EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1726-AIR-E **TCEQ ID:** RN102212925 **CASE NO.:** 36756

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: Industrial organic chemicals manufacturing plant

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are six additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1597-AIR-E, 2007-1985-AIR-E, 2008-0734-AIR-E, 2008-1477-AIR-E, 2009-0217-AIR-E, and 2009-0388-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 May 25, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387
Respondent: Mr. Jeffrey K. Kovacs, Environmental Coordinator, Exxon Mobil Corporation, Post Office Box 100, Baytown, Texas 77522-0100
Mr. Michael P. Zamora, Plant Manager, Exxon Mobil Corporation, Post Office Box 100, Baytown, Texas 77522-0100
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:** July 16 through 30, and September 9, 2008 **Date of NOV/NOE Relating to this Case:** October 30 and November 3, 2008 (NOE) **Background Facts:** This was a record review investigation. **AIR** 1) Failure to prevent unauthorized emissions. Specifically, 1,111.40 pounds ("lbs") of volatile organic compounds ("VOCs"), including 926.70 lbs of highly reactive ("HR") VOCs and 27.50 lbs of the hazardous air pollutant benzene, 1,502.80 lbs of nitrogen oxides ("NOx"), and 7,765.70 lbs of carbon monoxide ("CO") were released through a safety relief valve on the BOP-X Flare, emission point number ("EPN") FLAREX, in the BOP-X Unit, during an emissions event (Incident No. 107988) that occurred on May 19, 2008 and lasted 17 hours and 12 minutes. The emissions event could have been avoided by controlling the CO feed to the furnace to prevent the temperature from rising in the reactor catalyst bed of the BOP-X Methanator, and causing the methanator to shut down and its safety relieve valve to open to vent emissions. Since the emissions were 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) and 116.715(a), Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to prevent unauthorized emissions. Specifically, 2,650.46 lbs of	**Total Assessed:** $26,450 **Total Deferred:** $5,290 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,580 **Total Paid to General Revenue:** $10,580 **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	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). 2) The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent emissions events due to the same causes as Incident Nos. 107988 and 110886; and b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

VOCs, including 1.38 tons of HRVOCs, 2,239.18 lbs of CO, and 311.65 lbs of NOx were released through the Primary Flare, EPN FLARE 1; 298.85 lbs of VOCs, including 266.94 lbs of HRVOCs, 201.28 lbs of CO, and 27.87 lbs of NOx were released through the Secondary Flare, EPN FLARE 2; and 2.98 lbs of propane, 9.80 lbs of CO, and 1.36 lbs of NOx were released through the Pump Fire, EPN TP-07, during an emissions event (Incident No. 110886) that occurred on July 10, 2008 and lasted 25 hours and four minutes. The emissions could have been avoided if measures had been in place to prevent the Propylene Concentrator Tower Bottoms Pump Seal from running dry and leaking hydrocarbon vapors that ignited. Since the emissions were 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) and 116.715(a), Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: HG0228H

Attachment A
Docket Number: 2008-1726-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Payable Penalty Amount:	**Twenty-One Thousand One Hundred Sixty Dollars ($21,160)**
SEP Amount:	**Ten Thousand Five Hundred Eighty Dollars ($10,580)**
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 ATexas 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 October 30, 2008*

TCEQ

DATES					
Assigned	17-Nov-2008				
PCW	23-Feb-2009	Screening	24-Nov-2008	EPA Due	

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.	36756	No. of Violations	2
Docket No.	2008-1726-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		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: Penalty enhancement due to 18 NOVs issued for same or similar violations, two NOVs issued for dissimilar violations, three agreed orders with a denial of liability, and three agreed orders without a denial of liability.

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

Total EB Amounts $137
Approx. Cost of Compliance $2,500
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7	*Final Subtotal*	$32,900
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0%	*Adjustment*	$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	$32,900
STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*	$26,450
DEFERRAL 20.0% Reduction *Adjustment*	-$5,290

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	$21,160

Screening Date 24-Nov-2008 **Docket No.** 2008-1726-AIR-E **PCW**

Respondent Exxon Mobil Corporation

Case ID No. 36756

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Trina Grieco

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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

Penalty enhancement due to 18 NOVs issued for same or similar violations, two NOVs issued for dissimilar violations, three agreed orders with a denial of liability, and three agreed orders without a denial of liability.

