | 09/21/2006 | (489166) |
| 155 | 09/22/2006 | (511416) |
| 156 | 10/24/2006 | (544371) |
| 157 | 11/14/2006 | (515867) |
| 158 | 11/15/2006 | (544372) |
| 159 | 11/18/2006 | (515852) |
| 160 | 11/27/2006 | (531085) |
| 161 | 11/30/2006 | (519476) |
| 162 | 11/30/2006 | (519280) |
| 163 | 12/11/2006 | (601550) |
| 164 | 12/11/2006 | (533458) |
| 165 | 12/12/2006 | (515914) |
| 166 | 12/28/2006 | (261352) |
| 167 | 12/28/2006 | (396465) |

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| 168 | 01/19/2007 | (532314) |
| 169 | 01/19/2007 | (513430) |
| 170 | 01/22/2007 | (575113) |
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| 172 | 02/14/2007 | (537204) |
| 173 | 02/14/2007 | (535407) |
| 174 | 02/27/2007 | (575107) |
| 175 | 02/28/2007 | (539164) |
| 176 | 03/19/2007 | (575108) |
| 177 | 03/21/2007 | (543226) |
| 178 | 03/30/2007 | (538598) |
| 179 | 03/30/2007 | (538639) |
| 180 | 04/24/2007 | (575109) |
| 181 | 04/24/2007 | (575112) |
| 182 | 05/04/2007 | (543280) |
| 183 | 05/21/2007 | (558462) |
| 184 | 05/21/2007 | (558475) |
| 185 | 05/21/2007 | (575110) |
| 186 | 05/31/2007 | (558487) |
| 187 | 05/31/2007 | (558479) |
| 188 | 06/19/2007 | (556679) |
| 189 | 06/22/2007 | (575111) |
| 190 | 07/06/2007 | (561820) |
| 191 | 07/06/2007 | (563442) |
| 192 | 07/06/2007 | (564834) |
| 193 | 07/20/2007 | (601548) |
| 194 | 07/24/2007 | (564898) |
| 195 | 08/06/2007 | (571035) |
| 196 | 08/06/2007 | (571036) |
| 197 | 08/16/2007 | (570339) |
| 198 | 08/20/2007 | (570721) |
| 199 | 08/20/2007 | (570794) |
| 200 | 08/22/2007 | (601549) |
| 201 | 08/29/2007 | (571493) |
| 202 | 10/15/2007 | (573833) |
| 203 | 10/15/2007 | (573862) |
| 204 | 10/15/2007 | (573835) |
| 205 | 10/15/2007 | (573836) |
| 206 | 10/17/2007 | (619454) |
| 207 | 10/17/2007 | (619455) |
| 208 | 10/24/2007 | (573702) |
| 209 | 11/01/2007 | (593551) |
| 210 | 11/06/2007 | (598961) |
| 211 | 11/12/2007 | (598319) |
| 212 | 11/15/2007 | (619456) |
| 213 | 11/20/2007 | (596220) |
| 214 | 11/20/2007 | (596165) |
| 215 | 11/20/2007 | (596223) |
| 216 | 11/26/2007 | (596817) |
| 217 | 12/27/2007 | (600710) |
| 218 | 01/09/2008 | (671966) |
| 219 | 01/14/2008 | (611160) |
| 220 | 01/23/2008 | (671965) |
| 221 | 01/23/2008 | (671967) |
| 222 | 01/30/2008 | (616600) |
| 223 | 02/20/2008 | (671963) |
| 224 | 02/25/2008 | (636532) |
| 225 | 02/26/2008 | (671964) |
| 226 | 02/27/2008 | (637150) |
| 227 | 02/29/2008 | (614580) |
| 228 | 02/29/2008 | (614800) |
| 229 | 02/29/2008 | (618536) |
| 230 | 04/07/2008 | (638797) |
| 231 | 04/08/2008 | (641496) |
| 232 | 04/09/2008 | (641396) |
| 233 | 04/24/2008 | (641272) |
| 234 | 04/29/2008 | (639053) |
| 235 | 04/29/2008 | (639054) |
| 236 | 04/29/2008 | (639063) |
| 237 | 04/29/2008 | (639047) |
| 238 | 04/29/2008 | (639051) |
| 239 | 05/05/2008 | (637371) |
| 240 | 05/08/2008 | (654390) |
| 241 | 05/14/2008 | (646375) |
| 242 | 05/21/2008 | (639976) |
| 243 | 07/08/2008 | (685566) |
| 244 | 07/10/2008 | (679904) |
| 245 | 07/17/2008 | (679912) |

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 above 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: 08/31/2007 (575112)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

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).

