EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1477-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 36506

RESPONDENT NAME: Exxon Mobil Corporation

ORDER TYPE:		
_X_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
_X_AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Exxon Mobil Chemical Baytown Olefins Plant, 3525 Decker Drive, Baytown, Harris County

TYPE OF OPERATION: Chemical company

SMALL BUSINESS: ___ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are five additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0688-AIR-E, 2007-1597-AIR-E, 2007-1985-AIR-E, 2008-0734-AIR-E, and 2008-1726-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 16, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/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; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387
Respondent: Mr. Matt Kolesar, Environmental Supervisor, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522; Michael P. Zamora, Plant Manager, Exxon Mobil Corporation, P.O. Box 4004, Baytown, Texas 77522
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 28 through April 29, 2008 **Date of NOV/NOE Relating to this Case:** August 21, 2008 (NOE) **Background Facts:** This was a record review. **AIR** 1) Failure to limit the flow-weighted annual average benzene waste stream concentration for Unit ID No. PRO-LT06 to 10 parts per million ("ppmw") by weight from January 1 through December 31, 2006. Specifically, the flow-weighted annual average benzene waste stream concentration for the calendar year of January 1 through December 31, 2006 was documented to be 22.60 ppmw [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3) and 122.143(4), Permit No. O-01553, Special Condition No. 14, Permit No. 3452 and PSD-TX-302M2, Special Condition No. 5, 40 CODE OF FEDERAL REGULATIONS (CFR) § 61.348(a)(1)(i), TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to limit the flow-weighted uncontrolled annual average benzene waste stream concentration for Unit ID No. PRO-LT06 to two megagrams per year ("Mg/yr") from January 1 through December 31, 2006. Specifically, the flow-weighted uncontrolled annual average benzene waste stream concentration for the calendar year of January 1 through December 31, 2006 was documented to be 13 Mg/yr [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3) and 122.143(4), Permit No. O-01553, Special Condition No. 14, Permit No. 3452 and PSD-TX-302M2, Special Condition No. 5, 40 CFR § 61.342(c)(3)(ii)(B), TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $30,400 **Total Deferred:** $6,080 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $12,160 **Total Paid to General Revenue:** $12,160 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent repaired the caustic scrubber on Unit ID No. PRO-LT06 and implemented a weekly sampling schedule to ensure compliance with both controlled and uncontrolled benzene waste stream limits, as of December 31, 2007. **Ordering Provisions:** The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (see SEP Attachment A).

Additional ID No(s).: Air HG0228H

Attachment A
Docket Number: 2008-1477-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Payable Penalty Amount:	**Twenty-Four Thousand Three Hundred Twenty Dollars ($24,320)**
SEP Amount:	**Twelve Thousand One Hundred Sixty Dollars ($12,160)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by 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 emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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*

TCEQ

DATES					
Assigned	25-Aug-2008				
PCW	15-Sep-2008	Screening	9-Sep-2008	EPA Due	18-May-2009

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation		
Reg. Ent. Ref. No.	RN102212925		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36506	No. of Violations	2
Docket No.	2008-1477-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* $10,000

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* $22,900

Notes: Enhancement due to 18 notices of violation ("NOV") with same or similar violations, two NOVs with unrelated violations (including one self-reported monthly effluent violation), three 1660 Agreed Orders and three Findings Orders.

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* $2,500

Economic Benefit 0.0% Enhancement* — *Subtotal 6* $0

Total EB Amounts $450
Approx. Cost of Compliance $9,000
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $30,400

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $30,400

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $30,400

DEFERRAL 20.0% Reduction — *Adjustment* -$6,080

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $24,320

Screening Date 9-Sep-2008 **Docket No.** 2008-1477-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36506 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102212925

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*)	18	90%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	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	3	75%
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)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 18 notices of violation ("NOV") with same or similar violations, two NOVs with unrelated violations (including one self-reported monthly effluent violation), three 1660 Agreed Orders and three Findings Orders.