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

Screening Date 24-Nov-2008 **Docket No.** 2008-1726-AIR-E **PCW**

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

Case ID No. 36756 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 3452 and PSD-TX 302M2, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,111.40 pounds ("lbs") of volatile organic compounds ("VOCs"), including 926.70 lbs of highly reactive ("HR") VOCs and 27.50 lbs of the hazardous air pollutant benzene, 1,502.80 lbs of nitrogen oxides ("NOx"), and 7,765.70 lbs of carbon monoxide ("CO") were released through a safety relief valve on the BOP-X Flare, emission point number ("EPN") FLAREX, in the BOP-X Unit, during an emissions event (Incident No. 107988) that occurred on May 19, 2008 and lasted 17 hours and 12 minutes. The emissions event could have been avoided by controlling the CO feed to the furnace to prevent the temperature from rising in the reactor catalyst bed of the BOP-X Methanator, and causing the methanator to shut down and its safety relieve valve to open to vent emissions. Since the emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Major	Harm Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of contaminants as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $87

Statutory Limit Test

Violation Final Penalty Total $16,450

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 36756
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$1,500	19-May-2008	15-Jul-2009	1.16	$87	n/a	$87
Notes for DELAYED costs	Estimated cost to implement procedures to control the CO feed to the furnace to prevent a temperature rise in the reactor catalyst bed of the BOP-X Methanator that could cause the methanator to shut down and its safety relief valve to open to vent emissions. Date required is the date of the emissions event. Final date is the date corrective actions are projected to be 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: $1,500

TOTAL: $87

Screening Date 24-Nov-2008 **Docket No.** 2008-1726-AIR-E **PCW**

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

Case ID No. 36756 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102212925

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 2,650.46 lbs of VOCs, including 1.38 tons of HRVOCs, 2,239.18 lbs of CO, and 311.65 lbs of NOx were released through the Primary Flare, EPN FLARE 1; 298.85 lbs of VOCs, including 266.94 lbs of HRVOCs, 201.28 lbs of CO, and 27.87 lbs of NOx were released through the Secondary Flare, EPN FLARE 2; and 2.98 lbs of propane, 9.80 lbs of CO, and 1.36 lbs of NOx were released through the Pump Fire, EPN TP-07, during an emissions event (Incident No. 110886) that occurred on July 10, 2008 and lasted 25 hours and four minutes. The emissions could have been avoided if measures had been in place to prevent the Propylene Concentrator Tower Bottoms Pump Seal from running dry and leaking hydrocarbon vapors that ignited. Since the emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of contaminants as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $51

Statutory Limit Test

Violation Final Penalty Total $16,450

This violation Final Assessed Penalty (adjusted for limits) $16,450

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 36756
Reg. Ent. Reference No. RN102212925
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$1,000	10-Jul-2008	15-Jul-2009	1.01	$51	n/a	$51
Notes for DELAYED costs	Estimated cost to implement measures to prevent the the Propylene Concentrator Tower Bottoms Pump Seal from running dry and leaking hydrocarbon vapors. Date required is the date of the emissions event. Final date is the date corrective actions are projected to be 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: $1,000

TOTAL: $51

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.63
Regulated Entity:	RN102212925	EXXON MOBIL CHEMICAL BAYTOWN OLEFINS PLANT	Classification: AVERAGE	Site Rating: 2.63

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: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 03, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 03, 2003 to November 03, 2008

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

Name: Trina Grieco Phone: (210) 403-4006

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	11/21/2003	(314734)
2	12/29/2003	(314735)
3	02/09/2004	(259540)
4	02/23/2004	(314720)
5	04/19/2004	(314723)
6	05/18/2004	(314725)
7	06/17/2004	(314727)
8	06/18/2004	(271703)
9	06/18/2004	(271704)
10	06/30/2004	(271595)
11	07/14/2004	(360120)
12	08/13/2004	(277844)
13	08/13/2004	(278593)
14	08/16/2004	(277785)
15	08/16/2004	(277845)
16	08/16/2004	(278248)
17	08/20/2004	(360121)
18	08/31/2004	(278199)
19	09/01/2004	(277846)
20	09/01/2004	(278352)
21	09/01/2004	(288665)
22	09/01/2004	(288722)
23	09/01/2004	(288748)
24	09/02/2004	(279829)
25	09/02/2004	(279860)
26	09/03/2004	(279795)
27	09/03/2004	(279817)
28	09/03/2004	(280037)
29	09/03/2004	(280111)
30	09/03/2004	(280123)
31	09/03/2004	(280144)
32	09/21/2004	(360122)
33	09/30/2004	(280282)
34	09/30/2004	(287843)
35	09/30/2004	(287848)
36	09/30/2004	(287862)
37	09/30/2004	(287902)
38	09/30/2004	(288587)
39	09/30/2004	(289552)
40	09/30/2004	(289553)
41	09/30/2004	(289557)
42	09/30/2004	(289561)
43	09/30/2004	(289566)
44	09/30/2004	(289677)
45	09/30/2004	(289679)
46	10/19/2004	(360123)
47	10/26/2004	(292713)
48	10/31/2004	(287875)
49	10/31/2004	(289550)
50	10/31/2004	(289551)
51	10/31/2004	(289554)
52	11/08/2004	(339363)
53	11/08/2004	(339632)
54	11/08/2004	(339636)
55	11/09/2004	(339460)
56	11/16/2004	(360124)
57	11/29/2004	(339359)
58	11/29/2004	(339626)
59	12/13/2004	(271258)
60	12/13/2004	(287868)