Date: 07/11/2008 (679904)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.27(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to return the emissions/inspection fees basis form within 60 days of the date of receipt from the agency.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 18838, PSD-TX-843, Special Condition 15F
PERMIT 18838, PSD-TX-843, Special Condition 6
OP O-02201, General Terms and Conditions
OP O-02201, Special Condition 13
OP O-02201, Special Condition 1A
OP O-02201, Special Condition 26

Description: Failure to monitor 2 valves and 38 flanges during the first quarter of 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
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 Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 18838, PSD-TX-843, Special Condition 15E
PERMIT 18838, PSD-TX-843, Special Condition 6
OP O-02201, General Terms and Conditions
OP O-02201, Special Condition 13

OP O-02201, Special Condition 1A
OP O-02201, Special Condition 26

Description: Failure to operate, on two separate occasions, a line in volatile organic compound service equipped with a cap, blind flange, or plug.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 18838, PSD-TX-843, Special Condition 15H
PERMIT 18838, PSD-TX-843, Special Condition 6
OP O-02201, General Terms and Conditions
OP O-02201, Special Condition 13
OP O-02201, Special Condition 1A
OP O-02201, Special Condition 26

Description: Failure to repair 1 connector within 15 days of discovery of a leak.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 18838, PSD-TX-843, Special Condition 6
OP O-02201, General Terms and Conditions
OP O-02201, Special Condition 13
OP O-02201, Special Condition 1A
OP O-02201, Special Condition 26

Description: Failure to make a first attempt at repair on three leaking valves and four connectors in the Paraxylene Unit no later than five calendar days after the leak was found.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.27(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to return the emissions/inspection fees basis form within 60 days of the date of receipt from the agency.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor two valves and two flanges within 30 days of being placed into service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.560
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01173, General Terms and Conditions
OP O-01173, Special Condition 17
OP O-01173, Special Condition 1A

Description: Failure to make a first attempt at repair on three leaking valves no later than five calendar days after the leak was found.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 7799, PSD-TX-860, Special Condition 12B
OP O-01173, General Terms and Conditions
OP O-01173, Special Condition 1A
OP O-01173, Special Condition 20

Description: Failure to conduct the fourth quarter, 2007, Cylinder Gas Audit at the EH47 boiler carbon monoxide continuous emissions monitor.

F. Environmental audits.

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

Notice of Intent Date: 04/18/2008 (681804)
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**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1231-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 chemical 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 July 22, 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 Eight Thousand One Hundred Dollars (\$8,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Forty Dollars (\$3,240) of the administrative penalty and One Thousand Six Hundred Twenty Dollars (\$1,620) 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. Three Thousand Two Hundred Forty Dollars (\$3,240) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 recognizes that the Respondent corrected the current transformer ratio for breaker GB3555 and verified the correct ratios for all other breakers in Mobil Chemical Station 1 on May 14, 2008.
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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 7799/PSD-TX-860, Special Condition No. 1, Federal Operating Permit O-01173, Special Condition No. 20 and General Terms and Conditions, as documented during a record review conducted on May 14 through 29, 2008. Specifically, the Respondent released 6,797.33 pounds ("lbs") of volatile organic compounds ("VOC") from the Low Pressure Flare and 2,423.18 lbs of VOCs from the Ethylene Unit, due to the failure of a contractor to properly set and test the current transformer ratio for breaker GB3555, during an avoidable emissions event that began May 14, 2008 and lasted 115 hours and 19 minutes. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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. 2008-1231-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Two Hundred Forty Dollars (\$3,240) 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. 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.
4. 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. 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.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to 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.

ExxonMobil Oil Corporation
DOCKET NO. 2008-1231-AIR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sedler
For the Executive Director

12/15/2008
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

12/4/2008
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 I of this Agreed Order.

Attachment A
Docket Number: 2008-1231-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: ExxonMobil Oil Corporation
Payable Penalty Amount: Six Thousand Four Hundred Eighty Dollars (\$6,480)
SEP Amount: Three Thousand Two Hundred Forty Dollars (\$3,240)
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_x) 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.