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

Screening Date 9-Sep-2008 **Docket No.** 2008-1477-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36506 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 101.20(3) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("CFR") § 61.348(a)(1)(i), Permit No. O-01553, Special Condition No. 14, Permit No. 3452 and PSD-TX-302M2, Special Condition No. 5

Violation Description Failed to limit the flow-weighted annual average benzene waste stream concentration for Unit ID No. PRO-LT06 to 10 parts per million by weight ("ppmw") from January 1 through December 31, 2006. Specifically, the flow-weighted annual average benzene waste stream concentration for the calendar year of January 1 through December 31, 2006 was documented to be 22.60 ppmw.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 364 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $5,000

One annual event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent completed corrective action by December 31, 2007.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $350

Statutory Limit Test

Violation Final Penalty Total $15,200

This violation Final Assessed Penalty (adjusted for limits) $15,200

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 36506
Reg. Ent. Reference No. RN102212925
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
	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	$2,000	31-Dec-2006	31-Dec-2007	1.00	$100	n/a	$100
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$5,000	31-Dec-2006	31-Dec-2007	1.00	$250	n/a	$250

Notes for DELAYED costs: Estimated expense to repair the caustic scrubber ($5,000) and implement a weekly sampling schedule ($2,000) to ensure compliance with the flow-weighted annual average benzene waste stream concentration. Date Required is the date that the violation occurred. 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: $7,000

TOTAL: $350

Screening Date 9-Sep-2008 **Docket No.** 2008-1477-AIR-E **PCW**

Respondent Exxon Mobil Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36506 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 101.20(3) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 61.342(c)(3)(ii)(B), Permit No. O-01553, Special Condition No. 14, Permit No. 3452 and PSD-TX-302M2, Special Condition No. 5

Violation Description Failed to limit the flow-weighted uncontrolled annual average benzene waste stream concentration for Unit ID No. PRO-LT06 to two megagrams per year ("Mg/yr") from January 1 through December 31, 2006. Specifically, the flow-weighted uncontrolled annual average benzene waste stream concentration for the calendar year of January 1 through December 31, 2006 was documented to be 13 Mg/yr.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events: 1 — 364 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $5,000

One annual event is recommended.

Good Faith Efforts to Comply

25.0% Reduction — $1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent completed corrective action by December 31, 2007.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $15,200

This violation Final Assessed Penalty (adjusted for limits) $15,200

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 36506
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 2

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	$2,000	31-Dec-2006	31-Dec-2007	1.00	$100	n/a	$100
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated expense to implement a weekly sampling schedule to ensure compliance with the flow-weighted annual average uncontrolled waste stream benzene concentration. Date Required is the date that the violation occurred. 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: $100

Compliance History

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.72
Regulated Entity:	RN102212925	EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT	Classification: AVERAGE	Site Rating: 1.80

ID Number(s):

WASTEWATER	PERMIT	WQ0002184000
WASTEWATER	PERMIT	TX0077887000
WASTEWATER	PERMIT	TX0077887
AIR NEW SOURCE PERMITS	PERMIT	3452
AIR NEW SOURCE PERMITS	PERMIT	29094
AIR NEW SOURCE PERMITS	PERMIT	34420
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0228H
AIR NEW SOURCE PERMITS	PERMIT	52330
AIR NEW SOURCE PERMITS	REGISTRATION	54793
AIR NEW SOURCE PERMITS	PERMIT	54383
AIR NEW SOURCE PERMITS	PERMIT	53401
AIR NEW SOURCE PERMITS	AFS NUM	4820100257
AIR NEW SOURCE PERMITS	REGISTRATION	56790
AIR NEW SOURCE PERMITS	PERMIT	P731M2
AIR NEW SOURCE PERMITS	PERMIT	55105
AIR NEW SOURCE PERMITS	REGISTRATION	71717
AIR NEW SOURCE PERMITS	PERMIT	55660
AIR NEW SOURCE PERMITS	REGISTRATION	74541
AIR NEW SOURCE PERMITS	REGISTRATION	73880
AIR NEW SOURCE PERMITS	EPA ID	PSDTX302M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX731M2
AIR NEW SOURCE PERMITS	REGISTRATION	78611
AIR NEW SOURCE PERMITS	REGISTRATION	78591
AIR NEW SOURCE PERMITS	REGISTRATION	79047
AIR NEW SOURCE PERMITS	REGISTRATION	80283
AIR NEW SOURCE PERMITS	REGISTRATION	81373
AIR NEW SOURCE PERMITS	EPA ID	PAL6
AIR NEW SOURCE PERMITS	REGISTRATION	81754
AIR NEW SOURCE PERMITS	REGISTRATION	85189
AIR NEW SOURCE PERMITS	EPA ID	P713
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980625966
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31404
AIR OPERATING PERMITS	PERMIT	1553
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0228H

Location: 3525 DECKER DR, BAYTOWN, TX, 77520 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 27, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 27, 2003 to August 27, 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: 07/22/2006 ADMINORDER 2005-2070-AIR-E

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 initial notification within 24 hours after discovery of emissions event that ocurred from August 17, 2004 to December 2, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 3452, Special Condition 1 PERMIT
Description: Failed to prevent the unauthorized emissions of 16,272 lbs of ethylene, 6,395 lbs of propylene and 91,264 lbs of carbon monoxide from the main burner vent valve during an emissions event that ocurred from August 17, 2004 to December 2, 2004, lasting 2,568 hours.