61	12/13/2004	(289555)
62	12/13/2004	(289556)
63	12/13/2004	(289563)
64	12/20/2004	(360125)
65	12/21/2004	(339334)
66	01/14/2005	(386366)
67	02/14/2005	(386364)
68	03/18/2005	(386365)
69	03/21/2005	(341471)
70	03/25/2005	(374513)
71	04/18/2005	(424253)
72	04/22/2005	(377892)
73	05/10/2005	(339150)
74	05/17/2005	(424254)
75	05/19/2005	(373581)
76	05/20/2005	(373582)
77	05/25/2005	(349417)
78	06/17/2005	(424255)
79	07/14/2005	(392795)
80	07/14/2005	(392796)
81	07/14/2005	(392797)
82	07/14/2005	(396285)
83	07/19/2005	(445026)
84	07/26/2005	(400606)
85	08/05/2005	(403334)
86	08/10/2005	(445027)
87	08/15/2005	(404700)
88	08/24/2005	(397056)
89	08/29/2005	(405282)
90	09/20/2005	(445028)
91	10/24/2005	(445029)
92	11/28/2005	(476046)
93	12/06/2005	(376780)
94	12/20/2005	(476047)
95	01/19/2006	(439145)
96	01/23/2006	(476048)
97	02/03/2006	(437332)
98	02/07/2006	(433592)
99	02/10/2006	(438263)
100	02/21/2006	(476045)
101	02/28/2006	(457054)
102	03/20/2006	(503241)
103	03/28/2006	(452535)
104	04/21/2006	(503242)
105	05/22/2006	(503243)
106	05/24/2006	(463814)
107	05/24/2006	(464433)
108	05/30/2006	(479910)
109	05/30/2006	(479920)
110	05/30/2006	(479928)
111	05/30/2006	(479932)
112	05/30/2006	(479940)
113	05/30/2006	(479945)
114	05/31/2006	(341397)
115	05/31/2006	(464208)
116	06/20/2006	(503244)
117	07/17/2006	(481459)
118	07/17/2006	(503245)
119	07/28/2006	(465223)
120	08/07/2006	(488663)
121	08/17/2006	(525611)
122	08/24/2006	(480881)
123	08/29/2006	(480887)
124	08/29/2006	(480895)
125	08/31/2006	(510492)
126	09/19/2006	(525612)
127	09/22/2006	(513668)
128	10/18/2006	(550249)
129	10/23/2006	(509809)
130	11/15/2006	(515850)