Effective Date: 04/13/2007 ADMINORDER 2006-1519-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent the unauthorized release of 2,238.72 lbs of VOCs from the Isoprene Benzene Naphtha Unit during an emissions event that began on May 4, 2006 and lasted 10 hours and 15 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent the unauthorized release of 543.6 lbs of carbon monoxide, 137.6 lbs of nitrogen oxide and 2,459 lbs of VOCs during an emissions event that began on March 15, 2006 in the Cold Ends Unit and lasted four hours and 10 minutes.

Effective Date: 07/13/2007 ADMINORDER 2006-0736-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: TCEQ Flexible Air Permit #3452, SC1 PERMIT
Description: Failed to prevent an avoidable emissions event in the Utilities Train No. 4 Unit on May 28, 2004 that lasted 100 hours, releasing 8,400 pounds ("lbs") of the highly reactive volatile organic compound (HRVOC) propylene and 6,200 lbs of the HRVOC ethylene.

Classification: Minor

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

Description: Failed to submit the initial notification for the May 28, 2004 emissions event in a timely manner.

Effective Date: 08/10/2007 ADMINORDER 2006-2046-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 901 pounds of 1,3 butadiene were released from the RC-01 Compressor during an emissions event that began on June 16, 2006 and lasted 59 minutes.

Effective Date: 09/21/2007 ADMINORDER 2007-0034-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: TCEQ Flexible Air Permit No. 3452, SC1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 66,236 pounds ("lbs") of volatile organic compounds ("VOC"), 37,907 lbs of carbon monoxide ("CO") and 5,314 lbs of nitrogen oxides were released from the Base Operating Unit during an emissions event that began on December 24, 2004 and lasted 77 hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 408.14 lbs of CO, 56.25 lbs of nitrogen oxide and 1,113.61 lbs of VOCs were released from the Butadiene Unit during an emissions event that began on August 4, 2006 and lasted seven hours.

Effective Date: 10/04/2007 ADMINORDER 2007-0290-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 3452, Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specificaly, 2,333.87 lbs of VOCs, including 1,791 lbs of 1-3 butadiene, were released form the Butadiene Unit during an avoidble emissions event that began October 6, 2006 and lasted 5 hours.

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 08/28/2003 (152674)
2 02/09/2004 (259540)
3 06/18/2004 (271704)
4 06/18/2004 (271703)
5 06/18/2004 (271704)
6 06/18/2004 (271703)
7 06/18/2004 (271704)
8 06/18/2004 (271703)
9 06/18/2004 (271704)
10 06/18/2004 (271703)
11 06/30/2004 (271595)
12 08/13/2004 (277844)
13 08/13/2004 (277844)
14 08/16/2004 (277785)
15 08/16/2004 (277845)
16 08/16/2004 (277845)
17 08/16/2004 (277785)
18 08/16/2004 (277845)
19 08/16/2004 (277785)
20 08/31/2004 (278199)
21 09/01/2004 (288748)
22 09/01/2004 (288722)
23 09/01/2004 (288665)

24	09/01/2004	(288748)
25	09/01/2004	(288665)
26	09/01/2004	(288748)
27	09/01/2004	(288722)
28	09/01/2004	(288665)
29	09/01/2004	(288722)
30	09/01/2004	(288748)
31	09/01/2004	(288665)
32	09/01/2004	(288748)
33	09/01/2004	(288722)
34	09/01/2004	(288665)
35	09/01/2004	(288722)
36	09/01/2004	(288748)
37	09/01/2004	(288665)
38	09/01/2004	(288748)
39	09/01/2004	(288722)
40	09/03/2004	(279795)
41	09/03/2004	(279795)
42	09/30/2004	(288587)
43	09/30/2004	(288587)
44	09/30/2004	(288587)
45	10/31/2004	(289550)
46	10/31/2004	(289551)
47	10/31/2004	(289550)
48	10/31/2004	(289550)
49	10/31/2004	(289551)
50	11/08/2004	(339363)
51	11/08/2004	(339636)
52	11/08/2004	(339632)
53	11/08/2004	(339636)
54	11/08/2004	(339363)
55	11/08/2004	(339636)
56	11/08/2004	(339632)
57	11/08/2004	(339636)
58	11/08/2004	(339632)
59	11/08/2004	(339363)
60	11/08/2004	(339632)
61	11/08/2004	(339363)
62	11/09/2004	(339460)
63	11/29/2004	(339359)
64	11/29/2004	(339359)
65	12/13/2004	(271258)
66	12/13/2004	(271258)
67	12/21/2004	(339334)
68	03/25/2005	(374513)
69	04/22/2005	(377892)
70	05/25/2005	(349417)
71	07/14/2005	(392795)
72	07/14/2005	(392796)
73	07/14/2005	(392795)
74	07/14/2005	(392796)
75	07/14/2005	(392797)
76	07/14/2005	(392796)
77	07/14/2005	(392797)
78	07/14/2005	(392795)
79	07/14/2005	(392797)
80	07/14/2005	(392795)
81	07/14/2005	(392796)
82	07/14/2005	(392795)
83	07/14/2005	(392797)
84	07/14/2005	(392796)
85	07/14/2005	(392797)
86	07/14/2005	(392796)
87	07/14/2005	(392797)
88	07/14/2005	(392795)
89	07/14/2005	(392796)
90	08/05/2005	(403334)
91	12/06/2005	(376780)
92	01/19/2006	(439145)
93	02/03/2006	(437332)
94	02/07/2006	(433592)
95	03/28/2006	(452535)
96	05/24/2006	(464433)
97	05/24/2006	(463814)
98	05/24/2006	(464433)
99	05/24/2006	(463814)

100	05/24/2006	(464433)
101	05/24/2006	(463814)
102	05/30/2006	(479940)
103	05/30/2006	(479945)
104	05/30/2006	(479932)
105	05/30/2006	(479910)
106	05/30/2006	(479920)
107	05/30/2006	(479945)
108	05/30/2006	(479940)
109	05/30/2006	(479928)
110	05/30/2006	(479932)
111	05/30/2006	(479920)
112	05/30/2006	(479932)
113	05/30/2006	(479910)
114	05/30/2006	(479928)
115	05/30/2006	(479940)
116	05/30/2006	(479920)
117	05/30/2006	(479932)
118	05/30/2006	(479910)
119	05/30/2006	(479928)
120	05/30/2006	(479945)
121	05/30/2006	(479928)
122	05/30/2006	(479945)
123	05/30/2006	(479920)
124	05/30/2006	(479940)
125	05/31/2006	(341397)
126	05/31/2006	(341397)
127	05/31/2006	(341397)
128	07/17/2006	(481459)
129	07/17/2006	(481459)
130	07/28/2006	(465223)
131	08/24/2006	(480881)
132	08/29/2006	(480887)
133	08/29/2006	(480895)
134	08/29/2006	(480887)
135	08/29/2006	(480895)
136	08/29/2006	(480887)
137	08/29/2006	(480895)
138	08/29/2006	(480887)
139	08/29/2006	(480895)
140	08/29/2006	(480887)
141	08/29/2006	(480895)
142	08/29/2006	(480887)
143	08/29/2006	(480895)
144	08/31/2006	(510492)
145	10/23/2006	(509809)
146	11/15/2006	(515850)
147	11/16/2006	(519233)
148	12/07/2006	(514158)
149	12/14/2006	(531122)
150	12/20/2006	(516286)
151	02/14/2007	(536779)
152	02/22/2007	(515162)
153	02/22/2007	(514944)
154	02/22/2007	(515162)
155	02/22/2007	(514944)
156	02/22/2007	(515162)
157	02/22/2007	(514944)
158	02/22/2007	(515162)
159	02/22/2007	(514944)
160	03/26/2007	(543744)
161	03/27/2007	(461893)
162	04/16/2007	(462392)
163	04/16/2007	(461341)
164	04/16/2007	(462392)
165	04/16/2007	(461341)
166	04/16/2007	(462392)
167	04/27/2007	(542037)
168	05/01/2007	(543836)
169	05/15/2007	(558509)
170	05/30/2007	(558671)
171	07/20/2007	(560875)
172	07/20/2007	(560879)
173	07/20/2007	(560875)
174	07/20/2007	(560887)
175	07/20/2007	(560879)