131	11/16/2006	(519233)
132	11/21/2006	(550250)
133	12/07/2006	(514158)
134	12/11/2006	(373579)
135	12/14/2006	(531122)
136	12/15/2006	(550251)
137	12/20/2006	(516286)
138	01/22/2007	(550252)
139	02/14/2007	(536779)
140	02/16/2007	(585541)
141	02/22/2007	(514944)
142	02/22/2007	(515162)
143	03/13/2007	(585542)
144	03/26/2007	(543744)
145	03/27/2007	(461893)
146	04/16/2007	(461341)
147	04/16/2007	(462392)
148	04/18/2007	(585543)
149	04/27/2007	(542037)
150	05/01/2007	(543836)
151	05/02/2007	(558005)
152	05/10/2007	(558255)
153	05/15/2007	(558509)
154	05/15/2007	(585544)
155	05/23/2007	(560720)
156	05/30/2007	(558671)
157	06/14/2007	(585545)
158	07/18/2007	(585546)
159	07/20/2007	(560856)
160	07/20/2007	(560875)
161	07/20/2007	(560879)
162	07/20/2007	(560887)
163	07/24/2007	(566555)
164	07/30/2007	(570076)
165	08/16/2007	(608536)
166	08/20/2007	(568625)
167	08/21/2007	(572965)
168	08/22/2007	(570798)
169	08/30/2007	(512669)
170	09/17/2007	(608537)
171	09/20/2007	(574110)
172	09/20/2007	(593382)
173	10/02/2007	(564017)
174	10/02/2007	(564077)
175	10/02/2007	(564092)
176	10/16/2007	(597921)
177	10/16/2007	(598051)
178	10/16/2007	(623742)
179	10/25/2007	(555099)
180	11/16/2007	(623743)
181	11/30/2007	(599111)
182	12/03/2007	(599440)
183	12/07/2007	(567958)
184	12/20/2007	(612594)
185	12/20/2007	(623744)
186	01/22/2008	(674968)
187	01/25/2008	(615804)
188	01/25/2008	(615948)
189	02/15/2008	(612736)
190	02/19/2008	(674966)
191	03/17/2008	(674967)
192	03/18/2008	(613434)
193	04/04/2008	(638133)
194	04/15/2008	(693308)
195	04/18/2008	(618510)
196	05/08/2008	(653506)
197	05/15/2008	(693309)
198	05/16/2008	(640773)
199	06/10/2008	(682221)
200	06/16/2008	(693310)
201	07/17/2008	(684567)

202 07/21/2008 (686008)
203 07/25/2008 (686750)
204 08/21/2008 (636743)
205 10/30/2008 (699719)

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

N/A

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. 2008-1726-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 an industrial organic chemicals manufacturing plant 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 November 4 and November 8, 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 Twenty-Six Thousand Four Hundred Fifty Dollars ($26,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Five Hundred Eighty Dollars ($10,580) of the administrative penalty and Five Thousand Two Hundred Ninety Dollars ($5,290) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms

of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Ten Thousand Five Hundred Eighty Dollars ($10,580) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 16 through 30, 2008. Specifically, 1,111.40 pounds ("lbs") of volatile organic compounds ("VOCs"), including 926.70 lbs of highly reactive ("HR") VOCs and 27.50 lbs of the hazardous air pollutant benzene, 1,502.80 lbs of nitrogen oxides ("NOx"), and 7,765.70 lbs of carbon monoxide ("CO") were released through a safety relief valve on the BOP-X Flare, emission point number ("EPN") FLAREX, in the BOP-X Unit, during an emissions event (Incident No. 107988) that occurred on May 19, 2008 and lasted 17 hours and 12 minutes. The emissions event could have been avoided by controlling the CO feed to the furnace to prevent the temperature from rising in the reactor catalyst bed of the BOP-X Methanator, and causing the methanator to shut down and its safety relieve valve to open to vent emissions. Since the emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit No. 3452 and PSD-TX-302M2, Special Condition 1 and TEX.

HEALTH & SAFETY CODE § 382.085(b) as documented during a record review conducted on September 9, 2008. Specifically, 2,650.46 lbs of VOCs, including 1.38 tons of HRVOCs, 2,239.18 lbs of CO, and 311.65 lbs of NOx were released through the Primary Flare, EPN FLARE 1; 298.85 lbs of VOCs, including 266.94 lbs of HRVOCs, 201.28 lbs of CO, and 27.87 lbs of NOx were released through the Secondary Flare, EPN FLARE 2; and 2.98 lbs of propane, 9.80 lbs of CO, and 1.36 lbs of NOx were released through the Pump Fire, EPN TP-07, during an emissions event (Incident No. 110886) that occurred on July 10, 2008 and lasted 25 hours and four minutes. The emissions could have been avoided if measures had been in place to prevent the Propylene Concentrator Tower Bottoms Pump Seal from running dry and leaking hydrocarbon vapors that ignited. Since the emissions were 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: Exxon Mobil Corporation, Docket No. 2008-1726-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, Ten Thousand Five Hundred Eighty Dollars ($10,580) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent emissions events due to the same causes as Incident Nos. 107988 and 110886; and

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

Date 4/28/2009

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.

Signature

Date 3/10/09

Michael P Zamora
Name (Printed or typed)
Authorized Representative of
Exxon Mobil Corporation

PLANT MANAGER
Title

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

Attachment A
Docket Number: 2008-1726-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Exxon Mobil Corporation**
Payable Penalty Amount:	**Twenty-One Thousand One Hundred Sixty Dollars ($21,160)**
SEP Amount:	**Ten Thousand Five Hundred Eighty Dollars ($10,580)**
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.