176 07/20/2007 (560875)
177 07/20/2007 (560879)
178 07/20/2007 (560856)
179 07/20/2007 (560887)
180 07/20/2007 (560856)
181 07/20/2007 (560879)
182 07/20/2007 (560856)
183 07/20/2007 (560887)
184 07/20/2007 (560875)
185 07/20/2007 (560887)
186 07/20/2007 (560875)
187 07/20/2007 (560856)
188 07/20/2007 (560879)
189 07/20/2007 (560856)
190 07/20/2007 (560887)
191 07/24/2007 (566555)
192 08/20/2007 (568625)
193 08/22/2007 (570798)
194 09/20/2007 (593382)
195 09/20/2007 (574110)
196 09/20/2007 (593382)
197 09/20/2007 (574110)
198 09/20/2007 (593382)
199 09/20/2007 (574110)
200 09/20/2007 (593382)
201 10/02/2007 (564077)
202 10/02/2007 (564092)
203 10/02/2007 (564017)
204 10/02/2007 (564092)
205 10/02/2007 (564017)
206 10/25/2007 (555099)
207 11/30/2007 (599111)
208 12/07/2007 (567958)
209 12/20/2007 (612594)
210 12/20/2007 (612594)
211 01/25/2008 (615804)
212 01/25/2008 (615948)
213 01/25/2008 (615804)
214 01/25/2008 (615948)
215 01/25/2008 (615804)
216 03/18/2008 (613434)
217 04/04/2008 (638133)
218 04/18/2008 (618510)
219 05/08/2008 (653506)
220 05/16/2008 (640773)
221 06/10/2008 (682221)
222 07/17/2008 (684567)
223 07/21/2008 (686008)
224 07/25/2008 (686750)

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

Date: 05/10/2005 (339150)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: ExxonMobil BOP had an avoidable emissions event during Incident 49018,

Date: 05/20/2005 (373582)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: BOP had an avoidable emissions event during Incident 51478. Incident was not reported on time. Incident was not excessive.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
Description: BOP had a late report during incident 51478. Not excessive.

Date: 07/14/2005 (396285)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to identify the preconstruction authorization number governing the facility involved in the emissions event.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible Permit No. 3452, S.C. No. 1
Description: Unauthorized emissions as a consequence of failure to comply with the reporting requirements.

Date: 02/06/2006 (437332)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Permit #3452, Special Condition-1

Description: Failure to prevent unauthorized emissions.
Date: 02/06/2006 (433592)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Permit #3452, Special Condition 1
Description: Failure to prevent unauthorized emissions.
Date: 05/23/2006 (463814)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: Exxon/Mobil failed to maintain the RC-01 Butadiene Compressor.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 governing the facilities involved in emissions event (Incident No. 69812).
Date: 05/31/2006 (464208)
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 A 382.085(b)
Rqmt Prov: PERMIT 9910 and PSD-TX-731M3, SC 7B
OP O-1153, Special Condition 14
Description: Failed to prevent the exceedence of the annual firing rate limit, which occurred from February 1, 2005 through February 28, 2005.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to prevent the incorrect calibration of the analyzer resulting in excess ammonia being injected into the system causing a exceedence in the 24-hour rolling average concentration, which occurred from March 21, 2005, 6:00 a.m.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 3452 and PSD-TX-302M2, SC 13A
OP O-1553, Special Condition 14
Description: Failed to monitor a flange (LDAR tag #13300.1) in HRVOC service for two quarters (April 1, 2005 through October 2, 2005).
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP O-1553, General Terms and Conditons
Description: Failed to include non-reportable emissions events and start-up activities that occurred during the certification period as deviations in the deviation reports dated July 15, 2005 and January 13, 2006.

Date: 07/28/2006 (465223)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Exxon/Mobil failed to identify TCEQ Air Permit No. 3452 as the governing authorization for the facilities involved in emissions event (Incident No. 70899).
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: Exxon/Mobil failed to maintain the NT-02 bottom's balance lines.
Date: 08/25/2006 (480887)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: ExxonMobil failed to maintain the liquid hydrocarbons levels in the MD-16, the Cold Blowdown Drum.

Date: 08/25/2006 (480895)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: ExxonMobil Chemical Baytown failed to maintain the protective relay to the XVCM-02 compressor motor which resulted in the release of 1,621 pounds of unauthorized volatile organic compounds (VOC) to the atmosphere.

Date: 11/16/2006 (519233)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA TCEQ Air Permit No. 3452, SC No. 1
Description: Failure to prevent an avoidable emissions event.
Date: 05/01/2007 (543836)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
PERMIT No. 3452, Special Condition No. 9
Description: An ExxonMobil technician inadvertently 'snuffed out' all the pilot flames to the flare.

Date: 05/15/2007 (558509)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: ExxonMobil failed to prevent the MAPD catalyst converter from malfunctioned resulting in the release of 863.54 lbs. of unauthorized air contaminants.
Date: 05/31/2007 (558671)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452
Description: A pilot operated safety valve (RV-EP-8000-1) was relieving at less than 750psig, instead its' set pressure of 1950 psig.

Date: 07/24/2007 (566555)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 3452, Special Condition No. 1
Description: Exxon/Mobil Chemical Baytown Olefins Plant failed to prevent a methanator trip.
Date: 07/31/2007 (608536)
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: 12/03/2007 (599440)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permitted effluent limitations.
Date: 06/10/2008 (682221)
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failed to prevent unauthorized emissions.
Date: 07/21/2008 (686008)
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PERMIT Special Condition 1
Description: Failed to prevent unauthorized emissions.
Date: 08/21/2008 (636743)
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 THSC Chapter 382 382.085(b)
Rqmt Prov: OP OP O-01553, Special Condition 14
PA Permit Nos. 3452 and PSD-TX-302M2, SC 17
Description: Failure of ammonia CEMS RATA,
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to send NOx CEMS RATA completion letter on required time frame.
Self Report? NO Classification Moderate

Citation: 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 A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP OP O-01553, Special Condition 14
PA Permit 3452 and PSD-TX-302M2, SC 9
Description: Failure to maintain flare pilot continuously.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to perform required quarterly engine testing.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
5C THSC Chapter 382 382.085(b)
Description: Failure to sample cooling tower water.
Self Report? NO Classification Minor

Citation: 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 A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PA Permit 3452 and PSD-TX-3032M2, SC 9
Description: Failure to meet flare required heating value.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to limit ammonia concentration during decoking.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to create a final record of all reportable and non-reportable emissions events.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(c)(1)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to limit carbon monoxide rolling 24-hour limit during decoking.

F. Environmental audits.

N/A

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
EXXON MOBIL CORPORATION	§	
RN102212925	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-1477-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 Exxon Mobil 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 company at 3525 Decker Drive in Baytown, Harris 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 August 26, 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 Thirty Thousand Four Hundred Dollars ($30,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand One Hundred Sixty Dollars ($12,160) of the administrative penalty and Six Thousand Eighty Dollars ($6,080) 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. Twelve Thousand One Hundred Sixty Dollars ($12,160) 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 repaired the caustic scrubber on Unit ID No. PRO-LT06 and implemented a weekly sampling schedule to ensure compliance with both controlled and uncontrolled benzene waste stream limits, as of December 31, 2007.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that 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:

1. Failed to limit the flow-weighted annual average benzene waste stream concentration for Unit ID No. PRO-LT06 to 10 parts per million by weight ("ppmw") from January 1 through December 31, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(3) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 61.348(a)(1)(i), Permit No. O-01553, Special Condition No. 14, Permit No. 3452 and PSD-TX-302M2, Special Condition No. 5, as documented during a record review conducted on April 28 through 29, 2008. Specifically, the flow-weighted annual average benzene waste stream concentration for the calendar year of January 1 through December 31, 2006 was documented to be 22.60 ppmw.

2. Failed to limit the flow-weighted uncontrolled annual average benzene waste stream concentration for Unit ID No. PRO-LT06 to two megagrams per year ("Mg/yr") from January 1 through December 31, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) , 101.20(3) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 61.342(c)(3)(ii)(B), Permit No. O-01553, Special Condition No. 14, Permit No. 3452 and PSD-TX-302M2, Special

Condition No. 5, as documented during a record review conducted on April 28 through 29, 2008. Specifically, the flow-weighted uncontrolled annual average benzene waste stream concentration for the calendar year of January 1 through December 31, 2006 was documented to be 13 Mg/yr.

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: Exxon Mobil Corporation, Docket No. 2008-1477-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, Twelve Thousand One Hundred Sixty Dollars ($12,160) 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 2/16/2009
For the Executive Director 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.

_____ 12/8/09
Signature Date

Michael P Zamora _____ Plant Manager
Name (Printed or typed) Title
Authorized Representative of
Exxon Mobil Corporation

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: 2008-1477-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Payable Penalty Amount:	**Twenty-Four Thousand Three Hundred Twenty Dollars ($24,320)**
SEP Amount:	**Twelve Thousand One Hundred Sixty Dollars ($12,160)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris 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 will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the ***Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality***. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by 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 emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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.